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2012 AUG 24 PM 4:25

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United States District Court for the Eastern District of Louisiana
Attn: Judge Susie Morgan
500 Poydras Street
New Orleans, LA 70130

Dear Judge Morgan:

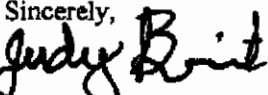
This letter is to express support for the proposed Consent Decree between the U.S. Department of Justice, Civil Rights Division, and the Police Department of the City of New Orleans.

As the federally-recognized state sexual assault coalition for the state of Louisiana, Louisiana Foundation Against Sexual Assault (LaFASA) and its staff members have observed changes in the New Orleans Police Department, and specifically the Rape and Child Abuse Investigation Units, over the past two decades. At times these units have done exemplary work and have served as a model for similar units in law enforcement agencies around the state. At other times, these specialized units working with victims who have been traumatized have essentially served as a model of what not to do.

Sexual assault cases differ from many other criminal incidents in that negative interaction with criminal justice personnel has the potential to cause the victim increased traumatic stress, in some cases more so than the assault itself. This is well documented in research and places a specific mandate on law enforcement agencies to understand crisis reactions.

There is no reason that the New Orleans Police Department, as one of the largest law enforcement agencies in the state, cannot once again be a model of best practices and professional standards in initial response, investigation, and victim interactions in these violent crimes. I am confident and hopeful that the mandates of the Consent Decree for the development of specialized policies and protocols and additional training for personnel in the sexual assault unit, if implemented as intended, will lead to the NOPD once again having one of the most effective and victim-sensitive sexual assault units in the state of Louisiana.

Thank you for taking these thoughts into consideration.

Sincerely,

Judy Benitez, M.Ed.
Executive Director

Executive Director
Judy Benitez, M.Ed.

Board Member Emeritus
Jay Dardenne, Lieutenant Governor

The mission of LaFASA is to work toward the elimination of sexual violence, through education, program support, and social change.

1250 SW Railroad Avenue, Suite 170, Hammond, LA 70403
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FILED
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EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4: 26

LORETTA G. WHYTE
CLERK

To: Judge Susie Morgan

From: Coach Frank (C-5) Conscious Concerned Citizens Controlling Community Changes

Subject: Comments on the Consent Decree

Judge Susie Morgan,

I would like to thank you for given the public the opportunity to comment on the Consent Decree. As I sat in your court room and listened to the different parties express their concerns about the Consent Decree; the following is what I concluded.

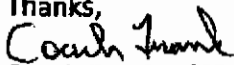
The New Orleans Independent Police Monitor, Susan Hutson's department needs to be better funded and her role as Independent Police Monitor needs to be expanded. The CUC and other community members should work hand in hand with the Independent Police Monitor to improve the monitoring of the New Orleans Police Department.

I do not see the need to rush to approve the Consent Decree as it is written. Since there has been bad policing for the past 30 years, why not take few months to create a Consent Decree that will help get bad Policemen off the streets. The community should meet with the independent Police Monitor to create a document that will serve the needs of the New Orleans Community.

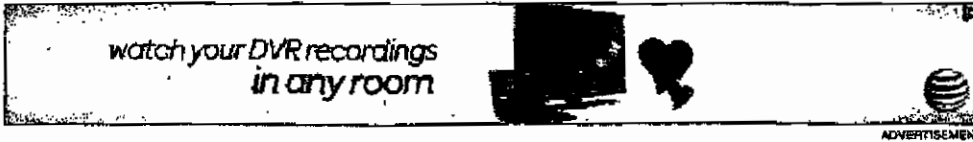
Enclosed are a total of 20 pages, 2 of those pages are the comments of Nadra AKA Captain Black. The other 18 pages are documents that were sent to me by someone sharing the history of Police Chief Ronal Serpas work as the Nashville Police Chief. After reading the information on the history of Chief Ronal Serpas, I was left wondering why, The Mayor of The City of New Orleans elected Ronal Serpas to be the Chief of the NOPD?

It seems a lot of the problems the people of New Orleans and some of the New Orleans Police Officers are experiencing the same problems the Tennesseans experienced under the watch of Police Chief Ronal Serpas. Since the mayor has hired a bad Police Chief and reputation of the NOPD cover-ups over the past 30 years, I feel that the city representatives should not have a say as to what is printed in the Consent Decree.

Thanks,



Coach Frank (404) 434-4874



Secret recordings of Serpas revealed after office burglary

Private investigation targeted former police chief's crime statistics

2:27 AM, May 26, 2010

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Ronal Serpas' crime statistics have been questioned.

Secret files and audio recordings that were part of a private investigation about the way former Police Chief Ronal Serpas kept Nashville crime statistics were reported stolen this month.

Jack Byrd, a lawyer for the Teamsters union when it represented the city's police officers, said he had worked with some Metro police officers over four years to collect information.

Those materials — including secret recordings of Serpas — were stolen from Byrd's Murfreesboro Pike offices sometime between late afternoon May 12 and early morning May 13 in what several people familiar with the incident have characterized as a "professional" burglary.

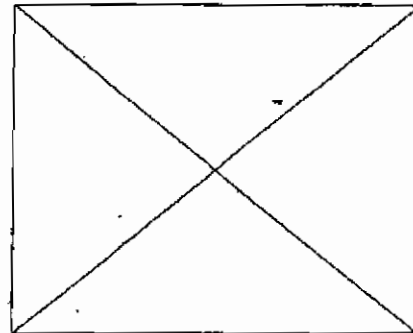
According to Byrd, the investigation focused on Compstat, the numbers-driven system pioneered by the New York City police department that uses crime data and mapping to help spot patterns quickly and throw resources into troubled areas. Under Serpas, who implemented the Compstat program in Nashville, crime statistics declined for six consecutive years, but some rank-and-file officers and city leaders questioned their accuracy.

Byrd said a handful of Metro officers came to him with concerns that crime statistics were being manipulated, which in turn affected the amount of resources a department received.

One area that Byrd pointed to involved the reduction in the size of the domestic violence unit after claims of abuse were shown to have declined.

'Jobs ... in jeopardy'

The investigation had not been active for about 18 months, but Byrd indicated that



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Nate Rau
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Ronal Serpas over the years



Attorney Jack Byrd shows one of the lock boxes that was broken into during a burglary in which confidential files and recordings related to an investigation were stolen. The FBI has been contacted about the incident. / LARRY MCCORMACK / THE TENNESSEAN

officers still have concerns.

He acknowledged the stolen materials contained secret recordings of Serpas, among others, but he declined to comment on what his investigation would have shown.

"I won't discuss it," Byrd said after being contacted by *The*

Tennessean last week. "Individuals that are involved with supplying me that information, their jobs could be in jeopardy. Without (the officers') clearance, I'm not going to provide that information."

Page 1 2 3 Next

Nate Rau can be reached at 615-259-8094 or nrau@tennessean.com.

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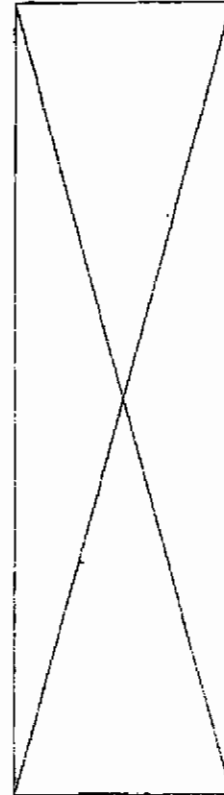
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DATA

WEDNESDAY, SEPTEMBER 24, 2008

Tennessean Reporter Implicated Police Chief Serpas in Racism Allegations



Metro Police Chief Ronal Serpas says in these kinds of neighborhoods, where redevelopment brings strangers together at a speedy rate, calls to police about "suspicious" people have been frequent. And all too often, "suspicious" seems to mean young, black and male.

-- Janell Ross, *Racism fears divide neighbors in Nashville*

It is crystal clear that Tennessean reporter Janell Ross is implicating Chief Serpas in the argument that in the Salemtown/Germantown area white people call the police with few other causes and on few other suspicions than that there is a young, black male on their street. If Serpas really intended to say that, then he owes many of us in Salemtown who have called the police for other reasons an explanation.

More importantly, he needs to address why the officers at Metro's Central Precinct encourage us almost every time they see us to call them as frequently as we suspect something. On Saturday Friday evening while I was out fooling around with my vehicle (and probably while Janell Ross was working on her story), a Central Precinct Lieutenant stopped by and told me that they were having trouble with suspected teenagers in the neighborhood staying out of school and burglarizing houses during the day. Anyone here can tell you that the lion's share of teens are not white, but black.

So, to whom am I supposed to listen if I see a truant teen during the day in Salemtown? (Truancy is breaking the law). Am I supposed to listen to Janell Ross's filter of Ronal Serpas and not call police about the "young, black and male" for fear of the charge of racism? Or am I supposed to listen to the same precinct officer who attends our association meetings and our neighborhood events on a regular basis, and call the police in order to prevent more burglaries?

If Janell Ross or the Tennessean won't respond to these questions, then I would hope that we could get an answer directly from our Chief of Police.

Posted by S-townMike at 9/24/2008 04:35:00 PM



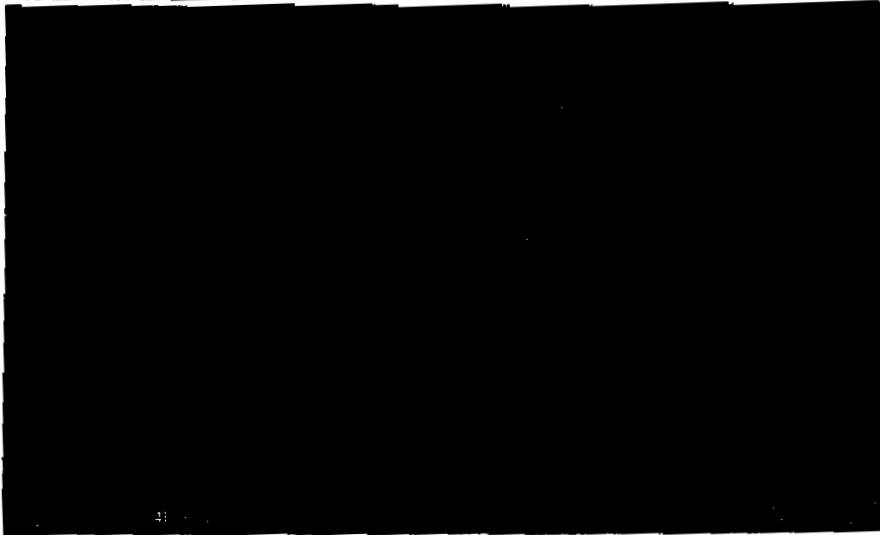
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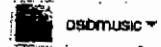
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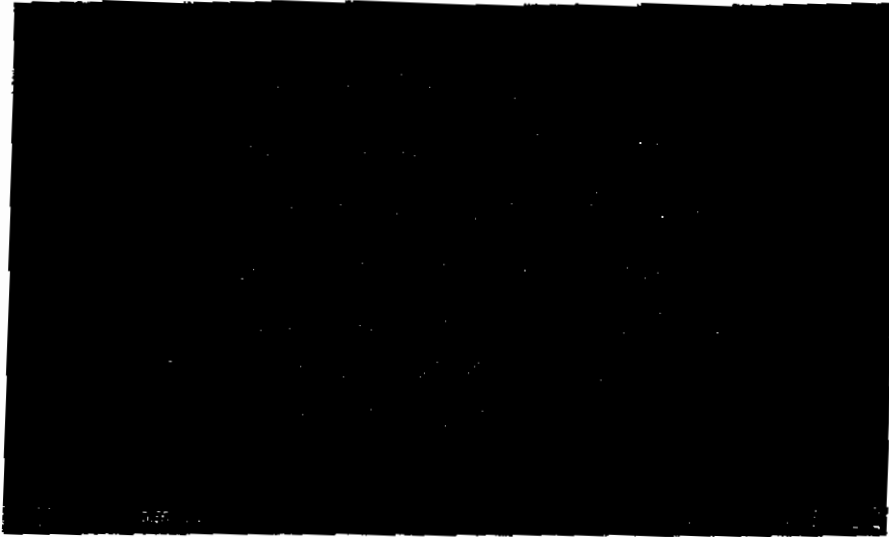
Nashville, Tennessee Police Officers - On Duty - Sanctioned by the Nashville Police Chief Ronal Serpas, get drunk on duty, physically assault minority and underprivileged children at their youth camp. The United States Government condones the actions and helps to cover it up by burying one man who stopped

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Nashville Police Abuse Children Part 1 of 4

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showed no signs of being suspended or revoked because paperwork from Metro courts did not arrive until Oct. 12 — 27 days after Serpas' DUI conviction.

Typically, that paperwork arrives in five to 10 business days, said Melissa McDonald, spokeswoman for the Tennessee Department of Safety.

"I was told that he was to be entered today and his status has been updated," she said yesterday.

Dustin Serpas could not be reached for comment.

Chief Ronal Serpas, who was praised for taking a tough-love approach to his son's DUI arrests in October and November 2004, declined to comment yesterday.

"Chief Serpas was not aware that his son was involved in an accident until today," Metro police spokesman Don Aaron said yesterday. "Obviously, the chief wishes Dustin had not been driving, but Dustin is a grown man and makes his own decision and is subject to any consequences."

On Oct. 7, 2004, Dustin Serpas was found passed out in his car in the Starbucks parking lot on 21st Avenue South. Police said the car was running, a door was wide open and Serpas was slumped over the steering wheel.

He was arrested again Nov. 14, 2004, after police said they clocked him speeding on an interstate entrance ramp at 2:30 a.m. He later registered a blood-alcohol level of 0.15, nearly twice the level that defines intoxication in state law.

Contacted at home after one of the arrests, Dustin's father reportedly advised officers in the field to "book him."

Serpas pleaded guilty and no contest to the two charges on Sept. 15. He was sentenced to six days in jail and a \$350 fine and was ordered to surrender his driver's license. The plea deal provided that Serpas could receive a restricted license, for work or other essential travel, if he installed a device to lock his car's ignition if alcohol were detected.

It was unclear whether the car he was driving had such a device, or whether he had applied for the restricted license.

Serpas also was sentenced to 11 months and 29 days of probation. That probation could be revoked — and Serpas sent to jail — following the latest incident.

"If he was in fact driving in violation, then our office will ask to revoke his probation," said Suzanne Niland, spokeswoman for the Davidson County district attorney general's office.

The latest accident occurred about noon, when Serpas bumped into the back of a stopped car, pushing it into another car. None of the vehicles was damaged, according to a police report.

Police said the officer did not recognize Dustin Serpas, who has been the subject of widespread media attention in Davidson County. It was not known whether the officer asked Serpas to provide proof of automobile insurance.

It is not unusual in Murfreesboro for an unlicensed motorist to receive only a warning, Lt. Baird said. **"It's a relatively minor crime to us."**

<http://www.tennessean.com/apps/pbcs.dll.../1017/NEWS>

"I was a target. And you know what I'm most proud of? That I *was* that target. I must have been doing something damn right. I was doing the right things." - James Traficant. September 30th, 2009

"I know I'm free as long as I obey the law."

-Troy Sexton



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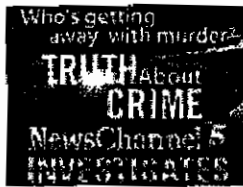


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NCS Investigates: The Truth About Crime

DA: Murder Investigations Suffered Under Serpas

Posted: May 13, 2010 10:59 PM CDT



By Jennifer Kraus
Investigative Reporter

Davidson County's district attorney general now admits that he's had big concerns about how Metro police investigate murders.

His big concern was policies put in place by former Chief Ronal Serpas.

This development follows a months-long NewsChannel 5 investigation into The Truth About Crime.

Torry Johnson and others say those decisions have weakened efforts to investigate -- and prosecute -- the city's most violent crimes.

Take one homicide investigation three years ago.

It was a warm summer night when Tim Alumbaugh was killed. He and his girlfriend had parked at a truck stop on Trinky Lane. Alumbaugh got into an argument with a security guard there, and Alumbaugh was shot in the chest.

"My son was murdered -- an unarmed man was killed," said Alumbaugh's mother, Renea Rosson.

Rosson is more than disappointed with how police handled the case. They ruled the shooting "justified" without ever interviewing two eyewitnesses.

"Metro has done a shoddy job with this investigation," Rosson added.

Metro gave the case to a detective who we found had a lot of experience investigating robberies, but little experience heading up murder investigations.

NewsChannel 5 Investigates asked Davidson County District Attorney General Torry Johnson, "Don't you want an experienced detective working these tougher cases?"

"That's always been my position," Johnson answered. "But, at the same time, I don't run the police department."

The DA made the comments before Serpas resigned to take the top cop job in New Orleans.



Davidson County's District Attorney, Torry Johnson



Tim Alumbaugh



Former Metro Police Chief Ronal Serpas

Johnson says, over the years, he repeatedly expressed his concerns to former Police Chief Ronal Serpas about his decision to break up the homicide unit and turn all detectives into homicide investigators.

"We did have concerns of detectives who were not experienced detectives, homicide detectives having homicide cases and often being supervised by other individuals who had no real homicide experience," Johnson said.



Former Metro homicide detective Brad Corcoran elaborates on that point. "If they (detectives) haven't had the training, there's going to be steps along the way that they need to know that they're not going to have."

And veteran detectives like Corcoran say that's when important details are often missed, like interviewing key witnesses.

In the Alumbaugh case, two truckers who were parked right next to Alumbaugh's car called 911 as Alumbaugh and the security guard argued. One of the truckers, Ann Johnson, recalled, "I called

911 and told them there was an officer back there with a gun drawn on a kid."

Police photos show the Johnsons' truck -- and officers even tied crime scene tape to their cab. Yet, detectives never talked to them about what they saw.

"He didn't ask, 'Did we see anything? Were we the ones that made the 911 call?'" Johnson added.

Corcoran said, "Obviously, they (detectives) should have knocked on those doors and asked, 'Did you see anything here? Can you help?'"

Corcoran was a homicide investigator with Metro for 12 years.

NewsChannel 5 Investigates asked him, "Is that the kind of thing (missing witnesses) that happens when you have people who are not properly trained or experienced investigating murders?"

"I'd say it's a good example of it," he acknowledged.

Soon after Alumbaugh was killed, police closed the case, concluding that the guard had acted in self-defense. But they were forced to reopen it after learning they'd missed two key witnesses.

Before leaving Nashville for New Orleans, Ronal Serpas told *NewsChannel 5 Investigates*, "I don't think they're (detectives) making decisions that are going to hurt the public."

Serpas went on to defend the way murders are investigated.

"I think there's no question that when the homicide investigation is completed, it's going to represent the best thinking of this police department."

But the "best," it turns out, hasn't always been good enough.

Torry Johnson acknowledged that he and the former police chief have discussed the problem for a number of years.

Johnson now admits that since Serpas began allowing inexperienced detectives to lead murder investigations, the cases sent to the DA's office have been much weaker.

"In talking to experienced assistants in the Office, I think they would certainly say that they had noticed a change, a difference," he explained.

So was Johnson saying his prosecutors saw a drop in the quality of cases?

"Well, anecdotally, they would say that that's what they would see," he added.

Tim Alumbaugh's mother, Renea Rosson, said that she saw it firsthand. "Their (the detectives') words to me were, 'Ms. Rosson, this is just another homicide in Nashville, Tennessee.'"

Our investigation also found most Metro detectives only lead one or two murder investigations a year.

But veteran detectives and the DA say that's just not enough. They say doing the same kind of investigation over and over generally leads to better results and, obviously, more experience.

Johnson said he repeatedly discussed with Chief Serpas ways to improve cases, something Serpas doesn't deny. Johnson's Office now has a special team that reviews all homicide cases before they're presented to the grand jury

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NewsChannel 5 Investigates:

New Details Uncovered In Closed Case

Posted: Jan 26, 2009 5:14 PM CST



Based off their investigation, police said 23-year-old security guard Robert Mangrum shot Tim Alumbaugh in self defense.

Police thought it was an open and shut case. They concluded a Nashville security guard shot a man in self defense.

NewsChannel 5 Investigates has uncovered details the initial police investigation missed.

Renea Rosson has fond memories of her son.

"This is the day he left for the military, kissing his daughter goodbye," she said

Rosson says her son, Tim Alumbaugh, was a devoted father and a peacemaker.



Rosson says her son, Tim Alumbaugh, was a devoted father and peacemaker.

"He was the one that when there were fights he would say come on guys, chill out, stop this," she said.

So when a security guard shot and killed Tim in the summer of 2007, Rosson couldn't accept the police version of events - that Tim was the aggressor and the shooting was self defense.

"I hear my son at night saying 'Mom, don't give up. I didn't do anything wrong. Don't give up,'" Rosson says.

Witnesses Dispute Claim That Shooting Was Self Defense

She started her own investigation and was shocked by what she found.

"Shoddy police work. There was no investigation," she said.

The shooting happened at a truck stop on Trinity Lane. Everyone agrees that Tim Alumbaugh and his girlfriend arrived after 2 a.m., parked their car in a back lot and started having sex. A security guard came up on them, there was a struggle and Tim was shot in the chest.

The question is was it self defense or murder?

The security guard, 23-year-old Robert Mangrum, said Tim Alumbaugh attacked him.

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THE DOGS

"He was just really angry and out of control," Mangrum said during a taped deposition.

"He didn't really say anything. He was cussing, saying 'You're just a security guard.' He asked me to step back. He came at me and grabbed my neck," Mangrum said.

Mangrum said Tim Alumbaugh knocked him to the ground and was lying on top of him.

"I grabbed my weapon pulled it out real quick and fired a round off," Mangrum said.

Pictures from that night showed no blood on Mangrum's uniform - even though he said Alumbaugh was on top of him when he shot.

NewsChannel 5 Investigates obtained the police interview with Tim's girlfriend, Lori McDunn, from the night of the shooting. It raises more questions.

"I couldn't believe it. I've never seen anything like it," McDunn told police. "I saw the guard pull his gun on Tim."

"Were they on the ground at this point?" a detective asked her.

"They were standing," she responded.

McDunn said the security guard took out his gun when they were still standing. That is different from Mangrum's claim he took out the gun when they were on the ground.

That night, McDunn told police Tim refused to listen when the security guard said he wanted to put handcuffs on him and arrest him.

Mangrum said he does not have the authority to arrest anyone.

"I have no powers to arrest. I have powers to detain," he said.

In his deposition, Mangrum said he regularly handcuffed people while working at the truck stop.

The interviewer asked Mangrum if the use of handcuffs was forcible detention.

"I don't think so," he responded.

Renea Rosson said Mangrum took the law into his own hands.

Police said there were no other witnesses. They interviewed the security guard and the girlfriend, and closed the case.

"It's hard for me to believe that you are at a truck stop on Trinity Lane and there are no witnesses," Rosson said.

NewsChannel 5 Investigates discovered there were witnesses. Truckers in the crowded parking lot called 911 to report the confrontation.

Police actually tied crime scene tape to the truck where the call came from, but they didn't talk to the people who made it.

Renea Rosson discovered the call one year after her son's death.

"I just wept because I finally had something. I finally had something that was there all along and Metro hadn't done anything," she said.

NewsChannel 5 Investigates tracked down the truckers who made that 911 call in Mississippi. Their story is different from what police heard from the first two witnesses.



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NewsChannel 5 Investigates:

Witnesses Dispute Claim That Shooting Was Self Defense

Posted: Jan 27, 2009 5:42 PM CST



Tim Alumbaugh with his daughter

A NewsChannel 5 Investigates exclusive story has raised questions about a police murder investigation.

We first told you about a security guard shooting that police ruled self defense, but it turns out detectives did not interview key witnesses.

It was after 2 a.m. on a June morning two years ago. A truck driver and his wife frantically called 911.

Ann and John Johnson were trying to sleep at the Pilot Truck stop on Trinity Lane. They were awakened by a security guard yelling at 28-year-old Tim Alumbaugh.

"I called 911 and I told them there was an officer back there with a gun drawn on a kid, and there was a lot of cussing and a lot of yelling going on," Ann Johnson said.

"The yelling never stopped, the cussing and that 'I'm going to kill you. I'm going to blow your brains out,'" she said.

The next thing they know, they heard a shot and Tim Alumbaugh was dead.



Ann and John Johnson were trying to sleep at the truck stop. They witnessed an altercation between Alumbaugh and Robert Mangrum.

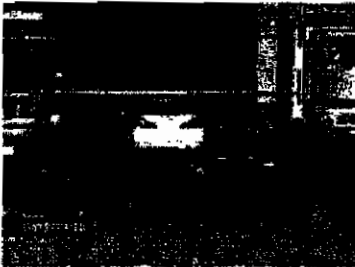


Security guard Robert Mangrum, age 23, told police he shot Alumbaugh in self defense.

"That was a senseless killing, that's all that was," said John Johnson.

"A security guard on a power trip. I don't know," Ann speculated.

NewsChannel 5 Investigates interviewed the Johnsons. Investigators with the Metro Nashville Police Department did not. They wrapped up their initial investigation, concluding that the security guard acted in self defense.



The Johnson's truck was parked next to Alumbaugh's car during the altercation, but police did not talk to the couple - even though they had made the 911 call.

Reporter Ben Hall asked John Johnson, "From your point of view is there any way this could have been self defense?"

"No," he replied. "I can't see where he felt threatened if he has a gun to the back of the man's head."

Police photos show the Johnsons' truck was parked right beside Tim's car. The couple had a clear view of what happened from their cab. Police actually tied crime scene tape to the truck.

"He didn't ask 'Did we see anything,' or 'were we the ones that made the 911 call,'" John Johnson said.



New Details Uncovered In Closed Case

Renaë Rosson always doubted the police investigation into her son's death.

"The tape is tied to their vehicle, but you don't speak to those very people? My son was murdered. He was killed. An unarmed man was killed," she said.

Police were quick to believe the security guard's story.

Robert Mangrum age 23, discovered Tim and his girlfriend having sex in their car at the back of the parking lot.

Mangrum told police Tim attacked him.

In taped deposition Mangrum tells a story dramatically different story from the truck drivers.

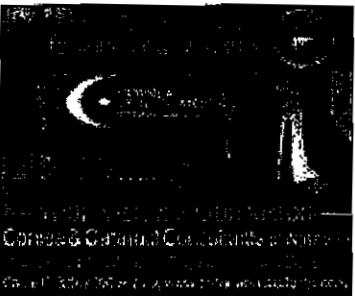
Detectives asked, "Was he choking you?"

"Yes," Mangrum replied. "He's continuing to strike me and I look down to see my holster and I was like, oh, I feel like he's going to go for it cause I couldn't get him off me."

John Johnson saw differently.

"The guy was compliant. The guy was on the ground hands behind his head. What else did he need to do?" he asked.

There are other discrepancies in the story. The Johnsons estimated the fight lasted around 45 minutes. Mangrum told police it was just a few minutes.



In her initial statement to police, Tim's girlfriend, Lori McDunn, backs up the security guard's story, saying the whole thing lasted just a few minutes.

Months later she changed her story and said the fight lasted 45 minutes. She also said the security guard was the aggressor. She has since changed her story again.

Police said the Johnsons bear some responsibility for not volunteering information.

"Hindsight being 20/20 their truck door should have been banged on," Metro Police spokesman Don Aaron said. "Hindsight being 20/20 they should have come out of that sleeper and told police what they saw."

Metro police said when initial statements from the security guard and Tim's girlfriend matched; it led them to conclude it was self defense.

Renea Rosson believes police were too close to the security guard.

NewsChannel 5 Investigates discovered the security guard Robert Mangrum had just applied to be a Metro police officer. On the night of the shooting instead of calling 911, his first call was to a police officer's personal cell phone.

Metro Police spokesman Don Aaron said, "There was no relationship between Mangrum and the police department. He was an applicant for the police department. Hundreds of people have applied."

He added many police officers give out their cell phone numbers to people in crime hotspots.

Tim's mother believes the Johnsons have the most credible version of what happened that night.

Rosson wants a jury to decide the facts of the case.

"Give my son's voice a chance. Let the public decide," she said.

Two years after the shooting Rosson is still looking for justice.

"Sometimes you have a tendency to give up. That was not an option for me. Giving up was not an option," she said.

Police have re-opened the case. They said the Johnsons testimony is not the only thing they will use to determine what happened that night. Investigators are also reviewing all the medical and forensic evidence.

Police said their second investigation is almost finished. Investigators will present their information to the District Attorney, and he will decide whether it warrants criminal charges against Mangrum.

Timothy P. Alumbaugh, II

July 6 1978 - June 24 2007

Forever My Love

He Only Took My Hand:

Last night while I was trying to sleep my son's voice I did hear. I opened my eyes and looked around but he did not appear.

He said, "Mom, you've got to listen". You've got to understand. God didn't take me from you, He only took my hand.

When I cried out in pain that night, The instant that I died, He reached down and took my hand, and pulled me to his side.

He pulled me up and saved me, from the misery and the pain. My body so badly wounded I could never be the same.

My search is finally over now, I've found happiness within. All the answers to my empty dreams, And all that might have been.

I love you so and miss you too...please don't keep asking why. My body's gone forever, but my spirit will never die! So live until we meet again, and please try to understand God didn't take me from you, He only took my hand.

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As FOP jockeys for power, Serpas' early civil service changes are unearthed

Thursday, September 6, 2007 at 12:58am

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Days away from the decertification vote they hope will officially remove the Teamsters as the bargaining agent for Metro Police officers, national and local Fraternal Order of Police officials are hoping to capitalize on angst within the ranks of the police department by campaigning against the force's leader, Chief Ronal Serpas.

[FOP Live In Concert 7/30](#)
Come See Five Finger Death Punch Live On Concert 7/30. Order Tix! [fopconcert.com](#)

Last month, after news broke of a criminal spying probe involving local members of the Teamsters union, the FOP gathered necessary signatures to petition Metro government to hold a decertification vote which, if successful, would forcibly remove the Teamsters as the official union representing Metro Police officers.

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Get Info on Withdrawal, Detox, and Rehab for Painkiller Addiction. [TurnToMe.com](#)

The decertification vote will be held Friday, and local FOP officials, as well as officials with the National FOP, are campaigning vigorously to win decertification. A victory would help the FOP take another step toward reclaiming the right to represent the department's line officers — a right they lost to the Teamsters nearly two years ago.

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This week the decertification campaign borrowed a play from mayoral candidate Bob Clement, who last week began publicly criticizing Police Chief Ronal Serpas, vowing to take the department in a "new direction" if elected.

Serpas, in response to Clement's charges that his tenure has been ineffective and overly focused on traffic enforcement in lieu of community policing, last week strenuously defended his department, his leadership, and also his ability to run the police force for as long as he sees fit.

"I can't imagine Mr. Clement's campaign or Mr. Dean's campaign would want us to release the nearly 19,000 individual arrest actions — nearly 24 percent of all our arrests — we made in 2006 as a result of traffic stops," Serpas said last week.

"Our traffic stop strategy is tied directly to community policing, because that is what the communities ask for," Serpas said. "And traffic has always been, and will always be, a tool of deterrence, a tool of detection and a tool of visibility."

Serpas also said that, despite the wishes of whoever becomes the next mayor, because he is protected by Metro Civil Service Commission rules and guidelines he is not as replaceable as either man may hope.

This week, FOP officials seized on those remarks, saying it was hypocritical of Serpas to claim he is civil service protected when just months after he took over the department he stripped those same civil service protections from the department's other highest-ranking officers.

"How is it that the Chief of Police can hide behind civil service protection when talking about whether he'll be ousted by the next mayor when the first thing he did when he came here was to remove the civil service protection from all of his assistant chiefs?" asked Mike Krugger, a spokesman for the National FOP, which is headquartered in Nashville and also helping run the Teamsters decertification drive.

CityPaper.net

In April of 2004, according to both Metro Civil Service Commission meeting minutes and Metro Human Resources officials, the then-newly appointed chief required the Civil Service Commission to eliminate from the police department the position of Assistant Chief of Police.

"The assistant police chief positions were eliminated and the Chief [Serpas] restructured the top hierarchy of the department," Ron Deardorff with Metro Human Resources explained. "And the positions he created were those of deputy chiefs."

The change was significant in that the assistant chief of police positions had been civil service positions, but the deputy chief of police positions were designated "assignment classification positions," Deardorff said, meaning that the police chief could reassign the persons who held those positions as the chief saw fit.

"An assignment classification means the person is temporarily assigned... They temporarily hold the position by virtue of being assigned to it by the chief. And the chief can assign or un-assign people to that position," Deardorff said. "Somebody who's a deputy chief today, he's in an assignment class, so the chief could reassign them. They wouldn't lose their job, but they'd roll back to a captain, etc."

Shortly after the move, one of those former assistant chiefs, Leonard "Mickey" Miller, was "rolled back" to the Commander of the West Precinct.

Miller, who joined the force in 1977 and became an assistant chief in 2003, challenged and eventually sued the Civil Service Commission, alleging in a 2005 complaint that he was unjustly stripped of pay, benefits and, most importantly, protection.

"The assignment position of Commander is not a permanent rank and is not protected by Civil Service Rules and Regulations which promise that an employee will not be demoted in pay grade except for cause," Miller's lawsuit read. "The assignment position of Commander exists exclusively at the sole discretion of the Chief of Police and he may remove any Commander for any reason or no reason at all without any review whatsoever."

Miller's lawsuit was recently argued before the State Court of Criminal Appeals, which has not announced an opinion.

Metro Police Department spokesman Don Aaron said the change in the department's structure was not about power stripping but eliminating bureaucratic inefficiency.

"The rank of assistant chief was abolished by the department in 2004 under the belief that the department was top heavy, that those positions weren't necessary," Aaron said. "And we went from those assistant chief positions to those deputy chiefs, again, appointed deputy chief positions."

The Teamsters, who along with the FOP have endorsed Clement, have repeatedly declined to return any telephone calls from *The City Paper* since shortly after the arrests of Teamsters organizer Calvin Hullett, who was charged with aggravated burglary after TBI officials caught Hullett in an alleged plot to install hidden cameras at a

DECREE TO INCLUDE CIVILIAN REVIEW BOARD

- Posted by NADRA AKA CAP BLACK on August 22, 2012 at 1:30pm
- [View Blog](#)

My two cents on the local (internationally covered) debate over how the IPM AND Black community will play significant roles in upcoming federal consent decree. It's a conservative suggestion that doesn't demonize police or divide races! Here goes:

Re: Case number 12-cv-01924, The United States of America v. the City of New Orleans.

**Suggested Expansion of New Orleans Independent Police Monitor (IPM) Role In Federal Consent Decree
By: Nadra Enzi (Cap Black).**

The New Orleans Independent Police Monitor (here after IPM) is uniquely situated to represent both the community and perform the projected federal police oversight role in this consent decree.

Historically, police departments resist civilian review boards (here after CRB). This resistance is entrenched in majority African-American jurisdictions where police/community tensions are pronounced. Usually following high profile brutality cases police and their associations see CRBs as punitive entities eager to scapegoat officers.

That said, New Orleans IPM is led by police oversight veterans as its police monitor and deputy police monitor. The police monitor to her

credit has invaluable experience gained while working in this capacity with the Los Angeles Police Department (LAPD).

LAPD's travails are well documented and having had New Orleans present police monitor operate there offers unsurpassed experiential capital. She has navigated police politics and community dynamics of an intensity rarely seen in American public life.

The Rampart Division scandal alone illustrates this fact.

This also well equips her to address the same stressors within New Orleans exceptional context.

I usually support CRBs as stand-alone entities.

In this instance the IPM can serve as the host for such a representative body to be housed. It has none of the adversarial baggage of the NOPD nor conflict of interest involving brutality claims.

Under one banner the IPM & CRB could function as trusted allies in the police oversight process instead of current roles as (unintended) competitors for inclusion.

The IPM/CRB partnership unites oversight professionals knowledgeable of risk intensive police procedure with community stakeholders knowledgeable of risk intensive police brutality.

Together they provide invaluable guidance for creating a truly constitutional New Orleans Police Department which can become an international model of reform.

Thank you for your attention.

8/24/2012

TO: Judge Sam M...

From: Clerk Frank

Subject: Comments on

Consent Decree

U.S. MARSHALS

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Eastern District of Louisiana**

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United States of America * **Civil Action**
* **Number: 12-1924**
Versus *
* **Section "E"**
The City of New Orleans * **Magistrate "2"**
* * * * *

Amicus Brief

Now comes into court, W.C. Johnson, through the Amicus provision, to comment on pleadings before this court, and in addition to the representation by council as a party to Motions to Intervene, as filed by council William P. Quigley and Davida Finger, August 7, 2012 on behalf of Community United for Change.

I. Introduction

The public access for commenting on the proposed Consent Decree of the New Orleans Police Department (NOPD) opens the venue for additional intake that was overlooked in the final process of the framing of said Consent Decree (CD). It is necessary to point out that the original Findings from the US Department of Justice (DOJ) were not mirrored in the final CD. It is unfortunate for the man hours and sweat equity invested in the DOJ's Findings have found their way to the floor of the CD editors Cutting Room. It is with this motivation and additional fact that the DOJ has engaged in unethical and possibly illegal behaviors during these proceedings that I submit this concern to the Court for consideration.

II. Reasonably Belief

During the investigative portion and throughout the negotiation period for the CD, the DOJ gave the community and CUC reason to believe that CUC would have a seat at the negotiation table. It was DOJ that tried to convince the community and CUC that the City of New Orleans was the roadblock that created the impasse and that DOJ was trying to secure a place for the community to have a seat at the table (e-mails attached as exhibits I-A thru 1-E). We now know that was not correct. It is horrifying to note that people throughout New Orleans used five years of their lives to petition and literally begged the DOJ to come to New Orleans and offer some relief to a class of people who were suffering from a severe case of Deprivation of Constitutional Rights and Privileges. People have died and are continuing to die because of, and as the Findings demonstrate, a **Crisis of Constitutional Ignorance**. This intertwined with a **“Culture of Corruption”** equals certain disaster for the unprotected class of people in New Orleans.

Throughout the DOJ’s Findings and the introduction to the proposed Consent Decree, there is a documentation of patterns and practices of unlawful misconduct and willful disregards to certain classes of citizens in New Orleans. From the DOJ’s Findings, there is no question of the abuse and misuse of African Americans, LGTB, and people of foreign origins, yet the proposed Consent Decree address few of the problems of the identified class with minute remedies that will affect the identified class with repeated solutions that have failed in the past.

III. Rules Governing the Decree

In the proposed Consent Decree, section 1 category **B General Provision**, subcategory 9; “This Agreement is enforceable only by the parties. (Signers to this agreement) No person or entity is intended to be a third party beneficiary of the provisions of this Agreement for purposes of any civil, criminal, or administrative action. Accordingly, **no person or entity may assert any claim or right as a beneficiary or protected class under this agreement**”.

IV. Reasonable Cause

As a Black resident of New Orleans, I find it necessary to have the ability to hold the NOPD and the City of New Orleans responsible and accountable for any infraction of this agreement. It has been the experience of residents and citizens, especially those within the class identified throughout the DOJ's Findings, to have special leverage from which to hold the NOPD and the City of New Orleans legally responsible for conduct and behaviors that have, in the past, resulted in Police Terror and criminal justice system malfeasance by upholding the continued reign of Police Terror.

New Orleans has made several attempts at resolving the crisis of Police Terror through various political ploys. None of the political solutions have worked. The proposed Consent Decree is just another political solution that will not work and cannot work because it leaves out the main ingredient, the victims. This was evident when you compare the current DOJ Findings with other investigations done by the DOJ at other times in New Orleans. The current DOJ Findings were different because the victims played a pivotal role in the gathering of information and evidence to complete the Finding. It is obvious that other cities in other states formed the same conclusion. Their work has opened the door for Citizen Oversight and direct Community participation to be put into place which gives the community an opportunity to participate in the ability of governing themselves.

V. Parties to Intervention

Community United for Change (CUC) is the only Intervener that advocates for the people of New Orleans. The Fraternal Order of Police (FOP), Police Association of New Orleans (PANO), and the Office of the Independent Police Monitor (OIPM) are all directly tied to the City of New Orleans. If the interests of the F.O.P, PANO, and the OIPM have not been represented in the Consent Decree this is an interagency problem that can best be resolved internally through political channels. As for the interest of CUC, there is only one vehicle available to them, **Intervention**.

As the City and the DOJ suggest, the best offering for the community is through an *amicus* or Friend of the Court. This position gives no standing to the interested party and is general received with reservations. The degree of problems experienced by the identified class in New Orleans far exceeds the advisory level, the people of New Orleans need to be an interested party and need to be represented and respected as such. The DOJ has

demonstrated, through the investigative process that the inclusion of the community results in greater production of facts and a clear description of the problematic landscape. To continue the process without the necessary tools for job completion is to disregard Wisdom as frivolous child's play.

VI. Devil in the Details

It must be pointed out that the problems cited by the DOJ's Findings can easily find its genesis within the F.O.P. and PANO. Over the past several years information has become available that reveals, once a police recruit finishes the Police Academy their real training begins at the behest of seasoned F.O.P. and PANO officers who teach the recruits "the ropes". This is the process that taints the new recruits and begins a lifelong process of behaviors which originates unlawful actions.

One of the main arguments for the need of the Office of the Independent Police Monitor was to protect new recruits from the bad influences of rouge cops who controlled the NOPD. This is a fact that has been documented since the 1866 racial riots known as the Mechanics Building Massacre through to the 2005 Danziger Bridge Massacre. Even today we have outstanding questions surrounding the Adolph Grimes III murder, the Sipp and Allen murders and the Joseph "Shotgun Joe" Williams murder. Questions that rise to the level of outrage on how police officers in distress can request who the backup personnel needs to be for the dispatcher to make the call.

VII. The Scales of Justice

The documented weight on the scales of justice cries out for the weight of a feather to balance the injustice of the politically correct resolutions.

VIII. Community Outreach

We find in the creation of the Office of the Independent Police Monitor, a political process that rallied the community behind the legislation to form this office. Many members of CUC were supportive of this move. It wasn't until the actual vote before City Council that the author of the legislation, Council Person James Carter, accepted amendments that gutted

the purpose of the Office of the Independent Police Monitor and made the legislation for the OIPM a mere shell of existence. Since that disappointment to the people of New Orleans, the OIPM has done nothing to recapture the thrust that the original legislation proposed for the people of New Orleans. Understanding the position of the OIPM, the OIPM could have been creative in its work over the past two years by utilizing the authority of its parent body, the Office of the Inspector General (OIG). The OIG is equipped with massive weapons of authority. Properly structured, the OIPM could have easily transformed a shell of an organization into a super hero agency that could have address many of the issues plaguing the troubled class as identified by the DOJ. Unfortunately for that class, the political solutions have not gone far enough, the epic scenario of too little; too late. This addresses the lack of direct democratic intervention necessary to resolve the historic problems of the NOPD.

IX. Verboten Behavior

This brings us to the most debilitating problem attacking the people of New Orleans today. I for one am dishearten to have to address this problem. After working for two years with the DOJ, I find no redeeming qualities in disclosure a problem I believe is a disservice to all. The direct attempts by DOJ to divide our community and to confuse the legitimacy of Community People fighting for the Rights of Constitutional Privileges and Protections as afforded them in America are totally repugnant.

On Thursday August 16th CUC (meeting flyer attached as exhibit 2) held a Town Hall Meeting to report to the community the current status of the People's Fight for representation for the Consent Decree. We had Walter Umrani, a community leader associated with several groups, report to the people that Corey Sanders, attorney with the DOJ contacted him by phone to encourage Walter to have community groups use the comments portion of the Consent Decree process as the forum in place of the Intervention process. As Walter carefully explained the conversation and the message DOJ attorney Corey Sanders instructed him to present gave cause for concern. Walter began to explain that Corey encouraged the community to become involved in the process through the Amicus process as opposed to the Intervention process. Walter's description of the phone call was alarming and reflective of another call a community activist received from the same attorney, Corey Sanders. This call was to Tracie Washington, a well known attorney and Civil Rights Activist, which resulted in rage and careless accusatory accusations against CUC as an organization and members of CUC as individuals. These outlandish claims and slander

about who and what CUC was trying to do has cut deep into the fabric of intercommunity relationships (exhibits of e-mails attached 3-A through 3-D). All of this was at the behest of the same DOJ attorney who contacted Walter Umrani. These are two disturbing accounts of direct interference aimed at causing chaos and confusion among community members during a critical turn in New Orleans history. We must assume that more than these two calls were made to other community organizations and individuals. How many telephone calls and electronic contacts have been made by the DOJ to enhance their position in defeating the People of New Orleans? No matter what the number, these two accounts are enough to raise serious question with the court for serious consequences.

X. Conclusion

Community Oversight is not an unknown quantity. Community Oversight needs to be given the same weight "Best Practice" was given in its infancy. If given a chance, Community Oversight can exit puberty and enter into the adolescent period of its existence. If progress is to be encouraged, fanning the flames of destruction is no encouragement. Allowing the City of New Orleans and the Department of Justice to deny citizen oversight is to deny the advent of modern technology in opening the doors to future cultures.

America boost about being the greatest country in the world. America boost about being the most advanced country in the world. If this is true, let America lead the world towards direct democracy, give the people the hands on approach to resolving their own problems. With all of the modern technology and advance educational opportunities, Community Oversight can become Community Management. The law enforcement experts, who will attempt to implement the Consent Decree, will rely on outside expert advice to create change. Law enforcement has been doing this work for more than thirty years and those of us in New Orleans are still waiting for some measurement of success. We now must be realistic and give weight to the possibility of the problem being the vision from which law enforcement views and approaches the difficulties at hand. It could very well be the problem is in the sight or vision of viewing the problems confronting the City of New Orleans and the NOPD. With ones finger to the eye, a thought is born that as the Sun rises from the East, a new day of cooperation between the people of New Orleans, the City of New Orleans and the NOPD emerges. Possible, New Orleans is on the cutting edge of a new standard in law enforcement and community relations, a new day, and a new way of resolving our problems civilly, together. This Consent Decree is an opportunity for the

future day to be our day, today. Let all parties (DOJ, City of New Orleans and the Community United for Change) sit and produce an amicable Consent Degree together.

XI. Petition

For the foregoing reasons, I respectfully request of this court, Community United for Change be **Permitted to Intervene** in the proceedings as an interested party to this captioned case.

Respectfully submitted this 24th day of August 2012

A handwritten signature in black ink, appearing to read 'W.C. Johnson', with a long horizontal flourish extending to the right.

W.C. Johnson

Pro-se

1647 Gentilly Boulevard

New Orleans, La. 70119

504-251-2201

wcjohnson76@yahoo.com

Ten pages attached and follows as Exhibits

Exhibits I - "A" through "E"

Subject: RE: Proposed City Meeting
From: Demons, Synthia (CRS) (Synthia.Demons@usdoj.gov)
To: wcjohnson76@yahoo.com;
Cc: scottsec@bellsouth.net; malcolm.sbr@gmail.com; cindysocialworker@yahoo.com;
Date: Tuesday, March 27, 2012 12:21 PM

Are you ok with me sharing the email below with my contact at the city so that they are aware of the topics for discussion.

Synthia Demons

Acting Regional Director, Southwest Region

U.S. Department of Justice, Community Relations Service

1999 Bryan Street Suite 2050

Dallas, TX 75201

Office 214 655-8190

Cell 214 869-3768

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From: W. C. Johnson [mailto:wcjohnson76@yahoo.com]
Sent: Friday, March 23, 2012 7:27 AM
To: Demons, Synthia (CRS)
Cc: Randolph Scott; Malcolm Suber; Cynthia Parker
Subject: Proposed City Meeting

Greetings Synthia:

I've been instructed by the group to set an agenda addressing the need for CUC to have a seat at the negotiation table. Because of bad faith efforts in the past and total refusal to

acknowledge legitimate issues and concerns currently, CUC, with the backing of community support from the Public Hearings, the Community Meetings, and the affidavits of support, has an established rapport with the Residents and Citizens of New Orleans and their trust to negotiate in good faith the terms and conditions of the Federal Consent Decree.

The recent revelations of the U.S. Attorney for the Eastern District of Louisiana reveals the negotiation table was stacked with interest of the New Orleans Police Department including the top negotiator for the U.S. Justice Department, a former NOPD officer himself. The people of New Orleans have been forced to live with this type of corruption for the past several generations. It was the aspirations of the people of New Orleans, when the Justice Department came to town, that possible equality and justice would prevail. Unfortunately, during your tenure in the City of New Orleans, it seemed as if business as usual was being conducted by the City Administration and Jim Letten's office. This requires CUC to discuss the process and procedures of the City Administration ability to provide a better mechanism in redressing Administration check and balance system for complaints and perceived misconduct among elected and appointed officials.

We trust this agenda will suffice in addressing our concerns.

W.C. Johnson

Organizer

From: "Demons, Synthia (CRS)" <Synthia.Demons@usdoj.gov>
To: "wcjohnson76@yahoo.com" <wcjohnson76@yahoo.com>
Sent: Sunday, April 15, 2012 6:37 PM
Subject: Re: Proposed City Meeting

Hello, I haven't received you list of concerns related to the community issues. I need this to determine if we should schedule the Tuesday morning meeting or if the issues should be addressed by Christy?

From: W. C. Johnson [mailto:wcjohnson76@yahoo.com]
Sent: Friday, March 23, 2012 08:26 AM
To: Demons, Synthia (CRS)
Cc: Randolph Scott <scottsec@bellsouth.net>; Malcolm Suber <malcolm.sbr@gmail.com>; Cynthia Parker <cindysocialworker@yahoo.com>
Subject: Proposed City Meeting

Greetings Synthia:

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W.C. Johnson
Organizer

Subject: Re: Proposed City Meeting
From: Demons, Synthia (CRS) (Synthia.Demons@usdoj.gov)
To: wcjohnson76@yahoo.com;
Date: Monday, April 16, 2012 8:33 PM

Thank you WC, it appears that Christy would be the proper person to share these concerns with. I provided you with her contact information and forwarded your email to her to ensure she understands the issues. If you haven't already done so please give her a call to schedule a meeting time and location. By the way did you attend the community dialogue forum in East New Orleans last Saturday.

From: W. C. Johnson [mailto:wcjohnson76@yahoo.com]
Sent: Monday, April 16, 2012 10:02 AM
To: Demons, Synthia (CRS)
Subject: Re: Proposed City Meeting

Greetings Synthia:

I must apologize for the tardiness; I have been out of the office for several days.

The concerns with the city are that the people of New Orleans are not being represented at the bargaining table for the purpose of framing the Federal Consent Decree. Community United for Change (CUC) framed, submitted and actively disseminating the information necessary for a comprehensive reform act for the New Orleans Police Department (NOPD).

Without the people of New Orleans being present at the negotiation table, we are right back to where we have been for the past thirty years, shuffling around the bad policies and giving these bad policies new faces only to fail after implementation.

The recent revelation from the U.S. Attorney's office proves that the entire process of access and adjudication for problems concerning the NOPD being referred to the Federal Government was defused by the presence of former NOPD officers and sympathy by the U.S. Attorney for the NOPD's ability to maintain control over the population of New Orleans. The intermixing of consideration for the city's policy and procedures with federal protections has not been in the best interest of the residents and citizens of New Orleans. Grass-rooted organization and people are necessary to be included in the process from investigation to framing to signing of a Federal Consent Decree if this document is to be meaningful and creditable.

The city has not been involved in good-faith efforts to resolve the "Culture of Corruption" within the NOPD. CUC has led the residents and citizens through police reform since the Danziger Bridge Massacre investigations. CUC has developed the benchmarks necessary for real police reform, and the city has turned a deaf ear to the process of access CUC has attempted to invoke for the good of the people.

CUC appreciates any and all assistance you can import into the process.

W.C. Johnson

Subject: Re: Meeting Next Week?
From: Lopez, Christy (CRT) (Christy.Lopez@usdoj.gov)
To: wcjohnson76@yahoo.com;
Date: Tuesday, April 24, 2012 7:57 PM

We are on our way-we look forward to seeing you.

From: W. C. Johnson [mailto:wcjohnson76@yahoo.com]
Sent: Tuesday, April 17, 2012 12:47 PM
To: Lopez, Christy (CRT)
Subject: Re: Meeting Next Week?

Thank you Christy:
 We will meet at 1647 Gentilly Blvd.
 I believe you and I know Roy has been to the Apothecary before. If you need directions I will be pleased to supply you with directions.
 8:00pm next Tuesday will be fine.
 Thank you,
 W.C.

From: "Lopez, Christy (CRT)" <Christy.Lopez@usdoj.gov>
To: W. C. Johnson <wcjohnson76@yahoo.com>
Sent: Tuesday, April 17, 2012 9:32 AM
Subject: RE: Meeting Next Week?

Hello Mr. Johnson—

We can be available at 8pm on Tuesday the 24th. Please let us know where you would like us to meet with you and CUC.

Thank you—

Christy

From: W. C. Johnson [mailto:wcjohnson76@yahoo.com]
Sent: Monday, April 16, 2012 11:37 PM
To: Lopez, Christy (CRT)
Subject: Re: Meeting Next Week?

Greeting Christy:
 Monday afternoon 2:00 pm to 4:00 pm. is open, we have a scheduled 5:30pm meeting for United New Orleans Front. If at all possible, we are available on Tuesday evening from 5:30 to 9:00pm. we can meet at the Gentilly location either day. Wednesday's are bad because of the live television broadcast.
 Let us know if early Monday or late Tuesday can work for you.
 W.C.

Exhibit - II

TOWN HALL MEETING

The Fight for a People's Consent Decree

Join us for a discussion of how we mobilize and fight to win a consent decree that transforms the NOPD into a law abiding, constitutional police department that does not disrespect, brutalize and murder residents of New Orleans. The United States Justice Department and the City of New Orleans are trying to impose an unjust Consent Decree for reforming the NOPD. CUC is demanding that the victims of police terror be a party to any negotiations for fundamental reform of the NOPD. We must insist on citizens' oversight of the NOPD. The current set up has never produced lasting reforms

Thursday, August 16, 2012

6pm

United Teacher's of New Orleans Office

4718 Paris Ave.

(Oak Park shopping Center)

Sponsored by

Community United for Change

1647 Gentilly Boulevard

New Orleans, La. 70119

504-251-2201

e-mail cuc.nola@yahoo.com

Come One Come All !

Exhibits III - "A" through "D"

WC and Malcolm have done and represented to the US District Court is just wrong, on so many levels. They've high jacked a community's work.

Tracie L. Washington, Esq.
President & CEO
Louisiana Justice Institute
Every day without fail – Make Justice Happen
1631 Elysian Fields Avenue | New Orleans, Louisiana 70117
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<http://www.louisianajusticeinstitute.org/>
Visit our blog and comment: <http://www.justiceroars.org/>
Learn about LJI's Project Transparency:
<http://www.nolapublicrecords.org/>

From: Tracie Washington [<mailto:tracie.washington.esq@gmail.com>]
Sent: Saturday, August 11, 2012 5:12 PM
To: bill quigley; Davida Finger
Cc: 'Norris Henderson'; Parnell Herbert; Jordan Flaherty; Tracie Washington
Subject: CUC Motion to Intervene in Consent Decree Process

Bill & Davida:

I've been monitoring this USDOJ Consent Decree process, through the paper, and through direct contact (initiated by DOJ) with DOJ Attorney Corey Sanders. Under the signature of Louisiana Justice Institute, I have decided to submit comments to the Consent Decree and to the Motion to Intervene by CUC, by the August 20, 2012 deadline. I wanted to provide you with notice of same, because I know you are serving as counsel for CUC and, I must tell you in advance, my comments will not be flattering to CUC or favorable of the process CUC has proposed, purportedly as an organization representative of the New Orleans community.

Far too many people and organizations worked far too long and hard to insure a fair, balanced, and equitable Consent Decree for New Orleans. CUC's Motion to Intervene in no way reflects the full scope of work for this community, nor does it represent a consensus of thought. While I considered for a brief moment taking a "good riddance" stance here, truly that would betray LJI's commitment to this community, our mission, and our vision. It would be

just plain wrong.

If you all would like to meet to discuss, you know I'm always around and available.

Tracie L. Washington, Esq.
President & CEO
Louisiana Justice Institute
Every day without fail -- Make Justice Happen
1631 Elysian Fields Avenue | New Orleans, Louisiana 70117
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Admitted to Practice in Texas and Louisiana
tracie@LouisianaJusticeInstitute.org | tlwesq@cox.net
<http://www.louisianajusticeinstitute.org/>
Visit our blog and comment: <http://www.iusticeroars.org/>
Learn about LJI's Project Transparency:
<http://www.nolapublicrecords.org/>

<People's Consent Decree.v11.11-07-10.pdf>

Hold off until we have an opportunity to review and respond as a group.
Thank you
W.C.

From: Bill Quigley <quigley77@gmail.com>
To: Bill Quigley <quigley77@gmail.com>
Cc: Malcolm Suber <malcolm.sbr@gmail.com>; W. C. Johnson <wjohnson76@yahoo.com>;
 Randolph Scott <scottsec@bellsouth.net>; Davida Finger <davida.finger@gmail.com>
Sent: Sunday, August 12, 2012 7:11 AM
Subject: Re: CUC Motion to Intervene in Consent Decree Process

I suggest that I invite tracie to say which groups contributed to the consent decree process and outcome and offer to identify them in the USDC court proceedings. The way I see it the more that contributed the more reason for the court to take it seriously. What do you think? Bq

On Aug 12, 2012, at 6:56 AM, Bill Quigley <quigley77@gmail.com> wrote:

Friends, more from tracie. I am going to be in Atlanta the first part of the week. Maybe we can talk later in the week. Peace. Bill q.

Begin forwarded message:

From: "Tracie Washington" <tlwesq@cox.net>
Date: August 11, 2012 6:36:22 PM CDT
To: "bill quigley" <duprestars@yahoo.com>, "Davida Finger" <davida.finger@gmail.com>
Cc: "Norris Henderson" <norris@vote-nola.org>, "Parnell Herbert" <poeticpanther2002@yahoo.com>, "Jordan Flaherty" <neworleans@leftturn.org>, "Tracie Washington" <tlwesq@cox.net>
Subject: RE: CUC Motion to Intervene in Consent Decree Process

Bill & Davida:

FYI. I have attached a copy of the only true People's Consent Decree, which was developed by a huge cross-section of folks in the NOLA Community, and compiled by me and the great staff at LJI (Saia, Shaena, Titus, Jacques). This was VERSION 11, which was completed and forwarded to Thom Perez at USDOJ in January 2011. You will notice that the document you attached to the Motion to Intervene seems "strangely similar." They didn't even bother to try and change the footer format. It's called plagiarism, which is what the 4 people comprising CUC and purporting to represent the NOLA community did.

The more I work on this letter, the more angry I become. What

Subject: Re: CUC Motion to Intervene in Consent Decree Process

From: W. C. Johnson (wcjohnson76@yahoo.com)

To: quigley77@gmail.com;

Cc: malcolm.sbr@gmail.com; scottsec@bellsouth.net; davida.finger@gmail.com; wmilton@cox.net; cindysocialworker@yahoo.com; wcjohnson76@yahoo.com;

Bcc: linda.lmarie@gmail.com;

Date: Tuesday, August 14, 2012 3:11 PM

Greetings Bill:

It is out of profound respect for you we address this abomination of a complaint from Tracie Washington. To begin with, CUC organized the community push for accountability, transparency and community representation in the DOJ investigation. Malcolm and I solicited individuals and grass-rooted organizations that have been in the struggle against police brutality, terror and murder for the past twenty years or more. Robert Goodman of Safe-Streets was one of the founding members and worked with us until Safe-Streets began to have internal problems (Summer of 2010) and pulled away. We used the facilities of Stand for Dignity and the Worker Center as our meeting location. It was there the Peoples Consent Decree model was consummated and Malcolm suggested we contact Tracie Washington for legal assistance. Malcolm was able to get Tracie on board and from our instructions, Tracie began the framing process. It is interesting to note at this time that Tracie has always publicly supported CUC's Consent Decree even though Tracie removed herself in August of 2010 from the process by not returning calls and completing work assignments given here. Tracie was offended because the people at the Tremé meeting voted not to support the LGBT model she was trying to substitute for the draft the people constructed. CUC is not going to allow anyone to wage a slanderous campaign to cloud the issues. We will not allow anyone to pee on us and try to convince us that it is rain. From Tracie's e-mail it appears that the City and the DOJ are attempting to intimidate our attorney to soften the caliber work product you are capable of producing. Tracie can accuse all she wants; CUC published our People Consent Decree in November of 2010; while Tracie published her in January 2011. Who plagiarized who? If Tracie continues to slander our good name, we will be forced to unleash heaven and hell upon her. We are not going to dignify Tracie's allegations with a response to her, we can respond through the courts in anticipation of her comments to the court. We want you to stay the course and continue the exemplary job you have done thus far. CUC thanks you and we all expect to stand on the center podium after the court's decision, W.C. Johnson
For CUC

From: Bill Quigley <quigley77@gmail.com>
To: W. C. Johnson <wcjohnson76@yahoo.com>
Cc: Malcolm Suber <malcolm.sbr@gmail.com>; Randolph Scott <scottsec@bellsouth.net>; Davida Finger <davida.finger@gmail.com>
Sent: Sunday, August 12, 2012 8:17 AM
Subject: Re: CUC Motion to Intervene in Consent Decree Process

Will do. Bq

On Aug 12, 2012, at 7:36 AM, "W. C. Johnson" <wcjohnson76@yahoo.com> wrote:

Bill:

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
8/20/12 AUG 24 PM 4:26
LORETTA S. WHYTE
CLERK

I was in attendance at a public hearing in New Orleans today concerning a proposed adoption of a consent decree. This document "USA vs. City of New Orleans" to reform the New Orleans Police Dept. was being argued by six stakeholders as to who should have had direct input into the crafting of a very important piece of history encompassed within the framework of this democracy. It became obvious that the parties, namely DOJ and City of New Orleans forgot that they are supposed to be a part of a great and conscious, growing democracy. Observing the different arguments, precedents presented, and the fact that there were some important amendments made to the document on the spot lends credence to more intervention. The expedience argument presented by the DOJ is almost embarrassing for everyone involved (we will all be affected) because community oversight, proven to be effective, has been intentionally omitted. The United States District Court For The Eastern District Of Louisiana has been charged with the constitutional and legal direction, implementation, and adherence to the best document possible. In essence, "Best Practices" has to be followed in order to successfully oversee this great and important endeavor.

Notes: Possible impediments to a relatively straightforward process;

- 1.) Considerations of the maturity level of involved counselors (meaning life experiences that could lend help in having an inherent feel over time for cause and effect (foresight)
- 2.) Interpretation of research findings of relevant precedent (political orientation)
- 3.) By most accounts and all my personal experiences, most units, relationships, and efficient effective documents must be civilly and cooperatively tweaked, fine-tuned and adhered to, in order to reach the pinnacle of what they are designed to accomplish.
- 4.) Rather than the loosely stated possibility of a delay of up to 8 years for implementation. Irresponsible acts by any party to obstruct, degrade or obscure a just, wise, and mutually beneficial outcome for our society should be immediately neutralized, which could turn a previously stated possible 8 year process into 8 days or less.

Respectfully
Darnell Parker

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
August 21 2012
AUG 24 PM 4:26
LORETTA G. WHYTE
CLERK

To Judge Suzie Morgan:

My name is Walter Milton, a tax paying citizen of New Orleans and member of CUC. I attended the hearing on Monday and left feeling some things were left unsaid. I have been a citizen of New Orleans for fifty years and a member of CUC not long after its inception. I have been a victim of NOPD's unconstitutional practices and felt like my civil rights were violated. I also continue to feel that way because, of how this process has been conducted. We as CUC originally requested intervention from the Dept. Of Justice because of the egregious treatment the black citizens of New Orleans were encountering from the police department. We had several meetings with the Civil Rights Division of The DOJ and were presented with misinformation and deception. I'm not an attorney, an enforcer of the law, or a criminal. My common sense tells me, if an accusation is made, it is brought to judgment, then shouldn't the accusing party have a right to be a part of the process that works to right the wrong. What I'm attempting to say in more exact terms is, CUC continually asked for Community Oversight and to be a part of the negotiating process and was continually denied by deception and misinformation. The Investigative Report, The DOJ released in March of 2011, more than once emphasized the importance of Community Oversight as one of the ways to help change how the department operates. For no inclusion of Community Oversight and the minimizing of the effectiveness of an already pretty much inept Independent Police Monitor lends credence to the fact something has gone awry. We also must mention, that we know the ineptness of the IPM is due in part, because, of a lack of proper funding from city government. CUC requested the DOJ to intervene because, the black citizens are being terrorized by the New Orleans Police Department and very frankly, in my opinion this document does nothing to change that. Historians I'm acquainted with have compared these terrorist acts to those associated with ethnic cleansing, like what's going in Africa, what happened in Bosnia, and Third Reich Germany. In actuality, it may validate and give NOPD official consent to continue these practices of violating people's civil and constitutional rights. Especially, when it allows for the department to continue monitoring and disciplining itself, instead of having an effective form of Community Oversight. The truth of the matter is, this Consent Decree appears to be nothing more than a ceremonial piece of paper giving the illusion of creating substantial change, when in reality, its not worth the paper its written on. I am also suspicious as to why the DOJ is in such a hurry to move the agreement forward, than getting the best possible product for all involved, especially for those who originally requested their presence. I have not read the entire Decree, but others have and concur with my concerns. I did read page 23, designation 76, which describes how use of force will be categorized, it was violent and brutal. What concerned me most about this was, the police department itself makes these distinctions on how a citizen was treated and, was it justified. Again, they are policing themselves, and that hasn't ever worked in my community. Help me to understand, how I again feel like me and my community are not being allowed, "DUE PROCESS OF THE LAW" AND OUR RIGHTS AS CITIZENS OF THIS COUNTRY ARE NOT AGAIN BEING VIOLATED.

Respectfully Yours,
Walter Milton

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA August 23, 2012

2012 AUG 24 PM 4: 27

LORETTA G. WHYTE
CLERK

Your Honor,

With all due respect, I would like to express to you the importance of community inclusion implemented in the Consent Decree. As attorney Quigley stated in court that this is the time for the citizens of New Orleans, and the many organizations to get this right because we may never have the opportunity to do this again. I believe the inclusion of the community is very vital at this time to take part in the negotiations concerning the consent decree. New Orleans has been under an umbrella of corruption as everyone stated "for decades" and I surely have proof of that. Your Honor, if we don't fix this broken system, it's only going to get worse because when one partial of the system is tainted, it affects the other parts of the system; we all will feel the effects of this broken system in some sort of way. Right now it's not about race, whose rich or whose poor, it's about we as a people, it's about treating each other as human beings; we're all are like pilgrims, just passing through, no one are here forever; so why can't we treat each other with dignity and respect? No human being is above the other in the eyes of GOD, where did so much hate come from? Our children and grandchildren will one day run this world when we are long gone, and they have a right; a human right to live in a just society, an equal society. Your Honor, if we don't recognize the trouble we're in with the way things are going now, well this system will surely crumble and so will our children and their children. During the 1960s my dad were being blackmailed by some NOPD cops and I have the documents to prove it. On the other hand, that proof of decades of corruption. Another example, my son has been incarcerated for the past 15 years in a federal prison and one of the detectives that helped put him there has been tried, convicted, and sentenced himself. However, there's at least four more corrupted police officers identified within my son's transcript that are no longer active within the NOPD due to corruption and racial profiling. Since this has come abreast, I'm trying to get my son's case reopen. Your Honor, please consider the citizens of this great city, who want to see a change for the betterment of all people.

Warmest Respect,


Cynthia Parker (CUC)

OURSTORY™ NETWORK

TALK TELEVISION

For the Black Community

1025 S. Jefferson Davis Parkway

New Orleans, La. 70125

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4:27

LORETTA G. WHYTE
CLERK

Judge Susie Morgan
U.S. District Court
500 Poydras Street,
New Orleans, LA 70130
August 23, 2012

The Honorable Court:

In case number 12-1924, The United States of America Versus The City of New Orleans, OurStory Network proudly enters its support for the work Community United for Change (CUC) has and is doing throughout the New Orleans area. OurStory has come to know the work CUC is engaged in and have reported on that work as well as hosted members from this fine leadership group to share their passion and vision for a reformed police department capable of servicing all citizens and resident equally. OurStory has shared many of the Town Hall Meetings and Public Hearing of CUC as a public service courteous to the New Orleans viewers to help keep the public informed and educated as to all aspects of police reforms.

Our Story recognizes the importance of an informed public and recognizes the consistent work of CUC as a protector of the victims and potential victims of police abuse and misuse. OurStory supports the work CUC is and has been doing and we urge the court to include CUC in all negotiations for the establishment of an effective Consent Decree that can begin to make the victims and potential victims whole. It is understood throughout the city change is needed and necessary. It is also understood that a strong Consent Decree for victims and potential

victims will be an affective Consent Decree for all who fall under the jurisdiction of the New Orleans Police Department.

It is long overdue for New Orleans to have a Constitutionally Correct policing agency. By allowing CUC to continue their representation of the overlooked and most forgotten people in New Orleans the entire city will be able to lift New Orleans to canonical heights. This is truly a petition all people of New Orleans will proudly support.

OurStory Network thanks the court for it wisdom in allowing for comments on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Hill", written over the printed name.

Linda Hill

Producer

OurStory Network

August 23, 2012

Dear Judge Morgan,

My name is Malcolm Suber. I have been a leading advocate for constitutional policing for more than 30 years. I am one of the founders and leaders of the Community United for Change. I have helped to organize many protests against police terror, police brutality and police murders over the past 30 years. I have become very familiar with the blatantly murderous and abusive NOPD. These illegal ways have continued because the police murderers have been upheld in their crimes by the "blue wall of silence". Silence has indeed been interpreted as consent. The NOPD continues to murder residents with no fear that they will be punished. Internal investigations by the NOPD hardly ever find police at fault for use of deadly force. The families of the police murder victims still cry out for justice because the New Orleans criminal justice system and the US justice system have refused to answer their pleas.

I am attaching a list of police murder victims from a pamphlet that I'm working on. It covers the period 1978 through 2011. It may not be exhaustive but demonstrates that NOPD murders are a constant.

We need, and indeed insist upon, a radical reform on the NOPD. This is what true justice demands and what we have fought for for many decades. We must not maintain the present structure where the police chief is selected by and answerable to the Mayor of New Orleans. Insanity is defined as repeating the same behavior and expecting different results. We have an opportunity to change directions. The NOPD cannot investigate itself. Police misconduct must be investigated by a civilian investigative bureau. Citizen oversight with the power to hold the chief and the police accountable is absolutely required. The resident victims of NOPD terror have no faith that any arrangement absent civilian oversight will work. We ask that you please consider the victims in your deliberations.

We also advocate what we consider a common sense solution to alter police behavior. We believe the technology exists that every police officer can be equipped with audio and video recorders on their person. The awareness that they are always being monitored will force them to perform respectful, constitutional policing. Honest police officers should welcome this advancement. Rogue cops and a rogue department would shun this advancement.

The victims' voices so the NOPD continues to murder residents with no fear that they will be punished. must be at the table to bring forth a consent decree that will change the NOPD into a constitutional force that respects all residents regardless of their race, gender, sexual orientation or where they happen to live. Please allow CUC 's intervention.

Sincerely,



Malcolm Suber

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4:27

LORETTA H. WYTE
CLERK

NOPD murder victims

This document is a work in progress, and is missing a great many victims. It may also contain inaccuracies. If you have additional information about any of these cases, or know of a case that is missing, please contact Malcolm Suber-malcolm.sbr@gmail.com

Key: Date -- **Name in Bold**, age - description of incident and location. Action(s) taken against the officer(s). Source: _____, date

Roland Alexcee, 28 - Shot and killed when he allegedly charged out of a tin shed with a raised gun after a five and a half-hour standoff with NOPD officers. 5/29/2005. Source: *The Times-Picayune*, 6/5/2005.

Adolph Archie, 40 - Beaten to death by a group of NOPD officers at the 1st District Police Station after he was alleged to have shot and killed an officer. NOPD officers mobbed Charity hospital demanding a chance to go and "finish off" Archie. Archie's death led to a series fo protests led by the African-American Liberation League. No officers were indicted. Archie's widow won a civil suit for his murder of ---- \$. 3/22/1990. Source: *The New York Times*, 9/18/1995.

Gerald Arthur - Killed after a "scuffle" with police during a drug arrest on South Prieur between Jackson Ave and MLK Blvd. Arthur was handcuffed and dragged, suffering multiple lacerations. 12/14/2006. Source: ProPublica and *The Times-Picayune*, 12/13/2009.

James Billy, 26 - Eight NOPD officers stormed Billy's home near the Algiers-Fisher Housing Project, shooting him dead after officers allege he opened fire on them (witnesses dispute the officers' claim). Several days before, the officers had used extensive force to coerce two Algiers-Fischer residents into making false statements claiming that Billy had killed Officer Gary Neupert. 11/13/1980. Officers involved: John E. McKenzie, Dale Bonura, Stephen Farrar, Stephen Reboul, Ronald Brink, Thomas R. Woodall, and Richard LeBlanc, one officer unknown. The named officers went on trial in Dallas on charges that they violated the civil rights of the Black residents of the Algiers-Fisher Housing Project Source: *Black Rage in New Orleans*, Leonard N. Moore, p. 167.

Chris Blevins, 22 - Died from a stab wound to the chest suffered during a lunchtime fight with another inmate at Orleans Parish Prison. 3/30/2010. Source: *The Times-Picayune*, 4/17/2010.

Leo Brady, 21 - Shot in the head by officer Mark Osborne during an altercation with the officer. Osborne never identified himself as an officer. 6/?/1975. Source: *Black Rage in New Orleans* by Leonard N. Moore, p. 124.

Vergil Braud, 18 - Shot in the chest by officer Kevin Fenner while Fenner was trying to arrest Braud for alleged cocaine possession. Fenner claimed he shot Braud as Braud was lunging for his partner's gun, but multiple witnesses said Fenner shot Braud as Braud was trying to run away. This murder touched off months of protest led by the Afro-American Liberation League. The pressure forced the cop-friendly DA Harry Connick to issue a

negligent homicide indictment. 10/5/2002. Fenner was fired by NOPD following his conviction of negligent homicide. Fenner went on to win his appeal, but never rejoined NOPD. In 2005, he pulled a gun on a man following a traffic altercation. Source: *The Times-Picayune*, 2/23/2005.

James Brissette, 19 - Ambushed on Danziger Bridge by police in the aftermath of Hurricane Katrina, killed in a hail of police-fired bullets that also killed Ronald Madison and seriously wounded four others (none of whom were armed, despite NOPD claims to the contrary and a large-scale cover-up involving a planted gun). 9/4/2005. While the state case against the "Danziger Seven" was thrown out because of alleged prosecutorial misconduct, a federal investigation and trial has resulted in five officers pleading guilty to participation in a large-scale cover-up. More guilty pleas are expected. Source: *The Times-Picayune*, various.

Daniel Britton, 17 - One of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Britton's body was found in a swamp in Jefferson Parish. 8/4/1991. Officer Victor Gant was investigated by the FBI for the series of murders, but was ultimately cleared. Source: *The Times-Picayune*.

Stanley Brown, 34 - Police claim officer Quincy Jones and his partner responded to complaints from a fast food restaurant on Chef Mentour where Brown was allegedly causing a disturbance. When they arrived Brown had already left the restaurant, and was in a nearby parking lot allegedly "making bizarre statements and yelling expletives." The police claim they tried to calm Brown, but he fled to a convenience store on the 4600 block of Chef Mentour, grabbed a bottle of wine, and ran outside. As Jones approached him, Brown allegedly hit Jones in the head with the bottle. Police then claim that Brown tried to take Jones' gun, and Jones shot Brown twice in the torso during the struggle. Brown died at the scene. 8/1/2004. Source: *The Times-Picayune*, 8/21/2004.

Stephanie Brown, 28 - One of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Brown's body was found in a swamp in Jefferson Parish. 10/19/1994. Officer Victor Gant was investigated by the FBI for the series of murders, but was ultimately cleared. Source: *The Times-Picayune*.

Danny Brumfeld, Sr, 45 - Shot in the back through the window of an NOPD cruiser by officer Ronald Mitchell during the aftermath of Hurricane Katrina. Brumfeld was in front of the Morial Convention Center, trying to wave down the officers for assistance. Despite testimony from scores of witnesses the Orleans DA's office refused to issue an indictment. 9/3/2005. NOPD conducted a deeply flawed investigation; Brumfeld's family ultimately settled a lawsuit out of court. Source: *The Times-Picayune*, 12/14/2009.

Henry Calvin, 24 - One of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Calvin's body was found in a swamp in Jefferson Parish. 1/25/1995. Officer Victor Gant was investigated by the FBI for the series of murders, but was ultimately cleared. Source: *The Times-Picayune*.

Charles Cheatham - Cheatham intervened verbally on behalf of a youth that officers Stephen Reboul and Daniel Denoux were verbally and physically confronting at Bourbon and Toulouse. Witnesses say one of the officers threw a punch, and a fight then ensued. Cheatham fell, and then Denoux shot him. Witnesses say the officers never identified themselves as police. 4/11/1975. Cheatham's widow filed a wrongful death suit and won some damages. Reboul won his appeal, reducing the amount of damages he owed. Source: Louisiana Supreme Court document, available at www.tletca.org/cc/CHEATHAM.doc.

Dennis Crawford, 23 - Crawford died following an altercation with police at his home in the lower 9th Ward. Crawford died as the result of a beating. 10/8/1987. Seven officers were charged with murder, but the prosecutor failed to get convictions for three of them, who were still on NOPD in 2004--the results for the other four are unclear. Source: Best of New Orleans by *The Gambit*, 12/7/2004.

Erik Daniels, 18 - Police and bail bondsmen arrived at Daniels' apartment on the 2300 block of Murl Street in Algiers in order to arrest him for an outstanding Jefferson Parish warrant and to collect a debt. Police claim Daniels jumped from his third-floor balcony and then reached under his shirt, as though he was reaching for a gun. Family members say Daniels was beaten and then thrown from the balcony before he was shot in the back by officer Kevin Smith. Daniels was unarmed. 6/3/2001. Source: *The Times-Picayune*, 6/5/2001.

Willie Daniels, 15 - Daniels and another youth allegedly sped past officer Frank Wills, who was on a motorcycle, and Wills chased them. Daniels' car allegedly hit two parked cars and then rammed a parked truck and a pursuing police car in the 2000 block of Jackson Ave., near the Magnolia Housing Project. The youths got out of the car, and then police claim there was an exchange of gunfire. Wills shot Daniels, who was allegedly driving the car. Police claim witnesses saw the youths fire at the officers, but no gun was found at the scene. Police claim the car Daniels was driving was stolen. 6/8/1993. Source: *The Times-Picayune*, 6/9/1993.

Leroy Drawsand, 33 - Police claim that officer Gary Marchese shot Drawsand after Drawsand grabbed for officer John Alonzo's gun, and the two were rolling on the ground wrestling for control of the gun. The officers had responded to a 911 call from a resident of the 700 block of Jackson, who claimed Drawsand was trespassing. Drawsand's brother, Fred, recalled a death threat by NOPD during a previous arrest, in which they promised to kill Leroy, if he was arrested again. Fred also recalled Drawsand telling him police had beaten him in a previous incident of arrest. 9/25/1989. Source: *The Times-Picayune*, 9/26/1989.

Raymond Ferdinand, 40 - Officers shot Ferdinand after he allegedly pulled a knife on them. Ferdinand's fiancé recalled that Ferdinand did have a knife, but it was in a small bag he was carrying, and not in his sleeve, as officers claim. Ferdinand is one of the four people killed by the Algiers Seven. 11/11/1980. After an Orleans Parish grand jury's failure to indict the seven officers involved in the Algiers-Fisher killings, the officers went on trial in Dallas for charges they violated the civil rights of Black residents of the Algiers-Fisher Housing Project. Source: *Black Rage in New Orleans*, by Leonard N. Moore, p. 166.

Ellery Fernandez, 18 - Fernandez fled by car while being served a subpoena for allegedly killing a Jefferson Parish deputy. While attempting to turn on Bullard by I-10 in New Orleans East, Fernandez crashed into an NOPD cruiser. He then allegedly exchanged gunfire with several NOPD officers before he was shot dead. 1/27/1989. Source: *The Times-Picayune*, 1/27/1989.

Michael Foley, 16 - Foley and his younger cousin were playing with an air gun in the backyard of their home on the 7200 block of Chef Menteur Highway when an employee at a nearby bank reported them to NOPD. Two officers arrived, kicked in the door to the home, and demanded Foley drop his weapon. When Foley pulled the toy from under his shirt in order to drop it, Sgt. Anthony Chetta shot him in the chest. 5/4/1988. An Orleans Parish

grand jury failed to indict Chetta. Source: Challenging White Supremacy's Katrina Reader, <http://www.csworkshop.org/katrinareader/node/23>.

Wanda Ford, 29 - One of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Ford's body was found in a swamp in St. John the Baptist Parish. 1/22/1995. Officer Victor Gant was investigated by the FBI for the series of murders, but was ultimately cleared. Source: *The Times-Picayune*.

Michelle Foster, 32 - One of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Foster's body was found in a swamp in St. John the Baptist Parish. 7/3/1994. Officer Victor Gant was investigated by the FBI for the series of murders, but was ultimately cleared. Source: *The Times-Picayune*.

Gerard Glover, 18 - Glover and a friend were riding a motorcycle when a cruiser began chasing them--chased for about two miles onto an overpass near S. Genois Street, and then officer Stephen Rosiere shot Glover in the small of the back. Officers later planted a gun at the scene. 8/31/1983. Rosiere received a mandatory life sentence. The investigation, which was almost thwarted by Orleans Parish District Attorney Harry Connick, was first launched by the Office of Municipal Investigations. Louisiana Weekly credits the fact that both NOPD and OMI were investigating, and the fact that Glover's mother was a cop, with the case coming to light. Source: *The New York Times*, 10/10/1983, and Challenging White Supremacy's Katrina Reader, <http://www.csworkshop.org/katrinareader/node/23>.

Henry Glover, 31 - Glover was shot in the chest while passing through the lot of an abandoned Chuck E Cheese (very possibly shot by a NOPD officer David Warren, who was involved in an extremely similar incident on the same day, although this information is not yet confirmed by NOPD or the FBI). His brother and a new acquaintance drove him to Paul B Habens Elementary School, an NOPD staging ground, for medical help. The two were pulled from the car and beaten when they pulled up, as Glover bled, possibly to death, in the backseat. Ultimately NOPD commandeered the vehicle and Glover was not seen until weeks later, when his burned body was found in the charred vehicle on the Algiers levee. Glover had been shot in the head after he was last seen by his brother and the new acquaintance. A photographic record of the bullet hole in the skull exists, but Glover's head disappeared prior to the autopsy. Shooting incident: 9/2/2005. There was no investigation by NOPD until ProPublica broke the story in late 2008. Federal investigation is currently underway. Source: *The Times-Picayune*, 2/13/2010.

Shedrick Godfrey, 48 - Godfrey died of an apparent heart attack while working a community service detail with other Orleans Parish Prison inmates. 3/30/2010. Source: *The Times-Picayune*, 4/17/2010.

Ronald Goodman, 46 - Goodman's family called NOPD to have Goodman transferred to a medical facility--he suffered from mental illness and had stopped taking his medication. NOPD claims Goodman fired at NOPD SWAT Team while inside his house on the 600 block of Alix Street, a standoff ensued, and he was ultimately shot in the head. Goodman's family say Goodman never fired shots, and that he was eating dinner when NOPD stormed the home and killed him. 5/9/2006. Source: *The Times-Picayune*, 5/10/2006.

Ray J. Gonzales, 79 - Gonzales was killed when off-duty officer Edwin White hit the pedestrian while driving 77 miles per hour on the 3600 block of Canal. 10/29/1989. White was suspended and later convicted of negligent homicide. Source: *The Times-Picayune*, 10/30/1989.

John Green, 18 - Green was fatally shot by officer Melvin Hunter when he ignored orders to come from behind a fence. Witnesses say that Green had stolen a toy gun and three packages of caps from a nearby food store. Hunter was "mistakenly told the man was armed." No gun, real or toy, was recovered. 6/12/1996. Source: *The Times-Picayune*, 7/1/1996 and 7/14/1996.

Adolph Grimes III, 22 - Five plain clothes officers pulled up to Grimes' parked vehicle (he was sitting inside) and flashed their lights. Grimes turned off the light in his car. An officer shined a light at Grimes from inside his vehicle and claims Grimes raised a gun and pointed it at officers, which he also allegedly did while fleeing. He was shot 14 times, a 9mm was allegedly recovered from his hand. Police reports seem mixed, with some claiming he shot at officers first. 1/1/2009. Officers involved: Lt. Joseph Meisch, Sgt. Daniel Scanlan, and Officers Gregory Lapin, Steven Keller, Julio Alonzo, Larissa Austin, Regina Barr, Colette Booth, and Marcellus White were all at the scene. Seven of these nine fired their weapons. NOPD and the FBI investigated. NOPD cleared all nine officers who were at the scene. Source: *The Times-Picayune*, 2/19/2009 and 6/2/2009.

Kim Groves, 32 - Groves was shot in the left side of the head by a hitman (Paul Hardy) hired by officer Len Davis. Davis hired Hardy after Groves filed a brutality complaint against him with Warren Reilly, who failed to act on the complaint. 10/13/1994. NOPD and the FBI investigated, and some of the conspiracy was caught in an FBI-tapped phone conversation. Davis was eventually sentenced to death. Source: *The Times-Picayune*, 12/6/1994.

Terrence Harold, 15 - Police claim Harold fired seven times at officer Kevin Boswell after a brief chase on the 2000 block of Touro. Boswell fired at Harold 10 or 11 times, hitting him 9 times. 12/5/2006. Source: *The Times-Picayune*, 12/6/2006.

Brian Harris, 39 - NOPD responded to a call from Harris' wife, who said Harris had ingested sleeping pills and had a pocket knife and was threatening suicide in his home on the 7700 block of Allison Road in New Orleans East. She did not fear he would harm the family or her. Police tasered Harris and then officer Stephen McGee shot him twice in the torso. Police claim Harris refused to drop the knife, family say he was subdued on the bed when police entered and tasered should have been more than enough. Also say his carrying the knife in his pocket was a daily routine. 4/9/2010. Under acting chief Marlon Defillo, NOPD asked the FBI to look into the shooting. Source: *The Times-Picayune*, 4/14/2010.

Lionel Harris, 15 - According to police, shots were fired from a Jeep Harris was in. The Jeep and a police cruiser exchanged fire during a chase that lasted over a mile between Desire and the intersection of Marais and Lesseps, until the two other passengers jumped out of the Jeep. Harris was found wounded in the back seat. The police were in an unmarked car but said the car was "easily recognizable as a police car since it is a plain, Ford Taurus and both officers were in uniform." 10/31/1993. Source: *The Times-Picayune*, 10/4/1993.

Anthony Hayes, 38 - Hayes, who was mentally unstable, was brandishing a three-inch knife on Canal Street next to the French Quarter. He was surrounded by a number of officers with guns drawn, an officer sprayed him with pepper spray, and then three officers shot nine rounds at Hayes, killing him. 12/29/2005. NOPD Superintendent Riley called the shooting "justified." Source: *The Times-Picayune*, 4/8/2006.

Michael Hitzman, 31 - Hitzman was placed in an individual cell at Orleans Parish Prison after police claim he became belligerent, and allegedly strangled himself with his t-shirt, which he attached to the cell door. 4/16/2010. Source: *The Times-Picayune*, 4/17/2010.

Corey Horton, 16 -- Officers spotted Horton near a van that was reported as stolen (other reports say the officers stopped Horton while he was driving the van). The Police claim he was killed after he grabbed officer Adie Fanguy's gun and wounded him in the leg, but more than a half-dozen witnesses claim Horton was on the ground in a surrender position when the officers shot him point blank. Officers involved: Fanguy, Frank Polito, and two unnamed officers. 8/24/1991. FBI investigated, but few witnesses came forward after substantial intimidation by NOPD, despite a call from Mayor Barthelemy to come forward with their accounts. Source: The Associated Press, 9/1/1991.

Jermal Hudson, 16 - According to police, after pulling up in a pickup truck and while wearing ski masks and armed with two shotguns and a pistol, Hudson and two others attempted to rob officer Len Davis, then off-duty. After the three left in the pickup truck, called for help, and was picked up by a nearby officer. The two chased the truck, and other officers soon joined the chase. The truck crashed into a van on the 2300 block of St. Claude, at which point a shootout allegedly ensued. A neighbor stated "shots were flying like crazy." Hudson was shot three times and died 12 hours later, and Davis was shot in the stomach. Hudson's mother told reporters that her son had football and track trophies from John McDonogh Senior High, where he was preparing to enter the 12th grade in the fall. 7/8/1991. Source: *The Times-Picayune*, 7/13/1991.

Karen "Peach" Ivester, 30 - Ivester's body was found strangled and dumped into the swamp about half a mile from Interstate 55. When police dredged the swamp, they found the body of Sharon Robinson, a close friend of Ivester. 4/30/1995. FBI believe Ivester and Robinson's murders are connected to the murders of 22 women and men, the majority women and a further majority Black women, who were involved in an NOPD-affiliated prostitution ring. The FBI investigation was ultimately inconclusive. Officers Victor Gant was the prime suspect. Gant was originally dismissed in connection with the crimes, but was reinstated in 1999. Source: *The Independent*, 11/15/1995.

Paul Willis Johnson, 38 - Johnson was shot three times in the head and upper torso. Police claim Johnson was shot after a wild Uptown chase in a van, where he and another man were holding an allegedly kidnapped woman and her brother. 10/27/1989. Source: *The Times-Picayune*, 10/20/1989.

Brandon Jones, 23 - Jones and Dewitt _____ (last name unknown) were rammed by an officer exiting an off-ramp. 2002. Source: *Tricksta: Life and Death and New Orleans Rap*, by Nik Cohn.

Marcus Jones - Killed by an off-duty officer after a dispute at a motorcycle shop on Broad Street--the officer never identified himself as a policeman. 1975. Source: *Black Rage in New Orleans*, by Leonard N. Moore, p. 124.

Christopher Lardner, 25 - According to police, Lardner was gunned down after committing a robbery in the French Quarter and then allegedly pointing his gun at officers on the corner of Royal and St. Peter. 6/24/1996. Source: *The Times-Picayune*, 7/1/1996.

Edward Lee, 18 - According to witnesses, Lee was eating at a shopping center with his girlfriend when someone asked him to come outside to settle an altercation. As soon as he went outside a shot was heard. Witnesses say the police shot Lee while he lay on the ground. Police allege Lee pulled out a gun before they shot, but Lee's girlfriend says Lee was unarmed. Neither Lee's girlfriend nor his father were allowed to see his body at the

scene. Lee died of a gunshot wound to the chest. December, 1974. Source: *Black Rage in New Orleans*, by Leonard N. Moore, p. 122.

Lawrence Louis - Police claim they stopped and disarmed Louis, who was allegedly carrying a .25 caliber automatic pistol, in the Desire Housing Project. They allege he then turned on them and grabbed officer Michael Addison's weapon and tried to turn it on Addison. Officer Albert Spiess then fired a fatal shot at Louis. Witnesses say Addison sat on top of Louis while Spiess held a pistol to his neck. Addison told Spiess to hit Louis, and then Spiess shot Louis. September, 1998. After a brief investigation, Superintendent Parsons suspended the two officers. Parsons and Mayor Morial also requested the FBI conduct an independent, concurrent investigation. An Orleans Parish grand jury found both officers not guilty. Source: *Black Rage in New Orleans*, by Leonard N. Moore, pp. 158-162.

Cheryl Lewis, 30 - One of 26 people murdered in connection with a possibly NOPD-run prostitution ring, Lewis' body was found in a canal off Louisiana 3160 in Hahnville. 2/20/1993. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*, 3/9/1993.

Kirk Lewis, 39 - Police claim NOPD came upon Lewis as he was biking on the 3900 block of Sullen Pl. He fled them on foot, threw a bag from his pocket onto the ground, and then allegedly pulled a pistol from his waistband, pointing it at police, who then shot and killed him. According to his sister, Lewis was shot while moving his bike from the front yard to the back yard of his home. He informed 4th District officers multiple times that he lived in the house, but one shot was fired by an officer and Lewis died. 7/13/2006. Source: *The Times-Picayune*, 7/15/2006.

Frank Livaudais, 41 - Livaudais was at a New Year's party when he attempted to leave, but other attendees refused to let him drive because they claimed he was drunk. Livaudais left and then allegedly returned with a 9mm handgun. Police claim he fired several times, and was standing in the kitchen of the home at 1455 Magazine Street, threatening to shoot people and pointing the gun at officers. Fifth District officers Tavlin and LeBlanc then fired an unknown number of shots, hitting Livaudais in the chest and stomach. Source: *The Times-Picayune*, 1/3/1989.

Dwayne Lopez, 36 - Lopez was standing outside of the Discovery night club at 2831 St Claude Avenue, allegedly waving a gun, when an unnamed officer walked out of the downstairs restaurant. The officer told Lopez to drop the gun, and Lopez allegedly turned around and fired several shots at the officer. The officer then fired several shots at Lopez and hit him in the thigh, severing a major artery. 1/22/1989. Source: *The Times-Picayune*, 1/22/1989.

Delores Mack, 42 - Mack was one of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Her body was found in a canal of Louisiana 3160 in Hahnville. 2/21/1993. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*, 3/9/1993.

Lydia Madison, 29 - Madison was one of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Her body was found in a swamp near the Mississippi River. 1/4/1991. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*, 1/7/1992.

Ronald Madison, 40 - Ambushed on Danziger Bridge by police in the aftermath of Hurricane Katrina, killed in a hail of bullets that also killed James Brissette and seriously

wounded 4 others. 9/4/2005. Officers charged with murder and attempted murder in 2007, but District Judge Raymond Bigelow dismissed due to charges of misconduct by the prosecution. Federal investigation has resulted in a growing number of guilty pleas to charges of conspiracy to obstruct justice. Source: Multiple articles in *The Times-Picayune* and in a variety of other news outlets.

Regetter Martin, 29 - Martin was one of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Her body was found in a swamp in St. Charles Parish. 9/21/1992. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*, 3/9/1993

Matthew McDonald, 41 - McDonald was shot in the back by Lt. Bryant Winger when Winger and 4 other officers drove by McDonald, who was walking down Burgundy Street in the Marigny. According to a report released by NOPD, McDonald was carrying a plastic bag that contained a handgun and other items. It is unclear how the officers knew the bag contained a handgun. Winger got out of the car, told McDonald to drop the bag, at which point the report alleges that McDonald reached into the bag for the gun. Winger fired an automatic weapon at McDonald four times in rapid succession, and one of the bullets hit McDonald in the back. The report offers two conflicting accounts of how McDonald came to be hit in the back. The police offered conflicting accounts of how McDonald died to his family, never telling them he was killed by police. The coroner's report on McDonald's death has allegedly disappeared. The FBI are currently investigating the incident. 9/3/2005. Source: *ProPublica*, *Frontlines*, and *The Times-Picayune*, 12/14/2009.

Herman McMillan - Shot by an officer in 2008. No further information is available. Source: *ProPublica*, *Frontlines*, and *The Times-Picayune*, 12/14/2009.

Reginald Miles, 29 - Miles was at home in the Algiers-Fisher Housing Project when an eight-man squad entered his home and shot and killed Miles and his girlfriend Sherry Lynn Singleton. Officers claimed Miles and Singleton fired at them, but many witnesses in the neighborhood refute these claims. These were two of the murders in the infamous Algiers-Fisher killings. 11/13/1980. Seven officers, including John E. McKenzie, Dale Bonura, Stephen Farrar, Stephen Reboul, Ronald Brink, Thomas R. Woodall, and Richard LeBlanc went on trial in Dallas for charges of violating the civil rights of Black residents of the Algiers-Fisher Housing Projects. Four officers were acquitted, and three were charged. Source: *Black Enterprise*, 3/1983, and *justia.com*, 7/31/1985.

Stephanie Murray, 42 - Murray was one of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Her body was found in a swamp in St. Charles Parish. 2/13/1994. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*, date unknown.

Regina Okoh, 37 - Okoh was one of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Her body was found in a swamp in Jefferson Parish. 11/21/1991. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*, 1/7/1992.

Noah Philson, 33 - Philson was one of 26 people murdered in connection with a possibly NOPD-run prostitution ring. His body was found on the side of a road by Lake Ponchartrain, in St. John the Baptist Parish. 7/25/1992. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*, date unknown.

Tina Pigott, 20 - Pigott was being served an arrest warrant on Danneel Street when officer James Stewart claims he thought she reached for a gun (it was in fact a knife). She was shot multiple times. NOPD would not disclose how many officers were involved, or how many shots were fired. 1/5/1990. Source: *The Times-Picayune*, date unknown.

Jamyrin Points, 17 - Officers Nicholas Williams, Lawrence Jones, and Cleveland Johnson responded to reports of gunfire at the park at the 2500 block of Franklin Ave. The officers claimed they saw Points running from the area with an assault rifle in his hands. They claim he turned and pointed the rifle at them, at which point all three officers fired at him. Points was shot 12 times, with every bullet entering his back. Another teen was shot at the scene, and it is unclear if that teen was wounded by an officer's bullet or a gun fired by someone else. 6/20/2010. A sergeant from the homicide division is investigating, and his case will be turned over to the D.A. The public integrity bureau is also investigating. Source: *The Times-Picayune*, 6/22/2010.

Lola Porter, 39 - Porter was one of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Her body was found in a swamp by the Mississippi River in Jefferson Parish. 4/8/1996. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*, date unknown.

Charlene Price, 28 - Price was one of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Her body was found in a swamp by the Mississippi in Orleans, or Jefferson Parish. 9/21/1991. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*, 1/7/1992.

Joseph Rideau, 22 - Rideau was shot by an NOPD SWAT Team member in a 12-hour standoff in Algiers during which Rideau, suspected of armed robbery, allegedly held an AK-47 to a young woman's head. 10/28/2001. Source: *The Times-Picayune*, 2/26/2002.

Raymond Robair, 48 - Officers Melvin Williams and Matthew Dean Moore came upon Robair when he was helping a woman repair her home on the 1500 block of Dumaine. The officers claim Robair was already seriously injured when they came upon him, but witnesses say the officers severely beat Robair. They then dropped him off at Charity Hospital in a wheelchair. The coroner corroborated the officers' story, and the officers were placed back on patrol soon after. Robair died of his injuries at Charity. 7/30/2005. The FBI is currently investigating the case. Source: *The Times-Picayune*, 3/2/2010.

Calvin Robinson, 41 - Robinson was stopped by officers for carrying an open container of beer on the 800 block of Newton in Algiers. Robinson was shot 11 times by 4 officers. December, 2000. Source: *The Times-Picayune*, 6/5/2001.

Sharon Robinson, 28 - Robinson was last seen on April 29, 1995, leaving her job at Harrah's Casino with officer Victor Gant, who was also suspected by the FBI in the murder of 23 other men and women involved in a prostitution ring he and other NOPD officers were connected to. Robinson's body was discovered drowned, in a swamp about half a mile from I-55. 4/30/1995. Source: *The Independent*, 11/15/1995.

Kenneth Samuel, 22 - After being handcuffed to a chair by officer Anthony Ritter, who was processing him at the Vieux Carre District Police Station, Samuel allegedly broke free from the chair, grabbed Ritter's gun from its holster, and shot Ritter three times, and then began shooting at desk officer Calvin Collins. Collins, the only other officer on the floor at the time, then shot Samuel three times. Samuel died of his injuries at Charity Hospital later that morning. 5/19/1990. Source: *The Times-Picayune*, 5/21/1990.

Richard Scarce, 60 - Scarce died of cardiac arrest while in custody of the sheriff's office. He had been transferred for treatment of a urinary tract infection at the Interim LSU Public Hospital. 1/19/2010. Source: *The Times-Picayune*, April 17, 2010.

Sylvester Scott, 26 - Scott fled a passing patrol car through an alley in the 3200 block of Fern Street in Gert Town, and was fatally shot in the back during the chase. The bullet exited his shoulder. Police second district officer Ken Bowen shot Scott while Scott was turning and pointing a pistol over his shoulder at an officer. A 9mm handgun was recovered at the scene. One witness reported that Scott refused to stop running when officers yelled to him to stop, and then there were sounds of a struggle before the single gunshot. But Johnny Hilton, a friend of Scott's reports that the officer's did not call out to Scott, and that Scott shouted "I give up! I give up!" just before the shot was fired. 12/13/2001. Source: *The Times-Picayune*, 12/21/2001.

Sherry Lynn Singleton, 26 - Singleton was at home in the Algiers-Fisher Housing Project when an eight-man squad entered his home and shot and killed Singleton and her boyfriend Reginald Miles. Officers claimed Singleton and Miles fired at them, but many witnesses in the neighborhood refute these claims. These were two of the murders in the infamous Algiers-Fisher killings. 11/13/1980. Seven officers, including John E. McKenzie, Dale Bonura, Stephen Farrar, Stephen Reboul, Ronald Brink, Thomas R. Woodall, and Richard LeBlanc went on trial in Dallas for charges of violating the civil rights of Black residents of the Algiers-Fisher Housing Projects. Four officers were acquitted, and three were charged. Source: *Black Enterprise*, 3/1983, and justia.com, 7/31/1985.

Wayne Smith - Smith got into an altercation with Robert Harper, a white man, over some beads in front of Woolworth's on Canal during a Mardi Gras parade (unclear who started the fight). After exchanging blows, both men stood about five feet apart, arguing. Three officers intervened, and officer Richard Hoselle hit Smith in the head with a blackjack. One eyewitness described the sound of the blow like "pool balls breaking on the table." The other two officers congratulated Hoselle, and then the unconscious Smith was "dragged" down the street while Harper was "escorted." Smith slipped into a coma, and died days later at Charity Hospital, of a skull fracture and blood clot "from one side of the top of the head to the other." The coroner said he couldn't say if Smith's injuries were due to police blows, or to Smith's hitting his head on the pavement, as police claimed. While in the coma, he was booked and charged in absentia with simple battery against Harper. The incident took place in late February, 1977. After a great deal of public pressure, Superintendent Giarrusso launched an investigation and suspended Hoselle. But he also claimed Harper suffered so many injuries from Smith that he had to have surgery. Organizers couldn't locate any hospital records of Harper's surgery, and police refused to release the name of the hospital where the surgery supposedly happened. Organizers also demanded a federal investigation into the case, and all of NOPD. The grand jury failed to indict Hoselle. Source: *Black Rage in New Orleans*, Leonard N. Moore, p. 131.

Rob Staley, 18 - Police said Staley was threatening a woman with a broken bottle on the 1200 block of N. Robertson Street, and lunged at Sergeant Frank Vaccarella with the glass when the officer told him to stop. The officer fired twice, hitting Staley once in the chest and rupturing his aorta. 12/11/1997. Vaccarella was cleared by an Orleans Parish grand jury and did not face criminal charges. Source: *The Times-Picayune*, 2/6/1998.

Kenny Strother, 20 - Strother was shot while leaving a veterinary clinic on Maple Street, which he had allegedly broken into to steal drugs. Police claim he was shot while reaching for officer Robert Macklin's gun, but family and friends say Strother was not violent and was

most likely trying to push past the officer to escape. One officer summed up the incident to Strother's mother this way: "It was just two scared kids who made a mistake." (Referring to Strother and Macklin, who was 26 at the time.) 1/31/2002. Source: *The Times-Picayune*, 2/26/2002.

Tiera Tassin, 21 - Tassin was one of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Her body was found in a swamp in Jefferson Parish. 9/3/1991. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*, 1/7/1992.

Bobby Thomas, 19 - Two officers responded to reports of an armed robbery in progress in the Magnolia Housing Projects, where they found Thomas. One officer allegedly yelled "Freeze, police," at which point the officers claim Thomas turned and pointed a .45-caliber handgun at the officers. Thomas was shot three times in the head. 6/3/1989. Source: *The Times-Picayune*, 6/4/1989.

Jenard Thomas, 25 - Thomas and his father were crossing the street at the 1500 block of Piety to visit a friend when officers Scott Rodrigue and Joseph Waguespack Jr. rushed them (the officers claimed Thomas was "acting suspiciously"). Police claim Thomas reached for a gun in his waistband, and then ran down an alley to a yard behind the house. The officers claim Thomas was shot after he "stuck a 9 mm semiautomatic pistol in Rodrigue's ribs," but witnesses refute the claim, pointing out that officers recovered Thomas' gun from the ground where they initially stopped him. Witnesses contend that Thomas was first shot while fleeing through the alley. According to NOPD, the officers fired 7 or 8 shots. 3/24/2005. The public integrity bureau investigated the case. Source: *The Times-Picayune*, 3/26/2005.

Joseph "Shotgun Joe" Williams, 22 - Williams was pulled over in Treme for driving a stolen truck. While pulled over, officers Kevin Scruggs and Jonathan Carroll and lieutenant Bruce Little allege that Williams backed the truck into one of the officer's cars, knocking a Scruggs to the ground. Police claim that Scruggs was then in the path of Williams' tires, and so police fired their first shots. The officers then claim that Williams pulled forward, allegedly attempting to hit Little. The officers continued firing. When the shooting stopped, at least ten bullet holes riddled the door of the truck. 8/3/2004. Source: *The Times-Picayune*, 8/4/2004.

Cuong Vu, 17 - Vu was working at Kim Anh, his family's restaurant at 4952 Bullard Ave in New Orleans East officer Antoinette Frank arrived with her nephew Roger Lacaze with the intention of robbing the restaurant. Lacaze shot officer Ronald Williams II, and then Frank stood on Williams' body and shot him in the head. Cuong and his sister Ha knelt in prayer, and were shot in the head and killed. 3/4/1995. Frank and Lacaze both received the death penalty for these murders. Source: *The Times-Picayune*, 3/5/1995.

Ha Vu, 24 - Vu was working at Kim Anh, her family's restaurant at 4952 Bullard Ave in New Orleans East officer Antoinette Frank arrived with her nephew Roger Lacaze with the intention of robbing the restaurant. Lacaze shot officer Ronald Williams II, and then Frank stood on Williams' body and shot him in the head. Ha and her brother Cuong knelt in prayer, and were shot in the head and killed. 3/4/1995. Frank and Lacaze both received the death penalty for these murders. Source: *The Times-Picayune*, 3/5/1995.

Sandra Warner, 39 - Warner was one of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Her body was found in a swamp by Lake Pontchartrain in St.

John the Baptist Parish. 1/23/1995. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*.

George Williams, 25 - Williams was one of 26 people murdered in connection with a possibly NOPD-run prostitution ring. His body was found in a swamp in St. Charles Parish. 6/2/1991. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*.

Ronald Williams II, 25 - NOPD officer Williams was at the Kim Anh Restaurant at 4952 Bullard Ave in New Orleans East when his former patrol partner, officer Antoinette Frank, arrived with her nephew Roger Lacaze with the intention of robbing the restaurant. Lacaze shot Williams, and then Frank stood on Williams' body and shot him in the head. Cuong and Ha Vu, whose family owned the restaurant, kneeled in prayer, and were shot and killed. 3/4/1995. Frank and Lacaze both received the death penalty for these murders. Source: *The Times-Picayune*, 3/5/1995.

Sandra Williams, 39 - Williams was one of 26 people murdered in connection with a possibly NOPD-run prostitution ring. Her body was found in a swamp in Orleans Parish. 5/6/1995. The FBI investigated officer Victor Gant for the murders, but Gant was ultimately cleared. Source: *The Times-Picayune*.

James Wilson, 23 - According to police, sixth district officers Daniel Scanlan, Jake Schnapp, and Bryan Lambard chased Wilson in a car they believed Wilson stole. The chase ended when Wilson crashed into a telephone pole at the corner of St. Thomas and Josephine. The officers reported that they approached the car, guns drawn, and ordered Wilson out of the car. Wilson allegedly produced a handgun in response. The officers claim that they ordered Wilson to drop the gun, he failed to obey, and they fired an undetermined number of shots. Wilson was shot twice. He did not fire a shot. Some residents of the St. Thomas said Wilson was unarmed and that police instructions were unclear, as the three officers were each telling Wilson different things at the same time. 9/25/1995. Note: Scanlan wounded a suspect with his gun in February of 1992, and also sideswiped a bicyclist while driving an unmarked police car on St. Charles, and then arrested the bicyclist after he swore at Scanlan.) Source: *The Times-Picayune*, 9/27/1995.

Dewitt _____ (Last name unknown) - Dewitt and friend Brandon Jones were rammed by an officer exiting a ramp. 2002. Source: *Tricksta: Life and Death and New Orleans Rap*, by Nik Cohn.

Unknown Man 1 - The victim was inside a Honda Accord in an impound lot on the 400 block of North Claiborne. The car had been impounded earlier that day after the victim, who had been driving the car, was in an accident. A deputy confronted him and then shot him. The reason for the shooting is unclear. 2/29/2004. Source: *The Times-Picayune*, 3/1/2004.

Unknown Man 2 - Officer Quincy Jones and others responded to a disturbance call at a fast food restaurant on the 4600 block of Chef Menteur Highway. The unidentified man allegedly hit Jones in the head with a wine bottle, and then Jones shot him twice in the torso. 8/2/2004. Source: *The Times-Picayune*, 8/3/2004.

Unknown Man 3 - DWI officer Larry Miller struck the unidentified pedestrian with his cruiser as the pedestrian allegedly stepped off a bus and attempted to cross Canal Street. 1/26/1990. A police fatality team allegedly investigated. Source: *The Times-Picayune*, 1/28/1990

Chronological order

December, 1974 -- Edward Lee, 18
1975 -- Marcus Jones
April 11, 1975 -- Charles Cheatham
June, 1975 -- Leo Brady, 21
February, 1977 -- Wayne Smith
August 31, 1983 -- Gerard Glover, 18
November 11, 1983 -- Raymond Ferdinand, 40
November 13, 1983 -- James Billy, 26
November 13, 1983 -- Reginald Miles, 29
May 4, 1988 -- Michael Foley, 16
October 8, 1987 -- Dennis Crawford, 23
January 1, 1989 -- Frank Livaudais, 41
January 22, 1989 -- Dwayne Lopez, 36
January 27, 1989 -- Ellery Fernandez, 18
June 3, 1989 -- Bobby Thomas, 19
September 25, 1989 -- Leroy Drawsand, 33
October 27, 1989 -- Paul Willis Johnson, 38
October 29, 1989 -- Ray J. Gonzales, 79
January 5, 1990 -- Tina Pigott, 20
January 26, 1990 -- Unknown Man 3
March 22, 1990 -- Adolph Archie, 40
Body found January 4, 1991 -- Lydia Madison, 29
Body found June 2, 1991 -- George Williams, 25
July 8, 1991 -- Jermal Hudson, 16
Body found August 4, 1991 -- Danielle Britton, 17
August 24, 1991 -- Corey Horton, 16
Body found September 3, 1991 -- Tiera Tassin, 21
Body found September 21, 1991 -- Charlene Price, 28
Body found November 21, 1991 -- Regina Okoh, 37
Body found July 25, 1992 -- Noah Philson, 33
Body found September 21, 1992 -- Regetter Martin, 29
Body found February 20, 1993 -- Cheryl Lewis, 30
Body found on February 21, 1993 -- Delores Mack, 42
June 8, 1993 -- Willie Daniels, 15
Body found February 13, 1994 -- Stephanie Murray, 42
Body found July 3, 1994 -- Michelle Foster, 32
October 3, 1993 -- Lionel Harris
October 13, 1994 -- Kim Groves, 32
Body found October 19, 1994 -- Stephanie Brown, 28
Body found January 22, 1995 -- Wanda Ford, 29
Body found January 23, 1995 -- Sandra Warner, 39
Body found January 25, 1995 -- Henry Calvin, 24
Body found April 30, 1995 -- Karen "Peach" Ivester, 30
Body found April 30, 1995 -- Sharon Robinson, 28
March 4, 1995 -- Cuong Vu, 17
March 4, 1995 -- Ha Vu, 24
March 4, 1995 -- Ronald Williams II, 25
Body found May 6, 1995 -- Sandra Williams, 39

September 25, 1995 -- James Wilson, 23
Body found April 8, 1996 -- Lola Porter, 39
June 12, 1996 -- John Green, 18
June 24, 1996 -- Christopher Lardner, 25
December 11, 1997 - Rob Staley, 18
September, 1998 -- Lawrence Louis
December, 2000 -- Calvin Robinson, 41
June 3, 2001 -- Erik Daniels, 18
October 28, 2001 -- Joseph Rideau, 22
December 13, 2001 -- Sylvester Scott, 26
2002 -- Brandon Jones, 23
2002 -- Dewitt _____
January 31, 2002 -- Kenny Strother, 20
October 5, 2002 -- Vergil Braud, 18
February 29, 2004 -- Unknown Man 1
August 1, 2004 -- Stanley Brown, 34
August 2, 2004 -- Unknown Man 2
August 3, 2004 -- Joseph "Shotgun Joe" Williams, 22
March 24, 2005 -- Jenard Thomas, 25
May 9, 2005 -- Roland Alexcee, 28
July 30, 2005 -- Raymond Robair, 48
September 2, 2005 -- Henry Glover
September 3, 2005 -- Danny Brumfeld Sr, 45
September 3, 2005 -- Matthew McDonald, 41
September 4, 2005 -- James Brissette, 19
September 4, 2005 -- Ronald Madison, 40
December 29, 2005 -- Anthony Hayes, 38
May 9, 2006 -- Ronald Goodman, 46
July 13, 2006 -- Kirk Lewis, 39
December 5, 2006 -- Terrence Harold
December 14, 2006 -- Gerald Arthur
2008 -- Herman McMillan
January 1, 2009 -- Adolph Grimes III, 22
January 19, 2010 -- Richard Scarce, 60
March 30, 2010 -- Chris Blevins, 22
March 30, 2010 -- Shedrick Godfrey, 48
April 9, 2010 -- Brian Harris, 39
April 16, 2010 -- Michael Hitzman, 31
June 20, 2010 -- Jamyrin Points, 17

Affidavit of Support

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2012 APR 24 PM 4:27

ORETTA G. WHYTE
CLERK

Affidavit in the State of Louisiana, Parish of ^{Jefferson} Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I Danielle Gautreaux, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Danielle Gautreaux

4/21/11 Date

X Clergy Rev. Lawrence J. Daniel

4-21-11 Date

X Witness Jason Lawrence

04/21/11 Date

X Witness Phyllis A. Wesley

4/21/11 Date

X Witness Walter J. Milington

04/21/11 Date

Affidavit of Support

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I Cynthia Parker, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

Cynthia Parker

04/21/11 Date

X Clergy Rev. Lawrence J. Jewel III

4-21-11 Date

X Witness Jason Lawrence

04/21/11 Date

X Witness Phyllis A. Wesley

4/21/11 Date

X Witness Walter Miller Jr

04/21/11 Date

Affidavit of Support

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I Kawana Jasper, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

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X Kawana Jasper

4-21-2011 Date

X Clergy REV. Lawrence G. Zemel III

4-21-11 Date

X Witness Jason Lawrence

04.21.11 Date

X Witness Phyllis A. Wesley

4/21/11 Date

X Witness Walter Miller Jr.

04/21/11 Date

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I Phyllis Wesley, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Phyllis A. Wesley 4/21/11 Date

X Clergy REV. Lawrence G. Jones III 4-21-11 Date

X Witness Jason Lawrence 04.21.11 Date

X Witness Walter J. Miller Jr. 04/21/11 Date

X Witness [Signature] 4/21/11 Date

Affidavit of Support

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I Walter J. Milton Jr., State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Walter J. Milton Jr. 04/21/11 Date

X Clergy R.W. Lawrence of New Orleans 4-21-11 Date

X Witness Jason Lawrence 04.21.11 Date

X Witness Phyllis A. Wesley 4/21/11 Date

X Witness Walter J. Milton Jr. 04/21/11 Date

Affidavit of Support

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I Louis Hardy _____, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Louis Hardy _____

4-21-11 Date

X Clergy REV. Lawrence J. Demel III

4-21-11 Date

X Witness Leon Clark _____

21 April 11 Date

X Witness Kawana Jasper _____

4-21-2011 Date

X Witness Cynthia Parker _____

04/21/11 Date

Affidavit of Support

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I Tamha Young Clark State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Tamha Young Clark

21 March 2011 Date

X Clergy Rev. Lawrence J. Dewitt

4-21-11 Date

X Witness Thermy Jasper

4-21-11 Date

X Witness Joseph Bone

4-21-11 Date

X Witness Lewis Hardy

4-21-11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of ^{Jefferson}~~Orleans~~, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I Billy Donohue, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X 

4-21-11 Date

X Clergy Rev. Lawrence J. Reel III

4-21-11 Date

X Witness Jason Laurene

04.21.11 Date

X Witness Phyllis Q. Wesley

4/21/11 Date

X Witness Walter J. Miller Jr

04/21/11 Date

Affidavit of Support

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I Richard Moses, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Richard Moses 5-12-11 Date

X Clergy REV. Lawrence G. Jere III 5-12-11 Date

X Witness Cynthia Parker 05/12/11 Date

X Witness Jason Lawrence 05/12/11 Date

X Witness Andy Satt 5/12/11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I ANDERSON V. WASHINGTON, JR., State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Anderson V. Washington Jr May 12, 2011 Date

X Clergy Rev. Lawrence J. Bennett 5-12-11 Date

X Witness Cynthia Pifer 05/12/11 Date

X Witness Jason Laurene 05/12/11 Date

X Witness Rudolph Scott 5/12/11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I George LeBeaud State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X George LeBeaud

05-12-11 Date

X Clergy Rev. Lawrence J. Jewel #

5-12-11 Date

X Witness Cynthia Paffen

05/12/11 Date

X Witness Jason Lawrence

05/12/11 Date

X Witness Russell Smith

5/12/11 Date

Affidavit of Support

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I Brian Lusk, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Brian Lusk

MAY-12-2011 Date

X Clergy Al Lawrence

5-12-11 Date

X Witness Cynthia Pope

05/12/11 Date

X Witness Jason Laurence

05/12/11 Date

X Witness Richard Scott

5/12/11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I Suzette Baker, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Suzette Baker 5/12/11 Date

X Clergy Rev. Lawrence J. Jerome III 5-12-11 Date

X Witness Cynthia Payne 05/12/11 Date

X Witness Jason Lawrence 05/12/11 Date

X Witness Randy Lott 5/12/11 Date

Affidavit of Support

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I SONJA B. SALVANT, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Sonja B. Salvant

5-12-11 Date

X Clergy Rev. Lawrence J. Melitt

5-12-11 Date

X Witness Cynthia Parf

05/12/11 Date

X Witness Jasur Laureau

05/12/11 Date

X Witness Russell Scott


5/12/11 Date

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I Michael W. Dummett, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X 

5-12-11 Date

X Clergy Rev. Lawrence J. Dummett

5-12-11 Date

X Witness Cynthia Parker

05/12/11 Date

X Witness Jason Laurene

05/12/11 Date

X Witness Rudolf Lass

5/12/11 Date

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I Karita Hooks, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Karita Hooks

4/21/11 Date

X Clergy Rev. Lawrence J. Jewel III

4-21-11 Date

X Witness Jason Lawrence

04.21.11 Date

X Witness Phyllis G. Wesley

4/21/11 Date

X Witness Walter J. Miller Jr.

04/21/11 Date

Affidavit of Support

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I Sharon Jasper, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Sharon Jasper

4-21-11 Date

X Clergy Rev. Lawrence J. Devel

4-21-11 Date

X Witness Jason Lawrence

04/21/11 Date

X Witness Phyllis A. Wesley

4/21/11 Date

X Witness Walter Mills

04/21/11 Date

Affidavit of Support

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I Calvin Pop, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

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X Calvin Pop

04/21/11 Date

X Clergy Rev. Lawrence G. Jewel

4-21-11 Date

X Witness Jason Lawrence

04.21.11 Date

X Witness Phyllis A. Wesley

4/21/11 Date

X Witness Walter G. Mills Jr.

04/21/11 Date

Affidavit of Support

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I Shana Sears, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Shana Sears

4-21-11 Date

X Clergy Rev. Lawrence J. Jeml III

4-21-11 Date

X Witness John Lawrence

04/21/11 Date

X Witness Phyllis A. Wesley

4/21/11 Date

X Witness Walter J. Maltz Jr

04/21/11 Date

Affidavit of Support

St. Charles

Affidavit in the State of Louisiana, Parish of ~~Orleans~~, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I Melissa Warner, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Melissa C. Warner

4/21/11 Date

X Clergy Rev. Lawrence J. Jenelet

4-21-11 Date

X Witness Jaime Lawrence

04.21.11 Date

X Witness Phyllis A. Wesley

4/21/11 Date

X Witness Walter J. Melin Jr.

04/21/11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I WALTER UMRANI, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X W. Umrani

4-21-11 Date

X Clergy Rev. Lawrence G. Jemel III

4-21-11 Date

X Witness Jason Lawrence

04/21/11 Date

X Witness Phyllis Q. Wesley

4/21/11 Date

X Witness Walter M. Jones

04/21/11 Date

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I Jarrod Borne, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Jarrod Borne

4-21-11 Date

X Clergy Rev. Lawrence J. Deubert

4-21-11 Date

X Witness Josiah Lawrence

0421.11 Date

X Witness Phyllis A. Wesley

4/21/11 Date

X Witness Walter J. Mullins Jr.

04/21/11 Date

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I Jason Lawrence, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Jason Lawrence

04.21.11 Date

X Clergy REV. Lawrence J. Zemel III

4-21-11 Date

X Witness Phyllis A. Wesley

4/21/11 Date

X Witness [Signature]

4/21/11 Date

X Witness Walter J. Melinger

04/21/11 Date

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I Timothy Charles, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Timothy A. Charles

April 21, 2011 Date

X Clergy Rev. Lawrence J. Zeneff

4-21-11 Date

X Witness Jason Lawrence

04/21/11 Date

X Witness Phyllis A. Wesley

4/21/11 Date

X Witness Walter G. Meling

04/21/11 Date

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I Deirdre Howard State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X 

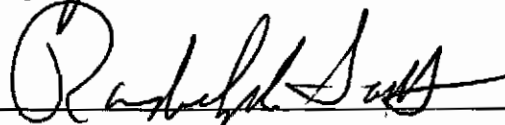
6/4/11 Date

X Clergy RH Lawrence Jewel

6-7-11 Date

X Witness 

6-4-11 Date

X Witness 

6/4/11 Date

X Witness Jason Lawrence

06.07.11 Date

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I Carl Brown, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Carl Brown

6/4/11 Date

X Clergy REV. Lawrence Jerald

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jason Lawrence

06.07.11 Date

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I Frank Lewis Jr., State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Frank Lewis Jr.

06/14/2011 Date

X Clergy REV Lawrence Desud

06/14/2011 Date

X Witness Joan Lawrence

06/14/2011 Date

X Witness Phyllis A. Wesley

06/14/2011 Date

X Witness Mal [Signature]

06/14/2011 Date

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I Lucy White, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Lucy White 6-4-11 Date

X Clergy Rev. Lawrence Jemel 6-7-11 Date

X Witness [Signature] 6-7-11 Date

X Witness [Signature] 6/4/11 Date

X Witness James Lawrence 06.07.11 Date

Affidavit of Support

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I CHRISTINE BREAU State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Christine Breau

June 7 2007
Date CB.

X Clergy Rev. Lawrence Jewel

6-7-11 Date

X Witness [Signature]

6-7-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jason Lawrence

06.07.11 Date

Affidavit of Support

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I Linda Lewis, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X [Signature]

6/9/2011 Date

X Clergy Laurence Jervel

6-7-11 Date

X Witness [Signature]

6-7-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jam Lawrence

06-07-11 Date

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I Edward H PARKER JR, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Edward H Parker Jr

6/14/2011 Date

X Clergy Rev. Lawrence Deneil

6-14-11 Date

X Witness Jason Lawrence

06.14.11 Date

X Witness Phyllis A. Wesley

6/14/11 Date

X Witness Melan H Lee

6/14/11 Date

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I Malcolm Suber, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Malcolm Suber

5-3-11 Date

X Clergy Rev. Lawrence G. Derrett III

5-3-11 Date

X Witness Elise A Williams

5-3-2011 Date

X Witness Jas Lawrence

5.3.11 Date

X Witness [Signature]

5-3-11 Date

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I LISA C. WALLACE, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Di Walla

5/12/11 Date

X Clergy REV. Lawrence G. Jeml III

5-12-11 Date

X Witness Cynthia Pope

05/12/11 Date

X Witness Josiah Lawrence

05/12/11 Date

X Witness Paul G. Lass

5/12/11 Date

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I Spencer Wallace, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Spencer Wallace

5/12/11 Date

X Clergy Rev. Lawrence G. Zent III

5-12-11 Date

X Witness Cynthia Pape

05/12/11 Date

X Witness Jason Lawrence

05/12/11 Date

X Witness Ralph S. Soto

5/12/11 Date

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Shannan Walker, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Shannan Walker

6-4-11 Date

X Clergy REV. Lawrence Jewel

6-7-11 Date

X Witness

[Signature]

6-4-11 Date

X Witness

Radell Satt

6/4/11 Date

X Witness

Lawrence

06.07.11 Date

Affidavit of Support

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I LARRY HAMEEN, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Larry Hamen

6-4-11 Date

X Clergy REV. Lawrence Jewel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness [Signature]

06.07.11 Date

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I Beverly LADMIRANT, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Beverly LADMIRANT

04/06/2011 Date

X Clergy Rev. Lawrence Jewel

6-7-11 Date

X Witness [Signature]

6-9-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jasw Lawrence

06.07.11 Date

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Demitria Gaddy _____, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

Demitria Gaddy _____

6/5/11 Date

X Clergy R.H. Lawrence Jewel _____

6-7-11 Date

X Witness [Signature] _____

6-5-11 Date

X Witness Ralph Satt _____

6/5/11 Date

X Witness Jean Lawrence _____

06.07.11 Date

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I Glenn's Parker, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Glenn's Parker

6/4/2011 Date

X Clergy Rev. Lawrence Terrel

6-7-11 Date

X Witness [Signature]

6-4-2011 Date

X Witness [Signature]

6/4/11 Date

X Witness Jason Laurence

06.07.11 Date

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I Kevin Parker, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Kevin T. Parker

6-4-11 Date

X Clergy Rev. Lawrence Jeml

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jason Lawrence

06.07.11 Date

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I Kim Jenkins, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Kim Jenkins 6/4/11 Date

X Clergy Rev. Lawrence Terrel 6-7-11 Date

X Witness [Signature] 6-4-11 Date

X Witness [Signature] 6/4/11 Date

X Witness Jaron Lawrence 06-07-11 Date

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I William Ward State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X [Signature]

6/4/11 Date

X Clergy Rev. Lawrence Jemel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jason Lawrence

06.07.11 Date

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I ALFRED M. PALMER, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Alfred M. Palmer

6/4/11 Date

X Clergy Laurence Jemel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness Randolph [Signature]

6/4/11 Date

X Witness John Lawrence

06.07.11 Date

Affidavit of Support

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I Kedrick Gutter, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Kedrick Gutter

6-4-11 Date

X Clergy Rev. Lawrence Jewel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness Randolph [Signature]

6/4/11 Date

X Witness Jason Lawrence

06.07.11 Date

Affidavit of Support

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I Walter Milton, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Walter Milton

06/04/11 Date

X Clergy Rev. Lawrence Jemel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness Randolph Scott

6/4/11 Date

X Witness Jason Lawrence

6-07-11 Date

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I Deane Scott, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Deane Scott 6-4-11 Date

X Clergy Rev. Lawrence Jervis 6-7-11 Date

X Witness [Signature] 6-4-11 Date

X Witness [Signature] 6/4/11 Date

X Witness Jas Lawrence 06.07.11 Date

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I Emile Evans Jr., State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Emile P. Evans Jr.

4 June 2011 Date

X Clergy Rev. Lawrence Jemel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness Rudolph Sauts

6/4/11 Date

X Witness Jane Lawrence

06.07.11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I Richard Moses, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Richard Moses

6-4-11 Date

X Clergy Rev. Lawrence Jemel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jaron Lawrence

06.07.11 Date

Affidavit of Support

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I Ernest K. Caulfield, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

Ernest K. Caulfield

6/4/2011 Date

X Clergy Rev. Lawrence Jemel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness Randolph S. [Signature]

6/4/11 Date

X Witness Jason Lawrence

06.07.11 Date

Affidavit of Support

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I Joan Millon, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

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X Joan Millon

6/4/11 Date

X Clergy RH. Lawrence Jemel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jason Lawrence

06.07.11 Date

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I Marlene Pate, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Marlene Pate 6-4-11 Date

X Clergy Rev. Lawrence Jewel 6-7-11 Date

X Witness [Signature] 6-4-11 Date

X Witness [Signature] 6/4/11 Date

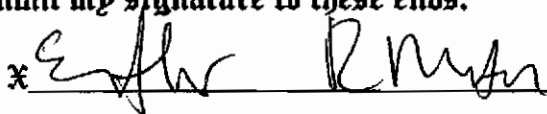
X Witness Jason Lawrence 060711 Date

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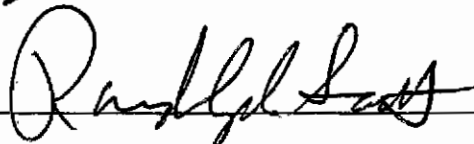
I ESTHER MARTIN State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X  5/4 Date

X Clergy REV. Lawrence Jewel 6-7-11 Date

X Witness  6-4-11 Date

X Witness  6/4/11 Date

X Witness Jason Lawrence 06.07.11 Date

Affidavit of Support

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I Ndongo MUGABI, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Ndongo Mugabi

6/5/11 Date

X Clergy Rev. Lawrence Jemel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jamir Lawrence

0607.11 Date

Affidavit of Support

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I Jimmie Perry, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Jimmie Perry 6-4-11 Date

X Clergy Rev. Lawrence Jewel III 6-7-11 Date

X Witness [Signature] 6-7-11 Date

X Witness [Signature] 6/4/11 Date

X Witness Jam Lawrence 0607.11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I Edward H Parker, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Edward H Parker

6-4-11 Date

X Clergy Rev. Lawrence Jerald

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jason Lawrence

06.07.11 Date

Affidavit of Support

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I Kerithia Briggs, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Kerithia Briggs

6/4/2011 Date

X Clergy Rev. Lawrence Dorel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jason Lawrence

06.07.11 Date

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I Josie B. Morris, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

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X Josie B. Morris

6/4/2011 Date

X Clergy Rev. Lawrence Deneuf

6-7-11 Date

X Witness [Signature]

6-4/11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jam Lawrence

0607.11 Date

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I Sylvia Joseph, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

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X Sylvia Joseph 6-4-11 Date

X Clergy REV Lawrence Jemel 6-7-11 Date

X Witness [Signature] 6-4-11 Date

X Witness [Signature] 6/4/11 Date

X Witness Jason Lawrence 06.07.11 Date

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I Shanne Bechel, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

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X Shanne Bechel

6/4/11 Date

X Clergy REV. Lawrence Jemel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jason Lawrence

06.07.11 Date

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I Joseph Lowe, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

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X

Joseph Lowe

6/4/11 Date

X

Clergy Rev. Lawrence Jerril

6-7-11 Date

X Witness

[Signature]

6-4-11 Date

X Witness

[Signature]

6/4/11 Date

X Witness

Jason Lawrence

06.07.11 Date

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I KEVIN HAYES, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

* Kevin Hayes

6/4/11 Date

X Clergy Rev. Lawrence Jewel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Jamie Lawrence

06-07-11 Date

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I TERRY Haynes, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

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X 

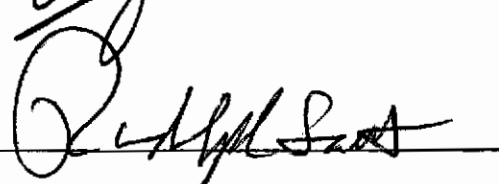
6-4-2011 Date

X Clergy Rev. Lawrence Deneil

6-7-11 Date

X Witness 

6-8-11 Date

X Witness 

6/4/11 Date

X Witness Jason Lawrence

06.07.11 Date

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I SHERYL POWELL, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Sheryl Powell 6-7-2011 Date

X Clergy REV. Lemuel Jemil III 6-7-11 Date

X Witness Mae OR 6-7-11 Date

X Witness Randy 6-7-11 Date

X Witness [Signature] 6-7-11 Date

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I ANDY WASHINGTON, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Andy Washington

June 7th 2011 Date

X Clergy Rev Lawrence Jewel

6-7-11 Date

X Witness Mick Hill

6-7-11 Date

X Witness Radford

6-7-11 Date

X Witness [Signature]

6-7-11 Date

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I Shana Sears, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Shana Sears

6-7-11 Date

X Clergy Rev. Lauren Dault

6-7-11 Date

X Witness Mad Allee

6-7-11 Date

X Witness Rudolph Smith

6-7-11 Date

X Witness W. J. [Signature]

6-7-11 Date

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I KRYSTAL POWELL, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X KRYSTAL POWELL

6-7-2011 Date

X Clergy REV. LAURENCE JENEL

6-7-11 Date

X Witness MAR HARRIS

6-7-11 Date

X Witness ROBERT GALT

6-7-11 Date

X Witness [Signature]

6-7-11 Date

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I Teri Barrow, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Teri Barrow

JUNE 7, 2011 Date

X Clergy Rev. Lawrence Serel

6-7-11 Date

X Witness M. A. [Signature]

6-7-11 Date

X Witness [Signature]

6-7-11 Date

X Witness [Signature]

6-7-11 Date

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I TERRY SIMPSON, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Terry Simpson

6-7-11 Date

X Clergy REV. Lawrence Jewel

6-7-11 Date

X Witness Mr. G. H. [Signature]

6-9-11 Date

X Witness [Signature]

6-7-11 Date

X Witness [Signature]

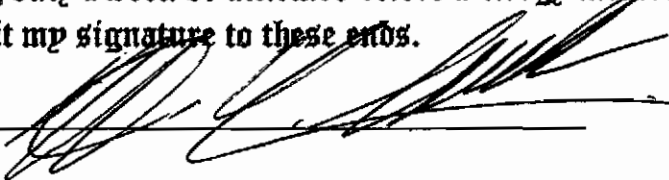
6-7-11 Date

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I HEZEMIAH CHARK, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

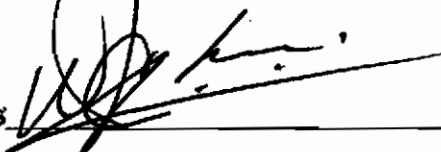
Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X  7-6-11 Date

X Clergy Rev Lawrence Deneil 7-6-11 Date

X Witness  7-6-11 Date

X Witness  7-6-11 Date

X Witness  7-6-11 Date

Affidavit of Support

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I JACQUELINE CLARK, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Jacqueline Clark

7-6-2011 Date

X Clergy Rev. Lawrence Jewel

7-6-11 Date

X Witness Mul He

7-6-11 Date

X Witness Randy Luff

7-6-11 Date

X Witness [Signature]

7-6-11 Date

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I GEORGE MAHDI, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X George Mahdi 8-25-11 Date

X Clergy REV. Lawrence Jemel 8-25-11 Date

X Witness Michelle Rhee 8-25-11 Date

X Witness [Signature] 8-25-11 Date

X Witness [Signature] 8-25-11 Date

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I PATRICIA Peter, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

Patricia Peter

8/25/2011 Date

X Clergy Rev. Lawrence Jewel

8-25-11 Date

X Witness Mel Hlee

8-25-11 Date

X Witness Richard Smith

8-25-11 Date

X Witness [Signature]

8-25-11 Date

Affidavit of Support

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I Sharon Jackson, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Sharon Jackson

8/25/11 Date

X Clergy REV Lawrence Jones

8-25-11 Date

X Witness Mark Hill

8-25-11 Date

X Witness Paula Smith

8-25-11 Date

X Witness [Signature]

8-25-11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I Terrell Cook, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Terrell Cook

8-25-11 Date

X Clergy Rth. Lawrence Deneil

8-25-11 Date

X Witness Mah Khan

8-25-11 Date

X Witness Rickie Jones

8-25-11 Date

X Witness [Signature]

8-25-11 Date

Affidavit of Support

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I CARTRIE FULLER, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Cartrie Fuller

8-25-11 Date

X Clergy Rev. Lawrence Doud

8-25-11 Date

X Witness Michelle Hise

8-25-11 Date

X Witness Randy Luns

8-25-11 Date

X Witness [Signature]

8-25-11 Date

Affidavit of Support

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RAY EVERE, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Ray EVERETT

8-25-11 Date

X Clergy Rev. Lawrence Jewel

8-25-11 Date

X Witness Mala Klee

8-25-11 Date

X Witness Randolph Lewis

8-25-11 Date

X Witness [Signature]

8-25-11 Date

Affidavit of Support

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I LINDA ALLEN State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Linda Allen

8-25-11 Date

X Clergy Rev. Lawrence Jem

8-25-11 Date

X Witness Mike Hols

8-25-11 Date

X Witness Richard Smith

8-25-11 Date

X Witness [Signature]

8-25-11 Date

Affidavit of Support

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I LEON NELSON _____, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Leon D. Nelson _____

8-25-11 Date

X Clergy Rev. Lawrence Jewel _____

8-25-11 Date

X Witness Mark Allen _____

8-25-11 Date

X Witness Randy Smith _____

8-25-11 Date

X Witness [Signature] _____

8-25-11 Date

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I Markon Baudouin, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Markon Baudouin

8-25-11 Date

X Clergy Rev. Lauren Jemel

8-25-11 Date

X Witness Mark H Lee

8-25-11 Date

X Witness Ralph Sutt

8-25-11 Date

X Witness [Signature]

8-25-11 Date

Affidavit of Support

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I Paula Simpson, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Paula Simpson

8/25/11 Date

X Clergy Rev. Lawrence Jern

8-25-11 Date

X Witness Mark H. Lee

8-25-11 Date

X Witness Randolph Scott

8-25-11 Date

X Witness [Signature]

8-25-11 Date

Affidavit of Support

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[Signature], State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X [Signature] 8-25-11 Date

X Clergy REV. Lawrence Zemel 8-25-11 Date

X Witness Mal H. Sue 8-25-11 Date

X Witness [Signature] 8-25-11 Date

X Witness [Signature] 8-25-11 Date

Affidavit of Support

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I Leona Williams, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Leona Williams

8-25-11 Date

X Clergy REV Laurence Dovel

8-25-11 Date

X Witness Mali Hill

8-25-11 Date

X Witness Paula Smith

8-25-11 Date

X Witness [Signature]

8-25-11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I Richard Moses 8-25-11, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Richard Moses Sr

8-25-11 Date

X Clergy REV. Lemence Ferrel

8-25-11 Date

X Witness Macl H. Lee

8-25-11 Date

X Witness Rudolph S. ...

8-25-11 Date

X Witness [Signature]

8-25-11 Date

Affidavit of Support

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I Howard Nelson, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Howard Nelson 5/12/11 Date

X Clergy Rev. Lawrence G. DonAtt 5-12-11 Date

X Witness James Lawrence 05/12/11 Date

X Witness [Signature] 5-12-11 Date

X Witness [Signature] 5/12/11 Date

Affidavit of Support

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I Jamal Robertson, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Jamal Robertson 5-12-11 Date

X Clergy Rev. Lawrence G. Dem III 5-12-11 Date

X Witness James Lawrence 05/12/11 Date

X Witness [Signature] 5-12-11 Date

X Witness Randolph Scott 5/12/11 Date

Affidavit of Support

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I Lorraine McCalib, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

Lorraine McCalib

3/3/11 Date

X Clergy Rev. Lawrence G. Jones III

5-3-11 Date

X Witness Jason Lawrence

5-3-11 Date

X Witness W. J. Jones

5-3-11 Date

X Witness Ronald S. Smith

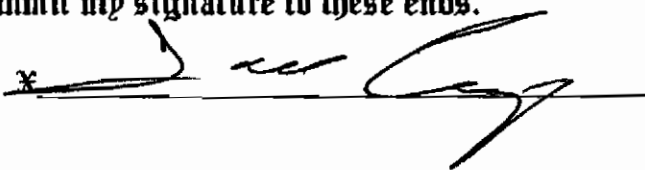
5/3/11 Date

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I Todd Craze, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X 

5/3/2011 Date

X Clergy Rev. Lawrence J. Dornell III

5-3-11 Date

X Witness Eloise M. Williams

5-3-2011 Date

X Witness Jason Lawrence

5-3-11 Date

X Witness 

5-3-11 Date

Affidavit of Support

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I Vince Craig, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X *Vince Craig* 5-3-11 Date

X Clergy Rev. Lawrence J. Jemel 5-3-11 Date

X Witness *Leon Cal* 5-3-11 Date

X Witness *Catherine Ray* 5-3-11 Date

X Witness *Wilbert M. Johnson Jr.* 5-3-11 Date

Affidavit of Support

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I Wilbert M. Johnson Jr., State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Wilbert M. Johnson Jr.

May 3, 2011 Date

X Clergy Rev. Lawrence G. Jemel III

5-3-11 Date

X Witness Clara A. Lord

May 3, 2011 Date

X Witness Leor Clark

MAY 3 2011 Date

X Witness Arthur Clark

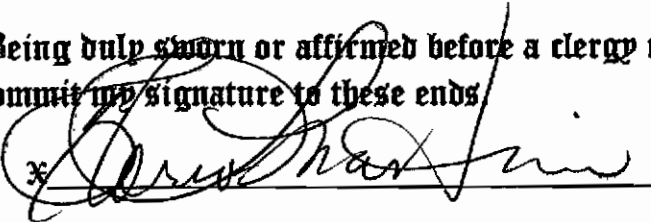
MAY 3 2011 Date

Affidavit of Support

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I Gloria L Martin, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends

X 

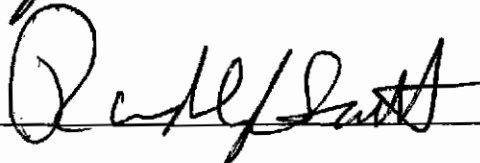
Jan 4 2011 Date

X Clergy REV. Lawrence Jewel

6-7-11 Date

X Witness 

6-4-11 Date

X Witness 

6/4/11 Date

X Witness Cynthia Parker

6/4/11 Date

Affidavit of Support

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I Gwendolyn Redus, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Gwendolyn D. Redus

6-4-11 Date

X Clergy Rev. Lawrence Jones

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Cynthia Parker

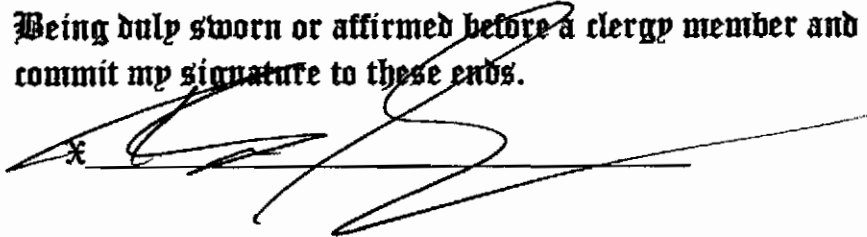
6/4/11 Date

Affidavit of Support

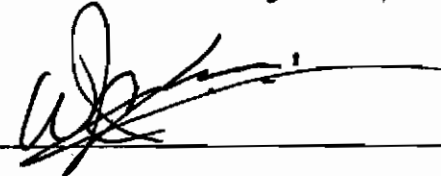
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I RANDOLPH "MOCKE" SQUARE, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X  6/4/11 Date

X Clergy Rev. Lawrence Jewel 6-7-11 Date

X Witness  6-4-11 Date

X Witness Rudolph Saut 6/4/11 Date

X Witness Cynthia Parker 6/4/11 Date

Affidavit of Support

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I [Signature], State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X [Signature] 6-4-2011 Date

X Clergy Rev. Lawrence Jones 6-7-11 Date

X Witness [Signature] 6-4-11 Date

X Witness [Signature] 6/4/11 Date

X Witness Cynthia Parker 6/4/11 Date

Affidavit of Support

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I NADRA ENZI AKA CAPT. BLACK, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Nadra Enzi AKA Capt Black 6/4/11 Date

X Clergy Rev. Lawrence Zenz 6-7-11 Date

X Witness [Signature] 6-4-11 Date

X Witness [Signature] 6/4/11 Date

X Witness Cynthia Parker 6/4/11 Date

Affidavit of Support

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I Shahed W. Muhammad, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Shahed W. Muhammad

6-4-2011 Date

X Clergy Rev. Lawrence Zene

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Cynthia Parke

6/4/11 Date

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I Deirdre M. Lewis, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Deirdre M. Lewis

6/4/2011 Date

X Clergy Rev. Lawrence Zavel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness Roddy S. [Signature]

6/4/11 Date

X Witness Cynthia Parker

6/4/11 Date

Affidavit of Support

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I Cardner Ahmad, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Cardner Ahmad

6-4-11 Date

X Clergy W. Lawrence Jones

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Cynthia Parker

6/4/11 Date

Affidavit of Support

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I Michael T. Howells, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Michael T. Howells

6/4/2011 Date

X Clergy REV. Lawrence Jewel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Cynthia Lopez

6/4/11 Date

Affidavit of Support

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I DARRELL WALKER State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Mr. Darrell Walker

06/04/11 Date

X Clergy Rev. Lawrence Jones

6-7-11 Date

X Witness

[Signature]

6-4-11 Date

X Witness

Rudolph [Signature]

6/4/11 Date

X Witness

Cynthia Parker

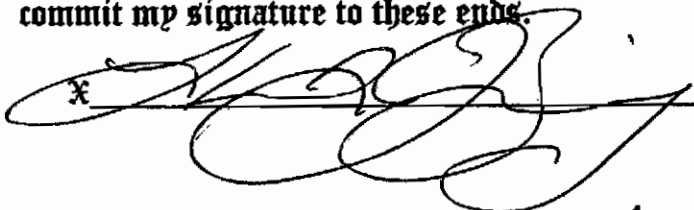
6/4/11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I Harold Bailey, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X 

6-4-11 Date

X Clergy Rev. Lawrence Deneil

6-7-11 Date

X Witness 

6-4-11 Date

X Witness 

6/4/11 Date

X Witness Cynthia Parker

6/4/11 Date

Affidavit of Support

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I Merle Zimmerman, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Merle Zimmerman

6-4-11 Date

X Clergy Rev. Lawrence Zemel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness Cynthia Parker

6/4/11 Date

Affidavit of Support

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I Eliria M. Knox, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

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X Eliria M. Knox

6-4-11 Date

X Clergy Rev. Lawrence Jones

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness Ralph Sart

6/4/11 Date

X Witness Cynthia Parker

6/4/11 Date

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I SYLVIA Boutte, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Sylvia Boutte

6/4/11 Date

X Clergy Rev. Lawrence Jewel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness Rodolph Datt

6/4/11 Date

X Witness Cynthia Parker

6/4/11 Date

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I Low Ethel Santee, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Low Ethel Santee

6-4-11 Date

X Clergy Rev. Lawrence Jewel

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

X Witness [Signature]

6/4/11 Date

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I Ali Ewald, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

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X Ali Ewald

6/4/11 Date

X Clergy Rev. Lawrence Jones

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness Rudolph Sants

6/4/11 Date

X Witness Cynthia Parpe

6/4/11 Date

Affidavit of Support

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I Lillie B WALKER, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Lillie B. Walker

06/04/11 Date

X Clergy Rev. Lawrence Jones

6-7-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6-4-11 Date

X Witness [Signature]

6/4/11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I Paula Simpson, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Paula Simpson

6/7/11 Date

X Clergy R.H. Lawrence Jones

6-7-11 Date

X Witness Mark Hill

6-7-11 Date

X Witness Randy Hill

6-7-11 Date

X Witness [Signature]

6-7-11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I Leon Clark, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Leon Clark

21 April 2011 Date

X Clergy W. Lawrence J. Jewel III

4-21-11 Date

X Witness Louis Harder

4-21-11 Date

X Witness W. Lawrence J. Jewel III

_____ Date

X Witness Therese Jager

4-21-11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I REV. Lawrence G. Terrel III, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X REV. Lawrence G. Terrel III

4-21-11 Date

X Clergy _____

_____ Date

X Witness Leon Clark

4-21-11 Date

X Witness Phyllis A. Wesley

4-21-11 Date

X Witness Jason Lanher

04.21.11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I Elise A Williams, 3700 Dickens, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X Elise A Williams

5-3-2011 Date

X Clergy Rev. Lawrence G. Jernol

5-3-11 Date

X Witness Elise A Williams

5-3-2011 Date

X Witness Jason Lawrence

5.3.11 Date

X Witness [Signature]

5-3-11 Date

Affidavit of Support

Affidavit in the State of Louisiana, Parish of Orleans, where I hereby swear or affirm to tell the truth and state it clearly and fairly before a member of the clergy, whose name is affixed to this document, that I am of majority age and competent under the law to stand firmly and completely responsible for my actions and mental judgments.

I John F. Taylor, State my complete support for Community United for Change to stand in my behalf and to negotiate in my best interest, the terms and conditions The U.S. Department of Justice shall hold the New Orleans Police Department too in the Consent Decree between the City of New Orleans, the Residents and Citizens of New Orleans, The New Orleans Police Department and the U.S. Department of Justice. I further state that a Community Oversight Committee shall be impaneled to replace the Public Integrity Bureau with Community United for Change facilitating the transition.

Being duly sworn or affirmed before a clergy member and before these witnesses, I commit my signature to these ends.

X John F. Taylor 5/3/2011 Date

X Clergy Rev. Lawrence G. Jewel III 5-3-11 Date

X Witness Jason Lawrence 5.3.11 Date

X Witness E. Poise A. Williams 5-3-2011 Date

X Witness [Signature] 5-3-11 Date



4:27
CLERK S. WHYTE

EXECUTIVE DIRECTOR

Scarlett Lanzas

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*"Building Strong,
Inclusive Communities"*

August 24, 2012

The United States District Court for the Eastern District of Louisiana

Attn: Judge Susie Morgan

500 Poydras Street

New Orleans, LA 70130

Honorable Justice Morgan:

On behalf of Puentes New Orleans, we thank you for the opportunity to provide input on the NOPD consent decree prior to its approval. As you are aware, many of the DOJ's findings are based on meetings with community organizations like ours, which amplify the voices of underrepresented residents as we collaborate to end the pattern and practice of unconstitutional policing at NOPD. Puentes New Orleans is a Latino-led, Latino-serving community development organization founded in 2007. From this perspective, we would like to offer some remarks concerning the treatment of Limited English Proficient (LEP) individuals within the consent decree, as well as some of our experiences that might guide the Court as it contemplates the implementation of the decree with respect to Latino residents.

We are grateful for the DOJ's recognition of the pivotal importance of point 183 as it pertains to immigration status. We would stress that subpoints A, B & C have been official NOPD policy for some time now, but in practice have not been upheld. As such, the *training* of officers on these points, which encourage undocumented residents or residents with mixed status families to report crime, is essential not only to the protection of said groups but also to the larger strategy of community policing. We question whether four hours of training on bias-free policing is sufficient to educate officers about our diverse community and anticipate the need to better integrate immigrant-related content into the larger strategy for policing at NOPD, including the additional training envisioned.

We again thank the DOJ for the inclusion of NOPD support for U-visa applications for undocumented victims of crime as this has been a multi-year struggle for advocates to achieve some level of compliance and there is still much room for improvement.

Regarding Language Access, which has been an issue of NOPD deficiency and resulting rights violations for many years now, we applaud the hire of a Language Access Coordinator and the creation of internal standards for interpreters, as well as policies governing their use. We are wary of the data collection responsibility resting within the department, as experience has taught us that the number of LEP community members is consistently underreported. We fear that using NOPD's own numbers to assess need may result in inadequate service, particularly given ongoing budgetary constraints. Accordingly, Puentes and other community-based organizations anticipate the need for ongoing dialogue and partnership to ensure that the needs of LEP residents are met.

Before closing, we would ask that the Hispanic Liaison position, also known as El Protector, not be saddled with the task of leading the LEP portion of the consent decree or allowed to function as gatekeeper between the community and the Superintendent. In the community's eyes, this officer's allegiance is to the force; he is not their representative, their ally, or their Protector, as his title implies. We say this not out of malice but rather to clarify that whatever arrangement is made moving forward, the Court should take measures such that the Chief sees the Latino community as part of the public he has sworn to protect and serve, not a subgroup that he can delegate to a single subordinate officer.

Puentes looks forward to productive collaboration with all parties to ensure the equitable treatment of Latino residents and the constitutional policing of all New Orleanians. As always, we are thankful for the opportunity to give voice to the needs of our community and to make the consent decree meaningful in daily practice.

Sincerely,

A handwritten signature in black ink that reads "S. Lanzas". The signature is fluid and cursive, with the first name "S." and the last name "Lanzas" clearly visible.

Scarlett Lanzas
Executive Director
Puentes New Orleans

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED
AUG 24 PM 4:27
LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

*

Plaintiff

*

*

THE CITY OF NEW ORLEANS

*

Defendant

*

CIVIL ACTION

NO. 12-1924

SECTION "E" (2)

* * * *

**COMMENTS ON PROPOSED CONSENT DECREE
BY THE
INSPECTOR GENERAL FOR THE CITY OF NEW ORLEANS**

MAY IT PLEASE THE COURT:

This Court stated in its Order of July 31, 2012, that it would permit written comments by any interested person, to be submitted no later than August 24, 2012 at 4:30 p.m. I am Edouard R. Quatrevaux, the Inspector General for the City of New Orleans, and am an interested person by virtue of the fact that my agency's jurisdiction includes the New Orleans Police Department, the subject of the Consent Decree in the above captioned matter.

BACKGROUND – OFFICE OF INSPECTOR GENERAL

The Office of Inspector General (OIG) was authorized by a vote of the citizens of New Orleans in 1995, established in the Home Rule Charter, and then created by ordinance in 2006.¹ In 2008, state legislation was enacted which enhanced the abilities of local offices of inspector general in several ways, including certain exemptions from the Louisiana Public Records Law.²

¹ New Orleans Home Rule Charter, Sec. 9-401; New Orleans City Code Sec. 2-1120.

² See, La. R.S. 33:9611 et seq.; La. R.S. 44:4.1(B)(18).

The Home Rule Charter was amended in 2008 to include the Independent Police Monitor (IPM) as a division of the OIG. An ordinance was then passed which created the Independent Police Monitor as a division of the OIG.³ The OIG consists of four divisions: Audit and Review; Inspections and Evaluations; Investigations, and the Independent Police Monitor.⁴

The OIG's jurisdiction is established both in the New Orleans City Code and in the Louisiana Revised Statutes, and includes the New Orleans Police Department.⁵ The OIG is operationally independent from both the executive and legislative branches of the City⁶ and has been given direct access to all City records, employees, facilities, etc.⁷

CONSENT DECREE SHOULD NOT INFRINGE ON POWERS/AUTHORITY OF OIG

I fully support the creation of a consent decree to reform the New Orleans Police Department, and welcome the collaboration of the Department of Justice (DOJ) and the City of New Orleans administration in this endeavor. I met with attorneys in the Civil Rights Division of

³ New Orleans Home Rule Charter, Sec. 9-401; New Orleans City Code Sec. 2-1121.

⁴ The IPM is unlike the other divisions in several ways. 1. They are the only division which has their own ordinance setting out their duties and responsibilities. 2. They are the only division which is not required to follow Principles and Standards for Offices of Inspector General (Association of Inspectors General, 2004). 3. They are the only division whose Division Head cannot be terminated by the Inspector General; the Police Monitor can only be terminated by the Ethics Review Board. *See* New Orleans City Code Sec. 2-1121(20).

⁵ *See, New Orleans City Code Sec. 2-1121(10):* "The Office of Inspector General is authorized to engage in the following specific functions: (a) Audit, evaluate, investigate, and inspect the activities, records, and individuals with contracts, subcontracts, procurements, grants, agreements, and other programmatic and financial arrangements undertaken by city government and any other function, activity, process, or operation conducted by city government." (emphasis added); *and La. R.S. 33:9613:* "D.(1) A local ethics entity, ethics review board, or office of inspector general shall have the authority to examine, review, audit, inspect, and investigate the records, books, reports, documents, papers, correspondence, accounts, audits, inspections, reviews, recommendations, plans, films, tapes, pictures, computer hard drives, software data, hardware data, e-mails, instant messages, text messages, and any other data and material relevant to any matter under audit, investigation, inspection, or performance review of all entities of the local governmental subdivision or entities receiving funds through or for the benefit of the local governmental subdivision. (2) For the purposes of this Section, these entities shall include but not be limited to every local governmental subdivision officer, employee, elected official, department, agency, board, commission, public benefit corporation, quasi public agency or body, contractor, subcontractor, licensee of the local governmental subdivision, and every applicant for certification of eligibility for a municipal contract or program. [...](emphasis added)."

⁶ New Orleans City Code Sec. 2-1121(6)(b).

⁷ New Orleans City Code Sec. 2-1121(12).

DOJ several times during the Consent Decree negotiations, and had constructive discussions about working together in this arena.

However, I would like to clarify that the Consent Decree should not be interpreted by either party to limit the powers and authority which pertain to the OIG, but rather that the function of the Consent Decree is to add another entity, the Federal Monitor, as additional oversight for the New Orleans Police Department. We anticipate that the OIG will sometimes be working alongside the Federal Monitor as that group conducts its duties under the Consent Decree. We will make every effort to coordinate with the Federal Monitor to avoid duplication of efforts, with the understanding that occasional duplication may occur.

The OIG has a number of projects planned which concern the NOPD, including:

- Evaluation of the initial implementation of the NOPD off-duty detail system (follow-up with short-notice periodic inspections for several years)
- Evaluation of High Risk Officers and the Early Warning System
- Evaluation of General Fund Support of the NOPD
- Evaluation of Private Security Districts
- Audit of Payroll
- Audit of Selected Uniform Crime Report Accuracy
- Audit of Use of Grant Funds
- Evaluation of NOPD force structure – effective personnel strength, how it is deployed, and the available equipment and technology
- Evaluation of COMSTAT process
- Audit of Evidence Management
- Evaluation of Entrance Screening for New Officers
- Evaluation of Physical Fitness of Patrol Officers

My concern about impairment of the OIG's power and authority is based in part on a recent denial of access to OIG auditors who were attempting to conduct preliminary interviews with NOPD personnel regarding a planned audit of warrants.⁸ The City Attorney's office

⁸ (1) These interviews are for general information gathering for a planned audit, and are not directed at specific officers, but rather are proposed interviews of individuals who have knowledge of departmental practices. (2) The OIG is not denying the right of officers to request that their own counsel be present at an interview, but is opposed to agency counsel inserting themselves into OIG interviews as a regular practice.

informed us that they required that an attorney from their office be present for any such interviews, due to “pending litigation”. While we did not agree that our planned audit interfered in any way with consent decree issues, we agreed to postpone our interviews until this Court has approved a consent decree. However, we consider the requirement by the City Attorney’s office that an attorney from their office be present at interviews to impair the operational independence of the OIG, and we are concerned that, going forward, the Consent Decree will be used as a barrier to the OIG’s access.

The OIG is operationally independent from both the executive and legislative branches of the City. “Operationally independent” is defined as “not prevented, impaired, or prohibited from initiating, carrying out, or completing any audit, investigation, inspection or performance review.”⁹ Further, the New Orleans City Code provides the OIG with direct access to all City records, employees, facilities, etc.¹⁰ By specifying that the OIG’s access is direct, the City Code is addressing precisely this type of scenario: where management tries to put a layer in between the OIG and City employees. The City Code could simply have said that the OIG was given “access” to employees, but it chose to specify that the access was direct. As a rule of statutory construction, the Louisiana Supreme Court has stated that, “every word in a statute must be given meaning, if possible, and no word, clause, phrase or sentence of a statute shall be deemed meaningless or surplusage if a construction can be legitimately found that will give force to and preserve every word of the statute.”¹¹ Giving meaning to every word in the legislation which grants the OIG direct access, that access has been clearly defined as not including an extra layer placed by management between the OIG and City employees.

⁹ New Orleans City Code Sec. 2-1121(6)(b).

¹⁰ New Orleans City Code Sec. 2-1121(12).

¹¹ Burmaster v. Plaquemines Parish Government, 982 So.2d 795 (La. 2008).

My concern about a policy that a city attorney be present at employee interviews is that it will tend to place a chilling effect on the speech of the employees and employees may well censor their comments or otherwise not feel at liberty to speak freely. I am concerned that the Consent Decree will be used as justification to continue to impair the OIG's authority and independence, and would ask that this Court order the Consent Decree to be amended to clarify that it is in no way intended to interfere with the powers and authority granted to the OIG.

OIG IS BARRED BY LAW FROM PROVIDING ITS CONFIDENTIAL DOCUMENTS

I also request that this Court take note that the OIG is directed by statute to maintain the confidentiality of any record or information it receives which is either confidential or privileged, and is subject to penalties for revealing such information or records.¹² This may come into conflict with Paragraph 472 of the Consent Decree, which provides that:

472. City and NOPD shall ensure that the Monitor has full and direct access to all City and NOPD documents and data that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement, except any documents or data protected by the attorney-client privilege.

The OIG notes that, while it is a government agency of the City of New Orleans, it is governed by laws that do not apply to the City's executive branch (which includes the NOPD)¹³ and that it is not a party to this Consent Decree and cannot be bound by it in violation of its duties under state law.

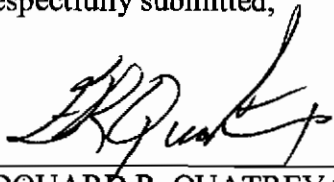
¹² "Any record or information obtained by the ethics entity, ethics review board, or office of inspector general which is confidential or privileged pursuant to any other provision of law shall remain confidential or privileged, and it shall be a misdemeanor punishable by a fine of not more than two thousand dollars or imprisonment for not more than one year, or both, for the ethics entity, ethics review board, or office of inspector general or any designated staff member or any other public official, corporation, or individual to make public any such information or record." La. R.S. 33:9614, as amended by Act 838 of the 2012 Regular Session.

¹³ New Orleans Home Rule Charter, Sec. 4-102.

CONCLUSION

For the above and foregoing reasons, I urge this Court to order (1) that the Consent Decree be clarified to state that it does not alter the powers and authority granted to the Office of Inspector General by state and local law and (2) that the Consent Decree acknowledge that the OIG cannot be required to produce documents in violation of state law.

Respectfully submitted,



EDOUARD R. QUATREVAUX
INSPECTOR GENERAL
THE CITY OF NEW ORLEANS

DATE 8/24/2012



COURT WATCH NOLA
P.O. BOX 750633
NEW ORLEANS, LA 70175

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4: 28

LORETTA G. WHYTE
CLERK

August 24, 2012

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Hon. Judge Susie Morgan
U.S. District Court for the Eastern District of Louisiana
500 Poydras Street, C508
New Orleans, LA 70130

Re: *United States of America v. The City of New Orleans*, Case No. 12-1924

Dear Judge Morgan,

I am writing on behalf of Court Watch NOLA to express our organization's position regarding the proposed consent decree in *United States of America v. The City of New Orleans*. The goal of the parties involved in drafting the proposed consent decree – reforming the practices of the New Orleans Police Department (“NOPD”) – is important, and Court Watch NOLA thanks you for the amount of time, energy, and thought you have already invested in this process.

Court Watch NOLA is in a unique position to evaluate the merits of those portions of the proposed decree that affect data collection and courtroom procedure. Court Watch NOLA is a non-profit organization established in 2007 in an effort to promote efficiency, transparency, and accountability in New Orleans' criminal justice system. Court Watch NOLA's many volunteers track hundreds of felony cases, and their daily presence in the courtroom helps identify systemic problems while also sending the message that New Orleanians care about making their criminal justice system more accountable and just.

Our volunteers observe not only the judges, prosecutors, and defense attorneys present in the courtroom every day, but also the police officers who testify at motions hearings and criminal trials. We track, among other things, their attendance at court and whether they are prepared for their testimony. While we are happy to report that most officers are on-time and prepared, our volunteers are also present at times when this is not the case, or when evidence is suppressed because officers failed to use constitutional policing methods. Court Watch NOLA therefore believes that, as a general matter, the proposed consent decree's focus on the training and implementation of constitutional policing procedures could lead to a more efficient criminal justice system.

BRAD COUSINS

EXECUTIVE DIRECTOR

ADVISORY BOARD

RODERICK ALVENDIA

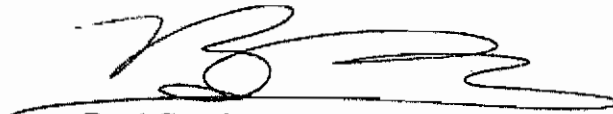
CALVIN JOHNSON

RAFAEL GOYENECHÉ

Court Watch NOLA also supports the proposed decree's focus on gathering and using more reliable data regarding when and why the District Attorney's office accepts or refuses to prosecute based on NOPD arrests. *See* Proposed Consent Decree at ¶¶ 148, 208, 222. Court Watch NOLA is one of several local non-governmental organizations experienced in analyzing this type of information in an effort to make the criminal justice system more accountable and efficient, and we therefore urge the Court not only to enact these portions of the proposed consent decree, but to mandate that the NOPD make this information public. We similarly encourage the Court to make the Criminal Justice Coordination Group's monthly meetings regarding the quality of the NOPD's arrests and stops open to the public. *See* Proposed Consent Decree at ¶ 430.

Court Watch NOLA believes that those portions of the proposed consent decree cited above include important ideas and principles that could lead to valuable reforms within the NOPD and our local criminal justice system. Thank you again for all of your hard work – past, present, and future – on these important issues. Please feel free to contact me at (504) 421-1736, or at courtwatchnola@yahoo.com, if you have any questions or concerns.

Respectfully,



Brad Cousins
Executive Director
Court Watch NOLA
P.O. Box 750633
New Orleans, LA 70175
www.courtwatchnola.org

BUSINESS COUNCIL OF NEW ORLEANS & THE WOODBERG REGION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2012 AUG 24 PM 4:28

LORETTA G. WHYTE
CLERK

August 23, 2012

The Honorable Susie Morgan
District Judge
United States District Court
Eastern District, Louisiana
500 Poydras Street, C508
New Orleans, LA 70130

Dear Judge Morgan:

The Business Council of New Orleans is highly encouraged by the possibilities for extensive reform of the New Orleans Police Department. We believe that the Consent Decree reflects the genuine efforts of all parties—the Landrieu Administration, the NOPD, the Department of Justice and the citizens of New Orleans—to remake our clearly troubled police department into one of the finest in America. Toward that end, we want to advocate for the inclusion of an important feature that would substantially strengthen the outcomes sought through the Consent Decree process.

Provide the New Orleans Independent Police Monitor with a clearly defined role in the execution of the Consent Decree. It is critical that we institutionalize and sustain the important reforms contemplated by consent decree activities. This can best be done by having the Independent Police Monitor involved from start to finish, with full access to Consent Decree-related information and the ability to confer directly with the Federal Monitor.

This Consent Decree is a dramatic but critical step in making New Orleans a healthy community, one where all citizens feel safe and have great confidence in the professionalism and integrity of their police department. We are very hopeful that you will add a provision to the Consent Decree that helps us to realize these goals.

Sincerely,


Robert W. Brown
Managing Director

BUSINESS
COUNCIL
OF NEW ORLEANS
& THE RIVER REGION

U.S. MARSHALS

The Honorable Susie Morgan
District Judge
United States District Court
Eastern District, Louisiana
500 Poydras Street, C508
New Orleans, LA 70130

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

New Orleans, La

2012 AUG 24 PM 4:28 August 24, 2012

LORETTA G. WHITE
CLERK 31 Bruxelles St,
(504) 324-3657

To: Judge Susie Morgan,

My name is Sharon Jasper
A resident of New Orleans for 63
years, all my life. I am a Housing
Activist, Civil Rights Activist, A member
of Community United for Change &
Women United for Social Justice,

I have never seen so much corrupt
ion in all my life. I have witness
a lot of this corruption with my
own eyes & have also been a victim
of the corruption with N.O. P.D.,
This have been the worst I have
ever seen. Yes I think we as citizens
should be able to have a input
in the monitoring of the Police Dept.
I think the people of this City should
always ~~be~~ want what's best for the
people. Hear the people & listen to
the people of this city. I am not writing
21 page but it all boils down to under standing
what the people feel and their rights as
citizens.

Thank You
- Mrs. Sharon Jasper

Comment ON Consent Decree

Community United for Change
(Support Consent Decree)

Sharon Jasper

Att.
Judge Susan Morgan

"Community United Comment On Consent Decree
for Change"

Support Consent Decree Att: ^{Kawana Jasper}

To Whom It May Concern: Judge Susie Morgan

Page 1

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2012 AUG 24 PM 4:28

LORETTA G. WHYTE
CLERK

My Name is Kawana Jasper, first & most I would like to say thanks for giving the residents of New Orleans an opportunity to speak & be heard on a very critical issue. Ever since I was a little girl I could still remember some of the bad things NOPD officers use to do & say. And it has not change, it has gotten worse with time. My family & friends has had some very bad experiences with NOPD officers. But personally I have been falsely arrested twice because NOPD officers don't want to follow proper protocol & procedure when it comes to investigating an incident. I have 3 young kids & refuse to let them go through the same madness so I became an activist for people civil & human rights. The city has had many Superintendents along with the monitoring of PIB & it has not been successful. With all the findings from The Department of Justice (DOJ) in regards to the NOPD violating people civil & human rights over the years, the Consent Decree is very much needed & well over due. (Next page)

Page 2

The people of the community should be allowed to be on the board with the DOJ, NOPD & any other officials to help reform the NOPD. What ever discipline PIB has been handed down to officers that have been found guilty of inappropriate conduct has been very humiliating & taken as an insult to the victims of these officers as well as the people of the community. NOPD officers needs to be monitor by a Judge & discipline to the max for any wrong doing. If the residents of New Orleans want to see a reduction in crime this process must take place so that residents can build a relationship with NOPD and began to trust them. You can't better our community if your not willing to reach our community & not willing to work with our community!

Thanks,
Kawana Jasper

P.S Why is it only in the African American Communities where these type of act of violence take place?

(for) 344-4010

Community United For
Change

Shana Sears
1621 Lesseps St.
N. P. LA. 70117

8/24/2012

FILED COURT
EASTERN DISTRICT OF LOUISIANA
2012 AUG 24 PM 4:28
DORETTA G. WHYTE
CLERK

We want and support CUC
represent our community!!

Here the many reasons why the public
should and can be involve in the

1. I Am
Vice President of the Louisiana Federation
2. Police should be assisted so they can
be more considerate of human rights as
a human being first.
3. There would be a wider arena of decisions as
well as input on final assessments
4. Throughout the community there would be
a healthier group of people mentally
as well as spiritual
5. There's a greater need for the police
department to have a clean sleight without
all the added corruption.
6. Organized crime ~~among~~ ^{Police} would come to close
or should I say die down some.
7. Community leaders and citizens would be able
to look at issues from both side of the fence.

August 16, 2012

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4: 28

LORETTA G. WHYTE
CLERK

Dear Honorable Judge Susie Morgan,

I am a member of New Legacy Transgender Ministry.

Currently, the sensitivity training for the NOPD is conducted by the Human Relations Commission. In the proposed Consent Decree, on page 61, provision 226 keeps the training in the same office where it currently resides.

Instead, I think New Legacy Transgender Ministry would be a great fit to do the training.

Sincerely,

Destiny D.A.U.

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4: 28

Dear Honorable Judge Susie Morgan,

I am a member of New Legacy Ministries. New Legacy Ministries is an organization that is designed to empower the Gay, Lesbian, Bisexual, and Transgender community with a focus on transwomen while educating surrounding communities with the hopes of minimizing future tragedies brought on by uniformed views.

I feel that New Legacy should and would be a great fit to deliver the Transgender Sensitivity Course for the NOPD, not the City Human Relations Commission, as provided for on page 61 of the Consent Decree (*provision X, A, 226, g.*)

The City Human Relations Commission has already been doing the training for the NOPD in this area, and our community has continued to suffer from police harassment, violence, and misconduct. Clearly, the current training is not sufficient.

The City Human Relations Commission also asked about "Brotherhood, Inc." doing the training for the NOPD. I would like to make clear that neither the City Human Relations Commission nor "Brotherhood, Inc." represent the transgender community. Therefore, I would like an open community process to determine who conducts the training, or for you to urge the parties to leave this out of the Consent Decree altogether.

This way, the community can decide who best represents us.

Sincerely,

Darrellyn Mason

NEW LEGACY
8436 OREANDOR ST.
NEW ORLEANS, LA 70115

HONORABLE JUDGE SISIE MORGAN

Salutations Honorable Judge Susie Morgan

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2012 AUG 24 PM 4:28
LORETTA G. WHYTE
CLERK

I pray today this letter has found you in the company of good and pleasant spirits. I would also hope that all matters in your life are well. I'm thankful as well as humbled by my higher power at the opportunity to petition you for assistance in matters concerning the safety of our fellow citizens.

I am writing to you on behalf of New Legacy Ministries to request that you use your influence in the area of the New Orleans Police Department reform. I want you to ensure that the transgender community will have a major voice in police sensitivity training. Ideally, the sensitivity training would include professionals as well as transpeople.

Though we are a small community we have suffered much preventable death and destruction through ignorance and insensitivity. In the past eight months, seven transwomen passed away in New Orleans. Two were brutally murdered, three were poisoned by injection drugs and the other two died of complications from HIV. They were all under 35.

This is unacceptable.

Recently, the New Orleans Regional Planning council discovered seven transwomen staying in a single homeless shelter. The community has huge problems with women and girls turning to drugs and sex work as the only means of coping with a lack of sensitivity from the people who are supposed to help them. I pray you will be an agent in helping to eradicate these terrible truths.

As a Minister and a trans-woman, I am willing to aid in any way. I want nothing more than to be a part of the liberation of an overlooked minority by lending my time and expertise to the cause, ultimately contributing to a better quality of life for all.

Sincerely yours,

Minister Tela L. Love

NEW LEGACY TRANSGENDER MINISTRY
c/o 8436 ORLEANS ST.
NEW ORLEANS, LA 70118

HONORABLE JUDGE SUSIE MORGAN
UNITED STATES DISTRICT COURTHOUSE
500 POYPRAS ST.
NEW ORLEANS, LA 70130

ATTN: SECTION E

BREAK

August 24, 2012

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2012 AUG 24 PM 4:28

LORETTA G. WHYTE
CLERK

Dear Honorable Judge Susie Morgan,

We write to you as members of *BreakOUT!*, an organization that fights the criminalization of lesbian, gay, bisexual, and transgender (LGBT) youth in New Orleans. Our membership base is comprised of young people, particularly African American transgender women ages 14-24, with direct experience with the criminal or juvenile justice system.

We have been working on a campaign called "We Deserve Better" to reduce discriminatory policing practices in the New Orleans Police Department (NOPD) since the Department of Justice began their investigation in 2010. We launched our campaign out of our direct experience with the NOPD and frequent reports from our LGBT peers and other LGBT community members, particularly young transgender women or gender non-conforming youth, about police harassment, profiling, and general misconduct in New Orleans. Our "We Deserve Better" campaign has already resulted in several victories, including the development of our video about our experiences with the NOPD, which we invite you to watch at <http://www.youthbreakout.org/content/we-deserve-better>. Of course, we have been able to build on the foundation built by others in New Orleans who have been organizing to stop police misconduct for years prior to our founding, particularly those who have family members who have been murdered by the NOPD.

On August 15th 2012, our members gathered at our weekly "Building Our Power" meeting to continue to talk about the Consent Decree. We had already spent some time learning about the 124-page document, but still had many questions to answer before we could comment on the Decree. While we have a small group of core member leaders, we also have a larger base of members who are often unable to attend our weekly meetings due to other responsibilities or factors in their lives, including homelessness, that make it difficult to be consistently involved. Some volunteers held a last-minute forum for us with the Independent Police Monitor about the Decree on August 16th, 2012, but we still have not had adequate time to speak with all of our impacted community members to explain the implications of the proposed agreement and the impact it could have on our daily lives.

However, some core members and allies in our group would like to extend the following comments to you regarding the proposed Consent Decree with the New Orleans Police Department. Please understand that this is not a formal position on the entire document, but rather a sampling of comments we have worked hard to get to you before the August 24, 2012 deadline.

1. **There was an inadequate amount of time to review details of the Consent Decree, discuss the impact of this decree with our community and membership base, and submit comments to the Judge.** The time frame given for comments was too short to ensure thorough community involvement. As you can imagine, it takes quite a bit of time to translate 124-pages of a legal agreement for a wide range of community audiences

outside of the courtroom. While we appreciate the request for comments, we regret that we are unable to have our membership participate more in the process. We find this to be extremely problematic, given our involvement with the Department of Justice and the NOPD regarding reform to date.

2. **The above also speaks to the process by which the Consent Decree proposal came about; had community been more involved in the process of drafting the document, we would be better positioned to comment on the final proposal.** We feel as though the DOJ was as thorough as possible in their investigation, prioritizing community involvement and offering multiple opportunities to hear stories from those with direct experience with the NOPD. However, when it came to the negotiations, community members were shut out of the process. This closed-door policy, coupled with the short amount of time allotted for comments, has resulted in a flawed process for real community involvement.
3. **Our members voiced concerned with the placement of cameras on patrol vehicles only, as opposed to on the officers themselves, except in the case of SWAT team officers; We are also interested to know if cameras will be recording audio to document possible cases of verbal harassment, threats, or intimidation.** Our experience tells us that there are many situations that would put an officer out of view of a vehicle camera; therefore, we believe it would be more effective if the camera were attached to all officer uniforms. This is especially true for “beat” officers who may be on foot, as well as officers who purposely take individuals out of view of the camera. Similarly, we were also unclear whether audio recording would be happening inside and outside of each patrol car as a result of the Consent Decree and if not, suggest that a provision be added to include audio recording on all officers.
4. **It is our understanding that no changes are being made to the trainings currently happening regarding cultural sensitivity, despite the fact that this was named an area of grave concern by the DOJ.** The trainings seem to continue to be only 4 hours for all “cultural sensitivity,” including issues concerning the LGBT community, the Vietnamese community, the Latino or immigrant community, second lines, Mardi Gras Indians, and any other issues. It is also our understanding that the Consent Decree keeps this training situated within the same entity that has been conducting the training for several years. We believe that issues of discriminatory policing fall outside the purview of “sensitivity” trainings and should be incorporated throughout all officer trainings, especially when talking about Stops, Searches, and Seizure. We also believe that the City should incorporate national experts, along with local community members with direct experience with the NOPD, to conduct these trainings based on “best practice.”
5. **We support the strengthening of provisions for the Independent Police Monitor, including their Motion to Intervene, ability to be embedded in the complaint process, critical incident reviews, and retaliation against police officers and citizens.** Residents and community organizers fought extremely hard for the creation of the Office of the Independent Police Monitor (IPM) and selected a politically independent monitor to serve New Orleans residents. At *BreakOUT!*, we have found the IPM to be invaluable

in terms of their unmatched expertise, community engagement, and trainings they have offered our membership. We support their involvement in the Consent Decree along with strengthened measures to ensure the sustainability and effectiveness of their office.

- 6. While our members have some concerns, we also applaud the provisions made in regards to the LGBT community, particularly those that prohibit the use of sexual orientation or gender identity as reasonable suspicion for a stop or arrest.** Further, we applaud the provisions that the NOPD must adopt policies to ensure that transgender people are referred to by their preferred name and appropriate gender pronoun; that transgender people will not be subjected to overly invasive searches due to their gender identity or to solely to determine their anatomy or genitalia; and that same-gender searches are to be done in accordance with gender identity. Our members look forward to the full implementation of such policies.

We have no doubt that a comprehensive Consent Decree is a must for the City of New Orleans and again, regret that as a small community organization, we were not able to offer more insight on the Consent Decree due to the short period of time allotted for comment. We hope that moving forward in this process, LGBT youth community members with direct experience with the New Orleans Police Department can be a stronger voice in reform efforts.

Thank you in advance for your time and consideration of our comments.

Sincerely,

BreakOUT! Youth

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

August 16, 2012

2012 AUG 24 PM 4: 29

LORETTA G. WHYTE
CLERK

Dear Honorable Judge Susie Morgan,

The NOPD must have a supervisory or governing commission with teeth that is not selected by the NOPD or by the mayor. It should be selected by the citizenry or by a wide and representative selection of individuals and organizations with a stake in the honest and efficient accountability of the police force. No authority can be answerable to itself in a democracy with a system of checks and balances.

Sincerely,

Matthew Davis

3311 St. Ann St.

New Orleans, LA 70119

(504) 214-5469

HONORABLE JUDGE SUSIE MORGAN

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2012 AUG 24 PM 4:29
LORETTA G. WHYTE
CLERK

UNITED STATES OF AMERICA

CIVIL ACTION

V.

NO: 12-1924

THE CITY OF NEW ORLEANS

SECTION "E"

DIVISION "2"

MAGISTRATE

COMMENTS ON PROPOSED CONSENT DECREE

On August 20, 2012 this Honorable Court heard the Police Association of New Orleans (PANO) oral argument on its Motions to Intervene. Upon the conclusion of this hearing, the Court invited public comment and objections to be filed in regards to the specific issues raised by this proposed consent decree. In accordance with this request, PANO respectfully files the following:

I.

Paragraphs 46, 78 and 87 of the proposed consent decree (Rec. Doc. 1) all require that certain employees of the New Orleans Police Department "shall" write reports or statements regarding use of force incidents "before the end of shift." While PANO does not object to this requirement, it does not address or consider certain circumstances such as the officers state of mind, mental, emotional or physical condition or other conditions which may affect an officer's ability to render a comprehensive, reliable statement. PANO believes that recognizing these factors and addressing them will allow for a more effective policy.

Additionally, since these incidents can occur at the end of an employee's shift, it should be explicitly stated that officers who exceed their work shift hours be paid in accordance with the requirements of the United States Department of Labor's Fair Labor Standards Act.

II.

Section K, paragraphs 96-107 concern the formation and implementation of a Force Investigation Team (FIT Team). While PANO does not object to the above, it recognizes that use of force incidents can occur 24 hours a day, seven days a week. Due to these circumstances, it is likely that members of this unit will be required to be on call out or stand by status.

As such, this section should explicitly express that employees assigned to this unit, who are subjected to this call out or stand by status, should be paid in accordance with the requirements of the United States Department of Labor's Fair Labor Standards Act.

III.

Section XVII of this proposed consent decree, entitled MISCONDUCT COMPLAINT INTAKE, INVESTIGATION, AND ADJUDICATION addresses the investigative techniques and processes of alleged police misconduct. Subsection C, paragraph 377 of this section states:

C. Preventing Retaliation

377. The City and NOPD agree to expressly prohibit all forms of retaliation, including discouragement, intimidation, coercion, or adverse action, against any person who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct. Within 270 days of the Effective Date, and annually thereafter, the City,

through, PIB, shall review NOPD's anti-retaliation policy and its implementation. This review shall consider the alleged incidents of retaliation that occurred or were investigated during the reporting period, the discipline imposed for retaliation, and the supervisors' performance in addressing and preventing retaliation. Following such review, the City shall modify policy and practice as necessary to protect individuals including other NOPD officers and employees and civilians, from retaliation for reporting misconduct. Retaliation for reporting misconduct or for cooperating with an investigation of misconduct is an egregious offense and shall not be grounds for discipline, up to and including termination of employment.

The process described in the above paragraph clearly reveals the need for PANO members to be allowed intervener status.

While PANO expressly supports the need for such a policy that prohibits retaliation, this same policy directs the complainant Police Officer to the defendant City.

PANO members, who are all sworn police officers, often find themselves in a situation in which the complained of action is one caused (or alleged to be caused) by the actions, inactions, policies or directives of the defendant City.

The sheer size and scope of this proposed decree, and issues and litigation involved, strongly suggest that the policies ultimately promulgated under this decree will be subject to interpretation by the parties. History and experience suggest that a police officer who knows or believes that the defendant City is not compliant in its responsibilities under the Consent Decree must first go to the Defendant City with his or her allegations.

This exact same situation was recently encountered by a PANO member who came forward with such allegations. Upon doing so, he was retaliated against and disciplined. A federal lawsuit against the Defendant City has been filed by the officer. Furthermore, the disciplinary process encountered by a police officer who makes such a complaint against the City or the NOPD and is then himself disciplined, is to appeal to the New Orleans Civil Service Commission, where his disciplinary case is prosecuted by representatives of the City. Clearly this conflict should not be left unresolved.

For the above reasons, PANO objects to the process outlined by this paragraph and suggests that by allowing PANO intervener status, subsequent federal litigation can

be avoided. In the Alternative, it is suggested a policy be substituted allowing for direct access to the monitor with concurrent protections.

CONCLUSION

The proposed consent decree and it's many rules, directives and policies will immediately and directly impact members of PANO in many ways. The objections lodged above are submitted are submitted not for delay, confusion or frustration of the goals and objectives of the proposed consent decree, but in an effort to bring attention to areas of concern expressed by the members of this organization.

Respectfully submitted:



Eric J. Hessler
2802 Tulane Avenue Suite #102
New Orleans, La. 70119
Ph. (504) 942-2454
La.Bar Roll No. 27453
Attorney for Interveners, Police Association
of New Orleans, Michael Glasser,
individually and as President of the Police
Association of New Orleans

GUSTE, BARNETT, SCHLESINGER, HENDERSON & ALPAUGH, L.L.P.

William J. Guste, III
J. Harrison Henderson, III
Robert A. Barnett (L.L.C.)
Claude A. Schlesinger
C. Theodore Alpaugh, III (P.L.C.)*

Krislie D. Holm (L.L.C.)

*ALSO ADMITTED IN TEXAS

ATTORNEYS AND COUNSELORS AT LAW
TWENTY-FIFTH FLOOR
ENERGY CORPORATION BUILDING
639 LOYOLA AVENUE
NEW ORLEANS, LOUISIANA
70113-7103

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2012 AUG 24 PM 4:29
LORRETTA G. WHYTE
CLERK
William J. Guste (1893-1957)
Robert A. Barnett (1893-1982)
William M. Barnett
Counsel
Telephone: (504) 529-4141
Facsimile: (504) 561-0326

August 24, 2012

Hon. Susie Morgan
Judge, Section "E"
United States District Court
Eastern District of Louisiana
500 Poydras St., Room C508
New Orleans, LA 70130

BY HAND DELIVERY

Re: USA v. City of New Orleans
USDC, EDLA No. 12-1924 'E'(2)
Our File No. 8253

Dear Judge Morgan:

Crescent City Lodge No. 2, Fraternal Order of Police, Incorporated and its acting President Walter Powers (collectively "FOP") thank the Court for the opportunity to provide comments on the proposed Consent Decree. Many of the concerns and comments below were expressed to the FOP by individual officers who only wish the best for the New Orleans Police Department ("NOPD") and, in that vein, have provided constructive criticism regarding certain aspects of the Consent Decree.

Crescent City Lodge No. 2, Fraternal Order of Police, Incorporated is a nonprofit corporation organized and existing under the laws of the State of Louisiana, and is the New Orleans lodge of the Fraternal Order of Police, the world's largest organization of sworn law enforcement officers which represents over 325,000 members in more than 2,100 lodges. The FOP is the largest organization representing officers of the New Orleans Police Department with a membership of nearly 90% of the active, full time members of the New Orleans Police Department. Its purpose is to improve the working conditions of law enforcement officers and the safety of those they serve through education, legislation, information, community involvement, and employee representation and to protect and secure the laws and work of its law enforcement members. FOP represents its members in civil, criminal and civil service matters and represents them collectively before the Superintendent of Police, the Mayor of the City of New Orleans, the New Orleans City Council and the Louisiana legislature, among other entities.

The FOP, while not a recognized union as the City of New Orleans ("City") has refused to allow the members of the NOPD the right to collectively bargain, has a long history of representing

Hon. Susie Morgan

August 24, 2012

Page number 2

its members and working to advance their interests. It has filed lawsuits on behalf of its members regarding many issues over the years, such as officer pay and disclosure of records relating to law enforcement officers. In addition, the FOP provides representation to its officers in their interactions with the New Orleans Police Department, including but not limited to disciplinary matters, in addition to civil service appeals and civil and criminal litigation. Its representatives appear regularly before the Civil Service Commission and, when appropriate, before the Mayor and his department heads as well as the City Council and the Louisiana legislature. The FOP also has regular meetings with the Superintendent of Police.

As of August 9, 2012 there were 1292 commissioned members of the New Orleans Police Department, counting all from the Superintendent down to the 28 graduating from New Orleans Police Academy – who are now designated as Police Field Recruits. Of those 1292 New Orleans police officers, 1124 are active members of the FOP. Only 168 officers are not members of the FOP. The next largest organization is PANO, with only 552 members. There are a number of officers which belong to both organizations.

As the organization that represents the vast majority of the NOPD officers and based on the long history of the Fraternal Order of Police in representing police officers and advocating for their interests, the FOP is uniquely qualified to set forth the position of the officers of the NOPD herein.

The FOP understands and agree with the need to reform the NOPD through the Consent Decree. Its members are dedicated to their service to this community. They live here. Their families live here. They raise their children here. They have a real, vested interest in improving the image of the Department and making the Department a better place to work. The are committed to improving the image of the Department. The FOP is not opposed to the entry of the Consent Decree as such. The FOP appreciates and recognizes that the Consent Decree will be the vehicle to assist with improving and modernizing the Department. However, the Consent Decree in its present form has a number of issues which the FOP believes should be addressed to make it a better product, one which the FOP and the officers of the NOPD can embrace and use as a blueprint going forward.

One general comment that applies to the entire proposed Consent Decree is that where it calls for any document to be submitted to the DOJ and the Monitor, it should also provide for submission to the FOP for review and comment. For instance, in paragraph 21-23, the NOPD agrees to submit new and revised policies, procedures and manuals to DOJ and the Monitor. The FOP should be able to review, comment and object if the policy or procedure impacts an officers constitutional rights, the Louisiana Constitution, Civil Service or La. R.S. 40:2531, the Law Enforcement Officers' Bill of Rights.

Our specific comments are as follows:

Paragraph 9 - This provides that the Agreement (really should read Consent Decree) is enforceable only by the Parties, *i.e.* the USA and the City. It goes on to state that “[n]o person or

Hon. Susie Morgan
August 24, 2012
Page number 3

entity is intended to be a third-party beneficiary of the provisions of this Agreement for purposes of any civil, criminal, or administrative action. Accordingly, **no person or entity may assert any claim or right as a beneficiary or protected class under this Agreement.**" Paragraph 9, emphasis added. There is no provision whatsoever for the officers who are directly affected to enforce the Consent Decree or otherwise judicially assert violations of the Consent Decree. The officers who are directly affected should not have their rights removed by this provision.

Paragraph 27 (k) - This subsection provides for a supervisor to inspect and observe subjects for injuries or complaints of pain and requires the administration of first aid until professional medical care providers are on the scene. What training and equipment will the police department provide to front line officers to achieve this objective? As it currently stands, officers are not issued any medical equipment including gloves, etc.

Paragraph 29 - Does the use of force policy and protocol for weapons that this Paragraph calls for include knives carried by police officers as a tool rather than a weapon (cutting crash victims out of seatbelts, etc.)?

Paragraph 43 – As this is worded this seems to prevent the use of canines in retrieving suspects from under a residence. Is the alternative for a police officer to crawl under the residence to retrieve suspects who refuse to come out after repeated verbal commands to do so?

Paragraph 67 - Will the police officer be allowed to view his ECW camera footage prior to completing the use of force statement? If so how will this occur prior to the end of a tour of duty for Officers who work nights / weekends as the downloading of this footage can only be done at the Academy by trained instructors?

Paragraph 69 - This prohibits totally the use of Oloresin Capiscum Spray (pepper spray) by on-duty officers, including those working Secondary Employment. This removes a valuable tool in the use of force continuum for police officers. Other consent decrees, such as that in Seattle introduced three days after the proposed Consent Decree herein, actually embrace its use as an intermediate tool on the use of force continuum. If pepper spray is removed, an officer may be forced to escalate to a much higher force level than is currently necessary, such as an impact weapon, placing the officer and the potential suspect at greater risk. If the TASER (referred to in the Consent Decree as an "ECW") is viewed as a substitute, there are 430 or so officers who are not TASER certified. Further, the device is not 100% effective all of the time and may malfunction. One example is if an officer encounters a vicious dog. Right now he can use pepper spray to stop the dog. If that is removed from the use of force continuum he will have to use deadlier force (ECW weapons are not reliable on dogs due to fur and the spread of the probes). This will result in either dead or injured dogs when they could have been saved by the use of pepper spray.

Paragraph 78 - Requiring a detailed use of force statement prior to end of tour of duty will result in poorly recalled details and may infringe on a police officer's rights. Force incidents,

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especially critical force incidents are not easily recalled immediately following the force encounter. A recent study by Dr. P.A. Lewis of the School of Psychological Sciences at England's University of Manchester which appeared in the medical journal *Neuropsychologia*¹ found subjects were able to recall details and information with more detail after a sleep cycle than the subjects who were forced to remain awake. A study reported in the FBI Law Enforcement Bulletin, Vol. 71, No. 10 (October 2002)² ("FBI Bulletin") recognized that, given the "quirky" nature of perception and memory, expecting officers to have perfect recall of any event is not realistic. If an officer's recollection of an event is not a totally accurate representation of reality, it does not necessarily mean that the officer is lying or trying to engage in a cover-up. It goes on to recommend:

Often, however, it is best for officers to sleep first and give their statements later. This does not preclude their providing enough brief information during an immediate on-scene "walk-through" to get the investigation started. But, investigators must conduct these initial sessions in a sensitive manner that does not compromise the officers' legal rights.³

The International Association of Chiefs of Police ("IACP") ratified its *Officer Involved Shooting Guidelines*⁴ in 2009. That publication directly addresses critical incident reporting and states, in no uncertain terms, that the officer not produce a use of force or incident report immediately after the incident:

4.1. Shootings and other use-of-force incidents can result in heightened physical and emotional reactions for the participants. It is recommended that officers involved in such incidents be given a minimum three days leave, either administrative or through regular days off, in order to marshal their natural coping skills to manage the emotional impact of the incident prior to return to duty or the preparation of a use-of-force or incident report. Those who were present at the scene but did not discharge their weapons may also be

¹Keeping time in your sleep: Overnight consolidation of temporal rhythm, *Neuropsychologia*, Vol 49, pp. 115-153 (May 2011), http://walkerlab.berkeley.edu/reprints/Lewis-Walker_Npsych_2011.pdf

²<http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/2002-pdfs/oct02leb.pdf/view>

³FBI Bulletin, p. 22.

⁴http://theiacp.org/psych_services_section/pdfs/Psych-OfficerInvolvedShooting.pdf. A copy is attached for the Court's ready reference.

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emotionally impacted by the incident and may benefit from a period of administrative leave. It is important that officers and the public understand that administrative leave is a routine procedure and not a disciplinary suspension.⁵

Immediate reporting of use of force, or any critical incident, will in all probability result in an inaccurate report. Further, requiring a full report before the end of shift potentially subjects an officer to violations of his legal rights as the statements can be used in later administrative and/or criminal investigations. The FOP recommends that the Consent Decree be modified to address and incorporate the procedures set forth by the IACP.

Paragraph 79 - "Officers shall be subject to disciplinary action for material omissions or inaccuracies in their Force Statements." See concerns about Paragraph 78 regarding the requirement that police officers complete their Force Statements prior to the completion of their shifts and the probability that this will lead to inadvertent omissions or inaccuracies for which the officer, by this Paragraph, is responsible. Additionally there is no consideration for officers who are in extraordinary circumstances, *i.e.* a SWAT officer who is engaged in a barricaded subject situation for twelve hours, at the end of which he/she is forced to use deadly force. This officer is now forced to give a statement, with no omissions without regard for their level of fatigue or issues with perception as recognized by the FBI and the IACP. Further, what Constitutional protections does the officer have against self incrimination and does this directive violate those rights? Does it violate the Police Officer's Bill of Rights, La. R.S. 40:2531? Does it violate *Garrity v. New Jersey*, 385 U.S. 493, 87 S. Ct. 616, 17 L. Ed. 2d 562 (1967)? There seems to be no distinction between compelled and voluntary statements made by officers who use force. Again, the FOP recommends that the Consent Decree be modified to address these issues and address and incorporate the procedures set forth by the IACP.

Paragraph 83 - Supervisors shall "review and approve use of force reports prior to the end of the shift during which the Level 1 force was used." This is not feasible given the department's lack of overtime and lack of manpower. Officers and supervisors will be rushed to finish a document which could be used against them later in both disciplinary hearings as well as possible criminal proceedings. Not only will the officer be forced to make split second decisions regarding the use of force, but they will also be forced to make rash decisions regarding the documentation of the use of force. Is the intent of this policy to document force fully and properly or is expediency the only concern of the Consent Decree? Also see comments regarding Paragraphs 78 and 79. The FOP believes that this Paragraph should be modified in accordance with the concerns expressed in the comments to Paragraphs 78 and 79.

⁵*Officer Involved Shooting Guidelines*, Section 4 Investigative Period, Paragraph 4.1, p. 3, emphasis added.

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Paragraph 99 - Who investigates the murder of police officers when the suspect is injured? As it currently stands the Homicide Unit still investigates these incidents. What other agency will do the investigation in the circumstances set out in this Paragraph? The agency should be specified.

Paragraph 105(d) - Are investigators allowed to use taped statements in lieu of written statements from citizens? Many people are unable to articulate facts and circumstances in written form and are more comfortable providing it in verbal form.

Paragraph 136 - Investigative supervisors are not always working when Detectives obtain warrants. This will hinder the process of getting a search warrant and is unnecessary as the review of a warrant by a Magistrate Commissioner is a requirement of law.

Paragraph 143 - Arrests for begging/vagrancy (54-411; 14:107) have been ruled unconstitutional by appeals courts.

Paragraph 145 - "Officers shall complete all arrest reports before the end of shift" There are no exceptions to this given the way it is currently worded (the "exceptional circumstances" exception appears to apply only to supervisor's review of the report). Often officers receive detailed, complex investigations near the end of their shifts, *i.e.* a barroom is robbed, a shoplifter fights the employee of the business, etc. These reports often take time and attention to detail to craft them. This provision of the Consent Decree does not take this into account. This will force officers to write less detailed, less accurate reports solely for the sake of expediency. This time crunch could lead to unintentional consequences including inadvertent violations of defendants' rights such as the exclusion of *Brady* material in an arrest report. Further, see comments above re critical incidents in discussion of Paragraphs 78 and 79 and the modifications suggested by FOP.

Paragraph 149 (h) - "if a vehicle stop, whether the driver or any passenger was required to exit the vehicle, and reason." The Supreme Court has established that officers have the right to order passengers/drivers out of vehicles for officer safety concerns. These requests are completely constitutional and do not require an articulable reason for them. The inherent danger of a traffic stop is reason enough for the request. [*Pennsylvania v. Mimms*, 434 U.S. 106, 98 S. Ct. 330, 54 L. Ed. 2d 331 (1977) and *Maryland v. Wilson*, 519 U. S. 408, 117 S. Ct. 882, 137 L. Ed. 2d 41 (1997)]

Paragraph 171 - Double blind lineup procedures require manpower which may not be available. The current policy of the Detective Bureau is that the lineup identification process must be recorded in its entirety. If the purpose is to prevent the violation of suspect's rights by preventing "suggestive" lineup procedures, the recording of the entire lineup process certainly allows a Judge to determine if the lineup procedure was suggestive. Additionally allowing the person presenting the lineup to do so, but in a way in which he/she does not know what photographs are being looked at by the witness, is another procedure other jurisdictions have used successfully (Garrett; 2011; *Convicting the Innocent*; Cambridge, MA; Harvard University Press). In this manner described by Garrett, the victim is presented an envelope containing six photographs in random order. The victim

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is instructed to review each photograph and make their selection without sharing that selection with the investigator. The victim then signs the photographs and places them back into the envelope. The investigator, although present, does not know who the victim has selected until he/she reviews the photographs in the envelope at a later time. Garrett even mentions one of the reasons departments have used this method is due to manpower considerations. Garrett offers this as an alternative to double blind line up procedures which is his preferred method of eyewitness photographic identification.

Paragraph 248 - The proposed Training Advisory Committee should have a police employee representative of the rank and file to bring to the table practical concerns.

Paragraphs 295 through 304 - Section XIV entitled "Performance Evaluations and Promotions" seeks to insert subjective criteria into the current, merit-based promotion process administered by Civil Service. While performance evaluations may be a useful tool in assessing and determining the need for training, in the end they are subjective. Further, these provisions that inject subjective criteria into this area and give the Superintendent more control over promotions are in derogation of what brought the Civil Service system in Louisiana and New Orleans about.

Civil Service was developed and enshrined in the Louisiana Constitution to prevent employees from being subjected to the "spoils system" and give them protection from the whims of their employer. It has a myriad of functions, from setting hiring, pay and promotional policies and procedures, among other things, to acting as the first level of appeals for employee discipline. The rules of the Civil Service Commission have the force and effect of law. However, it is not the mechanism that will provide input by employees into the myriad of changes being promoted by the Consent Decree that include many more topics than the responsibilities encompassed by Civil Service, as the Civil Service Commission does not approve changes to the NOPD internal procedures, which encompass the great bulk of the proposed Consent Decree. Further, under the present Civil Service Commission rules, the only input an employee or their representative is allowed at meetings is three minutes to address any particular issue.

The Consent Decree speaks of the NOPD working with Civil Service in this area. However, this Court should be aware that the term "civil service" is somewhat misleading in the Consent Decree. There are two entities which could be "civil service" in New Orleans. One is the Civil Service department, which is an agency of city government. These are the people that the NOPD would interface with to develop new policies and procedures. One would assume that since this department is, like the NOPD, a city agency that it would be amenable to whatever the NOPD proposes (and the Consent Decree mandates). However, the Civil Service department has no power to implement anything. That power is reserved to the Civil Service Commission, which is not a City agency but instead is based in the Louisiana Constitution, Article X. It is an autonomous body over which the City is supposed to have no control.

It is the City who invited the Department of Justice to New Orleans to perfect a Consent

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Decree. The City wants to use the Consent Decree to legitimize its agenda to make changes that it would have difficulty achieving otherwise, potentially leading people like the Civil Service Commission and state legislators (a reality which the FOP has already encountered) to believe that they have to make the changes set forth in the Consent Decree, even though those changes are aspirational and not binding on it as it is not an "official, agency, employee or officer" of the City. The mayor has publicly stated that he wants to "release all city employees and hire them back into newly defined positions as a "reform" of civil service."⁶ Further, the City has hired a consultant to work with the Civil Service Reform Committee (which has no police officer representatives on it) and FOP understand that it will shortly unveil a proposal to transfer all employment functions to a human resources department run by an unclassified employee and essentially shrink Civil Service to nothing more than a record keeping function. He will undoubtedly point to the Consent Decree as the reason for this change.

Paragraph 310 - The proposed ratio of one sergeant to eight officers is too large. Given the amount of additional administrative and investigative mandates of the Consent Decree, as well as from practical experience, the ratio should be much lower, on the order of one sergeant to no more than five officers. The National Institute of Management Standards finds that this level is optimal.

Paragraph 316 - 326 - Section XV(C) Early Warning System. The issue that the FOP has with this section is not the Early Warning System *per se*. Rather, the concern is with the impact it will have on the privacy rights of the officers. Paragraph 323 states that "[n]o individual within NOPD shall have access to individually identifiable information that is maintained only within the EWS and is about an officer not within that individual's direct command, except as necessary for investigative, technological, or auditing purposes." While access to those in the NOPD is restricted, the same may not be the case for the purposes of the Louisiana Public Records Act, La. R.S. 44:1, *et seq.*

Section XVI - Secondary Employment System. As the FOP has stated in its Memoranda filed herein, what this has to do with constitutional policing is questionable, to say the least. The stated purpose of this Section is to insure that "officers' and other NOPD employees' off-duty secondary employment does not compromise or interfere with the integrity and effectiveness of NOPD employees' primary work as sworn police officers serving the entire New Orleans community." By the terms of this Section, "secondary employment" means what has been referred to as "paid details." Paragraph 364 limits this to twenty-four hours per seven day work week. Paragraph 365 provides that "[n]o employee, including Reserve officers, shall work more than 16 hours within a 24 hour period." Presumably the reason for the limitation is to make sure the police officers do not work excessive time at their secondary employment which may result in insufficient time for rest between shifts. However, if this is indeed the intent, then why doesn't the section also address other outside employment which is not related to law enforcement? Is this because this would stretch the

⁶http://www.nola.com/politics/index.ssf/2011/04/mayor_mitch_landrieu_outlines.html

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supposed connection to “constitutional policing” to the breaking point? This Section has no relation to the stated purpose of the Consent Decree, constitutional policing, and should not be a part of the Consent Decree.

Paragraph 333 - This establishes the “Coordinating Director” for secondary employment. It provides that “[t]he Director shall be an unclassified civil servant appointed by and serving at the pleasure of the Mayor, shall remain independent from actual or perceived influence by NOPD.” The FOP submits that this is impossible to achieve if the Director is an unclassified employee (he cannot be unclassified and be a civil servant, as the two are contradictory). If he is unclassified, he cannot be independent of NOPD, as the Superintendent serves at the pleasure of the Mayor and the NOPD is under the Mayor’s practical control. The only way the Director can be free from NOPD influence is if he is indeed a civil servant, which means he must be a classified employee protected by Civil Service.

Paragraph 340 - This establishes a rotation system, which provides that no police officer may work recurring secondary employment more than 365 days for the same employer. While the paragraph also provides that the Director may grant exceptions, the fact remains that many businesses do not want a “generic” police officer on their premises. They have officers who may have worked for them for many years and understand their business and its requirements. This provision may actually reduce opportunities for secondary employment if the NOPD or the Director dictates which officer the business receives instead of letting the business make the decision, as it does with all employees.

Paragraph 375 - Reporting misconduct. This paragraph requires any officer who observes or becomes aware of misconduct to report it to a supervisor or to PIB. However, how is the officer certain of misconduct in marginal situations? If an officer sees something which he may not see as misconduct but is later in hindsight determined to be so, should he be penalized for an error in judgment as opposed to deliberate failure to report?

Paragraph 383 - “Sting Audits.” This Paragraph would appear to authorize entrapment, which an officer would not be able to do otherwise. Is something that is illegal for an officer to do with regard to a suspect now legal for the NOPD to do with regard to its employees?

Paragraphs 402 and 403 - Amendment of La. R.S. 40:2531 (“Bill of Rights”). The Consent Decree mandates that the NOPD and the City attempt to have the Bill of Rights amended to provide a “reasonable timeframe” for completion of administrative investigations. It goes on to state that all investigations be completed “within the time limits mandated by state law and within 90 days of the receipt of the complaint” but permits up to 120 days if an extension is granted. It then mandates that the NOPD has 30 days to impose discipline, except in cases of extenuating circumstances, where the time frame is increased to 60 days.

If the intent is to amend the Bill of Rights to permit an initial 90 day investigative period

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(rather than the current 60) and to add a 30 day extension for a total of 120 days, and if the intent is to further amend the Bill of Rights to provide for a time frame for imposition of discipline, then the FOP has no problem with these proposals. However, if the intent is to increase the investigative period to more than 120 days, the FOP does have a problem with that. Four months should be ample time to investigate allegations of misconduct. Again, this is an area where the City, which has attempted on numerous occasions to amend the Bill of Rights to increase the time for investigations and has failed each time, obviously wants to use the Consent Decree to tell legislators that a Federal decree mandates that they, the legislators, change the law.

Further the "tolling period" is not anywhere in current law, but only in some court decisions from only one circuit, the Louisiana Fourth Circuit Court of Appeal. Elsewhere in the state, departments run concurrent investigations using two separate investigators. One does not see what the other is doing. This allows the criminal investigation to take as long as needed while fulfilling the mandate of the Bill of Rights regarding the time frame to complete an administrative investigation.

Paragraph 411 - This reflects current NOPD procedure regarding criminal and administrative investigations of the same officer. The Consent Decree should reflect the police officer's rights under *Garrity, supra* not to provide a compelled statement in a criminal investigation and that a compelled administrative statement wherein he cannot assert his Fifth Amendment rights cannot be used against the officer.

Section XVIII - Transparency and Oversight. The FOP believes that the best way for this to be insured is to give police officers an opportunity to participate in the process. Accordingly, the United States Attorney Criminal Justice Coordination Group should include a representative of the members of the NOPD, not just someone on the command staff who does not represent the rank and file officers.

Paragraph 435 - This Paragraph requires each NOPD officers to attend two community meetings in their district for the first two years. As this is a requirement of employment, it should be on duty or paid overtime. However, the Consent Decree is silent on this. In this area, and indeed in any area that requires officers to do anything other than their normal tour of duty, the Consent Decree should specify that this is paid time (see discussion of Fair Labor Standards Act, , 29 U.S.C. §201, *et seq.*, below).

Paragraph 448 - This requires the Monitor to conduct assessments to measure whether implementation of the Consent Decree is resulting in constitutional policing. It has a number of areas to be considered, but nowhere does it mention that the Monitor is to consider in any way the views and experiences of individual police officers. Rather, it appears to be statistic driven only, which the FOP believes does not give a full measure of what this Paragraph is attempting to accomplish.

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Paragraph 450 - 453 - These Paragraphs requires the Monitor to complete a plan for conducting the outcome assessments referred to in Paragraphs 448 and 449 and to submit it to the Parties for review. They further provide for modification of the plan, again subject to the Parties' approval. The FOP believes that the officers should have a voice in this as they are the ultimate individuals affected by this Consent Decree. Accordingly the FOP should be involved in this process on their behalf.

Paragraph 454 - Review of Use of Force and Misconduct Investigations. As long as this complies with applicable precedent and state law, *i.e.*, the Bill of Rights, the FOP does not have an issue with this provision.

Paragraph 455 - This Paragraph allows the Monitor to make recommendations to change the Consent Decree, among other things. Again, the FOP believes that since this Agreement is binding on the members of the NOPD they should be involved in its confection, implementation and any changes that may take place down the road by involving the FOP in the process as well.

Paragraph 456 - The comprehensive two year assessment should require the input of and an analysis of the impact to the officers of the NOPD. Further, since this provides a vehicle for amending the Consent Decree, the officers of the NOPD should be involved, as set forth above.

Paragraph 458 - Draft copies of reports should also be provided to the FOP for comment as well to allow the input of the officers of the NOPD for the reasons stated above.

Paragraph 460 and 461 - This provides for regular meetings with the USA and the City as well as meetings with community stakeholders. There is no mention of meetings with either the FOP or the members of the NOPD. For the reasons stated above, the FOP should be included in the monthly meetings set forth in Paragraph 460 and the Monitor should be required to meet with the FOP and the members of the NOPD to get their input in the same manner as required in Paragraph 461.

Paragraph 487 - This Paragraph allows the City and the DOJ to jointly stipulate to make changes, modifications and amendments to the Consent Decree which become effective without Court action 45 days after a joint motion addressing the changes is filed. It further provides for the ability to suspend portions of the Consent Decree. Again, as the FOP has stated throughout this process, this leaves out any participation by those most affected by the Consent Decree, namely the NOPD officer. It allows continuation of the "steamroller" tactics heretofore employed by the DOJ and the City, affecting the rights of officers without any representation or participation whatsoever. This provision and, indeed, all such provisions of the Consent Decree should be amended in such a fashion that the rights of the officers will be protected. The FOP should be involved in all such provisions so that the rights of the officers of the NOPD will be protected and their voices heard.

Aside from comments on what is in the proposed Consent Decree, the FOP wishes to point

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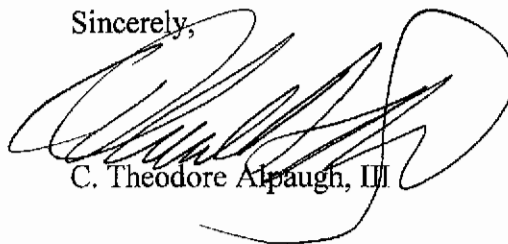
out two areas which it discussed with the DOJ but which are not encompassed within the proposed Consent Decree. These are issues regarding manpower and compliance with the Fair Labor Standards Act, 29 U.S.C. §201, *et seq.* ("FLSA"), particularly in the area of overtime.

Chief Serpas has publicly stated the NOPD need 1575 police officers. Today we have less than 1290. While the Consent Decree has provisions regarding new recruit classes, the usual recruit class of thirty takes about six months to complete the Academy. This limits the recruit classes to at most two a year graduating sixty officers, assuming all recruits complete the Academy, which historically does not happen. This amount of new officers does not keep up with the historical attrition rate of the NOPD, which is 75-125 officers per year. The Consent Decree will in all probability increase this, if for no other reason that it changes the rules regarding Secondary Employment which may force officers into retirement simply for financial reasons.

Violations of the FLSA are also a concern. Currently officers are routinely forced to work overtime which, to a large extent, is uncompensated or is undercompensated. One of the most frequent reasons that officers are told to work uncompensated overtime is to have reports completed. The requirement of the Consent Decree that all reports will be completed by end of shift will no doubt exacerbate this violation of Federal law. If the DOJ and the City are serious about following Federal law in this Consent Decree, they should insert provisions to insure that the NOPD complies with the FLSA.

The FOP thanks the Court for providing the opportunity to comment on the proposed Consent Decree. Please let us know if you need any further information regarding the position of the FOP and the comments set forth herein.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Theodore Alpaugh, III', written over a circular scribble.

C. Theodore Alpaugh, III

CTA/at
Attachment

Officer-Involved Shooting Guidelines

Ratified by the IACP Police Psychological Services Section
Denver, Colorado, 2009

1. Purpose

- 1.1 These guidelines were developed to provide information and recommendations to public safety agencies and mental health providers for the purpose of constructively supporting officers involved in shootings and other use-of-force incidents that may trigger the investigative process. Many of these recommendations can also be applied to other potentially distressing critical incidents. The field experience of members of the IACP Police Psychological Services Section, along with scientific research, suggests that following these guidelines can reduce the probability of long-lasting psychological problems resulting from such incidents. These guidelines are not meant to be a rigid protocol and may be adapted according to agency size and funding, as well as applicable state and local laws.

2. Pre-Incident Preparation

- 2.1. Officers and administrations should be made aware of the emotional, psychological, and behavioral residuals often associated with officer-involved shootings. Agencies are encouraged to train all agency personnel in posttraumatic reactions and appropriate ways to respond to employees who have been involved in a potentially traumatic incident. Trainings should include what to expect personally, departmentally, and legally after a shooting or other significant use-of-force incident.
- 2.2. Prior to any shooting incident, it is strongly recommended that the agency establish a working relationship with one or more trained, qualified, licensed mental health professionals experienced in the law enforcement culture as well as in providing post-shooting intervention. The department should notify this mental health resource as soon as possible following an officer-involved shooting, so that a post-shooting intervention can be facilitated.
- 2.3. All officers should be asked to complete a form indicating the names and contact numbers of family members and significant others whom they would like to be notified in the event that they are injured on duty and are unable to contact them personally. Officers should also identify two or three fellow officers, in order of preference, whom they have chosen to contact their family and significant others. This information should be routinely reviewed by all officers on an annual basis. Officers should be assured that the information they place on the document is safe from review by unauthorized personnel, and is readily available at the time of an incident.

3. At the Scene and Immediately Following

- 3.1. Immediately after an incident, provide physical first aid and communicate emotional support and reassurance to involved officers and other personnel. This support should be focused on calming physical and emotional stress and supporting the officers' sense of safety.
- 3.2. Involved officers should be encouraged to step immediately away from the scene and any media attention and be sensitively transitioned to a safe and supportive environment. Instead of driving themselves, they should be provided with transportation. If returning immediately to the department is not practical, they should be allowed to choose another appropriately private and safe remote location. Above all, officers should not be isolated. Instead, they should be accompanied by supportive peers and supervisors who can assist them in following agency policies regarding talking about the incident before the initial investigative interviews. If officers themselves have an immediate need to talk about the incident, they should be encouraged to do so solely with individuals with whom they have legally privileged confidentiality. Consider both the officers' preferences and the integrity of the investigation when deciding if and when the officers are to return to the scene.
- 3.3. Following a shooting incident, officers may feel vulnerable if unarmed, especially when they are in uniform. If an officer's firearm has been taken as evidence, a replacement weapon should be immediately provided as a sign of support, confidence, and trust unless there is an objective basis for questioning the officer's fitness for duty. In addition to replacing the officer's weapon, it is recommended that a peer (ideally trained in peer support; see *LACP PPSS Peer Support Guidelines*, or has previously gone through an officer-involved shooting while employed with the agency) be assigned to the officer immediately following the incident to provide support and security. Officers should be kept informed of when their weapon is likely to be returned.
- 3.4. Officers should be provided with the opportunity to contact their family members as soon as possible. It is best for the officers themselves to contact their families. It is therefore prudent that no contact be made with family members before the officers have had this opportunity. If this opportunity is significantly delayed, or officers are injured and unable to call themselves, then individuals who preferably know the families and have been previously chosen by the officers should call as soon as possible. Offers to call other support people such as friends, family members, chaplains, and so on, should be made to ensure that the family members have their support system mobilized. Family members who wish to be with injured officers should be offered transportation in lieu of driving themselves.

- 3.4.1. Officers not involved in the incident, but on duty, should attempt to contact their families and advise them that a shooting incident has occurred, but that they were not involved.
- 3.5. The investigative process and concerns over legal and administrative consequences are often the most stressful parts of an officer-involved shooting for involved personnel. During the first few hours, a designated peer, union representative and/or supervisor should explain to officers what is likely to happen administratively and the reasons behind the required administrative actions. A written summary of administrative and investigative procedures should be provided to all officers during their initial training and again within the first few hours after a shooting incident. During this potentially emotional and confusing time, officers may also wish to consult legal advisers of their choice for further education. Within the initial two days, educate involved officers on the protocol of the investigation as well as any potential actions by the media, grand jury, or review board. It is preferable that these steps be taken prior to any formal investigative interviews. It is equally important that, over time, officers be made aware of the progress of the investigation.
- 3.6. It would be helpful to provide officers and their significant others with written information that reviews physical and psychological reactions to shooting incidents. Topics covered should include what to expect, how to support each other, coping strategies, and whom to contact for further assistance. These may be the same handouts provided to newly hired officers (see 2.1).

4. Investigative Period

- 4.1. Shootings and other use-of-force incidents can result in heightened physical and emotional reactions for the participants. It is recommended that officers involved in such incidents be given a minimum three days leave, either administrative or through regular days off, in order to marshal their natural coping skills to manage the emotional impact of the incident prior to return to duty or the preparation of a use-of-force or incident report. Those who were present at the scene but did not discharge their weapons may also be emotionally impacted by the incident and may benefit from a period of administrative leave. It is important that officers and the public understand that administrative leave is a routine procedure and not a disciplinary suspension.
- 4.2. While officers may be asked to provide pertinent information soon after a shooting to aid the initial investigative process, it is suggested that they have some recovery time before providing a full formal statement. Depending on the nature of the incident and the emotional status of the officers, this can range from a few hours to several days. Officers will often benefit from at least one night's sleep prior to being interviewed. Officers who have been afforded these opportunities are likely to provide more coherent and accurate statements. Providing a secure

setting, insulated from the press and curious coworkers, is important during the interview process.

- 4.3. During the course of a post-shooting investigation, potential legal and emotional difficulties may arise for officers involved in subsequent critical incidents. When appropriate, it is recommended that officers and agencies work together in considering temporary duty assignments, if available, that will lessen the likelihood that officers will be involved in subsequent use-of-force incidents during on-going investigations.
- 4.4. If officers have published home telephone numbers, it may be advisable to have friends or voicemail screen telephone calls to prevent any harassing or threatening calls from reaching officers or family members.
- 4.5. Talking with peers who have had similar experiences can be quite helpful for officers involved in significant use-of-force incidents. Often these personnel respond immediately on scene to provide support and psychological first aid. Peer support personnel may also be an asset by participating in group interventions in conjunction with a mental health professional and in providing follow-up support. Family members of officers involved in shootings may also benefit from peer support particularly from the family members of those who have previously been involved in shootings or other life-threatening events. The formation and administrative backing of peer support and outreach teams for officers and family members may prove to be a wise investment prior to an officer-involved shooting. Peer support should only be ancillary to intervention by a mental health professional and should never take its place. (Please see *IACP PPSS Peer Support Guidelines* for information concerning the development and use of peer support teams.)
- 4.6. Personal concern and support for officers involved in significant use-of-force incidents, communicated from high-ranking administrators, can provide an extra measure of reassurance and comfort. The administrator does not have to comment on the situation, or make further statements regarding legal or departmental resolution, but can show concern and empathy for the officers during this stressful experience. These contacts, whether in person or via telephone, should be made as soon as possible after the incident.
- 4.7. As soon as is practical, a designated and informed person should brief the officers' supervisors and team, followed by the agency as a whole, about the shooting. Efforts should be taken to make sure distributed information is accurate. This practice will reduce the number of questions asked and criticisms of those involved, and will also help to quell any rumors that may have arisen. Further, agencies should make every effort to expedite the completion of administrative and criminal investigations, keep the officers informed, and notify them of the outcomes as soon as possible.

- 4.8. Significant use-of-force investigations are complex events involving an array of law enforcement and other government agencies. Continued communication between all parties throughout the course of an investigation protects involved officers by mitigating misunderstandings and conflict among the many different interests.
- 4.9. Members of the community, including the media, may benefit from education regarding procedures and protocols related to police use of force. It is recommended that police agencies assist the community in these efforts by providing information about factors involved in police use of force such as officer safety issues and pertinent laws.
- 4.10. Lengthy investigations can cause distress to officers. Agencies should make every effort to expedite the completion of administrative and criminal investigations. While investigations are pending, supervisors should maintain regular contact with officers and keep them apprised of any pertinent developments.

5. Post-Shooting Interventions

- 5.1. Post-shooting interventions should be conducted only by licensed mental health professionals trained and experienced in working with law enforcement personnel. Care should be taken in selecting a mental health professional to ensure that he or she is well versed in the law enforcement culture and has knowledge and experience in the treatment of traumatized individuals.
- 5.2. Some officers would choose not to participate in the post-shooting interventions provided by qualified mental health professionals, yet when required to attend, they often find it helpful. In addition, some may be unaware of the potential impact of the incident and choose not to attend. For these reasons, it is recommended that officers be required to attend one individual post-shooting intervention so they can, at a minimum, be provided with basic education and coping skills to better manage their reactions. While officers may be required to attend at least one mandatory session, this does not mean that it should be mandatory for them to discuss the event or how they feel with the mental health professional. Any participation beyond attendance should be voluntary on the part of the officers.
- 5.3. After a life-threatening incident, officers frequently are most concerned about how they reacted physiologically and emotionally, and whether these reactions were “normal.” Post-shooting interventions should be primarily educative as this reassurance reduces worry, anxiety, and negative self-assessment. Much of the time the normalization and education provided during the post-shooting intervention affords sufficient support to facilitate individual coping mechanisms. If not adequately addressed, however, these reactions may lead to more severe and chronic problems requiring treatment services.

- 5.4. The initial post-shooting intervention should occur within one week after the shooting incident. The initial goal should be to reduce stress, assess and “normalize” any problematic post-incident reactions and provide education regarding stress reduction and self-care. Particular attention should be paid to maintaining sleep functioning, accessing social support, and minimizing or abstaining from alcohol use.
- 5.5. It is recommended that officers not be required to return to work immediately following a post-shooting intervention session.
- 5.6. A single contact with a mental health professional may prove to be inadequate for officers who have been severely affected by an event. Also, a subset of officers may experience delayed onset of problems. The mental health professional should informally assess, for the sole purpose of voluntary referral, which officers may need additional or alternative types of support to further their recovery process. Follow-up sessions should be made available to every involved officer and, if appropriate, referrals may be offered for further treatment and/or to peer support or chaplaincy programs.
- 5.7. Because delayed reactions may occur, all officers receiving an initial post-shooting intervention should receive follow-up contact by the mental health professional either via phone or e-mail sometime within the first four months post-incident. In addition, contact should be made prior to the first anniversary of the incident.
- 5.8. It should be made clear that the individual post-shooting intervention is a confidential and legally privileged communication between the mental health professional and the officers involved. No information about the content of these sessions should be released without the officer’s written authorization.
- 5.9. Life-threatening use-of-force incidents also have the potential to emotionally impact an officer’s significant others, who often can provide valuable support to officers following these incidents. Therefore, it can be beneficial for all concerned to include significant others in the psychological debriefing process. It is recommended that consideration be given to inviting significant others to accompany officers to individual post-shooting interventions. If significant others are invited, officers may have specific preferences about individual versus joint sessions, and mental health providers should give serious consideration to such preferences. The decision to conduct individual debriefings followed by joint debriefings, or joint debriefings alone, should be decided by the officer and mental health provider.
- 5.10. It should be made clear to all involved personnel, supervisors, and the community at large that officers’ fitness-for-duty should not be brought into question by virtue of their involvement in shooting incidents. Post-shooting psychological interventions are separate and distinct from any fitness-for-duty assessments or

administrative or investigative procedures that may follow. This does not preclude a supervisor from requesting a formal fitness-for-duty evaluation based upon objective concerns about an officer's ability to perform his or her duties. However, the mere fact of being involved in a shooting does not necessitate such an evaluation prior to return to duty. (Please see *IACP PPSS Psychological Fitness-for-Duty Evaluation Guidelines* for information concerning the criteria and procedures for these evaluations.)

- 5.11. If a fitness-for-duty evaluation is requested, it should not be conducted by the mental health professional who provided the post-shooting intervention. However, as part of the post-shooting intervention, the mental health professional can assist officers in making decisions concerning returning to duty. Officers maintain the right to privilege and confidentiality regarding such communications unless otherwise waived (e.g., in the context of a workers' compensation claim).
- 5.12. Group psychological interventions may be beneficial following incidents involving multiple personnel. All officers directly involved in the shooting incident should receive an initial individual intervention prior to the group session. Participants should be limited to persons who were involved in the event and attendance should be strictly voluntary. Additional individual counseling referrals should be available for those needing or wanting further assistance.
- 5.13. Group sessions should be jointly facilitated by one or more mental health professionals experienced in working with law enforcement and trained peer support personnel. The confidentiality of group sessions should be respected and some states provide a degree of legal privilege to sanctioned peer support groups. Regardless of local laws, when information is processed in group settings, the risk of a breach of confidentiality is greater than in individual sessions conducted by licensed mental health professionals with whom officers have legal privilege. Although it is recommended that attendance at group sessions be voluntary, if attendance is mandated, any participation should be at the discretion of each officer (see 5.2).
- 5.14. Agencies should consider the impact of use-of-force incidents on all other involved emergency service personnel (including dispatchers) and provide appropriate interventions consistent with these guidelines.



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
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DIRECTOR OF PERSONNEL

August 24, 2012

The Honorable Susie Morgan
U.S. District Court for the Eastern District of Louisiana
500 Poydras, C508
New Orleans, LA 70130

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2012 AUG 24 PM 4:29
LORETTA G. WHYTE
CLERK

RE: United States of America vs. City of New Orleans/
NOPD Consent Decree, Case Number 12-194

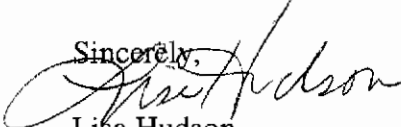
Dear Judge Morgan:

Thank you for providing the opportunity for the Civil Service Department to be heard prior to your approval of the final consent decree for the New Orleans Police Department (NOPD).

At no point in the process was the Civil Service Department included in the discussions relative to the establishment of the Consent Decree but it requires us to work with the NOPD and the City on establishing new NOPD Recruitment process, promotional standards and performance evaluations systems. It is not clear to us what our role would be in establishing these new processes and systems and whether what is being established would be in keeping with current Civil Service Rules, Article 10 of the State Constitution or the City Charter.

It was our hope to discuss these matters before the consent decree was finalized but as of yet we have not had any discussions with representatives from the City or NOPD regarding these matters. Since these changes to existing policies and procedures would have an impact on current classified city employees, we would like to have these matters clarified for us before the consent decree is made final.

Thank you again for this opportunity for comment.

Sincerely,

Lisa Hudson
Personnel Director
Civil Service Department

DEPARTMENT OF CITY CIVIL SERVICE
CITY OF NEW ORLEANS
7W03 CITY HALL, CIVIC CENTER
NEW ORLEANS, LA. 70112

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The Honorable Susie Morgan
U.S. District Court for the Eastern District of
Louisiana
500 Poydras, C508
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August 22, 2012

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2012 AUG 24 PM 4:29
LORETTA G. WHYTE
CLERK

The Honorable Susie Morgan
U.S. District Court for the Eastern District of Louisiana
500 Poydras St., C508
New Orleans, LA 70130

Re: United States of America v. City of New Orleans
Case no. 12-1924

Dear Judge Morgan:

Thank you for the opportunity to provide community input regarding the Consent Decree between the City of New Orleans and the U.S. Department of Justice.

The Southern Poverty Law Center (“SPLC”) is a civil rights law firm based in Montgomery, Alabama, but with an office in New Orleans. SPLC is an organization dedicated to fighting hate and bigotry, and to seeking justice for the most vulnerable members of our society. Our Louisiana work has focused in part on the criminal justice system.

We write to support the entry of the Consent Decree. The provisions prohibiting the NOPD from using race or sexual orientation as a basis for stops and arrests, and requiring training on bias-free policing, are important steps toward reforming a long-troubled police department. Orleans Parish Prison is populated by people who are overwhelmingly Black and poor—reducing disparate treatment by police is an important first step toward creating a more equitable justice system for our City.

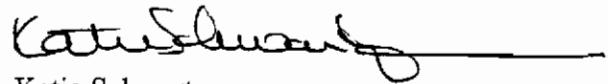
We are also particularly supportive of the provisions requiring supervisory review of probable cause on certain arrests, as well as the collection of stop and search data. Recent data from Orleans Parish Prison demonstrate that the length of stay in jail for African American arrestees is over double that of white arrestees.¹ The provisions in the Decree requiring supervisory review of minor arrests, and requiring tracking of racial stop data, will help our community continue to work toward incarcerating only those necessary to keep our streets safe.

¹ Overview of jail populations projections study, conducted by Dr. James Austin for Mayor Landrieu. Available at: <http://www.nola.gov/HOME/Mayors-Office/Criminal-Justice-Working-Group/>

For this Decree to be sustainable, we need the broadest possible community support and involvement in its implementation. To that end, it is important that the Office of Independent Police Monitor (“OIPM”) be involved in this Decree. OIPM, created by the voters of Orleans Parish, must be included in the Decree, because the Public Integrity Bureau does not represent the community; the OIPM does. OIPM should be included in the Decree both to inform the work of the Federal Monitor and to ensure that once the Federal Monitor leaves New Orleans, we have strengthened local police oversight that our community can rely upon for years to come.

Thank you again for the opportunity to provide input into this important case.

Very truly yours,

A handwritten signature in black ink, appearing to read "Katie Schwartzmann", followed by a long horizontal line extending to the right.

Katie Schwartzmann
Director, Louisiana Office

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4:14

LORETTA G. WHYTE
CLERK

UNITED STATES OF AMERICA,
Plaintiff

CIVIL ACTION

VERSUS

NO. 12-1924

CITY OF NEW ORLEANS,
Defendant

Judge S. Morgan
Mag. Judge J. Wilkerson

COMMENTS

MAY IT PLEASE THE COURT:

As per your instruction, I am formally filing my comments with this court regarding the flawed July 24, 2012 Consent Decree agreed to between the City of New Orleans and the United States Department of Justice ("DOJ").

INTRODUCTION

My name is Sandra Wheeler Hester. I am a native New Orleanian. I was born at Charity Hospital, educated in the Orleans Parish Public School System, graduated in 1986 from the University of New Orleans with a B.A. in Political Science and minors in Psychology and Sociology. I hold a certificate in paralegal studies from the University of New Orleans. I also completed three semesters at Loyola Law School of the South. I am a member of Community United for Reform (CUC), one of the intervenors in the above numbered case.

I am a longtime civil, human, and education rights activist in New Orleans, Louisiana. I am fifty-five (55) years old. In those 55 years I have seen and heard a lot regarding the rogue New Orleans Police Department (NOPD) which is the subject of the federal consent decree in the case at bar. In fact, I have been on the receiving end of many of the Gestapo-like tactics of NOPD more times than I care to remember. Most recently, a week ago, I was illegally ejected by NOPD from a public meeting held at the Jewish Community Center simply for attempting to exercise my constitutional and constitutional

Fee _____
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CtAmDep _____
Doc. No. _____

rights. Despite the usual erroneous media reports to the contrary, I did not disrupt the meeting, I followed their rules filled out a speaker card, did not heckle and one or speak out of turn. To add insult to injury, I was subsequently brutalized by two female NOPD officers once I arrived at Central Lockup. I can cite to countless instances where my personal civil rights have been violated.

Nonetheless, those are not the ones I want this court to focus on. They are the more notorious ones, commonly called, the Algiers 7 case, the Kim Groves police ordered hit, the Henry Glover case, the Adolph Grimes case, and most notably the Danziger Bridge Shooting case in 2005. and the Justin Sipp and Wendell Allen cases of 2012 and their subsequent cover-ups. This cancer that is NOPD has metastasized and only radical treatment will rid this city of the terrible consequences of this disease process.

I, along with many others, painfully sat through the six (6) week trial last summer in your colleague Judge Kurt Engelhardt's Section of this court. It was gut-wrenching, incredible, and horrifying as witness after witness, including victims, their families, EMT's. State Troopers, police officers who had turned government witness, and others testified about the horrific events that occurred in the days immediately after Hurricane Katrina. If there was ever a case for cameras in the courtroom, this was the case. Had the world saw and heard what happened that fateful day, we might be before a United Nations tribunal for human rights violations instead of this court. I have attached a twenty-three (23) page article by a person I believe to be the foremost expert in this country on civilian oversight of the police in the United States. The article is titled *CIVILIAN OVERSIGHT OF THE POLICE IN THE UNITED STATES* and it is written by Merrick Bobb who is an attorney.

The only points I vigorously disagree with Mr. Bobb is the issue of how that civilian review board is selected and the power and weight their recommendations hold.


SANDRA WHEELER HESTER

CIVILIAN OVERSIGHT OF THE POLICE IN THE UNITED STATES

MERRICK BOBB*

INTRODUCTION

More than ten years have elapsed since the Rodney King incident where officers of the Los Angeles Police Department were recorded on a bystander's videotape beating an African-American motorist senseless with their batons.¹ Since then there has been wave upon wave of controversial incidents rocking the foundations of U.S. law enforcement. Events in two of the nation's most highly respected police departments, the New York Police Department (NYPD) and the Los Angeles Police Department (LAPD), serve as graphic examples. In New York, the NYPD's brutalization of Abner Louima² and the shooting of Amadou Diallo³ generated strong criticism. Officers involved in the Louima case were put on trial.⁴ In Los Angeles, the LAPD has been almost constantly subject to one investigation or another since the Rodney King beating. Recently, the LAPD suffered embarrassment and opprobrium from the Rampart scandal, where LAPD officers were shown to have planted evidence and guns and wrongfully shot young Latinos suspected of gang activity.⁵

* Merrick Bobb was the first person to occupy the role of police monitor and has monitored the Los Angeles County Sheriff's Department for seven years. Mr. Bobb is the founding director of the Police Assessment Resource Center, a resource center having the goals of advancing best practices and spurring innovation in the field of police oversight.

¹ Patt Morrison, *Deja Vu All Over Again*, LOS ANGELES TIMES, Aug. 29, 1997, at B2, 1997 WL 2242317

² Morrison, *supra* note 1.

³ *Shooting by Police Sparks Protest March*, LOS ANGELES TIMES, Feb. 16, 1999, at A9, 1999 WL 2130409.

⁴ *United States v. Volpe*, 42 F. Supp.2d 204, 208 (E.D.N.Y. 1999); *Prosecution Closes Its Case Against 4 Cops in Torture Trial*, CHI. TRIB., June 3, 1999 at 15, 1999 WL 2879583.

⁵ BOARD OF INQUIRY INTO THE RAMPART AREA CORRUPTION INCIDENT, LOS ANGELES POLICE DEPARTMENT, PUBLIC REPORT (2000), www.lapdonline.org/pdf_files/pc/boi_pub.pdf; RAMPART INDEP. REVIEW PANEL, REPORT OF THE RAMPART INDEPENDENT REVIEW PANEL (2000), <http://www.ci.la.ca.us/oig/tirprpt.pdf>; ERWIN CHERMERINSKY, AN INDEPENDENT ANALYSIS OF THE LOS

Events in other cities, too, have contributed to the concern over police conduct. In April 2001, there was rioting in the city of Cincinnati following the fifteenth consecutive police shooting of a young African-American male.⁶ This past summer, television stations repeatedly aired videotape showing an Inglewood, California police officer picking up a handcuffed, passive, young, black man; slamming him into the hood of a police car; and then punching him in the face.⁷

In the wake of these and other similar events, informed public opinion has expressed strong misgivings about whether law enforcement is capable of unsupervised self-regulation—whether the police can police themselves and deal appropriately with unethical conduct, be it corruption or misuse of force. This public concern has led to experimentation over the last ten years with different methods of civilian oversight and control. Before considering further how these different experiments have worked, though, it is interesting to consider some basic facts about American policing.

L. A Brief Sketch of American Policing

Unlike the pattern in many places in the world where law enforcement is exclusively a state or national function, policing in the United States is predominantly a matter for local, municipal government. Although there are federal law enforcement agencies like the FBI, the Border Patrol, and the Drug Enforcement Administration, their

ANGELES POLICE DEPARTMENT=S BOARD OF INQUIRY REPORT ON THE RAMPART SCANDAL (2000), reprinted in 34 LOY. L.A. L. REV. 549, 551 (2001).

⁶ *Protest Spills Into the Streets*, CINCINNATI POST, April 10, 2001, <http://www.cincypost.com/2001/apr/10/prot041001.htm>.

⁷ Richard Marosi, *Use of Force Probed in Videotaped Arrest*, L.A. TIMES, July 8, 2002, at B1, 2002 WL 2488488.

jurisdiction is limited to defined federal crimes.⁸ Individual states within the United States do have statewide police forces, such as the California Highway Patrol or the New York State Troopers, but their jurisdiction generally extends to patrolling the roads and highways in the state.⁹ The overwhelming amount of municipal street patrol and other basic police services is provided by local law enforcement agencies, including both police and local sheriff's departments. There are far more individual law enforcement agencies in the United States than one would expect.

Indeed, there are more than 16,000 local law enforcement agencies in the United States. Of this total, 13,524 are local police departments;¹⁰ the rest are sheriff's departments.¹¹ There are about 436,000 full-time, sworn police officers in these 13,000 police departments, and about 186,000 full-time, sworn employees in the sheriff's departments.¹² Of the 436,000 full-time police officers, slightly more than one-third work in an agency having 1000 or more officers, even though these agencies account for only 0.3% of the total number of police departments.¹³ While departments with 100 or more full-time police officers account for only about 4% of the total, they employ three-fifths of the full-time officers.¹⁴ The great majority of the police departments, about 77% (more than 10,000), have fewer than 25 police officers, while about 52% have fewer than

⁸ See FEDERAL BUREAU OF INVESTIGATION, GENERAL FREQUENTLY ASKED QUESTIONS, at <http://www.fbi.gov/aboutus/faqs/faqsone.htm>; IMMIGRATION AND NATURALIZATION SERVICES, OVERVIEW: U.S. BORDER PATROL, at <http://www.ins.usdoj.gov/graphics/lawenfor/bpatrol/overview.htm>; U.S. DRUG ENFORCEMENT ADMINISTRATION, DEA MISSION STATEMENT, at <http://www.usdoj.gov/dea/agency/mission.htm>.

⁹ See CALIFORNIA HIGHWAY PATROL, WHAT WE DO, at http://www.chp.ca.gov/html/what_we_do.html; NEW YORK STATE, OVERVIEW: NEW YORK STATE POLICE, at <http://www.troopers.state.ny.us/Intro/IntroOverview.html>.

¹⁰ MATTHEW J. HICKMAN & BRIAN A. REAVES, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, LOCAL POLICE DEPARTMENTS 1999-2001 (2001), www.ojp.usdoj.gov/bjs/abstract/lpd99.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 2.

¹⁴ *Id.*

10 officers.¹⁵ There are only about 1300 police departments, about 10%, with more than 50 police officers.¹⁶

The largest police departments are obviously in the largest cities. But even in the largest cities, there are wide variations in the number of officers as compared with the number of residents. New York City, with a population of approximately 8 million people, has over 40,000 police officers, or 53 per 10,000 residents, one of the highest police officer-to-resident ratios in the United States.¹⁷ Chicago, which has about 3 million people, has 13,000 officers, or 49 per 10,000 residents.¹⁸ Los Angeles, on the other hand, with nearly 4 million people, only has about 9,000 police officers, or 27 per 10,000 residents.¹⁹

Police officers are generally well paid. The overall, average, base starting salary for a police officer in 1997 was about \$23,300,²⁰ significantly above the per capita, annual income in the United States of about \$19,200.²¹ In the largest departments, the average starting salary is \$30,600.²² By comparison, in the smallest departments, the chief of police has an average salary of about \$25,700, and in the largest departments, the chief has an average salary in excess of \$100,000.²³ In Los Angeles both the Chief of Police and the Sheriff make over \$200,000 annually.²⁴

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ BRIAN A. REAVES, PH.D. & ANDREW L. GOLDBERG, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, LOCAL POLICE DEPARTMENTS 1997 7 (2000).

²¹ BUREAU OF THE CENSUS, U.S. COMMERCE DEP'T, PUB. NO. 60-200, MONEY INCOME IN THE UNITED STATES: 1997 x (1998), <http://www.census.gov/prod/3/98pubs/p60-200.pdf>.

²² REAVES, *supra* note 22, at 7.

²³ *Id.*

²⁴ Los Angeles County Sheriff, *in* LOS ANGELES ALMANAC, <http://www.losangelesalmanac.com/topics/Government/g103c.htm> (last visited Jan. 29, 2003) ("The Los Angeles County Sheriff earns the highest annual salary of any county employee - \$207,000."); Mariel

Police officers in the United States are moderately well educated. Eighty-three percent of all US police departments require at least a high school degree to become a police officer, while fourteen percent require at least two years of college, and one percent requires a four-year college degree.²⁵ While in large U.S. cities, police recruits undergo an average of about 1300 hours of classroom and field training, the average police officer in the United States is required to undergo approximately 1000 hours of training.²⁶ On the average, a police officer in the United States also receives about thirty hours of additional in-service training each year.²⁷

Policing is considered a dangerous profession, but the number of police officers killed in a given year is relatively small. In the year 2000, fifty-one police officers were killed feloniously throughout the United States; and in 1999, the number was forty-two.²⁸ Of the fifty-one officers killed in 2000, thirteen were killed while responding to traffic pursuits or stops, twelve were killed while making arrests, ten in ambushes, eight while responding to disturbance calls, six while investigating suspicious persons and circumstances, and two while transporting prisoners.²⁹ In the Los Angeles County Sheriff's Department (a local law enforcement agency that I monitor), which has approximately 8000 sworn officers patrolling a population of about 2 million persons (40

Garza, *Mayor Introduces Nominee for Chief*, L.A. DAILY NEWS, Oct. 3, 2002, <http://www.dailynews.com/Stories/0,1413,200%7E20954%7E901835,00,htm> (candidate for police chief's job was offered "an annual salary of \$239,039, less than the \$247,000 paid to [the then current chief]").

²⁵ REAVES, *supra* note 22, at 5.

²⁶ *Id.*

²⁷ *Id.*

²⁸ FEDERAL BUREAU OF INVESTIGATION, LAW ENFORCEMENT OFFICERS KILLED AND ASSAULTED 2000 28 (2001).

²⁹ *Id.*

per 10,000 residents),³⁰ there were seven officers killed and fifty-one wounded in the ten year period between 1991 and 2001.³¹ Last year in that department, there was one officer killed, and two wounded.³²

Encounters by residents with the police are relatively rare. In 1996, a survey showed that, of the approximately 280 million people in the United States,³³ an estimated 44.6 million people had face-to-face contact with a police officer during the prior twelve months.³⁴ An estimated 33% of residents who had contact with the police had either asked for assistance, or had provided it to officers.³⁵ About 32% of those who had contact with the police had reported a crime, either as a victim or a witness.³⁶ Of all persons who had contact with the police, only 1% said the police officer used force or threatened to use force.³⁷

In a study of use of force patterns in six law enforcement agencies in connection with 7500 adult custody arrests, researchers found that use of serious force was infrequent.³⁸ According to the study, in 97.9% of the arrests the police did not use a

³⁰ Los Angeles Sheriff's Department, History of the Los Angeles County Sheriff's Department (1849-1999), http://www.lasd.org/about_lasd/history2.htm (2,046,740 citizens and 8088 sworn personnel as of Dec 31, 1998).

³¹ These statistics combine information available in two sources: MERRICK J. BOBB ET AL., LOS ANGELES COUNTY SHERIFF'S DEP'T, 14TH SEMI-ANNUAL REP. (2001) [hereinafter 14TH SEMI-ANNUAL], <http://lacounty.info/mhobb14.pdf>, also available at <http://www.co.la.ca.us/bobbreports/mhobb14.pdf>; Memorandum from Karyn Mannis, Lieutenant, Internal Affairs Bureau, to William McSweeney, Commander, Office of the Undersheriff 2 (Jan. 23, 2002) (on file with author).

³² Memorandum from Karyn Mannis, *supra* note 33, at 2.

³³ U.S. CENSUS BUREAU, CENSUS 2000 GATEWAY, <http://www.census.gov/main/www/cen2000.html>.

³⁴ LAWRENCE A. GREENFIELD ET AL., BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, PUB. NO. NCJ-165040, POLICE USE OF FORCE: COLLECTION OF NATIONAL DATA iv (1998), <http://www.ojp.usdoj.gov/bjs/pub/pdf/puof.pdf>.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* at cover page.

³⁸ NAT'L INST. OF JUSTICE, U.S. DEP'T OF JUSTICE, PUB. NO. NCJ 176330, USE OF FORCE BY POLICE: OVERVIEW OF NATIONAL AND LOCAL DATA 31 (1999), <http://www.ojp.usdoj.gov/bjs/abstract/ufbponld.htm>. The use of force study involved police departments in Dallas, Texas; San Diego, California; Colorado Springs, Colorado; St. Petersburg, Florida; Charlotte, North Carolina; and the Sheriff's Department in San Diego County, California.

weapon.³⁹ If a weapon was used, the most frequent was oleoresin capicum (OC) spray, which was used in 1.2% of the arrests in the study.⁴⁰ The second most frequently used weapon was the flashlight, used in 0.5% of the arrests.⁴¹ Batons were used in 0.2%, handguns in 0.1%, and rifles or shotguns in another 0.1% of arrests.⁴² In contrast, however, handguns were *displayed* by the police, though not *used*, in 2.7% of the arrests.⁴³

Use of lethal force by the police is not as widespread as one might think from watching movies and television. In cities over 500,000 people, there are 0.5 persons shot by the police per 100,000 residents per year.⁴⁴

Regardless of the fact that use of force is a relatively rare occurrence, there is heightened concern across the United States about the use of *excessive* force by police. Over the last ten years, it seems that a consensus has formed that law enforcement agencies rarely, if ever, confront problems of excessive force, or undertake substantial internal reform on their own. Over the same ten years, different ways to introduce more civilian oversight and control of law enforcement have been tried. Among these means, providing an outside, civilian organization with significant or exclusive responsibility for the investigation into an alleged misuse of force has become increasingly popular. Yet, there remains genuine disagreement among advocates for police reform about the wisdom of a wholesale displacement of law enforcement's internal investigative apparatus in favor of outside review panels of lay persons, particularly where the power

³⁹ *Id.* at 30.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Leen et al., *D.C. Police Lead Nation in Shootings*, WASH. POST, Nov. 15, 1998, at A1.

to adjudicate and impose discipline is taken away from the department, whether in whole or in part.

Those who advocate in favor such displacement argue that self-policing will necessarily and unavoidably produce a biased result; that even reasonable, honest, and well-intentioned police investigators simply cannot overcome the pressures from all sides that come to bear on internal investigations of an officer-involved shooting, a death in the jail, or a serious use of force on the street. The pressure can come from many sources. It may come from superiors within the police organization who do not want an embarrassing incident publicly exposed, or who fear the credibility and authority of the police will be undermined if a use of force is held to be against policy. Pressure may come from the police union, which may be inclined to vigorously defend even bad officers. A mayor or city council may not want to hear bad news about the police department, and may encourage suppression of it. Finally, fellow officers may not want to see one of their peers held up to withering scrutiny.

It is useful to take an officer-involved shooting as an example of what can happen when internal affairs or homicide investigators give in to those pressures. While officers may lawfully use deadly force, a determination must be made in each instance if such use was appropriate. When the police investigate one of their own officers who has been involved in a shooting, bias may show up in many ways. For example, the investigation may be half-hearted, wherein not all relevant witnesses are interviewed or even attempted to be located, particularly those witnesses who might give testimony unfavorable to the officer. Interviews of the officer himself may be tainted: investigators may simply pitch softball, open-ended questions to the officer, allowing him to give a narrative answer that

is not given rigorous cross-examination. More troubling still, investigators, at times, may use leading questions that seem to signal to the officer what he is supposed to say in order to get off the hook: “You were in fear for your life, weren’t you?” or “You thought your partner was about to be shot, correct?” or “You saw the suspect reach for his waistband and withdraw a black, shiny object you thought was a gun, right?”

A significant number of shootings reviewed by law enforcement monitors, the federal Civil Rights Division of the Justice Department, and inspectors general have been, in one law enforcement agency’s parlance, “lawful but awful”⁴⁵—lawful in the sense that they may not have been instances of intentional, criminal wrongdoing, but awful in that they involved recklessness or grossly negligent conduct, tactics, or strategy. Assuming that the officer involved in the shooting had received proper training, shootings of that kind should routinely be held to be contrary to policy. Too often, however, due to the pressures that come to bear on the investigation, they are not.

There is a natural, predictable, human impulse involved; even in the absence of external pressures, no law enforcement officer can examine an officer-involved shooting without saying at some level, “There but for the grace of God go I.” The trauma of having to kill another person, though faced by very few police officers, is, nonetheless, so great that for American police officers, in general, it is difficult for one police officer to question another’s decision that he had to do so. Who is to say that if faced with the same situation, he would not have pulled the trigger? The empathy one police officer has for another is entirely understandable. Still, it cannot be allowed to cloud one’s judgment, or cause one to reach unjust results.

⁴⁵ BOBB ET AL., *supra* note 33, at 15, n.5 (“The LASD has its own colorful term for some of these kinds of shootings: ‘Lawful but awful.’”).

Complicating the issue is the tendency of police officers to close ranks when faced with an investigation, creating what has been called the “blue wall,” enforcing a code of silence by intimidating any officer who shows any willingness to cooperate with investigators, or point the finger at a fellow officer.

A case that recently arose in New York City makes that point. A New York City police officer, while driving his patrol car, struck and killed a pregnant, twenty-four year old woman, her sixteen-year-old sister, and her four-year-old son. The woman’s unborn child died hours after being delivered by Caesarean section. The New York City police officer had been on a twelve-hour drinking binge that began outside the station house, and continued at a strip club that was off limits to officers in the precinct. During the trial of the officer, who was convicted of manslaughter, it came to light that fellow NYPD officers suppressed vital evidence, and tried to cover up that the officer had been drinking.⁴⁶ A writer in the New York Times commented: “[T]he killing of a pregnant woman and two family members was . . . an unspeakable horror. But the investigation is focusing on whether any [NYPD] officers closed ranks” to help the drunk officer.⁴⁷

Similarly, in the Abner Louima case, where a black man was tortured in a station house when a broken broom handle was shoved up his rectum, the police union was alleged to have conspired with certain of the police officers involved to frustrate an investigation.⁴⁸

Thus, many police reform advocates conclude that police organizations are hopelessly insular, endlessly self-referential, and mistrustful of outsiders. Accordingly,

⁴⁶ William K. Rashbaum, *After Ex-Officer's Conviction, Challenging the Blue Wall*, N.Y. TIMES, May 5, 2002, at § 1, at 43.

⁴⁷ *Id.*

⁴⁸ Graham Rayman, *Code of Silence Challenge, Louima's lawyers accuse NYPD, PBA*, NEWSDAY, Aug. 7, 1998, at A31.

these reformers argue, the power of law enforcement to investigate and self-police must be taken away and given to a review board.

On the other hand, there are those reform advocates who argue that the power to adjudicate wrongdoing and impose discipline belongs, at least presumptively, to the law enforcement agency in question. Without responsibility to adjudicate wrongdoing and impose discipline, these reformers argue, senior executives in the law enforcement agency cannot be held personally accountable for dealing with police misconduct, and will simply blame the civilian review board for its decisions. Their argument continues by stating that unless the police are held strictly accountable up and down the chain of command for actively managing the risk of police misconduct, the self-protective habits of the police will never change. It is one thing to achieve a fair result in a given investigation; it is far more powerful, these reformers contend, to change police culture in general by requiring strict accountability.

Yet, even police reformers who question the wisdom of displacing a police department's power to investigate internal misconduct do not contend that self-policing is an inalienable right. Rather, both sides agree that the ability to police oneself is a rare privilege afforded only to certain, highly trained and disciplined professionals—be it university faculty, lawyers, doctors, or certified public accountants. The privilege comes with heavy obligations to demonstrate upon demand, in any individual case or in general, that the results reached by self-policing are fair, reasonable, and based on thorough and dispassionate investigation. If that burden cannot be met, then the privilege is no longer merited, and should be taken away; or, at least, the power to investigate must be shared with civilian overseers.

There is increasingly broad agreement that whether or not the police retain the power to investigate themselves, law enforcement's business, in general, is the public's business, and therefore must be an open and transparent process. In some instances, law enforcement agencies voluntarily agree to allow agency monitors previously unprecedented access to internal records. As a result, detailed information about the use of force, which heretofore had never seen the light of day, is made public. In jurisdictions where the police have been more amenable to voluntary reform efforts, the displacement of investigatory and disciplinary authority may be an unnecessary and avoidable step. Everywhere, however, the privilege of the police to self-regulate comes with an obligation to fully open the agency's records to responsible public representatives. If this obligation is not met, the privilege is no longer merited. The mechanism for demonstrating a fair and reasonable procedure that has proven least threatening to law enforcement, yet still effective, is the appointment of an independent monitor upon the acquiescence of the law enforcement agency to be monitored. Generally, these monitors make public reports on the integrity of internal police processes. There seems to be a growing view, however, that in some circumstances monitoring and reporting alone may not be enough to reduce excessive force and produce better internal police investigations. In such circumstances, police reformers advocate that the power to investigate police misconduct should be ceded by the police, in whole or in part, to qualified, independent investigative bodies. In rare circumstances, where even more stringent measures are needed to decrease the use of excessive lethal and non-lethal force, the federal government is statutorily authorized to impose, not only compulsory monitoring, but far-reaching, departmental reforms in an attempt to end these

unacceptable patterns or practices.⁴⁹ The remainder of this article will describe some of the various options currently in use to place police agencies under heightened civilian oversight and control.

II. Independent Monitors

In the past ten years, there has been healthy experimentation with independent monitors. These individuals or groups are appointed by local government with the acquiescence of the law enforcement agency in question, and given unprecedented access to law enforcement files, records, and personnel in order to critically review and publicly comment on the performance of the police in controlling excessive force. For example, in my capacity as Special Counsel for the County of Los Angeles, I monitor and oversee the Los Angeles County Sheriff's Department (LASD).⁵⁰ The executive branch of the county government that appointed me has guaranteed in writing that I will have unfettered access "to such confidential records of the County of Los Angeles, its departments and officers [including the Sheriff's Department] as may be material and relevant" to my investigations.⁵¹ I comment every six months in written reports on the progress or lack of progress of the LASD in controlling excessive force.

⁴⁹ See *infra* notes 63, 65-66, and accompanying text.

⁵⁰ The LASD and the LAPD are two different law enforcement agencies. Each operates within the County of Los Angeles, a large geographic area in southern California with approximately 10 million residents. The City of Los Angeles, with approximately 4 million residents, is the largest city in the County of Los Angeles. The LAPD, with about 9000 sworn officers, is the principal law enforcement agency within the city. The LASD, with about 8000 sworn officers, is the principal law enforcement agency outside the City of Los Angeles and serves approximately 2 million county residents. Smaller municipal police departments serve the balance of some 4 million county residents. In addition to providing basic police services, the LASD also operates the Los Angeles county jail system. With an average daily inmate population of nearly 20,000, the Los Angeles county jails are the largest urban jail system in the United States.

⁵¹ Employment contract between the County of Los Angeles and Merrick J. Bobb, Contract #73890, Contract for Special Counsel (adopted by the Board of Supervisors Jan. 29, 2002) (on file with author)

During the years that I have monitored and reported on the LASD, from 1993 to the present, excessive force has been substantially curbed. Although it would be overreaching to suggest that reporting and monitoring alone achieved the downturn in the use of force, they contributed to it. The results, in any event, are impressive.

In the past ten years, a time during which the LASD has been subject to ongoing, independent, outside investigation and monitoring, the number of suspects killed or wounded by that department on a yearly basis has dropped from a high in 1991 of sixty-three persons to a low of eighteen persons in 2000, dropping by approximately seventy percent.⁵² During the same time period, the number of law enforcement officers in the Sheriff's Department that have been killed or wounded dropped from a high in 1991 of ten to a low of three in 2001.⁵³ Important to this comparison, during the same ten-year period the number of arrests by the Sheriff's Department has remained roughly constant.⁵⁴

Besides the individual injury statistics, another set of statistics that is relevant to an analysis of the use of excessive force by police relates to lawsuits filed against the agency on behalf of the victims of such force. While the availability of money damages in such a lawsuit is a deterrent to the use of excessive force, public reporting of the number of cases and total damage payments adds to this deterrent effect. During the past ten years of outside, independent monitoring and reporting, the total docket of excessive force cases on file against the LASD has dropped from a high of 381 cases in fiscal year 1992-1993 to a low of 70 cases in fiscal year 1998-1999.⁵⁵ The amounts paid out in

⁵² BOBB ET AL., *supra* note 33, at 81; Memorandum from Karyn Mannis, *supra* note 33, at 2.

⁵³ BOBB ET AL., *supra* note 33, at 81; Memorandum from Karyn Mannis, *supra* note 33, at 2.

⁵⁴ *Id.* at 85, 88.

⁵⁵ *Id.* at 95.

settlements and judgments of excessive force cases dropped from a high of \$17 million in fiscal year 1995-1996 to a low of \$1.62 million in fiscal year 1997-1998.⁵⁶

The public monitoring reports, which address the fundamental excessive force and integrity issues in policing, are calculated to foster a constructive, task-oriented, and problem-solving dialog, stripped of ideology and rhetoric. A primary goal is to assist the department in devising ways to eliminate excessive or unnecessary, lethal or non-lethal force. Another goal is for law enforcement to learn to handle situations that legitimately call for the use of force in a way that produces an acceptable result from the law enforcement perspective while providing a reduced risk of injury to both the officer and the suspect. Approaching the reports with these goals in mind sharpens the strategic and tactical analysis, and makes room for a wider and more free-ranging inquiry into alternative solutions to the control of excessive force. By stripping the discussion of blame, rhetoric, and ideology, everyone involved is freer to focus on the problem rather than worrying about mistrustful suspicions, personal motivations, and political agendas. In addition to the hope of providing both better and safer policing, it is hoped that the risk of legal liability for the law enforcement agency will be significantly reduced.

Monitors are accountable to different constituencies. First, each is accountable to the law enforcement agency to provide assistance or reports calculated to focus police management on internal decision-making, policy formulation, and efforts to responsibly anticipate and manage liability risk. More importantly, a monitor is accountable to the public at large to provide a thorough and fair appraisal of law enforcement, and to make the heretofore mystery-shrouded, internal processes of the police more transparent and comprehensible.

⁵⁶ *Id.* at 96.

To fulfill these dual responsibilities to agency and the general public, a monitor must speak candidly about weaknesses in internal police mechanisms for accountability and responsibility. The monitor must scour and test the law enforcement agency's policies, procedures, and practices to determine whether they are, in fact, up to the job of preventing misconduct. The monitor should propose new policies and practices where the old ones have failed. Additionally, an independent monitor ought to consider how the agency he or she is monitoring compares to other police departments with respect to the use of lethal and non-lethal force. After such comparison, the monitor should suggest the implementation of best practices from other law enforcement agencies.

Although voluntary, independent monitoring exists in only a few jurisdictions, mostly in California, it can be a powerful and useful device. Monitoring enables persons from outside of law enforcement to conduct an agency review, and then report frankly to the public about the fairness, thoroughness, and integrity of internal police processes for self-examination, self-investigation, and self-regulation. Monitors can be used by themselves or in conjunction with independent investigators, the next topic to be considered.

III. Independent Investigators

In addition to monitors, some jurisdictions have experiments afoot in which civilians from outside the law enforcement agency are empowered to oversee and direct police internal affairs investigations. In Seattle, Washington, for example, a civilian lawyer has been placed in charge of Internal Affairs within the Seattle Police

Department.⁵⁷ She reports directly to the Chief of Police. Her title is Director of the Office of Professional Accountability (OPA). The office was created within the Seattle Police Department to receive and investigate complaints of misconduct by Seattle police officers. The responsibilities of the OPA also include regularly advising the Chief of Police, the Mayor, and City Council on all matters involving the police department's investigatory and disciplinary functions, as well as recommending policy on issues relating to the professional standards of the police department. The OPA also evaluates the internal investigation process, and makes recommendations on strategies and policies to improve complaint gathering and investigative procedures.

As another example, the Board of Supervisors of Los Angeles County created the Office of Independent Review (OIR) in 2001.⁵⁸ This group of six lawyers with significant civil rights experience has been empowered to direct and shape internal affairs investigations in the LASD. No investigation can be closed unless the OIR certifies that it was full, fair, and thorough. The OIR has the power to participate as necessary and appropriate in ongoing investigations by internal affairs, including interviewing witnesses, responding to crime scenes, and reviewing tangible evidence and relevant documentation. The OIR monitors all ongoing, internal investigations, and reviews all completed investigations to ensure that the content, disposition, and recommended discipline are appropriate. Additionally, the OIR is empowered to make recommendations of disposition and discipline on all investigations within its purview. Note that with the creation of the OIR, the LASD, not only has an independent monitor

⁵⁷ OFFICE OF PROFESSIONAL ACCOUNTABILITY, SEATTLE POLICE DEP'T, ABOUT DIRECTOR SAM PAILCA, <http://www.cityofseattle.net/police/OPA/Directorinfo.html>.

⁵⁸ OFFICE OF INDEPENDENT REVIEW, COUNTY OF LOS ANGELES, WELCOME, <http://www.laoir.com>.

(discussed in section I), but also shares with civilians the responsibility for internal investigations.

With respect to the LAPD, the power to investigate and adjudicate misconduct is shared by LAPD's Internal Affairs, a Police Commission, and an Inspector General.⁵⁹ The Commission, appointed by the Mayor of Los Angeles and comprised of five civilians from outside of law enforcement, is empowered to decide whether officer-involved shootings and other serious uses of force are proper or improper in light of the policies and standards of the LAPD. If the Commission decides a use of force is improper, the responsible police officer is subject to discipline or retraining. The Inspector General has independent investigatory authority, and also is required to provide independent opinions to the Commission on the propriety of LAPD shootings and serious uses of force. The Inspector General may also issue reports to the public on the integrity of the LAPD's disciplinary system.

The very recent experiments in Seattle with the OPA and in Los Angeles County with the OIR are among the most exciting and promising new efforts to instill accountability through civilian oversight and participation. If they work well, they could ultimately replace civilian review boards, which we consider next.

IV. Civilian Review Boards

Another frequently used model for police oversight is the civilian review board. These boards have been in use for many years. They are usually composed of citizens

⁵⁹ See LOS ANGELES POLICE DEP'T, INTERNAL AFFAIRS GROUP, http://www.lapdonline.org/organization/ocp/cos/iag/int_affairs_group_main.htm; LOS ANGELES POLICE DEP'T, BOARD OF POLICE COMMISSIONERS, http://www.lapdonline.org/organization/bpc/board_main.htm; LOS ANGELES POLICE DEP'T, OFFICE OF THE INSPECTOR GENERAL, http://www.lapdonline.org/organization/bpc/inspector_general/board_inspector_general_1.htm.

without substantial law enforcement experience or any other particular qualifications. Generally, their power is restricted to reviewing an already completed internal police investigation, and commenting on it to the Chief of Police. Citizen review boards have not been effective at causing reform, and often are co-opted by the police department whose investigations they are supposed to review. They wind up agreeing with the police department in almost all instances.

Newer civilian review board models provide the board with investigatory as well as review authority. Some of these models contemplate that the board will conduct parallel investigations to supplement the internal affairs investigations. In some instances, the review board will have subpoena power and can force a police officer to testify. In some jurisdictions, even more powerful civilian review boards have sole investigatory power. It is very rare, however, for a civilian review board to have the final say as to the disposition of an investigation or discipline to be imposed on an officer. These ultimate decisions generally continue to be the province of the Chief of Police. Nonetheless, all civilian review boards with independent investigatory authority seem to have the power to make recommendations to the Chief on disposition and discipline.

V. Compulsory Monitoring and Reform

Where a law enforcement agency refuses voluntarily to give access to monitors, resists a civilian review board or other outside investigatory body, and persists in using excessive force, there are federal statutory remedies that can open up a recalcitrant department, and achieve the necessary reform. These federal remedies are of recent

vintage. In the wake of the Rodney King incident in Los Angeles,⁶⁰ the Congress of the United States passed legislation enabling the Civil Rights Division of the Department of Justice to commence investigations of state and local police alleged to be engaging in an unconstitutional or otherwise unlawful pattern or practice of excessive force.⁶¹ If the federal investigation shows that allegations of excessive force are true, a federal court is empowered by these laws to enter an injunction compelling police reform.⁶² While in the last five years, the Justice Department has been active in forcing police departments to be more open and to undertake significant reform, in most instances the local jurisdiction enters into a settlement agreement before the federal court issues the injunction.⁶³

The intent of these federal investigations and decrees is to make closed and mysterious internal police processes open and transparent so that police officials can be held publicly responsible and accountable for the thoroughness, correctness, reasonableness, and fairness of their decisions. The federal remedies have been employed in several jurisdictions to date: Pittsburgh, Pennsylvania; Steubenville, Ohio; the State of New Jersey; Montgomery County, Maryland; Highland Park, Illinois; Washington, DC; Los Angeles; and, most recently, Cincinnati, Ohio.⁶⁴ Federal investigations are pending in a number of other major US cities, including Detroit, Michigan and New Orleans, Louisiana.⁶⁵

⁶⁰ Morrison, *supra* note 1.

⁶¹ 42 U.S.C. § 14141 (2002).

⁶² *Id.*

⁶³ See *infra* note 68 and accompanying text.

⁶⁴ SPECIAL LITIGATION SECTION, CIVIL RIGHTS DIV., U.S. DEP'T OF JUSTICE, SETTLEMENTS AND COURT DECISIONS: CONDUCT OF LAW ENFORCEMENT AGENCIES, <http://www.usdoj.gov/crt/split/findsettle.htm#Settlements>.

⁶⁵ SPECIAL LITIGATION SECTION, CIVIL RIGHTS DIV., U.S. DEP'T OF JUSTICE, FREQUENTLY ASKED QUESTIONS, <http://www.usdoj.gov/crt/split/faq.htm#howmanyPorP>. Other cities with pending investigations as of January 2003 are: Charleston, WV; Cleveland, OH; Eastpointe, MI; Miami, FL; New

The consent decree recognizing the agreement reached between the federal government and the City of Los Angeles concerning reform of the LAPD is a representative example.⁶⁶ The document details the degree to which the federal government is requiring the LAPD to undergo reform and curtail excessive force. The federal order has numerous requirements. The LAPD must collect detailed information on the use of force, and make it available to the public. The consent decree requires the LAPD to build a computerized relational database of information on use of force, shootings, administrative and criminal investigations, racial profiling, and a number of other subjects bearing upon risk of police misconduct. It also requires the existence of the Police Commission, the Inspector General, and a monitor appointed to review and report on the LAPD's implementation of the federal order's requirements, including reports to the court if the monitor believes that the LAPD is not complying with the decree in good faith.⁶⁷

CONCLUSION

This article has attempted to organize the differing approaches to civilian oversight of police agencies in the United States so that they may be viewed as a spectrum or continuum. If law enforcement agencies are willing to undertake reform voluntarily, to open their records to public scrutiny, allowing for the transparency of internal processes, including internal investigations; then initiation of independent, civilian monitoring, the least intrusive means of oversight, may be adequate to assure the

York City, NY (two investigations); Portland, ME; Prince George's County, MD; Providence, RI; Riverside, CA; Schenectady, NY; and Tulsa, OK.

⁶⁶ Consent Decree, *United States v. Los Angeles*, No. 00-11769 (C.D. Cal. approved June 15, 2001), <http://www.usdoj.gov/crt/split/documents/laconsent.htm>.

⁶⁷ *Id.*

integrity of a self-regulating police agency. The introduction of independent civilians with real power to oversee and structure the course of internal affairs investigations, rather than simply to review them after-the-fact, is a further step that may be necessary where monitoring does not succeed in curbing police misconduct. In some instances, where the law enforcement agency in question is resistant to greater accountability, and cannot, or will not, reduce the use of excessive force, then more radical steps may be in order, including complete displacement of investigatory authority. The most extreme intervention may occur if it can be demonstrated that, over time, an agency has tolerated a pattern or practice of the use of excessive force. In that case, federal intervention, and consequent compulsory reform, including independent monitoring may be required.

This article is not meant to suggest that each alternative should be exhausted before the next is attempted. Rather, it is meant to suggest that for any particular situation, all the alternatives should be considered, and only the most fitting alternative selected. In some sense, the prescription advocated here mirrors the best practice in the use of force by the police: force employed by the police should be narrowly and precisely calculated to overcome the resistance of the suspect. In some instances, that amount of force may be minimal, just enough to handcuff the suspect. In other cases, e.g., where the suspect wields a gun, the force used may need to be more severe. Just as an officer confronted with a resistant suspect needs to carefully select a level of force commensurate with the situation presented, the response to a law enforcement agency's resistance to accountability and responsibility for managing the risk of misconduct needs to be carefully measured, and overcome by the least intrusive option that works.

The various experiments in civilian oversight of police agencies that are described in this article are accomplishing much public good, and should not be feared as an inappropriate intrusion in the life of a law enforcement agency. Police departments, particularly ones tainted by scandal or corruption, cannot, and really should not, attempt to monopolize the reform process by insisting that the only path to the restoration of credibility is the trail they blaze themselves. A better approach is to ask what independent civilian oversight and review mechanisms are necessary to insure both that internal police accountability systems are truly functioning properly, and that public opinion is so informed. Civilian oversight not only corrects deficient systems, but also bolsters public confidence in the police, and thereby makes policing better and more effective.



Louisiana Language Access Coalition

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U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2012 AUG 24 PM 4:42
LORETTA G. WHYTE
CLERK

The United States District Court
for the Eastern District of Louisiana
500 Poydras Street
New Orleans, LA 70130

August 24, 2012

Attn: Judge Susie Morgan
Re: Consent Decree Regarding The City of New Orleans Police Department

The Louisiana Language Access Coalition and Latino Forum of New Orleans would like to formally submit the following opinions on the provisions as they are stated on the Consent Decree Regarding The City of New Orleans Police Department, Case 2:12-cv-01924-SM-JCW, Document 2-1, filed 07/24/12, in the United States District Court for The Eastern District of Louisiana. As the purpose and part of the Consent Decree for the City of New Orleans Police Departments is to fundamentally change the way it operates in its regard and to address Title VI of the Civil Rights Act of 1964, ("Title VI"), we come forward as it affects the Limited English Proficient population and Latino and/or Hispanic population of New Orleans. Both the Louisiana Language Access Coalition and the Latino Forum of New Orleans advocate for the provisions guaranteed by the Title VI of the Civil Rights Act of 1964, as it prevents discrimination by government agencies on the ground of race, color, or national origin.

Opinion

1. Regards to Section III – Use of Force

E. Use of Canines, Item 42: we commend this provision, but ask that the warning be sounded in recorded form to eliminate variation of accentuation and diction for clarity.

2. Regarding Section V - Stops, Searches, and Arrests

A. Investigatory Stops and Detentions, Item 125: we commend this provision as the ethnicity and national origin often are indicative of another language

spoken other than English. Language other than English should therefore not be used in establishing reasonable suspicion or probable cause to any extent. Also, as Latino or Hispanic is determined as ethnicity and ethnicity determined by national origin it should not be a reason for suspicion or a determinant of probable cause. As the impending action should be communicated in the appropriate language.

- B. Searches, Item 127: we commend this provision as the ethnicity and national origin often are indicative of another language spoken other than English. Language other than English should therefore not be used in establishing reasonable suspicion or probable cause to any extent. Also, as Latino or Hispanic is determined as ethnicity and ethnicity determined by national origin it should not be a reason for suspicion or a determinant of probable cause. As the impending action should be communicated in the appropriate language.
- C. Arrests, Item 142: we commend this provision as the ethnicity and national origin often are indicative of another language spoken other than English. Language other than English should therefore not be used in establishing reasonable suspicion or probable cause to any extent. Also, as Latino or Hispanic is determined as ethnicity and ethnicity determined by national origin it should not be a reason for suspicion or a determinant of probable cause. As the impending action should be communicated in the appropriate language.
- D. Stop and Search Data Collection and Review, Item 149: We recommend that as an electronic report format is developed to collect data for investigatory stops and searches, the system include parameter for primary language or language of preference. This be crucial in determining adequate need for services, training, interpretation, number of trained personnel, needed translation of documents, and demographics on the affected population. This data should also be transferable for meaningful reporting and use at the national level. This parameter should also be relatable to national data.
- F. Stop, Search and Arrest Training: We recommend that training include practical and procedural v policy or requirements as it relates to the Limited English Proficient population as well as cultural sensitivity as it relates to Stops, Searches and Arrests specific to Latino and Hispanic population.

3. Regarding Section VIII – Bias-Free Policing: we commend this provision as ethnicity and national origin often are indicative of another language spoken other than English. Therefore, language other than English should not be used as a bias in regards to policing. Bias free policing further promotes community engagement and confidence in the department for this community. Also, as Latino or Hispanic is determined as an ethnicity and ethnicity determined by national origin, it should not be used as a bias that will further hinder full community participation.

B. Ensuring Bias-Free Policing, item 178: we commend this provision as ethnicity and national origin often are indicative of another language spoken other than English. Therefore, language other than English should not be used as a bias in regards to policing.

B. Ensuring Bias-Free Policing, item 179: we commend this provision as ethnicity and national origin often are indicative of another language spoken other than English should not be a determinant for immigration status or create a bias regardless of immigration status. Therefore, language other than English should not be used as a bias in regards to policing. Immigration status should not be questioned and or is appropriate in a line of questioning as it pre-empts federal regulations. NOPD should seek advice and allow for ample amount of time to disseminate information to the Spanish speaking community and any other Limited English Proficient community.

C. Language Assistance, item 189, section a-1: we commend this provision as it intends to address and provide timely and meaningful language access to the Limited English Proficient community. Therefore, language other than English, should not be used as a bias in regards to policing. Immigration status should not be questioned and or is appropriate in a line of questioning as it pre-empts federal regulations. NOPD should seek advice and allow for ample amount of time to disseminate information to the Spanish speaking community and any other Limited English Proficient community. The development of language access plan is also commendable. However, it is our recommendation that the plans implementation be closely monitored as it must be both made timely as well as be meaningful in order to meet its intent. Care and attention must be given to clear and accurate data collection that will pertinent to implementation and maintaining services and provide services. Note that the poor execution of a language access plan will need to be avoided and good execution essential to ensure good consistent trust and information. Bilingual staff must be qualified and proficient as it is essential in case of emergencies and communicating with 911. Proficiency in both languages is essential and must be assessed periodically to ensure the competency of the NOPDAIs as they tend to urgent and emergency situations. The recognition for need of NOPDAI must be procedurally evident and efficient. The protocol not only should be developed, but its efficacy tested and quality for service ensured to meet the qualifications of meaningful access. Responses to citizen complaints must be provided in the appropriate language to LEP individuals. As we agree that vital documents must be provided in the translated form. The quality and accurateness of any document must be ascertained and appropriateness. We agree that incentives are essential in recruiting and maintaining bilingual and appropriately trained staff. It is essential that a determination in duties be kept to true to each staff member, i.e., desk staff, police agents, community liaisons, and interpreters remain in their essential roles as certified and true to their duties to minimize liability.

- C. Language Assistance, item 190: we commend this provision to translate the language assistance plan to the appropriate languages as limited english services seek information and assistance. We recommend that the plan and policies be also made public and be announced on local media organizations that provide information and services and target languages.
 - C. Language Assistance, item 191: we commend this provision as it training and distribution of the plan and policy. We, however, recommend that cultural competency (d) or cultural diversity be made a major focus of the training of all NOPD personnel as it pertains to not only dealing with LEP population but also the Latino and Hispanic population. This will aid in better initial communication between the community and the NOPD to aid ensuring trust.
4. Regarding Section IX – Policing Free of Gender Bias: we commend the provisions to address gender bias. However, we recommend that the proposed language assistant plan also be incorporated into this section as it responds to items A & B of this section.
- A. Sexual Assault: we recommend that as policies and procedures are governing the response for sexual assault that it is inclusive of specifics in dealing with the Limited English Proficient population. It should also take into account cultural competency as it related in dealing with Latino and Hispanic population and their culture and customs.
 - B. Domestic Violence: we recommend that as policies and procedures are governing the response for domestic violence that it be inclusive of specifics in dealing with the Limited English Proficient population. It should also take into account cultural competency as it is related in dealing with Latino and Hispanic population and their culture and customs.
5. Regarding Section X - Community Engagement: we commend this provision as it addresses community engagement that is needed to address the many issues faced by the Limited English Proficient population and the Latino and Hispanic community.
- A. Community and Problem Oriented Policing: we recommend that both the Limited English Proficient population and the Latino and Hispanic community be taken into account initiatives and deployment be considered especially as it addresses item 226, g.
 - B. Biennial Community Survey: we recommend that both the Limited English Proficient population and the Latino and Hispanic community be taken into account by also approaching media and organizations that can further engage this community to participate in the biennial survey. Provisions should be made for the survey so it can be taken by the Limited English Proficient population and they can participate in this process.

6. Regarding Section XI – Recruitment: we commend this provision and further recommend that recruitment also be made to have more Spanish speaking, Vietnamese speaking and/or Latino or Hispanic hires.

A. Comprehensive Recruitment Program: we recommend that incentives be made available in recruiting and hiring Spanish speaking, Vietnamese speaking and/or Latino or Hispanic officers and employees of NOPD. As we can expect an added skill set in being bilingual or in expected additional training or in moving into the area.

7. Regarding Section XII – Academy and In-Service Training

G. In-Service Training: we recommend that additional hours of in service training be allotted to be able to give an appropriate amount of time for cultural sensitivity training and also for dealing with the Limited English Proficient population to offices hired specifically for this job.

8. Regarding Section XVII – Misconduct Complaint Intake, Investigation and Adjudication: we commend this provision as it provides for full and fair investigation of misconduct. However, we strongly recommend that provisions and procedures or protocols be made available accommodate for the Limited English Proficient population in the following areas (items: A,E,F,M). We feel that in order for this population to fully participate and for it to be fair they should be able to report misconduct, receive complaint information and that their complaints are also properly handled to build trust in the NOPD. Likewise the Annual Report must be made known in this community in their language for them to build trust that their participation is being taken in as any other city resident.

A. Reporting Misconduct

E. Complaint Information

F. Complaint Intake, Classification, Assignment, and Tracking

M. Annual Report

9. Regarding Section XVIII – Transparency and Oversight: we commend this provision and further recommend that the following items (A, C, D, E) for the information and to increase trust among the Limited English Proficient population and the Latino and Hispanic community.

A. Data Collection and Public Reporting: we recommend that both audits and reports be made available in the appropriate language at all its intended locations, including the website.

C. District Community Outreach Programs and Meetings: we recommend that public information meetings be made available in the appropriate language and that interpretation be made available for full participation.

D. Police-Community Advisory Board: we recommend that a representative from the Limited English Proficient community and one from the Latino or Hispanic community be on this board.

E. Community-Based Restorative Justice Project: we fully commend this provision. We recommend that it also be inclusive of Limited English Proficient and the Latino or Hispanic community for full participation.

10. Regarding Section XIX - Agreement Implementation and Enforcement

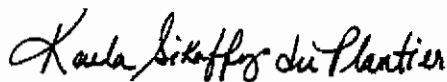
C. Outcome Assessments, item 448, 4: we recommend that language preference be included.

D. Monitoring Plan and Review Methodology: we recommend that an outcomes measure be taken into account as part of the methodology to include the participation of the Limited English Proficient population and the Latino and Hispanic community as they are affected by the agreement.

J. Communications between Monitor, Parties, and Public: we recommend that public information meetings be made available in the appropriate language and that interpretation be made available for full participation.

L. NOPD Consent Decree Implementation Unit: we fully commend this provision as it is implemented and NOPD comes into compliance it will affect the full participation and also build trust between the Limited English Proficient population and the Latino and Hispanic community.

Sincerely,



Karla Sikaffy duPlantier
Co-Chair
Louisiana Language Access Coalition



Daesy Behrhorst
Co-Chair
Louisiana Language Access Coalition

August 23, 2012

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4:28

LORETTA G. WHYTF
CLERK

Dear Judge Morgan,

We the family of Adolph Grimes III would like our voices to be heard. From the beginning to the present it seems like the case concerning our loved one leaves a hole in our heart. What is so upsetting about all of this is the fact that the New Orleans Police Department's officers do not know how to treat their citizens with respect. Whenever a situation occurs it is the officer's responsibility to talk with family members to get information concerning the person the person involved especially when it's a homicide. The NOPD is not supposed to make a person feel as though they have nothing to say. Sometimes they are not even willing to talk with the people that the situation involves, it is just a case closed for them.

We can attest to how the NOPD treat people when an incident occurs. On New Years Day in 2009 at about 3:15 a.m. our loved one Adolph Grimes III was brutally killed. What is most disturbing about is he was murdered by the same people in whom we thought were here to protect and to serve. This kind of protection no one needs. Why are we so upset? You may ask. We are upset because they not only killed him but how they have treated us since the execution. To begin, on that night they harassed everyone in the neighborhood yelling "go inside and close their doors" to allow them time to cover up what they had done. Patricia Grimes (his mother) went to the door to see what all the rucus (in what she thought was fireworks popping) that was going on but when she opened the door she was told along with everyone else in the neighborhood "go inside and close their doors". She then replied "where is my son, where is my son", she was again told "go inside and close your door". At that point Adolph Grimes (his father) broke out of the door and said "where is my son". He was then called my his name Mr. Grimes and told "if you don't calm down I'm going to tase you". Mr. Grimes replied "tase me". How did the officer know his name if there was no formal introduction? Then the other officers then handcuffed him and brought him to the opposite corner of the incident and was placed in a police car. This is very confusing because we were not told that it is a crime to ask an officer where is my son when it looks as though he may have been murdered and his vehicle was shot numerous times.

What is standard procedure? Why were we not questioned when the incident happened in front of our door? As a citizen does our statement or testimony not count? We had questions and a lot of information to ask and tell the officers concerning Adolph Grimes III. We could have given them details of the what was going on from the time that he left Houston, Texas to when he pulled up to his grandmother's home. As we can tell none of this mattered to them because they were in a hurry to conceal the fact that they murdered him. They would have known that he had just gotten out of the bathtub after putting his 17 month old son down to sleep. He was only coming here to celebrate the New Year with his family that he had not seen for some time and to show off his first born. This is not how we thought we would be celebrating the New Year. Still today we unanswered questions and no police officer has spoken with us.

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The NOPD has yet to have a sit down with this family to apologize or offer any condolences. Not to mention answer any additional questions. All we ask for is the truth, but that seems as if without them being forced that is not going to happen. Faith in God, lets us know that justice will prevail. Instead of them answering questions they have harassed our entire family time and time again because of our name, Grimes. After the execution we went to Tulane and Broad, where we felt like and treated like fools. We were told "you know this is a holiday, we're closed, you have to call the homicide division". We then called someone answered and then hung up. Then when Mr. Grimes called back no one answered the line just rung. We then replied "it was not a holiday when you killed Adolph Grimes III." Since when is the police department closed due to an holiday? We went there only to find out information because they still yet refused to provide us with anything. We then went to the coroner's office and no one was there. On following day we went back to the coroner's office and we did obtain some information. Only to verify what we already knew it was a homicide. They shot him from behind and he tried to run for his life not knowing what he had done wrong. They handcuffed him after shooting him 14 times in his back. The handcuffs were so tight that they had to be removed so that they could try to get a pulse but he was already dead. What did they think with a gunshot in his head and shots to the back would he still be alive? The only reason we knew that Adolph Grimes III was dead is we found out from the news. The news gave us confirmation that he was the person that was killed in front of our door. What a way to find out that your loved one was murdered. The news knew before we did. How can you be so close but yet so far. Not able to even see or try to help your loved one when they are basically right in front of your face. That is what makes this so difficult to deal with. There are a lot of things that happened after he was murdered that just didn't make sense. Here Adolph Grimes III was a model citizen. He had never had any run ins with the police, no criminal background, not even a traffic ticket. He went to Brother Martin a prestigious school here in New Orleans and was working first time father trying to provide for his son. So after we could not get any information we turned to the FBI. They were there within 48 hours to see what was going on and now we have a case open with them. They could even see through all the red tape and smoke. At least they stepped up to the plate.

It is difficult to have trust in the NOPD to do the right thing when there are a lot of wrongdoings. Someone has to be the voice, someone needs to make them do what is right. No one has thought about what they would do in a situation like this. How would you feel, would you want answers? Would you want justice? It is not ok to kill someone and there is no recourse of action. If a civilian had killed someone they would be imprisoned until trial and proven of their innocence. The NOPD is allowed to still walk the streets laughing in your face, going home to their families and acting as if nothing has happened. These are the reasons we are so frustrated.

It has been a constant reminder of how the NOPD operates. Some of the officers feel above the law and figure that they don't have to respect anyone but whom they choose. This is absolutely ridiculous. What happened to you have to give respect to get respect. They figure that they don't have to answer your questions and they can arrest you just because they are they police. It is what they say or no way. It doesn't have to be written for people to see what is going on with the corrupt New Orleans Police Departmental procedures. Although it is not written we understand the "blue code of silence". Protect their own. In reality it should be a

"blue code of justice and honor". It should be an honor to be an officer of the law and not to be a murder or liar of the law. Joining the police department an officer should feel like they are going to make a difference and not just using the badge to give them right when they are wrong.

A good example of departmental procedure was when we tried to obtain funds from the The Louisiana Crime Victims Reparations Fund to help with his burial. Of course we were denied twice for one reason or another. The main reason was because they needed a permit for his gun. Why? His permit was within the evidence amongst the items that they refuse to return that was not even part of the investigation. Amongst those items were his video games and games, clothing, shoes, money and other personal items. None of which is needed for the case. We have been trying all avenue to get his items returned to us. We have been unable to get anywhere but sent around in a circle. Where is the help when you need it. The police department has turned their back on us when their the ones that wronged us. Where is the justice? Why are we being treated as common criminals when the only crime that we committed is believing that the NOPD was going to do the right thing. So we beg you to hear our voice and let us be heard.

Thank you,

The family of Adolph Grimes III

The Grimes Family
Adolph Grimes

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



SUSAN HUTSON
INDEPENDENT POLICE MONITOR

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4: 28

LORETTA G. WHYTE
CLERK

August 24, 2012

The Honorable Susie Morgan
U.S. District Court for the Eastern District of Louisiana
500 Poydras, C508
New Orleans, LA 70130

RE: Civil Action No. 12-1924; United States of America vs. the City of New Orleans,
Consent Decree

Dear Judge Morgan:

I thank you for allowing us, the Office of the Independent Police Monitor (OIPM) and the public, to have a meaningful opportunity to share important history and information about our public safety system prior to your approval of the Consent Decree in this matter.

As the entire community seeks to see the New Orleans Police Department (NOPD) improve, it is in everyone's best interests to identify reform areas that are missing from the proposed Consent Decree, or where provisions are inadequate.

NOPD and its current leadership are the architects of several policies that have become areas of concern: quantitative policing, possible quotas for stops (field interviews), and retaliation. It will be difficult to obtain buy-in from police officers and citizens when the department is the subject of concerns and also the judge of how well those concerns are being addressed. The Consent Decree process requires a broad buy-in from officers and the public into the reformation process and a neutral entity (e.g. the OIPM) is necessary. A recent survey conducted by policing expert Dr. Peter Scharf and the motions to intervene by the two police associations detail how officers do not believe that the parties appropriately represented their interests.

The insular management style of the city's government may also be antithetical to the effective buy-in and implementation needed for a viable Consent Decree process. The lack of involvement by the OIPM in the process of negotiating the Consent Decree reflects this insularity and is an underlying major risk factor going forward. We have been monitoring the process by which the NOPD investigates itself for over two years and we have Consent Decree experience but were blocked from participation for what we believe are political reasons which have nothing to do with effectiveness or efficacy. Since the 1940's, reform in policing has attempted to separate policing from politics. Political interests may not be able to achieve the legitimacy needed for an



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effective Consent Decree process. After all, in the mid-1990's, the federal government and local government attempted reforms which dissipated without permanent oversight.

The following are crucial elements that we believe to be missing from the proposed consent decree.

I. An Apology

The most important missing component of this Consent Decree is an apology from the City of New Orleans and its police department to the public to whom they swore a duty to protect and serve. As was noted in the investigation into the NOPD by the Department of Justice (DOJ), the NOPD failed to train its officers, hold officers accountable and investigate itself in a proper manner. Further, several officers have been found guilty of heinous crimes. Yet to my knowledge, no one from city government has ever made a public apology. The family members of those killed by NOPD are especially disappointed. An apology would start these reforms out on a note which informs the public of the NOPD's contrition and reminds current officers of the burdens they bear in making change.

II. OIPM Duties

As mentioned in our motion to intervene and during our oral arguments, a strong role for local and lasting police oversight (i.e. OIPM) is missing from this Consent Decree. The OIPM has knowledge and expertise of which are not being taken advantage. I worked under a very detailed Consent Decree in the City of Los Angeles prior to coming to work in New Orleans. I am very familiar with the best practices that the DOJ put in place in Los Angeles, in other Consent Decree cities, and proposes here. In fact, the OIPM has been reviewing NOPD patterns and practices over the last two years and making recommendations based on these best practices. The Deputy Police Monitor has worked as an Assistant Attorney General in New York where she prosecuted public integrity cases, a criminal defense attorney, and as Legislative Counsel where she drafted legislation regarding government ethics, police stops and searches, and whistleblower protection. My Community Relations Director has a community organizing background and ties to the community most impacted by problems with NOPD. She fought to make the OIPM a reality. We are the most qualified independent reviewers of the NOPD and if we are locked out during the Consent Decree period, it will be difficult to resume our duties once federal officials and the Consent Decree Monitor leave.

To illustrate this troubling dearth, we point to three vital areas which the OIPM ordinance requires us to monitor, review, assess, and report upon: a) the complaint/disciplinary system, b) critical incidents and c) community involvement in oversight. Critical incidents are major uses of force and includes officer involved shootings and in custody deaths. We will discuss these areas in more detail below.



a) Complaint Investigation/Disciplinary System

The OIPM is better equipped to make the complaint investigation/disciplinary system more reliable. For instance, our review of complaint investigations utilizes a matrix of questions that is more detailed, but which certainly includes, the same criteria included in Paragraphs 413-417 of the Consent Decree related to complaint investigations. Our review process came with me from Los Angeles and was used during the life of that Consent Decree. In fact, the OIPM, spearheaded the purchase of the current NOPD computer program which houses complaint investigations, uses of force, and the early intervention system.

We also note that Paragraph 392 of the proposed Consent Decree does not mention the OIPM as a partner to identify and forward complaints of misconduct. Others in the criminal justice system are included, but not the OIPM. This is a huge oversight, given the fact that the OIPM receives around 200 complaints of alleged misconduct per year. The OIPM also traces various other non-complaint contacts with citizens where we address their concerns informally. For instance, a woman contacted our office because she had spotted her stolen vehicle several times but could not get her district officers to come out, make an arrest and recover her property. My staff was able to put her in touch with the district commander and an arrest was made within the hour. The woman recovered her property before the end of the day.

Additionally, as required by Paragraph 392, the OIPM has been asking the City Attorney's Office for lawsuit and claims for damages against the NOPD and its NOPD employees to be included in the early intervention system since October of 2011, but we have not received it. We know that having more information about at risk officers is vital to predicting which may be involved in major misconduct and in trying to prevent these types of major incidents from occurring.

The Consent Decree should also dictate that any lawsuit against a member of the NOPD which states an allegation of misconduct should automatically trigger a complaint investigation. This measure was required in the LAPD Consent Decree, but is not required here. In the alternative, PIB should be required to read each lawsuit and claim for damage and be required to enter all allegations of misconduct into the complaint system for investigation.

Currently, Consent Decree Paragraph 426 conflicts with the OIPM ordinance and the NOPD-OIPM MOU Paragraph 63 which provides that the NOPD will provide the OIPM with material for the OIPM to write an annual report about the complaint investigation/disciplinary system. Consent Decree Paragraph 426 provides that "The PIB and IPM shall coordinate and confer with each other in collecting, analyzing, and reporting this data to avoid or minimize duplication efforts." The City of New Orleans, from which we are operationally independent, cannot give away the OIPM's duties under city law.



Additionally, the OIPM already attends all disciplinary hearings to monitor whether or not complaints are adjudicated properly and that discipline is issued according to NOPD's policies and procedures. The OIPM will be reporting upon the disciplinary process and should have this duty under the Consent Decree.

b) Critical Incidents

We review officer involved shootings in the same manner as complaints. The OIPM has already made a significant impact on force investigations. We helped to make the Force Investigation Team (FIT) a reality. We made the recommendation to put this team together back in October of 2010. Additionally, we assisted the NOPD in connecting with the Force Investigation Division (FID) in Los Angeles, which assisted in training NOPD's FIT. At each shooting the OIPM asks a series of questions more detailed than the criteria included in Consent Decree Paragraph 105, based on Consent Decree best practices, which are intended to make sure the investigation starts off correctly.

The matrices that we utilize to review complaints and critical incidents are appended to the MOU between the OIPM and the NOPD.

We would also ask that the court make it clear, that the Use of Force Review Board (UOFRB) reviews defined in Paragraph 108, and any other NOPD boards or commissions that will hold reviews, are defined as hearings under city ordinance that the OIPM has a right to attend. We are not mentioned in this very important process.

Furthermore, the OIPM has reached out to the families of those who have been killed by NOPD officers over the last 6-8 years. These families will address the court separately about their recommendations for the Consent Decree; however, the OIPM proposes to have language inserted into the Consent Decree which specifically gives our office the role of liaison between the families and the NOPD investigations. We are already acting in this capacity and the families are comfortable in dealing with us.

c) Community Involvement in Oversight

The OIPM has advocated for a strong role for the public in the oversight of the NOPD. The proposed Police-Community Advisory Board proposed in this Consent Decree in Paragraphs 436-438 is unsuitable.

In each city in which I have been involved in civilian oversight of law enforcement, the city has had a citizens review panel or police commission to review major policy changes, complaints of misconduct, and officer involved shootings. The OIPM cannot over emphasize the power of the public to affect change in police departments, if they are given a major role. Mayors, city councils, and chiefs of police change frequently. The only constant is the communities and the people in them. Both community partnership models I have worked with have been highly



effective. We also ask this court to include such an entity in this Consent Decree. The people of this city deserve some control over their fates and will not easily tolerate being locked out of important decisions that affect them.

III. Access

The OIPM asks that this court provide the same access to the OIPM as the Consent Decree Monitor has in Paragraphs 470-476. The OIPM also asks the court for language in the Consent Decree which makes it very clear to the NOPD and its City Attorney that the city of New Orleans and NOPD shall promptly provide the OIPM with any documents or other information we requested, related to our responsibilities under this Agreement. The OIPM has had delays from NOPD and/or the City Attorney in getting access to officer involved shooting files and lawsuit information.

IV. Retaliation Prevention

The OIPM has established itself as a safe place for officers and members of the public to come and report allegations of retaliation. However, we know that for any system to flourish, we need officer buy-in. Towards that end, officers must be protected from retaliation. The Consent Decree addresses preventing retaliation in Paragraph 377. However, it does not contain important provisions which are necessary here. Specifically, the Consent Decree should provide that the OIPM will have full access to any "whistle blower" who wishes to communicate with us. The Consent Decree should also provide that the OIPM shall be informed of and have unfettered access to any reports, files, notes or records involving a whistleblower, made by or in the possession of any New Orleans Police personnel, including any grievances.

Additionally, the Consent Decree should reflect that retaliation is a specialized type of case to investigate/prove and that special training is needed for investigators. Furthermore, the OIPM should be mentioned as a primary place for receiving officer and civilian complaints of retaliation. Paragraph 375 specifically provides that officers must report observed misconduct internally. This disrupts their ability to come to OIPM without fear of reprisals.

The Consent Decree should further reflect that the OIPM shall record and track retaliation allegations and provide the annual review as to the NOPD's handling of these types of complaints.

Finally, the OIPM should work with the NOPD to develop and implement retaliation complaint investigation protocols that will protect, to the maximum extent permitted by law, the confidentiality of the identity of the person reporting retaliation to the OIPM. The Consent Decree provides for PIB to conduct this review, but that does not allow for an independent review as most retaliation allegations are leveled against the leadership in any organization.



V. Grievances

A properly functioning grievance system is integral to the prevention of retaliation. A proper grievance system will give officers a voice that would otherwise not be available to them. The City has a grievance process that is extremely unsatisfactory to officers of the NOPD.

The Consent Decree should contain strict timelines and penalties for the City not adhering to grievance timelines and deadlines. Additionally, all grievances filed by NOPD employees should be reviewed by PIB, with the requirement that PIB initiate a misconduct investigation for any grievance which alleges misconduct.

VI. Risk Management System

At the request of the OIPM, the current early intervention software system was purchased. The OIPM made this the priority project upon beginning my tenure as Police Monitor. I have experience with early intervention systems and risk management systems under the Consent Decree in Los Angeles. In February of 2011, I recommended to the Superintendent of Police that a risk management system be put in place similar to the one used Los Angeles. This risk management system would be an expansion of the NOPD's current Professional Performance Enhancement Program (PPEP), which will monitor at risk officers for as long as it takes to remove the risk to the public. The at risk officers are usually benched or given limited (low risk) assignments while in the risk management system. This system is only for those officers presenting an elevated risk of harm to the public. It is worthy to note that even in the middle of the 1990s, Police Chief Richard Pennington built an early warning system that was nationally praised. However, this system fell into disrepair when not monitored by an entity outside of the department.

I also specifically recommended that a detailed pattern analysis should be conducted for at risk employees and how a profile of each employee should be created. When conducted properly, the the analysis will reveal any pattern and potential issues with respect to the subject employee and suggest the proper approach to correct the situation. Paragraph 326 of the Consent Decree provides that the NOPD will share information about at risk officers with the DOJ and the Consent Decree Monitor, but does not include the OIPM. This is direct contravention of the NOPD-OIPM MOU (Paragraph 61-62) which requires that "[t]he 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." It also contradicts our Ordinance, which requires us to monitor the system for effectiveness.



VII. Constitutional Policing Review (Stops and Frisks)

The OIPM has already begun reviewing the NOPD's field interview program and its patterns/practices with respect to stops and frisks. All parties were aware of this review when negotiations began. Our recommendations, which are currently in draft form, go further than what is required in the Consent Decree and we delve into what is wrong with the current system in much more detail. We want to continue to have this function during the life of the Consent Decree and thereafter.

VIII. Search and Arrest Warrants Review

Paragraphs 136 and 146 provide very little guidance to the NOPD and its supervisors about the review measures they need to put in place prior to approving warrants. Currently, supervisors are reviewing warrant affidavits prior to their employees submitting them for court approval. However, despite the supervisory review, the NOPD is not catching the untruthfulness within some of the affidavits. For instance, since my arrival in New Orleans I have reviewed a combination of seven arrest and search warrants. Each of these warrants contained what we believe to be untruthful information in the affidavits used to obtain them.

Furthermore, the OIPM has already begun reviewing this issue. The review started in July of 2012. Our review will provide specific checklists for supervisors, documentation, and training. The OIPM is already a part of Detectives Training which started on August 20, 2012. We are already teaching the NOPD about their obligations of candor and material disclosure to the court in attempting to obtain any warrant. I would also like the court to know that as a member of oversight in Los Angeles, we conducted a number of these reviews under that Consent Decree. This should be an ongoing OIPM review in this Consent Decree as well. We note that as a result of this Consent Decree, the NOPD and the City Attorney have recently expressed concerns about this review. We knew that there would be confusion and difficulties in conducting our normal operations, if the Consent Decree was not specific as to the duties belonging to the OIPM.

IX. Command Staff Investigations

We advised both parties that a uniform system should be in place for the investigations of complaints for which PIB has a conflict of interest, such as investigations of the Superintendent and Deputy Superintendents. We told both sides that the investigators should be the OIPM for consistency. Other entities have conducted investigations, but the OIPM is the most familiar with NOPD's departmental rules. Whomever the court orders to conduct these investigations, there should be clear and consistent requirements set in place. In Los Angeles, the oversight agency conducted investigations for which internal affairs had a conflict.



X. City Administration and City Attorney

The current City administration took office in May 2010 pledging reform and issued a policy memorandum (MJL 11-02) on cooperation with the city's oversight entity, in which it instructed employees that cooperation is the Administration's policy as well as a duty set forth in City ordinance.

However, we believe that it is important for the Court to understand the current climate between the OIPM and the City's Administration. On the occasions that the OIPM has been denied access to critical information to conduct its duties under the OIPM Ordinance, the access was denied with the assistance of the City Attorney's Office. The City Attorney reports directly to the Mayor.

The OIPM has sought to advance reforms in the NOPD in a number of ways, which have received resistance from the NOPD with the assistance of the City Attorney's Office. For instance, although the OIPM Ordinance and the NOPD-IPM MOU make it clear that our office should have access to NOPD officer involved shooting files, even those conducted by the Homicide Unit; it took a prolonged period of time to secure the OIPM's proper access to these files.

Additionally, the OIPM has sought over the last 10 months to work with the City Attorney's Office to provide the public with a redacted version of the NOPD's Operations Manual. However, there have been numerous delays in meeting directly with the City Attorney to complete that project.

We have also received attempts by the City Attorney's Office to prevent the OIPM from releasing information about our activities, as we are required to do under our ordinance, to the public. .

The Court should include language in this Consent Decree that provides that there is a duty incumbent all upon the City Attorney's Office to comply with this Consent Decree with respect to the OIPM and to refrain from obstructing any of the reviews required therein, subject to legal arguments which will be reviewed by this court for merit.

XI. Local Oversight Staffing and Resources

In each Consent Decree in which the DOJ has been a party, there has been included a Paragraph which makes the defendant city responsible for providing necessary support to the local civilian oversight agency to fulfill their obligations under the Consent Decree. This paragraph is, of course, accompanied by a specified role and duties for the local civilian oversight agency.

This Consent Decree should also contain such language, but instead only requires the City to fully support the NOPD (Paragraph 12).



We should report upon Consent Decree matters to the court, provided the City of New Orleans is required to provide us with the resources necessary to complete these tasks. We believe that it is inappropriate for the NOPD to critique itself and certify to a court that it is investigating itself appropriately.

XII. Crisis Intervention Team

Although Paragraph 12 of the Consent Decree requires the city to properly fund the NOPD in general, the court should include a specific provision that the City of New Orleans will properly fund and resource the Crisis Intervention Team, the Crisis Intervention Planning Committee, and all functions. The aftermath of Hurricane Katrina was that many individuals were left in need of mental health care, but few resources. It is unfair to put the burden of dealing with these individuals in dire need of help on an underfunded and understaffed unit. Further, we continue to have unfortunately violent incidents between the mentally ill and NOPD officers.

XIII. Collection of Evidence

We request that the court include a provision within Paragraphs 404-412 which requires the NOPD's misconduct investigators to follow the same departmental standards for the collection of evidence as is used in criminal investigations. The collection of evidence may include photographs of items, locations, and injuries. Evidence may also include an officer's equipment such as boots, batons, or flashlights. We have received complaints from the public that important evidence is not being collected in misconduct cases.

XIV. Stop and Search Data Collection and Review

Paragraph 150 of the Consent Decree requires supervisors to review investigatory stops, detentions and searches within 12 hours of receiving a report. However, either the OIPM or the Consent Decree Monitor, needs to conduct regular monthly reviews of supervisory actions to verify that officers are being held accountable. The public cannot wait for the annual reviews contemplated in Paragraph 152, because this type of action affects them every day.

XV. Visual and Audio Documentation of Police Activities

Similarly, the court should add a provision in Paragraphs 327-331, to require that either the OIPM or the Consent Decree Monitor conduct regular monthly reviews of supervisory actions to verify that officers under their command are properly using the in car camera systems and using the systems to document misconduct.

We also ask the court to add a provision that the NOPD and its officers are not to audio or video record individuals when they are not subject to a legal stop or arrest or without the public's consent. The OIPM has been asked about this by members of many communities.



XVI. Disclosure by a Consent Decree Monitor

Paragraphs 462-466 which seek to limit the Consent Decree Monitor from providing information to the public without the approval of the DOJ and the City will be unsatisfactory to the public. The reason that the NOPD has operated in such an unlawful manner is that the city's administration and the city attorney have been able to limit the public's right to know. Shedding light upon the NOPD's practices should be a requirement of this Consent Decree. The court may already know that several media outlets have had to litigate their right to public information from our police department.

XVII. NOPD Policies and Manuals

Paragraphs 15-26 of the Consent Decree are missing some important voices, namely the public and the OIPM. As mentioned elsewhere in this letter, the OIPM believes that the public, through some type of citizens review panel, should have the opportunity to comment on NOPD policy changes. Most certainly, the OIPM should have a voice in this process since we regularly review the NOPD's compliance with and effectiveness of NOPD policy.

Additionally, this court should require the city of New Orleans to immediately review the NOPD's Operations Manual and publish it on the city's website all portions which are not specifically exempted from public disclosure under Louisiana law. All portions which the City of New Orleans seeks to exempt from disclosure should be reviewable by this court. The OIPM has encouraged the City of New Orleans and the NOPD to accomplish this task, but the city has yet to comply.

These proceedings will have a significant impact on New Orleanians' daily lives for years to come. We trust the court to weigh all factors accordingly and we respectfully request that the court consider the impact of an incomplete reform process. The court understands that NOPD reform must be more than a public relations campaign this time. We further note that this not an exhaustive list of the ways this Consent Decree can be improved, but we at the OIPM thank the Court for the opportunity to provide this input and for your consideration thereof.

Sincerely,



Susan Hutson

Independent Police Monitor



JASMINE GROVES
3312 BEHRMAN HIGHWAY
APARTMENT C
NEW ORLEANS, LA 70114
(504)-645-7690

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4: 2

We are the family members of those killed by New Orleans Police Department. Some of our loved ones' deaths have been adjudicated and some of our families have received justice. Some have not. Unfortunately, however, we have all experienced unprofessional and unacceptable treatment by the New Orleans Police Department following the deaths of our loved ones.. Some of us will be addressing this court individually with specific accounts of our experiences. However, as victim family members, there are some overall issues impacting the treatment of families following Officer Involved Shootings (OIS), which we wish to raise with the Court.

LORETTA G. WHYTI
CLERK

We have had assistance from the Independent Police Monitor's Office and have appreciated their guidance and support for us to be able to speak as a united voice for our families.. Unfortunately, we expect that other families will join our ranks in the coming years, but we hope that, as a result of the Consent Decree, that their experiences will be vastly different from ours.

We choose to address this court as a group to share with you, Judge Morgan, all the simple ways that NOPD can improve upon its treatment of loved ones in the immediate aftermath of and during the investigations of Officer Involved Shootings:

- 1) Press Announcements: In addition to the shock of discovering that a loved one has been killed by an NOPD officer, many victims' families first learn of the event through public media. To our knowledge, the NOPD does not have any protocol for notification to families and loved ones of the deceased before they release information to the press. We are requesting that no press conferences, news releases or any other public information regarding an NOPD officer shooting a civilian should be released until after a reasonable attempt to contact the deceased or injured party's family has been made. This effort should be documented in writing and verified by an appropriate supervisor.
- 2) Respect for Human Remains: Many of us have been horrified to watch our loved ones' remains in open view of the public for hours on end as NOPD processes the crime scene. We deserve better. We recommend NOPD purchase screens and use them to *completely* obscure the body from public view.
- 3) Communication: We have had negative experiences, ranging from difficulty getting information to being arrested for asking questions while attempting to get information about our loved ones' deaths and during the investigation of our loved ones' deaths. NOPD should immediately designate a person on their staff that is the point person for OIS families. This person should seek out the family and immediately share as much information as is prudent. This designee should be available for family member questions and phone calls. This designee should

Process _____
X DKW _____
CIRMD _____
Doc. No. _____

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provide ALL families with the same information about the Statewide Victim Assistance Fund, Crisis/Grief Counseling, etc. that they provide to civilian homicide victims' families.

- 4) **Coroner's Office:** We have all had difficult experiences viewing and claiming the bodies of our loved ones. We have had difficulties claiming our loved ones' personal effects. Some of these issues go directly to the Coroner's Office and some to NOPD. We acknowledge that NOPD does not control the Coroner's office but we believe that there needs to be a written protocol between the NOPD and the Coroner's office which addresses these issues. We respectfully request that the NOPD designee in charge of communicating with OIS families also work with the Coroner's and District Attorney's Offices to: 1) Give families access to the bodies, after autopsy, so that they may physically view and identify the body 2) Ensure that all personal effects NOT entered into evidence, are turned over to the family as soon as possible and that all other effects entered into evidence be properly documented and that the family be given a property receipt.
- 5) **Public Information:** Currently, if the DA does not choose to prosecute an officer and go to a trial, the family has no simple or direct access to the police reports or other investigative materials. NOPD should be required to issue a report on all Officer Involved Shootings within a specific period of time and if criminal charges are not pending or reasonably anticipated, this report should be made available to the victims' families, without charge and without the need to litigate a public records act request .
- 6) **Respect for the Family:** Many victims' families have experienced, to various degrees, unsympathetic or abusive language, unprofessional attitudes and/or intimidation at the hands of NOPD officers after our loved ones had been killed. We understand that officers may themselves be traumatized after an Officer Involved Shooting. However, oftentimes officers do not display appropriate responses to the families and loved ones of the deceased civilian. We believe that officers need training on the grief process so that they can understand the impact of these deaths on our families and our community and respond accordingly.
- 7) **Officer Mental Health:** NOPD officers should have regular, mandatory mental health checks before returning to duty after an OIS.
- 8) **The Independent Police Monitor's Office** has been a real source of support and information to us and other families experiencing traumatic events with the NOPD. We have been very grateful for their help and consider the IPM to be an invaluable and unique resource for the community. We are asking that the Court do whatever is necessary to make sure that the Consent Decree strengthens our IPM office so that it can continue to provide information to us and the public

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about these incidents and identify areas that need improvement in the investigations.

Thank you in advance for hearing our concerns. Our group is small but we believe our experiences are common amongst families of Officer Involved Shooting victims. For the sake of our entire community, we respectfully request that you consider these comments before ruling on the Consent Decree.

Sincerely,

The Families of NOPD Shooting Victims

Jasmine Groves

Jasmine Groves

Stephanie Honor

Stephanie Groves

Patricia Grimes

PATRICIA GRIMES

ADOLPH

ADOLPH GRIMES

JASMINE GROVES
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Sincerely,

The Families of NOPD Shooting Victims

Vera Goodman

Tanya Glover

Vera Goodman

Mrs Rebecca Slors

MRS Rebecca Glover

Mrs Sherrel Johnson

Mrs Sherrel Johnson

Tanya Slors

JASMINE GROVES
3312 BEHRMAN HIGHWAY
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Sincerely,

The Families of NOPD Shooting Victims

Roman J. Madison _____

Rommell J. Madison _____

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4:42

LORETTA G. WHYTF
CLERK

August 24, 2012

Honorable Susie Morgan
U.S. Eastern District Court of Louisiana
500 Poydras Street, Room C508
New Orleans, LA 70130

Re: NOPD Consent Decree
USA v. City of New Orleans
USDC # 12-1924, Sec. E

Dear Judge Morgan,

I understand you have asked for community comments about the proposed consent decree between the U.S. Department of Justice and the City of New Orleans.

On Oct. 13, 1994, my mother, Kim Marie Groves, was killed by a hit-man, Paul Hardy, who was working for and under the orders of a corrupt and violent NOPD police officer named Len Davis. Today Len Davis is on federal death row. I am told that he is the only police officer in the history of the United States to be sentenced to death as a result of a federal criminal civil rights conviction. Paul Hardy, the hit-man working for Len Davis, who was also found guilty, was said to be mentally retarded and has been sentenced to life in prison, as was the driver of the get-away car.

My mother was murdered in front of my family home, the night before my 13th birthday. All of us, my sister, brother, grandfather and great-grandmother, all saw my mother die in the street in the Lower 9th Ward, before our eyes. Her death was a terrible blow to our whole family that stays with us forever. The plans for her murder were taped because Len Davis was under investigation by the FBI for running a cocaine ring with other NOPD officers.

My mother was killed because she spoke up against Len Davis and his partner, Sammie Williams, for their brutal mistreatment of neighborhood kids and reported them to internal affairs of the NOPD. By having her killed, Len Davis intended to send a message to the community that no-one could speak out against his abuse of power as an NOPD officer, without retaliation or the

ultimate cost of one's life. I later learned that Len Davis had a reputation as one of the most brutal police officers with NOPD and that he had mistreated many other citizens before he had my mother murdered. As a child I could not understand how someone like that could have stayed on the NOPD for so many years. Surely other officers and supervisors and higher-ups knew how brutal and corrupt he was, but they looked the other way.

As I have become an adult and have learned more about the NOPD I realize how truly brave my mother was. I look up to her courage and bravery as a guiding star for how to live my own life. I am grateful for the U.S. Department of Justice for prosecuting Len Davis and those responsible for my mother's death. However, even after Len Davis and other NOPD officers went to prison, the problems with the police department continued.

I am glad that the Department of Justice has finally investigated the NOPD and that the City has agreed to the consent decree. I understand that the federal court will be watching to make sure that the police department does what it is supposed to do.

I also want to let the Court know that the Independent Police Monitor (IPM) office has been a big help to me and my family. I feel that the IPM is an important resource for our community. Once the IPM office got really established, myself and other families who had lost loved ones to NOPD violence had a safe place where we could go for help. If we had the IPM when my mother was alive, maybe she would still be here today. I feel that the IPM should be given all the support that it needs so that it can continue to work and help improve the safety of our citizens. I truly believe if the IPM is allowed the funds and staff that it needs to expand it can become more active and involved in the community. Hopefully there will be better service given to citizens from police officers, for example, better communication on the scene with officers and victims' families, having an officer who victims' families can contact if they have questions and to keep victims' families updated with any information. If we as victims' family members and officers of the law can work with each other honestly, I feel that we can fight crime and corruption and help New Orleans be a better place.

Thank you.

Sincerely,


Jasmine Groves
Daughter of Kim Marie Groves

August 24, 2012

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4:41

LORETTA G. WHYTE
CLERK

Honorable Susie Morgan
U.S. Eastern District Court of Louisiana
500 Poydras Street, Room C508
New Orleans, LA 70130

Re: NOPD Consent Decree
USA v. City of New Orleans
USDC # 12-1924, Sec. E

Dear Judge Morgan,

I understand that the Court has given members of the community the opportunity to express our opinions about the proposed consent decree between the City of New Orleans and the Department of Justice about the NOPD. I appreciate the Court extending this opportunity to me and to other members of our community, particularly victims of NOPD violence and misconduct.

I am the daughter of Raymond Robair, who died on July 30, 2005. My father was a protector, provider, advocate, and true friend, not only to our entire family, but also to his friends and neighbors in the Treme. But most people do not remember my father for the wonderful things he did for our family and our community. Instead, the name Raymond Robair has become well-known because my father died at the hands of two NOPD officers: Melvin Williams and Matthew Dean Moore.

When I say that Raymond was killed by both of those officers, what happened is that Officer Williams beat my father, in broad daylight, in front of numerous witnesses, until he was nearly dead, and Officer Moore stood by and did nothing to protect my father throughout that vicious beating. Witnesses said they heard a terrible scream from my father, like a "death scream". Officer Williams kicked my father so hard that he ruptured his spleen. And still Officer Moore did nothing. Officers Williams and Moore then lied to Charity Hospital medical staff, telling them that they "found" my father in the street and that he was a suspected drug overdose. The doctors at Charity didn't realize, until too late, that my father was a trauma victim. He died on the operating table. The Charity doctor testified that if they had known that my father had been injured, they could have saved his life.

Both Officers, now former Officers, Williams and Moore are now in federal prison, convicted of federal crimes for their role in the death of my father, as well as the cover-up. Officer Williams received a sentence of more than twenty-one years; Officer Moore, more than five years.

My family is grateful to the U.S. Department of Justice for investigating and criminally prosecuting these officers. Without their intervention, nothing would have happened and the killing of my father would have been simply one more death of an innocent person at the hands of the NOPD, without justice. However, as important as the criminal convictions are, the problems in the department which led directly to my father's death have not yet been solved.

Officer Williams' and Moore's roles in my father's death illustrate two major problems within the police department, problems which I hope the consent decree will seriously address: the selection of Field Training Officers (FTO) and making sure that police officers intervene and tell the truth when their partners or other officers violate the law.

Officer Williams was acting as a Field Training Officer on the day that he beat my father to death. I cannot understand why the police department let Officer Williams train rookie officers, just out of the Academy. Officer Williams had a reputation in the community as a corrupt officer who would beat people or threaten them with arrest in order to rob them or get them to act as informants. But despite his notorious reputation for violence and corrupt behavior, Officer Williams was in charge of training Officer Moore, a rookie fresh out of the Academy. I shudder to think how many other officers who are on the NOPD today also had Officer Williams as their FTO. I can only imagine the lessons those officers learned from Officer Williams.

I am concerned about whether the consent decree has strong enough safeguards to make sure that officers like Melvin Williams will never act as Field Training Officers. A bad FTO can un-do all the good that a recruit learns in the Academy. It would seem to me that the FTO is one of the most important positions in the department. I hope that the Court will make sure that there is real change in how FTOs are chosen and what examples they are setting for rookie officers. When officers like Melvin Williams are acting as FTOs, it is no wonder that our police department has been such a mess and that people in our community believe that they cannot trust anyone in the NOPD.

I am aware that the consent decree talks about "peer intervention." As far as we know, Officer Moore never hit my father. But he is still responsible for my father's death because he stood by and did nothing while my father was beaten to death. He did nothing when Officer Williams threatened witnesses to my father's beating. He participated in the lies to the medical staff at Charity Hospital, which cost my father his life. And he continued to lie to the FBI, for years.

I am relieved that Officer Moore has been held accountable for his actions. But how can other officers, especially junior officers like Officer Moore, know how to handle misconduct by their fellow officers, especially their supervisors, unless they are properly trained? If Officer Moore had received good training, maybe he would have done something to prevent Mr. Williams from abusing my father. Maybe Officer Williams would have hesitated if he knew that Officer Moore had been trained to stop other officers from abusing civilians, and that if he did, Officer Moore might report Mr. Williams. Maybe, if police officers knew that they would be supported, and not punished, if they intervened to stop other officers, even their FTO's from violating peoples' rights, my father would be alive today. I can't say for sure whether it would have made a difference for my father or not. But one thing is for sure, which is that Officers Williams and Moore truly thought that they could beat an innocent man to death, in public, in front of witnesses, in broad daylight, and threaten those witnesses and lie and cover-up what they had done, with confidence that nothing would happen to them. And until the Department of Justice came in, years later, and prosecuted them, they were right. And that is a terrible truth to have to tell and is one reason why so many people are still afraid today of the NOPD and don't want to have anything to do with them, even while we have so much crime and so many murders.

My father was doing nothing wrong on the morning that he was killed. In fact, he was doing exactly what people loved about him, and what made him such a good member of the New Orleans community. He was sitting on his neighbor's steps, waiting to fix her roof.

It hurts me and my family every day that my father, Raymond Robair, is gone. But our greatest hope is that he did not die in vain. We want to move forward, with the rest of our community, towards healing and justice. We believe that the consent decree will help. We are grateful to the Justice Department and to the Mayor for doing the right thing. We hope that, with the Court's involvement that we can actually have a police department that serves and protects all of the members of our community. I also hope that this consent decree will especially consider our concerns about FTOs and officer training.

Thank you.

Judonna Mitchell s/efr

Judonna Mitchell

Daughter of Raymond Robair

SOUTHERN CHRISTIAN LEADERSHIP CONCERENCE

SCLC

NEW ORLEANS CHAPTER

1808 Gen. Ogden Street

New Orleans, La 70118

Phone# 504.494.9774

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4:41

LORETTA G. WHYTF
CLERK

**Founding President
Dr. Martin Luther King, Jr.**

**N.O. President
Rev. Dr. Norwood Thompson, Jr**

August 24, 2012

Honorable Susie Morgan
U.S. Eastern District Court of Louisiana
500 Poydras Street, Room C508
New Orleans, LA 70130

Re: NOPD Consent Decree
USA v. City of New Orleans
USDC 12-1924, Sec. E

Dear Judge Morgan,

I'm writing to you in my capacity as President of the New Orleans Chapter of the Southern Christian Leadership Conference (SCLC) about the proposed Consent Decree between the United States Department of Justice and the City of New Orleans regarding the New Orleans Police Department.

The Southern Christian Leadership Conference was founded in the City of New Orleans, Louisiana on February 14, 1957. The organization has dedicated itself to the struggle for human rights, based upon the principle of non-violent mass action as the cornerstone of strategy. It is a nationwide organization made up of chapters and affiliates with programs that effect the lives of all Americans. Its sphere of influence and interest has become international in scope because the Human Rights Movement transcends national boundaries.

From the beginning, the SCLC has been involved in efforts to reform the New Orleans Police Department. Our organization has been at the forefront of efforts to insist upon equal and fair treatment for all citizens. Unfortunately, our community has experienced many devastating events and conflicts as a result of profound problems with our police department. This has left us in a situation where there is a long history of separation between the NOPD and the community which it is supposed to serve.

I was honored to serve as a member of the Police-Civilian Review Task Force appointed by then Mayor Marc Morial in September, 2001, which issued recommendations that ultimately resulted in the formation of the Office of the Independent Police Monitor (IPM). Our organization is very proud of the role we played in helping to form the IPM. We continue to support and encourage


the strengthening of that office as an important part of establishing positive relations between the police department and the community.

I'm writing to support the Consent Decree. Our organization has been active for years in requesting intervention by the federal government to address the serious problems in the NOPD and calling for justice for our many citizens who have been mistreated. We are thankful that the U.S. Department of Justice has undertaken such serious efforts to support the constitutional and civil rights of our community. We are glad that the City has joined with the Department of Justice to help transform our police department and we welcome the federal court's intervention and oversight in helping to institute meaningful and hopefully long-lasting reforms.

In addition, we would urge the Court to give serious attention to the role of the Independent Police Monitor in this Consent Decree. It is the one city organization that citizens feel that they can go to regarding difficulties with the police. I'm concerned that they do not have a sufficiently central role to play in the Consent Decree, given their importance to our community.

Thank you for your assistance in helping to guide our City to a better place.

Sincerely,


Reverend Norwood Thompson

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2012 AUG 24 PM 4:41
LORETTA G. WHYTF
CLERK

August 24, 2012

Honorable Susie Morgan
U.S. Eastern District Court of Louisiana
500 Poydras Street, Room C508
New Orleans, LA 70130

Re: NOPD Consent Decree,
USA v. City of New Orleans
USDC 12-1924, Sec. E

Dear Judge Morgan,

I understand that you are accepting comments from the community regarding the proposed consent decree between the U.S. Department of Justice and the City of New Orleans.

As past Commander of the NOPD mobile crisis unit, I support the consent decree's recommendation of creating a CIT unit within the department. Three years ago, I, along with Dr. Arey, after receiving POST training in CIT with the Monroe Police Department, created a CIT 40- hour curriculum for the NOPD. Unfortunately the support from the NOPD to continue that program was not present.

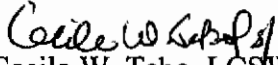
The need for such a program continues to exist, possibly now more than ever. In the past three years we have seen the closure of three (3) large public mental health institutions leading to more people living on our community streets and chronic, unmedicated mental illness, creating more calls for service from this population through the 911 system. Often these calls involve people having acute psychosis which can lead to violent and unfortunately deadly situations. The only two female officers to die in the line of duty within the NOPD died responding to calls from such individuals.

Another important factor is that the current NOPD mobile crisis unit only has one unit working a shift and ends at 11:00 P.M. Therefore, many calls are going to have to be completely handled by NOPD officers who will not have access in the mobile unit for assistance. Training officers in

working with the mentally ill is paramount at this time and is one form of training that is actually asked for repeatedly by the NOPD officers.

I understand that the consent decree provides time delays for developing and instituting curriculums. I am concerned that, in the interim, officers will not have adequate training and support for how to properly handle these situations. As stated, the curriculum is already in place and the training can be provided way before the 365 days allocated. I have offered to Chief Serpas my availability to teach this class.

Sincerely,


Cecile W. Tebo, LCSW
Crisis Intervention Specialists
504 908-5799
Aboutadopt@aol.com

August 24, 2012

Honorable Susie Morgan
U.S. Eastern District Court of Louisiana
500 Poydras Street, Room C508
New Orleans, LA 70130

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2012 AUG 24 PM 4:41

LORETTA G. WHYTF
CLERK

Re: NOPD Consent Decree
USA v. City of New Orleans
USDC# 12-1924, Sec. E

Dear Judge Morgan,

My name is Dr. Romell Madison. I write to the Court on behalf of my brothers and sisters, as well as our mother, Fuki Madison. Our brother, Ronald Madison, was killed on the Danziger Bridge on September 4, 2005 by NOPD officers. Ronald was forty years old, but had the mental capacity of a six-year-old child. Our other brother Lance Madison, a college graduate and 28 year employee of Federal Express, was arrested that same day and falsely charged with eight counts of attempted murder of police officers.

Today, most of the police officers responsible for the death of Ronald, the attempted frame-up of Lance, the death of 17 year old James Brissette, and the serious injuries to the Bartholemew family and their nephew, Jose Holmes, are in federal prison. Ten (10) NOPD officers, ranking from patrol officer to Lieutenant are locked up, several with lengthy sentences. They have each lost their jobs and are disgraced, either from guilty pleas or convictions from this incident and the subsequent cover-up.

We have the U.S. Department of Justice to thank for whatever justice our family and community has received. We believe that without the U.S. Department of Justice intervening and prosecuting these NOPD officers, we would never have known the full extent of the true horrors of what happened on the Danziger Bridge after Katrina.

We always considered ourselves, as a family, as supporters of the police. I have contributed money to various police causes. We have had several police officers as members of our family. We are still friends with a number of NOPD officers and professionally I have many NOPD officers as patients. We want to support, and we do support, good police officers. However, our experience throughout this incident has been a horrifying and eye-opening experience that we wouldn't wish upon anyone. Until we had this experience I don't think we truly understood how dysfunctional and broken our police department was.

There are so many lessons about NOPD's systemic failures that can be taken from the Danziger Bridge incident. The officers involved were experienced, supposedly trained officers.

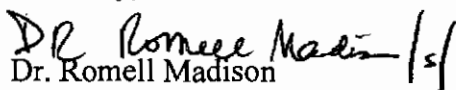
Some of the worst offenders and major participants in the cover-up, which went on for years, were Sergeants. The immediate response of a reportedly well-regarded NOPD Lieutenant, who wasn't involved in the shooting, when he first arrived on the bridge, was to comment "we've got to make sure this doesn't look like a massacre", which is exactly what it was. It is clear to us that this wasn't the first time these officers had lied and planted guns and framed innocent people. The cover-up was done without a second thought. This is clearly not a problem of just a few bad apples. The problems in this department are obviously very deep and long-standing and have been condoned for years by many officers who are in supervisory and leadership positions. It will be a real challenge to change those deeply dysfunctional and illegal habits and ways of thinking that have obviously been around for a long time.

Our family welcomes the Justice Department investigation of the NOPD. We also appreciate that our Mayor stepped up and has cooperated with the Department of Justice to create the consent decree. We are hopeful that, with the oversight and monitoring by the federal Court, significant and important reforms will be made and, most importantly, will last.

Also, we want to let the Court know that we do have concerns about the role of the Independent Police Monitor office. We are informed that they do not have a central or key role in the consent decree, which is expected to be in place for a number of years. This office, under the leadership of Ms. Susan Hutson, has been a very important voice for our community and has earned the respect of many people in the community who are deeply concerned about the problems with our police department. We would urge the Court to examine more closely the consent decree to make sure that this process strengthens the IPM office and helps it to be able to fulfill its mission.

As a family, we will do whatever we can to try and see that the NOPD is transformed into a police department that the community can be proud of. If we can be of any assistance in this process, please let us know.

Sincerely,


Dr. Romell Madison

On behalf of the Madison family

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August 24, 2012

Honorable Susie Morgan
U.S. Eastern District Court of Louisiana
500 Poydras Street, Room C508
New Orleans, LA 70130

Re: NOPD Consent Decree
USA v. City of New Orleans
USDC #12-1924, Sec. "E"

Dear Judge Morgan,

Thank you for the opportunity to comment on the proposed consent decree between the U.S. Department of Justice and the City of New Orleans. I understand that the issue before the Court is whether the proposed consent decree is fair, adequate and reasonable. I am writing in support of the consent decree. I also have some comments on specific aspects of the decree, which I believe may warrant some additional attention and possibly modification.

I am a plaintiff's civil rights attorney, in private practice in New Orleans since 1977. I have had direct experience with various reform efforts regarding the NOPD for the past 35 years. I am hopeful that the Consent Decree will have a significant and lasting impact on the City and the NOPD. However, I am also convinced that the problems with our police department are long-standing and profound and will require consistent and relentless vigilance for there to be meaningful change. I also think it is important to view the proposed decree within a broader, historical context, in order to obtain a full appreciation of the extent of the problems here and what it is going to take to successfully address them.

BACKGROUND:

During the past 35 years I have represented numerous individuals and families who have suffered and lost loved ones due to profound and pervasive problems with the New Orleans police department. I have represented individuals who have been falsely arrested, threatened, beaten, raped, shot, kicked, subjected to illegal body cavity searches, had cigarettes put out on their face, pregnant women punched in the stomach, individuals who were tortured (plastic bags put over

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the heads of alleged witnesses and mock executions), and the families of many who have been unjustly killed by NOPD officers. In addition, there are a number of very serious civil rights lawsuits now pending against the City claiming substantial damages due to a variety of terrible incidents which have occurred in recent years, most notably during the immediate aftermath of Katrina.

I have also represented and counseled a number of police officers and NOPD employees who were whistle blowers and who stood up for the rights of citizens, as well as their own rights and those of fellow NOPD employees. I represented NOPD Officer Randolph Thomas, who was the first NOPD officer anyone could remember who refused to go along with his partner's use of excessive force against a citizen and refused to sign a police incident report which gave a false account of the incident. For his courage, Officer Thomas was fired from the NOPD. A jury in U.S. District Court not only gave him his job back, but awarded him \$50,000 in punitive damages against the then police chief. The 5th Circuit affirmed the judgment in Thomas v City of New Orleans 687 F2d 80 (5th Cir.1982), quoting the testimony of the New Orleans police chief that the code of silence among police officers not only existed in New Orleans but that "it existed to a greater extent in New Orleans than in most other cities." pg. 82.

I also represented a paramedic, which at the time was under the NOPD, who physically intervened to stop the beating by an NOPD officer of a patient who was strapped down in the back of an ambulance after having been injured in a shooting incident with another officer. That paramedic, Chris Hero, also gave a statement about the incident describing the misconduct of the police officer. Not long afterward, Mr. Hero, a probationary employee, was terminated on bogus charges. The Civil Service Commission found that his termination was unjustified and was in retaliation for his whistle blowing, and ordered him re-instated. Christopher Hero v City of New Orleans, Civil Service Docket No.1775 (1983).

A number of the cases I have been involved with as a civil rights attorney and as counsel for the victims, have resulted in criminal convictions of NOPD officers. I represented victims in the "Algiers Incident" of 1980 which resulted in the indictment of 7 NOPD homicide detectives, 3 of whom were convicted, on federal criminal civil rights violations. U.S. v McKenzie, et al 768 F2d 602, (5th Cir. 1985). I also represent the family of Kim Marie Groves, the mother of 3 children, who was killed on orders of Len Davis, a notorious NOPD officer who was under federal investigation (and was subsequently convicted) of running a cocaine distribution ring with fellow officers. Former Officer Davis is currently on federal death row, convicted of federal criminal civil rights violations for his role in Ms. Groves' death. U.S. v. Damon Causey, et al, 185 F3d 407 (5th Cir. 1999). Kim Groves was killed because she reported Len Davis to NOPD internal affairs for abusing a teenager in the neighborhood. Her death has had wide repercussions throughout the City as many residents continue to express fear about ending up dead if they complain about bad police officers. Unfortunately, the killing of Kim Groves by Len Davis demonstrated that this is not an exaggerated fear.

In 1994, the same year Len Davis ordered Kim Groves killed by his hit-man, New Orleans led

the nation in homicides. The U.S. Department of Justice made a major commitment to cleaning up the New Orleans police department through criminal investigations and prosecutions. In the following years, scores of New Orleans police officers were arrested, prosecuted and convicted for a wide range of federal and state crimes, including murder, kidnaping, rape, armed robbery, drug offenses, etc. In one particularly shocking incident, NOPD officer Antoinette Franks was arrested, convicted and is today on Louisiana's death row for her involvement in the shooting death of her former NOPD partner and two Vietnamese siblings whose family owned the restaurant where Officer Franks worked off-duty details.

It was long obvious to any reasonable observer that there was a direct correlation between the corruption and profound dysfunction in the NOPD and the failure of the criminal justice system as a whole, as reflected in soaring homicide numbers and relatively low prosecution and conviction rates. During the mid to late 1990's, then Mayor Marc Morial called the effort to clean up the NOPD "a fight for the soul of our City". Then U.S. Attorney Eddie Jordan referred to the corruption in the NOPD as systemic, rampant and pervasive and estimated that at least 15% of the department was engaged in serious corrupt and illegal practices. Then Police Chief Richard Pennington imposed higher admission standards for new recruits and imposed disciplinary sanctions, including numerous terminations, of officers for misconduct and other infractions. The Internal Affairs Department (IAD), which had been deeply dysfunctional for many years, was disbanded and a new Public Integrity Division (PID) was established, which included an Early Warning System (EWS) among other significant reforms.

During this same period the mid to late 1990's, the Department of Justice provided substantial technical assistance and advice to NOPD. It was widely reported that the NOPD was the only police department in the country that had FBI agents assigned to its internal affairs department, now called the Public Integrity Bureau. These intensive efforts towards reform, combined with the criminal prosecutions and disciplinary actions, had an impact. There was a brief but significant period when there was a decline in incidents and complaints of police misconduct, as policies were re-written, attention was given to improving training and internal discipline and accountability began to apply.

During this period I had the opportunity to teach some classes at the New Orleans Police Academy on bystander intervention and the duty and importance of police officers to intervene when they become aware of wrong-doing or misconduct by their fellow officers. I found the discussions, particularly with the Sergeants' class, to be stimulating and revealing. The experience confirmed my belief that there were many officers who genuinely wanted more training, more guidance, and did not want to participate in or be associated with corrupt or abusive practices. For years after teaching this class I would get calls from some of the participants asking for advice on particular ethical issues they were confronting. This was when I also learned that many officers felt that there wasn't any safe place for them to go for advice on how to deal with ethical questions they might confront on the job.

Unfortunately, the police organizations, with the exception of the Black Organization of Police

(BOP), had taken the position that they would defend all police members charged with any offenses, even if the officer was clearly in the wrong. The “duty of fair representation” by the police organizations had evolved into the decision to choose to represent all member officers, regardless of the circumstances. As a result, the police organizations, with the exception of the BOP, became identified as staunch defenders of the status quo and in general failed to support efforts to root out corruption and misconduct within their ranks or to advocate for protection of the civil rights of civilians. They were widely viewed by the community, as well as many officers, as being aligned against the efforts to reform and clean up the department. They certainly did not actively advocate for support officers coming forward to report wrongdoing or criminal behavior by fellow officers.¹

On the other hand, the BOP, under the leadership of Sergeant Ira Thomas, (brother of Officer Randolph Thomas, incidentally), took the position that police officers, especially African American police officers, had a paramount duty to uphold the U.S. Constitution and to protect and defend civil rights, which carried with it the duty to intervene, prevent and report misconduct and brutality by fellow officers.

Through the years I have been doing this work, I have learned that there are a number of NOPD officers who are people of integrity and who take their jobs seriously, including protecting civilians from abuse and mistreatment. Throughout these years there have been a number of officers who have come forward to tell the truth and to help, often surreptitiously, in situations where injustices have occurred. I have learned from these officers just how difficult their positions often are, and the importance of them being fully supported by leadership and protected from retaliation when they do come forward and insist upon doing what is right.

My personal interaction with these individual officers has confirmed what I had learned when I spent several weeks in the early 1990's at police headquarters going through the internal affairs files of the NOPD to put together a statistical analysis of citizen complaints pursuant to discovery in a civil rights lawsuit we were pursuing. At that time we learned that about 9% of the department was responsible for approximately 40% of the complaints that were filed by civilians. These figures were fairly consistent with what was being reported by other major cities. This research confirmed my belief that many of the problems in the department were traceable to a hard core, relatively small number of officers who were repeat offenders and who were responsible for a grossly disproportionate amount of incidents and complaints. They were known in the department and the community at large to be overly aggressive, to engage in frequent misconduct, and, to some extent, to be incorrigible. The problem was, except for a very small

¹The position taken by these two New Orleans police organizations is not unique in policing. A 2000 study by the National Institute of Justice (NIJ) reported that 52.4% of officers surveyed agreed that “It is not unusual for a police officer to turn a blind eye to improper conduct by other officers”. Sixty (60%) of the officers surveyed indicated that police officers do not always report even serious criminal violations that involve the abuse of authority of fellow officers. NIJ-Research in Brief *The Measurement of Police Integrity*, May 2000.

number of whistle blowers, the vast majority of officers were relegated to being passive bystanders, either witnessing or being aware of criminal behavior and other serious misconduct by their fellow officers, but lacking the support or encouragement or knowledge of how to intervene without risking their own safety and livelihood. There was clearly no support from the leadership of the department for officers to come forward or to intervene to prevent wrongdoing by fellow officers.

The reforms of the mid to late 1990's were intended, to some extent, to address some of these problems. Unfortunately, during this important period of significant reform, the City resisted a Consent Decree, based upon what I believe was the mistaken notion that, since the City was voluntarily instituting reforms, with the assistance of the U.S. Department of Justice, there was no need for Court intervention or oversight. The result was that there was a failure to institutionalize many of the agreed-upon reforms and a gradual erosion of the reforms began to take place. With the advent of a new mayor and police chief, virtually all of the major reforms which had been instituted during the 1990's were rolled back. There was a rise in new incidents, complaints of police abuse, high-speed chases resulting in shootings by police officers under dubious circumstances, and the resulting mistrust of the police by the community. In addition, homicides and street violence were increasing, after seeing some declines and improvements post- 1994.

By 2005 the relations between the community and the NOPD were about as bad as they had been during the early, pre-reform 1990's. The police killing of Joe Williams, a popular and gifted trombone player and composer with The Hot 8 Brass Band in the summer of 2004, sparked outrage and frustration in the community, especially given the lack of response of the NOPD leadership at the time. The Public Integrity Division, which had been established as a reform measure in 1996, had essentially collapsed insofar as any credibility in the community was concerned. The Early Warning System, which had never been adequately staffed or resourced, was virtually dormant. In March, 2005, the NOPD broke up the Mardi Gras Indians' celebration of St. Joseph's Night, an important spiritual and cultural practice that has existed for over a century. There were incidents of civilians being arrested and harassed for filming or videoing police officers who were acting improperly. By July 30, 2005, when NOPD officers killed Raymond Robair in Treme by beating him to death in broad daylight in front of numerous witnesses, and then covering it up, the situation had become unbearable. And then Katrina hit.

I will assume that the Court is aware of the horrific events that have come to light regarding the conduct of a significant number of officers during Katrina. It is my belief that Katrina didn't cause the problems with the NOPD, but merely exposed them. Pre-Katrina New Orleans was once again leading the nation in homicides. The distrust and separation between the police department and the community it was supposed to protect and serve was profound. Discipline and accountability had broken down inside the department. There was a general attitude of unconcern and a lack of responsiveness by the leadership of the City and the police department, to dealing with any of these problems.

During Katrina and its aftermath, it is apparent that the formal leadership of the police department essentially collapsed, often leaving officers on their own to make decisions that in some instances were brave and selfless and in others were horrendous. Many officers deserted their posts. In the last three (3) years the U.S. Department of Justice has indicted and prosecuted twenty (20) NOPD officers for violations of federal criminal statutes in four (4) separate incidents which resulted in five (5) civilians killed and numerous beatings, serious injuries and frame-ups, as well as the subsequent cover-ups of the incidents. To date, fifteen (15) NOPD officers have either pled guilty or been convicted of various federal crimes as a result of these prosecutions. Three (3) have been acquitted, one (1) had his conviction set aside and one (1) is currently awaiting trial. From the Danziger incident alone, ten (10) NOPD officers are today in federal prison, some serving lengthy sentences for their actions which resulted in two deaths, serious and permanent physical injuries to a number of civilians, and the attempted frame-up of an innocent man, Lance Madison.² While a number of officers were either given immunity or plea bargains to testify against other officers, to my knowledge, not a single NOPD officer came forward voluntarily to disclose the truth of these incidents. Trial testimony in the criminal cases and other investigations have confirmed that many officers, including ranking officers, had information about serious misconduct and criminal acts by fellow officers, yet remained silent for years.

And again, it took federal intervention for there to be any measure of accountability for the serious criminal acts that were perpetrated by a number of NOPD officers during that time. And it has taken a new mayor and new police chief to welcome the Department of Justice to conduct a thorough investigation of conditions with the NOPD and to enter into this proposed consent decree.

This accounting is necessarily brief and merely touches upon some of the most critical incidents which have occurred in the past 35 years involving serious problems with the NOPD. There are a number of resources available to the Court and to the Monitor of the Consent Decree, to give a fuller and more detailed presentation of this larger context and I would be happy to share any of those materials and information.

Even this brief history reveals that serious and persistent federal court oversight in the implementation and maintenance of permanent reforms of the NOPD is essential if fundamental change is to take place and is to be sustained over the long haul. The failures of previous reform efforts have demonstrated that these matters cannot be left to the discretion or choice of whomever is the political leadership of the City at the moment.

²I represent the Madison family in federal civil rights litigation arising out of the Danziger incident, which is now pending against the City. Madison, et al v. City of New Orleans, et al, USDC #06-5701. I also represent the family of Raymond Robair. Mitchell, et al v. City of New Orleans, et al, USDC #06-4021. The civil lawsuits in these matters have been administratively stayed pending the outcome of the criminal appeals.

The Proposed Consent Decree:

The proposed consent decree has a number of essential provisions which, if implemented, will definitely have a positive impact on the operations and accountability of the NOPD. The commitment to institute constitutional policing and to adequately train and supervise and to actually measure outcomes, is all welcome news. The sad reality is that many of the items covered in the proposed decree are not particularly innovative or unusual, but are fairly common components of many professional police organizations around the country. The fact that they are novel and will represent real change to the NOPD is some indication of how far below national standards the department has fallen.

There are several specifics that I would like to address to the Court which may be useful in evaluating the adequacy of the decree. I recognize the enormous work and thought that has gone into creating this agreement and support the joint motion of the Department of Justice and the City of New Orleans for adoption of the decree. I also appreciate that the decree contains within it provisions to allow for modifications and amendments as this process unfolds. (P. 120, paragraph 487).³ I am hopeful that, as the implementation of the decree proceeds, further suggestions for modifications and improvements will be solicited and, where appropriate, implemented.

The specific points I wish to raise at this time are as follows:

1. Peer Intervention

The recognition and inclusion in the proposed Consent Decree of the importance of training police officers in peer intervention is of critical importance to the transformation and re-invention of the NOPD into an organization in which ethical decision making is valued and practiced. Done properly, this training would prepare police officers, tactically and psychologically, to be able to intervene and prevent their colleagues from committing acts of serious misconduct and criminal behavior. The basic premise of this training is that police officers themselves, properly trained in ethical decision making and the tactics of peer intervention, are an essential and too often overlooked resource in the prevention of police misconduct. This training, again, properly done and properly supported by the department's leadership, would prepare the majority of police officers who are not themselves perpetrators of misconduct, to become active intervenors instead of passive bystanders. It offers a possibility of real culture change, as the concepts of "critical loyalty" and peer intervention become commonly understood and applied. It is also a crucial element to officer survival, as has been revealed by the experiences of recent years with the criminal convictions of police officers such as Matthew Dean Moore who failed to intervene in the Raymond Robair incident. The actual transformation of these concepts from the printed page of the Consent Decree into reality will pose challenges to the department, as would any important culture change. However, we have an opportunity here to

³All page references are to the original numbering on the proposed Consent Decree.

go below the surface to address some of the serious dysfunctions which have plagued the NOPD, as well as other departments, for years. Close attention to the implementation of this aspect of the Consent Decree is necessary, given the importance of this concept in creating long-lasting reform and transformation and in providing guidance and resources to officers placed in otherwise untenable situations.

2. Independent Police Monitor's Office (IPM)

I am aware that the Court has received a number of comments regarding the Independent Police Monitor's Office (IPM) and its importance to the community and the success of maintaining the anticipated accomplishments of the Consent Decree, especially once court supervision is no longer mandated. I support the comments regarding the singular importance of the IPM Office and will not repeat them here. However, again, it may be helpful for the Court to have some historical perspective as to why this issue is so important to the community at large.

In November, 1980, a white NOPD officer, Gregory Neupert, was shot and killed in a predominantly African American neighborhood in Algiers. In the week following his death, the NOPD essentially went on a rampage. Scores of African Americans, predominantly young men, were rounded up and beaten. Supposed witnesses to Officer Neupert's death were tied down in chairs in the NOPD homicide offices with plastic bags over their heads, to try to get them to give statements regarding the officer's death. Two young, African American men were subjected to mock executions in a remote area on the West Bank. These two young men eventually signed false statements implicating others in the death of Officer Neupert. By the end of the week, four African Americans were killed by NOPD, including a young woman, Sherry Singleton, who was heard by her neighbors begging for her life, before she was shot and killed by NOPD in front of her four year old son.

These incidents caused an uproar in the city which resulted in demonstrations, boycotts, a sit-in protest in the Mayor's office, and the resignation of the police chief. U.S. v McKenzie, infra, represented the criminal prosecution outcome of this incident. The city paid millions of dollars in settlement of the civil rights lawsuits filed by victims and their families. At the same time, then Mayor Dutch Morial and the City Council instituted, for the first time, a civilian-staffed entity, the Office of Municipal Investigation (OMI), which had jurisdiction to accept and investigate complaints from civilians against all city employees. Significantly, OMI had concurrent jurisdiction over complaints against NOPD officers. This was an historic development as it was the first time there was a civilian office in New Orleans with any authority to investigate police officers for misconduct or wrongdoing. This office, by ordinance, did not have the authority to impose discipline, but could only make recommendations, which were then forwarded to the Chief of Police, who had discretion on whether to accept or reject the recommendation. Another problem was that the office did not have authority to make changes to policy. The office also was not consistent in doing pattern analysis of problems with the police and focused more on individual complaints, with the noted exception of a report in 1998 regarding downgrading of crimes by police officers, which provoked widespread commentary at the time. Nevertheless,

this office was an important part of the post-Algiers Incident efforts to reform the NOPD and to institute some measure of civilian oversight, was enshrined in a city ordinance and funded by the City.

In 1998 the director of OMI, Peter Munster, was killed in a tragic automobile accident. After Mr. Munster's death, OMI became increasingly inactive and non-responsive, but still existed and still accepted complaints against police officers and appeared at the scene of officer-involved shootings.

In 2001 two controversial police shootings of civilians in Algiers prompted then Mayor Marc Morial to appoint a Police-Citizen Review Task Force to consider whether a police review board would be an appropriate and necessary oversight body for the NOPD. I was appointed to that Task Force, which also included representatives from the NOPD, the Police Foundation, the NAACP, SCLC, private citizens, members of the clergy and others. The Task Force was chaired by then City Council Member, current Orleans Parish Sheriff Marlin Gusman. We met for a year and did extensive research and investigation into this issue. A report was issued in 2001. That report recommended instituting an Independent Police Monitor to have oversight authorities, including doing policy review and pattern and practice investigations. At that time there was no need for the IPM to also conduct individual complaint investigations as OMI, dysfunctional though it was, still existed. Some members of the Task Force felt that OMI should be studied separately to determine its viability and some felt it should simply be abolished as an entity and transfer its functions elsewhere. However, it continued to exist as a part of City government charged with responsibility for investigating complaints of police misconduct.

For the next 6-7 years, I and other members of the Task Force made frequent appearances before the City Council, urging the adoption of an Independent Police Monitor office for the City of New Orleans, to no avail. Finally, as part of the post-Katrina reforms of the criminal justice system, James Carter, then a member of the City Council, now the Criminal Justice Co-ordinator for the City of New Orleans, played an instrumental role in getting the IPM proposal on a city-wide ballot, along with the proposed new Inspector General's office, as an amendment to the New Orleans City Charter. That proposal passed by a reported 77% vote of the participating electorate. At the time that vote was presented to the voters, OMI was still in existence and still had authority and funding for investigating civilian complaints against NOPD officers. Pursuant to the passage of the amendment to the City Charter adopting the IPM, a city ordinance was adopted further establishing the IPM office. Shortly thereafter, the City Council essentially defunded OMI and it ceased functioning.

To my knowledge, throughout this process, the IPM's office was always seen as a necessary entity to provide additional civilian oversight regarding the NOPD. I understand there is some on-going discussions within the City administration regarding adequate staffing and resources for IPM to expand its operations. I am not privy to the details of these discussions. However, I am aware that the IPM, under the leadership of Ms. Susan Hutson, has become well respected and supported in the community and has played a critical role in beginning efforts to

institutionalize reforms and professional systems and accountability with NOPD. The office has also played an invaluable role in fostering communication and good relations between the community and the police department. The IPM is truly a unique organization that is just beginning to firmly establish itself and has already made a positive impact in the short time it has been in effect.

I am concerned that the IPM Office seems to be marginalized in the Consent Decree and there is no obvious role for them to play in this process, as far as I can see. I do understand that the MOU between the IPM and the NOPD is memorialized in the proposed Consent Decree, which is a good thing. However, the uncertainty of the IPM's position is one that does greatly concern the community, especially given the respect and support which the office has earned in such a short time. It would seem to me that it would greatly benefit this entire process if the IPM is more deeply integrated into the Consent Decree and, through this process becomes strengthened and provided with additional resources to properly perform its functions.

Additionally, at some point it is anticipated that this proposed Consent Decree will come to an end and federal court oversight will no longer be needed. The IPM office is a critical component in making sure that this reform process has in fact taken place and that the reforms, once instituted, can be maintained without federal oversight. It would seem to me to be common sense to engage them directly in the process from the beginning, as an important participant in addressing and resolving the many problems we face.

3. Field Training Officers (FTO)

The Field Training Officer (FTO) position is one of the most critical roles in the training of new officers and, I would suggest, almost as important as Sergeants, in instituting and maintaining real reform of the department. A bad FTO as in the case of Melvin Williams, can wreak havoc in a department and undermine, within a short period of time, whatever good training was given at the Academy. I understand that specific guidelines and procedures will be drafted to set criteria for selection to the FTO position and I look forward to seeing those. In the meantime, we have a new recruit class that has just graduated and I am very concerned about who the FTOs are now and what is going on with that training.

I have spoken with some retired NOPD officers about the problems of the FTOs and have been told that one reason good officers don't want to take on the position is that it is a thankless role. If a rookie is not suitable and the FTO documents and reports that the rookie is not acceptable, it creates a conflict between the FTO and the Academy trainers who have already "passed" the recruit. I realize there are financial incentives to being an FTO, which may have had the result that officers are attracted to the position solely because of the money, rather than the serious undertaking which it should be. This is obviously not the time or place to discuss this matter in detail. However, I am concerned both with the immediate situation and also that appropriate guidelines and safeguards are put into place to transform the FTO position into one that is an honor and which is respected. I also have a question whether it is the type of position that good,

qualified officers, given premium pay, should be assigned to do, based on set criteria, rather than merely having the position open to those who may wish to apply but really aren't the best candidates for the position. And once good officers are selected as FTOs it goes without saying that their opinions should be respected and entitled to weight. Also, whether the FTOs essentially report to the Academy or to the districts where the officers are assigned is another important part of this issue. pg. 71, para. 276.

4. Field Interrogation Cards (FIC)

It is my understanding that the current practice of Field Interrogation Cards (FIC) will no longer exist under the Consent Decree. This has been an issue of great concern in the community and one which I believe needs to be clearly articulated in the Consent Decree as to what will happen to the thousands of names and information which have already been gathered by the NOPD through the use of constitutionally questionable techniques to gather and maintain this data.

5. Civil Service Registers

There has been a chronic problem for years regarding out-dated civil service registers and long delays between promotional opportunities for police officers seeking advancement in their careers. I note that the Consent Decree addresses this issue briefly (pg. 77, para. 305) and I look forward to seeing the details of how changes will be made in this regard. One result of the current situation is that promising officers often give up even seeking promotion and move on to other departments. Another problem is that using old, out-dated registers allows the promotion of officers into critical supervisory positions, such as sergeant, not because they are the best candidate but simply because they are "on the list". This practice has resulted in persons being promoted who should never have been put in supervisory positions and who were not the best qualified. I am assuming that the issue of retiring old registers instead of continuing to use them until they are exhausted is contemplated within paragraph 305. If not, I would recommend that it be included.

6. Audio/Video Monitoring of Police Conduct

Obviously the addition of audio/video monitoring on police vehicles and also for interrogations are important improvements, which many other departments have had in place for some time. pg. 83, para. 327. I do note however that these provisions do not seem to apply to photo lineups, which I hope was merely an oversight. P. 47. Issues regarding the procedures and reliability of identifications made through photo lineups are frequent and would be greatly alleviated by requiring that these procedures be videotaped. I also did not see any mention that voice activated audio monitors would be part of the officers' uniform gear, recording encounters between police officers and civilians. I am hopeful that the parties will reconsider this question and examine the viability of the available technology in this field as this technology can provide important deterrence to abusive conduct by police officers and also serves to protect both officers and the civilians involved in the encounter.

7. Legal Representation for Public Integrity

In addition to the recommendation to institute an Independent Police Monitor (IPM), which was eventually put into place, the Police-Civilian Review Task Force also identified a long-standing conflict of interest that exists between the City Attorneys office and the Public Integrity office of the NOPD which requires that PIB have its own separate, independent counsel, to advise and assist in investigating and pursuing accountability of officers. The City Attorneys office represents the City of New Orleans and typically individual police officers acting in the course and scope of their employment, in defending civil lawsuits alleging misconduct. This poses a direct conflict with this office being the legal adviser to the NOPD and PIB, whose job it is to investigate and pursue appropriate remedies for officers who have engaged in misconduct, regardless of potential civil liability to the City. The proposed Consent Decree does not address this obvious conflict of interest or propose any resolution to this problem. P. 105, para.424.

8. Monitoring of Data Regarding Stops

The provisions for the Monitor to review data regarding arrests does not specifically mention the necessity of collecting and evaluating stops that do not result in arrest. I am assuming that this is a simple drafting oversight and if so, I would suggest that the parties may want to amend the decree to make this explicit. P. 110, para. 448 (b).

Also regarding that same section re the Monitor's assessments, consistent with the comments in Paragraph 11 below, I would recommend that the Monitor also review data regarding cases that were dismissed or otherwise closed due to officers' testimony or involvement in Motions to Suppress in criminal district court.

9. Exclusion of CBD and French Quarter from Mandated Supervisory Appearances

I am concerned about the exclusion of the CBD and the French Quarter from requirements that supervisors appear on the scene of arrests/citations for offenses such as disturbing the peace, criminal trespass, obstructing public passages or begging/vagrancy. (See p. 41, Paragraph 143). I realize that the volume of these arrests may be an issue. However, it is precisely in these areas that we experience frequent complaints of police harassment of the homeless, street musicians and artists, transients and other individuals who have 1st Amendment rights to be in public space in those areas, but who may be considered by some to be undesirable. These kinds of charges are particularly amenable to being used for improper purposes and should be closely monitored and supervised, especially in the CBD and French Quarter.

10. Use of Canines

I have not yet reviewed the most recent changes, pre-Consent Decree, that the NOPD has made regarding the deployment of canines. I note that the proposed Consent Decree has specific language regarding the requirements of verbal notice to the subject prior to the dog being released. I am concerned however that there do not seem to be any accommodations made for situations where the officers know or have reason to know that the subject has any hearing or mental impairment, or otherwise lacks the ability to understand the command, such as an individual who does not speak English, Spanish or Vietnamese. Again, I am hopeful that this was merely an oversight and will be corrected. (P. 18, Para.42).

11. Proceedings in Criminal District Court

There has long been a disconnect between the NOPD oversight and monitoring of police officers and what takes place at Criminal District Court at Tulane and Broad. It is obviously important that police officers' testimony and the outcome of hearings on Motions to Suppress be reviewed, particularly in situations where motions are granted because officers are not following the law or proper procedures or are believed to be testifying falsely. I do note, however, that there seem to be some inconsistencies regarding the collection and analysis of this data. For example, on pg. 42, para 148, it states that NOPD will track the DA's acceptance and refusal rates and reasons for refusal in criminal cases. However, issues regarding Motions to Suppress involve cases where the DA has already accepted the charges. Obviously the outcomes and data from those motion hearings should also be tracked. Again, I do not sense that, as the importance of tracking and monitoring motion hearings and data on the outcome seems to be recognized in the Consent Decree. It may just be a question of clarification of the language being used.

12. Public Records Law

The proposed Consent Decree, at p. 84, para. 328 (g) provides, in pertinent part, that NOPD will retain and preserve recordings "for at least two years...". I believe that state public records law actually requires that public records be maintained for at least three (3) years, not two. I am assuming that the intent is for this provision to be consistent, minimally, with the existing requirements of state law and suggest that this provision should be reviewed so that it is consistent.

13. First Amendment Right to Observe and Record Officer Conduct

This is an important section that addresses a serious problem which we have experienced on numerous occasions in the past, of bystanders observing/recording police officers, arrested, their equipment seized or destroyed, and the intimidation of witnesses from observing/recording police conduct in public spaces. I noted that there were several places in the Consent Decree where it was specifically stated that data must be collected in such a manner as to be 'auditable'. I would recommend that a similar provision be incorporated into this section, to insure that there is close monitoring of any arrests, summons or interference with bystanders/witnesses ability to observe and/or record officer behavior.

14. Custodial Interrogations

I am assuming that this is merely a drafting issue, as it is apparent that there are NO circumstances in which it would be acceptable for officers to “make threats to carry out harm to the individual or the individual’s family,” whether it is during custodial interrogation or any other situation. pg. 46, para. 163.

I have a question about the definition of “police facility” and whether that definition includes a police car. I am concerned about audio/video monitoring inside a police car, where frequently interrogations take place. This may be answered by pg. 83, para. 327, assuming the intent is to also record any interrogations which take place inside police vehicles.

The requirement that officers maintain their notes in their case files is extremely important and is welcomed.

15. Officer Assistance and Support

As a member of the Louisiana Bar Association, I can call, for free, the state bar association and get help on any ethical questions I might have. The attorney provided by the bar to assist me in ethical questions is knowledgeable and very helpful in directing attorneys to the appropriate rules and to help think through the elements that need to be identified and addressed to be able to answer the questions properly. NOPD officers do not have anything remotely approaching this resource, yet they are expected to identify and resolve complicated issues which include ethical and legal considerations, basically on their own or through talking with their peers or supervisors or their union reps, which, for various reasons, they may be reluctant to do. I am not fully knowledgeable on how the bar program works or what would be appropriate for police officers to obtain unbiased, professional, objective ethical advice on problems they are confronting on the job. However, I think that providing such a resource, free of charge, for police officers would be beneficial and helpful and I would recommend that such a program be considered as part of providing assistance and support to officers. This function could possibly be provided by an attorney trained and knowledgeable on the applicable law and ethics, paid by the city, with the individual officer as the client and all communications protected by attorney-client confidentiality. There may be other and better models for this, but I do believe it is a service that should be provided, confidentially and free of charge, to police officers. P. 73, XIII.

16. Annual Report from PIB

One of the chronic complaints I have heard from police officers for years is the issue of favoritism or bias in the imposition of internal discipline. Depending on who has been the chief of police, there have been on-going complaints of racial and sex bias in disciplinary decisions. In addition to the other data collected by PIB for its annual report, I recommend that this report


should also include the race and sex of the officer involved and an analysis of whether there are any disparities in discipline attributable to the officer's race or sex, and if so, those issues should be addressed and resolved. pg.105, para. 426.

Conclusion

While I have addressed specific sections of the proposed Consent Decree where I have questions or comments, there are many provisions in the document which are important and which, if properly implemented and maintained, could help bring about positive change to the operations of the NOPD and improve its relationship to the community. I support the entry of the Consent Decree, and am hopeful that we will soon begin to see some real improvements and reforms take root.

Thank you for this opportunity to provide these comments.

Sincerely,


Mary E. Howell

nopd.consentdecreemeh24Aug12



NEW ORLEANS POLICE AND JUSTICE FOUNDATION, INC.

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August 24, 2012

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Judge Susie Morgan
U. S. District Court,
Eastern District of Louisiana
500 Poydras Street, C508
New Orleans, LA 70130

Re: Docket No.: 12-1924 "E"

Dear Judge Morgan:

Yesterday the Board of Trustees asked me to write to confirm the New Orleans Police and Justice Foundation's support for the Court directed actions contained in the Consent Decree. We remain fully committed to working in partnership with the City, the New Orleans Police Department and other criminal justice agencies to bring about the directed changes in the New Orleans Police Department.

Subsequent to our correspondence dated August 17, 2012 (Attachment 1), we attended the August 20th Hearing on Motions to Intervene. The Decree sets forth a solid foundation for improving the operational capacity and performance of the New Orleans Police Department, but we do have some suggestions of potential improvement.

We suggest the inclusion of financial oversight of the City of New Orleans and the Consent Decree Budget by the Consent Decree Monitor. According to an article that appeared in *Gambit*, the City has estimated the cost of implementation of the Decree to be \$11 million annually for the next five years (Attachment 2). In a rough breakdown of projected costs reportedly issued by the Administration, only \$125,000 or 0.23% of the \$55 million budget is dedicated to enhanced NOPD training. \$125,000 of \$55 million is an inadequate sum to cover the cost of the extensive and comprehensive training mandated by the Decree. The New Orleans Police Department must be allocated a major portion of the implementation budget. It is not possible to train the existing 1,300 officers and new recruits in best policing practices for the limited sum suggested by the City as reported by the above mentioned *Gambit* article. Conversely, approximately 72% of the \$55 million price tag is dedicated to technology. The Foundation believes a more equitable amount of funds should be dedicated to the training and education of NOPD officers which will result in improved performance, thereby achieving the Consent Decree performance objectives.

An additional suggestion is building upon the already existing criminal justice information sharing environment – the Orleans Parish Information Sharing and Integrated Systems project (OPISIS) – instead of creating a new environment. In the same *Gambit* article, the City suggested that \$12 million or 22% of the \$55 million budget is necessary to *set up* and maintain an information sharing system. However, since 2006, the Foundation has spearheaded a multi-agency effort to improve information sharing in the criminal justice system. To date, almost \$3 million dollars have been spent on this initiative with another \$1 million dedicated to it; the majority of funds provided by the Department of Justice, COPS Office of Technology. The heart of the OPISIS project is a Justice Data Exchange Server where arrest, prosecution and conviction data can be stored and managed. A report conducted by the IJIS Institute in 2011, on behalf of the Department of Justice, concluded that the OPISIS “program has effectively launched the future New Orleans CJIS environment.” Technology funds designated to fulfilling the Consent Decree should build on the robust foundation already established under OPISIS.

The Foundation believes it is vital that the \$55 million dollar price tag on the Consent Decree is allocated in a way that ensures the success of the New Orleans Police Department in accomplishing the Consent Decree-required improvements and changes in performance measures.

The New Orleans Police and Justice Foundation stands ready to assist the City of New Orleans in implementing the reform measures promulgated by the Department of Justice in the Consent Decree.

Best regards,

A handwritten signature in black ink that reads "Terry J. Ebbert". The signature is written in a cursive, flowing style.

Col (RET) Terry Ebbert
Chairman

Enclosures



NEW ORLEANS POLICE AND JUSTICE FOUNDATION, INC.

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August 17, 2012

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Honorable Susie Morgan
U. S. District Court
Eastern District of Louisiana
500 Poydras Street
New Orleans, LA 70130

Judge Morgan:

Founded in March, 1996, the New Orleans Police and Justice Foundation has served as a liaison between the public and private sectors of the city as it strives to fulfill its overarching mission of making New Orleans a safer place to live, to work and to visit. We are the sole nonprofit organization in Orleans Parish dedicated to reforming the criminal justice system and to securing essential and vital services for our police officers.

We have reviewed the proposed Consent Decree. We find that it is designed to promote integrity and instill constitutional policing practices within the New Orleans Police Department through extensive and comprehensive training in addition to management and supervisory accountability. The Decree sets forth a solid foundation for improving the operational capacity of the New Orleans Police Department and for excellence in police performance.

Along with Superintendent Serpas, we are dedicated to instituting reforms and restoring accountability to our police force; accountability that is necessary to ensure our citizens and visitors that New Orleans is a city that puts public safety first.

The New Orleans Police and Justice Foundation stands ready to assist the City of New Orleans in implementing the reform measures promulgated by the Department of Justice in the Consent Decree.

Best regards,

Col. (RET) Terry Ebbert
Chairman

MAKING NEW ORLEANS A SAFER PLACE
TO LIVE, TO WORK AND TO VISIT

THURSDAY, AUGUST 9, 2012

NEWS & POLITICS / U.S. DEPT. OF JUSTICE / NOPD

City provides a breakdown of major consent decree costs

POSTED BY CHARLES MALDONADO ON THU, AUG 9, 2012 AT 3:59 PM

The mayor's office has provided us with a rough breakdown of projected costs for major items demanded in the proposed federal consent decree for the New Orleans Police Department. The agreement is projected to add about \$11 million in annual costs over the next five years, for a total of \$55 million. Here's what they sent.

NOPD Personnel (Consent decree administrator, Curriculum Director, Human Resource Manager, IT, Data Analyst, Data Entry): \$3.7 million

Early Warning System deployment, maintenance, tech support, compliance and audit: \$19.75 million

Criminal Justice Information Sharing setup and maintenance: \$12 million*

Lexipol Policy Development: \$500k

AVL [Automatic Vehicle Locator] and Camera System: \$1.6 million

In Car Camera System: \$1.5 million

2 Year Data Storage: \$1.9 million

Electronic Control Weapons: \$800k

Supplies for enhanced training (recorders, copiers, academy expenses): \$125k

Police Monitor: \$10 million

Office of Police Secondary Employment: \$2.8 million

Citizen Satisfaction Surveys: \$400k

Total: \$55.045 million

*Mayoral spokesman Ryan Berni says this will improve interdepartmental data-sharing on arrests, District Attorney case acceptance rates, convictions and major crime clearances. While the decree is still active, the federal monitor will be tracking that data to grade the department on the quality of its arrests and investigations.

Berni: "I think the important thing about criminal justice information sharing is it will help us in creating a database on arrests, prosecutions, conviction information that is now all maintained separately by the police department, the sheriff, the DA and the courts. The consent decree requires that the city and the NOPD track prosecution and conviction outcomes in certain offenses, so this will assist us."

New Orleans Workers' Center for Racial Justice

217 N. Prieur St., New Orleans, Louisiana 70112

Telephone: (504) 309-5615

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August 24, 2012

Judge Susie Morgan
Division E
U.S. District Court for the Eastern District of Louisiana
500 Poydras Street,
New Orleans, LA 70130

Re: *United States of America v. The City of New Orleans*, No. 12-cv-01924

Dear Judge Morgan,

Thank you for providing the community an opportunity to submit comments as the Court considers approval of the consent decree between the Department of Justice ("DOJ") and the New Orleans Police Department ("NOPD").

As a multi-racial organization with expertise in civil, labor, and human rights, the New Orleans Workers' Center for Racial Justice has reviewed the provisions of the proposed consent decree with special attention to protections related to immigration status, workers' rights, and racial justice.

We generally support approval of the consent decree. Our comments focus on the importance of immigration status related provisions including those in Paragraph 183 and emphasize the crucial need for the NOPD to work in meaningful collaboration and consultation with community groups in developing, implementing, and monitoring compliance of its bias-free plan, and the consent decree generally. Community collaboration at all these phases, in addition to outreach about the ultimate plan, will be critical to ensuring the plan adequately and successfully turns the provisions of the Consent Decree into transparent and enforceable police practices in the streets and communities of New Orleans.

BACKGROUND

The New Orleans Workers' Center for Racial Justice ("The Workers' Center") is a multi-racial, non-profit advocacy organization that works to defend the rights of low-income workers, families, and communities. The Workers' Center works with directly affected workers, families, and communities to collectively advance racial justice, dignified work and a fair economy, and just migration. Our members are African American and immigrant workers and families in New Orleans, as well as guestworkers across the country. The Workers' Center includes a nationally recognized legal and policy department that focuses on civil, labor, and human rights.

In recent litigation to uncover documents detailing past collaboration between the New Orleans Police Department and U.S. Customs and Border Patrol, this Court recognized the important leadership of the Workers' Center and its members in increasing community participation in public policy initiatives related to the intersection of civil, labor, and human rights and immigration enforcement as follows:

At present, there is a vigorous public debate on the topic of targeted immigration enforcement, most notably as to whether such efforts should prioritize aliens with documented criminal histories, as opposed to individuals who have committed only civil immigration law violations, such as Plaintiff. There is also widespread public debate on the related issue of whether and to what extent local police should be involved with federal immigration enforcement efforts. Both these questions are of substantial public interest in the City of New Orleans, where the plight of the large population of immigrant workers who have assisted in rebuilding efforts after Hurricane Katrina has been a matter of particular concern. Here, [Mr. Joaquin Hernandez, a member of the New Orleans Workers' Center for Racial Justice] has used the records disclosed as a result of this case to increase public awareness of the above issues, as well as to facilitate public oversight of CBP's enforcement of federal immigration law in the New Orleans area, both as it relates to his own case and in general.

(internal citations omitted). *Navarro Hernandez v. U.S. Customs and Border Patrol*, 2012 U.S. Dist. LEXIS 14290 at *25 (Feb. 7, 2012).

ANALYSIS

I. NOPD Should Adopt Public, Written Policies with Accountability Measures Ensuring NOPD's Separation from Immigration Enforcement and Immigration Status Investigations.

The provisions of the proposed NOPD consent decree on bias-free policing including Paragraph 183 represent a crucial, long-awaited step forward in providing services to the community regardless of immigration status and free from race, color, ethnicity, and national origin discrimination.

Under the plan to be developed, implemented, and monitored by the NOPD, the decree would require provisions prohibiting officers from taking any law enforcement action on members of the community based on perceived or actual immigration status and from questioning victims and witnesses regarding their immigration status.¹ See Document 2-1 at ¶¶

¹ This provision addresses the widespread, systematic problems experienced by our community members in which NOPD conducts joint immigration enforcement actions with federal

183(b), (a). The decree further prohibits officers from enforcing La. R.S. 14:100.13 (operating a vehicle without lawful presence), a provision already deemed unconstitutional by the Louisiana Court of Appeals sitting in New Orleans.²

As NOPD moves forward to develop a Plan that includes the necessary policies, trainings, monitoring, and enforcement to ensure compliance with Paragraph 183, we urge this Court to monitor and ensure that the Plan includes public, written provisions with adequate accountability measures specifically addressing the following key issue areas:

- Prohibition of questioning, recording, and sharing of information about immigration status or country of origin;
- Prohibition of the use of federal immigration agents for police functions including but not limited to interpretation and translation functions;
- Prohibition of assisting any municipal, parish, or state enforcement agency in enforcing federal immigration law; and
- Protection of victim-witnesses including a policy on U-visa and T-visa certifications.

To be effective in bias free policing and to build community trust and relationships, these provisions should apply equally to all individuals. None should be limited to victims or witnesses.

As described in more detail herein, these provision taken together would end NOPD's practices of engaging in direct and de facto federal immigration enforcement, of using immigration status related coercion as an element of policing, and the use of racial and ethnic profiling.³ The provisions would also ensure that NOPD does not contribute to retaliatory and/or biased actions by employers, landlords, or other law enforcement agencies. Taking NOPD out of the job of immigration enforcement and returning the force to its core police

immigration officials or unilaterally engages in immigration enforcement and attempts to transfer residents into federal immigration custody. For example, members have repeatedly reported that NOPD coordinates and assists federal agents in immigration home raids which involve constitutional and regulatory violations. In one instance, a member of the Workers' Center witnessed an immigration raid in a predominantly Latino and Vietnamese neighborhood where ICE officers were transported to the scene in NOPD patrol cars. In another instance, a member was assaulted and pinned to the sidewalk by a private citizen, and the NOPD was called to the scene by a concerned resident. Instead of assisting the member, NOPD officers called Border Patrol to the scene of the crime which took custody of the member.

² *State of Louisiana v. Neri Lopez*, 948 So. 2d 1121 (La. Ct. App. 4th Cir. 2006). The provision reaffirms the Feb. 6, 2007 directive issued by Police Superintendent Warren Riley prohibiting NOPD enforcement of La. R.S. 14:100.13.

³ For an explanation on how NOPD enforcement of federal immigration laws can lead to racial and ethnic profiling, please see Judge Arthur Hunter, Opinion: The day-to-day reality of enforcing immigration laws, *Washington Post*, 22 April 2012, available at: <http://www.washingtonpost.com/opinions/the-day-to-day-reality-of-enforcing-immigration-laws/2012/04/22/gIQA1UGjaT_print.html>.

mission not only brings the Department into compliance with basic constitutional standards, it also begins the process of building trust with community members, more effectively preventing and solving crime, and making communities truly safe and secure.

a. Prohibition on questioning, recording, or sharing information about immigration status or country of origin.

As part of the Plan's prohibition on taking law enforcement action based on perceived or actual immigration status, there must be specific provisions prohibiting NOPD officers from questioning, recording, or sharing information about immigration status or country of origin.

Our community members have consistently reported NOPD officers questioning and investigating members regarding their immigration status and/or country of origin for no articulated reason.

In one instance, a member of the Congress of Day Laborer was pulled over in his car by a NOPD officer and interrogated him about his immigration status. The NOPD officer proceeded to arrest the community member, charging him with violating La. R.S. 14:100.13 (operating a vehicle without lawful presence), even though the Court of Appeals in New Orleans had found the law unconstitutional more than four years ago. *See* Exhibit A. Though the judge ordered him released without bond at his first appearance, he continued to be detained unlawfully by Orleans Prison Parish based on an expired ICE hold.⁴ *Id.* The member was only able to win his freedom from prison when he filed a writ of habeas corpus through the assistance of the Center and the Orleans Public Defender.

Furthermore, as the attached police report indicates, NOPD officers are reporting individuals to immigration enforcement, even when such individuals have assisted in the police's investigation or are victims of the crime. *See* Exhibit B. As the police report states, a detective from the NOPD affirmatively contacted ICE after an incident in which the "[Immigration] Agent was informed about the incident, but mostly, was told about the names and locations of several individuals who were in the country as illegal aliens that were learned about as a result of investigating this case."

Allowing the NOPD officers to question residents regarding their immigration status is not only bad law and policy—it has led to widespread racial and ethnic profiling of the Latino community as well as other communities of color in New Orleans. For example, in *State of Louisiana v. Juan Herrera*, a New Orleans Criminal District Court Judge held that an NOPD officer had no probable cause to arrest defendant based on driving while unlawfully present since the arrest "was a result of a selective enforcement policy profiling, targeting, and arresting Latino drivers." No. 467-763 "K" (La. Crim. Dist. Ct. Orleans Parish Feb. 1, 2007). During testimony, the NOPD officer could articulate no reason for why he questioned Latino residents regarding their immigration status, leading him solely to arrest Latino residents. *Id.* (Judge to

⁴ ICE holds are voluntary requests from ICE asking the local prison to hold an individual in the prison's custody for a period not to exceed 48 hours past the time when they should be released. ICE holds automatically expire at the end of the 48 hours. *See* 8 C.F.R. § 287.7.

officer: "Well, what makes you ask a Latino driver whether or not he is an illegal alien?", Officer reply: "Nothing. I don't have an answer for that.")

The DOJ report itself documents a specific pattern of routine profiling of Latinos by NOPD agents:

Latinos in New Orleans, especially young Latino males, report that NOPD officers stop them for unknown reasons or for minor offenses that would not ordinarily merit police attention, and then question them regarding immigration status... We heard reports of specific incidents in which immigrants workers called to request police assistance after being victimized by crime, but instead of providing assistance, NOPD officers questioned them about their immigration status.⁵

In another incident detailed in NOPD's own records, a neighbor called NOPD to the scene where a community vigilante was holding Mr. Joaquin Navarro Hernandez, a day laborer, on the ground using physical force. *See* Exhibit C. In this situation, NOPD took no investigative or other action against the community vigilante who had unlawfully assaulted and detained Mr. Navarro Hernandez. Instead, NOPD handcuffed Mr. Navarro Hernandez and held him in custody until U.S. Customs and Border Patrol arrived and took custody of him.

Prohibiting NOPD investigation into immigration status is consistent with past and present policies adopted by the NOPD and the City of New Orleans.⁶ Police Superintendent Serpas has stated publicly that "it is not the policy of the Police Department to ask immigration status," and that "whether someone is documented or undocumented is of no interest to local police" given that immigration enforcement is the responsibility of the federal government.⁷ Past Police Superintendent Riley also stated as a policy matter that the NOPD "will not under any circumstances focus on deportation," however NOPD never created a public, written policy and these practices persisted.⁸ Pursuant to the plan, NOPD, in collaboration with community organizations with expertise in this area, should develop and implement a public, written policy on this issue with clear accountability measures.

b. Prohibition on the use of federal immigration agents for police functions including but not limited to interpretation and translation functions.

⁵ Civil Rights Div., U.S. Dep't of Justice, *Investigation of New Orleans Police Department*, (Mar. 16, 2011) at viii and x, available at <http://www.justice.gov/crt/about/spl/nopd_report.pdf>.

⁶ *See* Brendan McCarthy, "Riley, Nagin push for immigration reform, announce that officers will not inquire about illegal immigrants' status," *The Times-Picayune*, 9 September 2009, available at <http://www.nola.com/crime/index.ssf/2009/09/riley_nagin_push_for_immigrati.html>.

⁷ Kevin Allman, "Pot, Immigration Status Not Priorities," *Gambit*, 8 February 2011, available at: <<http://www.bestofneworleans.com/gambit/serpas-pot-immigration-status-not-priorities/Content?oid=1558616>>.

⁸ *See* "Riley, Nagin push for immigration reform, announce that officers will not inquire about illegal immigrants' status," *The Times-Picayune*

The NOPD has engaged in a pattern and practice not only of conducting immigration enforcement but also using federal immigration officers for translation services and manpower in routine police functions.

Through litigation enforcing a federal FOIA request, the Workers' Center obtained Form I-213s, an arrest report created by federal immigration agents, demonstrating regular instances in which NOPD officers requiring translation services contact immigration enforcement officials, resulting in deportations. See *Navarro Hernandez v. U.S. Customs and Border Patrol*, 2012 U.S. Dist. LEXIS 14290 (Feb. 7, 2012). This collaboration lead to immigration related arrests of individuals during a police stop even though NOPD took no action against the individuals. For example, one Border Patrol I-213 states that: "NOPD requested USBP assistance with translation as none of the subjects spoke English and agents responded...All of the subjects admitted to being in the U.S. illegally while being interviewed. Agents arrested the subjects and transported them to the USBP New Orleans Station for processing." Exhibit D.

It is easy to see that such practices chill communities from reporting crime and seeking assistance from the police if calling the police instead brings immigration enforcement agents--either ICE or Border Patrol—to their door. Again, such practices break down effective police services (and basic communication) to community residents, inhibiting victims and witnesses from reporting crime, and hindering police forces in ensuring that communities are actually safe and secure.

The use of ICE or Border Patrol as translators is not only bad policing practice, it also violates Title VI and Executive Order 13166 which ensure that LEP individuals have meaningful access to services provided by law enforcement agencies. As litigation and national advocacy has brought to light, meaningful access to translation services cannot involve LEP individuals having to undergo questioning about their citizenship and immigration status as the effective "price" of interpretation assistance. Moreover, federal immigration agents are not serving as independent and neutral translators as agents are also using these opportunities to engage in enforcement activities.⁹

Pursuant to the plan, NOPD, in collaboration with community organizations with expertise in this area, should develop and implement a public, written policy with clear accountability measures, which prohibits the use of federal immigration officials for NOPD functions.

c. Prohibition on assisting any municipal, parish, or state enforcement agency acting to enforce federal immigration law.

Local law enforcement agencies such as police forces in neighboring parishes and municipalities continue to conduct immigration enforcement on residents of Louisiana including New Orleans residents by participating in immigration raids, questioning community members

⁹ See Northwest Immigrant Rights Project, Complaint Regarding Violations of Title VI of the Civil Rights Act and Executive Order 13166 Due to the Actual or Purported Use of Border Patrol Agents as Interpreters, 1 May 2012, available at: <www.nwirp.org>.

on their immigration status, and enforcing driving law La. R.S. 14:100.13 based often solely on racial and ethnic profiling. Such actions are often unlawful for the reasons identified in this Consent Decree.

The Bias Free Policing Plan incorporating the provisions of Paragraph 183 should prohibit NOPD from assisting or collaborating with other law enforcement agencies in engaging in actions that would be otherwise prohibited by this Consent Decree. The Consent Decree's prohibitions should cover all police actions where NOPD participates, and other collaborating agencies should also be bound by the prohibitions just as they should be bound by the underlying constitutional and bias-free norms on which the Consent Decree is based. Moreover, failure to explicitly prohibit such conduct could allow NOPD officers to create an end run around Paragraph 183(b)'s prohibition on taking any law enforcement action on members of the community based on perceived or actual immigration status.

d. Public, written policy ensuring provision for victim witness protections including U-visa and T-visa certifications.

There is currently no public, written policy on victim and witness protection including no public, written policy on the certification of U and T visas by NOPD. U and T nonimmigrant visas are humanitarian visas available to victim-witnesses of various crimes including human trafficking, domestic violence, obstruction of justice, and other related crimes. In some cases, victim-witnesses require a certification of cooperating with law enforcement authorities to include with their individual application, which is ultimately adjudicated by the U.S. Citizenship and Immigration Service. Timely review and certification of victim-witnesses' cooperation is a critical element to these humanitarian protections.

Advocates report widespread confusion regarding how the NOPD makes a decision whether to certify victim-witnesses of crimes. Most significantly, advocates report that NOPD officers place unnecessary requirements for victim certification that go far beyond and are inconsistent with the legal standard for certification. Advocates also report lengthy delays in time to review requests.

For example, one advocate reported assisting a victim of an attempted rape and armed robbery in requesting U-visa certification by NOPD. Despite the victim filing the request more than a year ago and making a full police report, the NOPD has failed to respond to the request and has stated, that it can only certify U-visas if the victim now provides new information about the crime. This is inaccurate as a matter of law and has the effect of disqualifying victim-witnesses who are eligible under the accurate reading of the federal standards.

Given the consent decree's support of NOPD's use of U-visas and T-visas in ¶ 183(b), the Bias Free Policing Plan which ensures implementation of Paragraph 183 should include provisions establishing a policy on victim-witness protection which sets out the process, training, and compliance with a U and T-visa certification.

Pursuant to the plan, NOPD, in collaboration with community organizations with expertise in this area, should develop and implement a public, written policy with clear

accountability measures which includes a policy on U-visa and T-visa certification and provide training therein. This policy should not, however, lead to inappropriate inquiry into victim-witnesses immigration status as discussed herein infra § I(a).

II. NOPD Should Collaborate with Community Organizations with Expertise in this Area in the Development, Implementation, and Compliance Monitoring of Plan Provisions Ensuring Separation from Immigration Enforcement and Immigration Status Investigations As Well As Other Provisions of the Plan.

As with other provisions of the consent decree, the provisions ensuring police services regardless of immigration status must be turned into public, written policies with accountability measures through meaningful collaboration and consultation with community advocates with expertise in this area.

NOPD should work in lock step with community members and advocates to develop and implement the plan where particular attention paid to ensuring that directly affected peoples who are the voices of experiences have a direct seat at the table.

Despite our community members' repeated invitations to discuss these matters, NOPD has thus far failed to respond to written and oral requests for consultation on these provisions. *See Exhibit E.*

Given the history of exclusion of community expertise from development, implementation of monitoring of NOPD policies and the important role community leaders and experts have played in bringing to light unlawful patterns and practices throughout DOJ's investigation and development of the Consent Decree, it is disconcerting that the only community involvement referenced in the proposed decree is the dissemination of NOPD's written plan to the community. *See Document 2-1, at ¶ 183(b).*

The Workers' Center urges this Court to ensure the centrality of community collaborators with expertise in the development, implementation, and compliance monitoring of all portions of the plan including the Bias Free Policing provisions and Paragraph 183.

An effective plan requires the deep expertise of community members and advocates in the pattern and practices of violations engaged by the NOPD. The lack of meaningful community involvement only serves to further exacerbate the very climate of fear, isolation and the mistrust that the consent decree attempts to remedy. Moreover, collaboration and energy in dissemination will be directly related to confidence that the plan and policies will be effective and result in concrete change on the streets and in the communities of New Orleans.

Community collaboration and consultation should include those groups referenced specifically in Paragraph 226(d) as well as those with representation in the African American and low-income communities, given the significant impact that the criminal justice system has on these communities. As members of Stand with Dignity repeatedly experience and report, low-income and African Americans residents of New Orleans are systematically the targets of unfounded harassment, stops, searches, and arrests. Directly affected individuals must have a

meaningful opportunity to voice their experience and share their expertise on the development, implementation, and enforcement of a successful consent decree. Moreover, training on bias-free policing should involve officers understanding the collateral impact that arrest and criminal convictions have on unemployment and poverty, particularly in low-income and African American communities, which in turn exacerbates criminal activity and violence in the community.

III. NOPD Should Designate a Bias Free Plan Coordinator Approved by Community Organizations with Expertise in the area.

Our concern regarding the effective creation and compliance with a bias-free plan is further exacerbated by the fact that there is no one at NOPD designated to consult and receive input from the community. To ensure effective community consultation as well as the fair and transparent development, implementation, and compliance with the Paragraph 183 Plan, community groups and members with expert knowledge must be able to hold accountable the official(s) at the NOPD who are responsible for the Paragraph 183 Plan. Thus, the NOPD should designate an official responsible with approval by community organizations with expertise in the area for creating, implementing, and monitoring compliance of this plan that can coordinate meaningful input and collaboration with community members and advocate.

IV. NOPD Should Publish Information Necessary for Community Oversight, Monitoring, and Compliance Including Complying with the Louisiana Open Records Act.

NOPD has historically refused to comply with public records requests concerning these issues, which hinders both community engagement with NOPD, as well as community participation in the DOJ investigation and consent decree process.

For more than a year and a half, the Workers' Center has attempted to ascertain the Department's policies regarding racial profiling and the NOPD's collaboration with the Department of Homeland Security's immigration enforcement agencies. *See Attachment E.*

NOPD still has not released any of the public records requested. Such reports are consistent with the experiences of other legal and community advocates.

A NOPD policy which publishes information necessary for community oversight, monitoring, and compliance including a process for effectively complying with the Louisiana Open Records Act is imperative to ensure that the community can thoroughly participate in the development, implementation, and compliance of the consent decree policies.

As part of the Bias Free Policing Plan, NODP should adopt public, written policies with accountability measures ensuring compliance with the Louisiana Open Records Act, including provisions on publishing information, adequate response time, and public interest fee waivers.

Moreover, NOPD should endeavor to independently make public information that contributes to public engagement around development, implementation, and monitoring of the Bias Free Policing Provisions and the full Consent Decree.

V. NOPD Should Adopt Public, Written Policies with Accountability Measures that Protect Workers and Ensure NOPD is Not Used by Employers to Retaliate, Intimidate, or Threaten Workers.

NOPD should adopt a public, written policy addressing the protection of workers and ensuring that NOPD is not called to a scene of a labor dispute and assist employers in retaliating and intimidating workers who are merely asking for their civil rights and oftentimes the victims of labor exploitation. This includes provisions related to wage theft, intimidation, and retaliation by employers against workers.

For example, many low-wage, Latino, and/or immigrant workers came to rebuild the city in the wake of Hurricane Katrina in 2005 and, in turn, became prime targets for armed robbers and unscrupulous employers. Members of the community have reported employers calling NOPD on workers when they asked for their back wages and other labor and health and safety protections in an effort to intimidate and retaliate on workers for pursuing their civil rights. For instance, one community member of the Workers' Center recalled an instance where he went to his employer's house to ask for \$3000 in unpaid wages.¹⁰ In response, the employer came after the member with a hammer. The worker immediately called the police seeking assistance and protection. When the police arrived at the scene, the first question that the officers asked was the immigration status of the member. The police also refused to file a complaint against the employer for wage theft or assault and instead cited both the worker and the employer for disturbing the peace.

Such examples demonstrate how the employer's ability to use the NOPD for retaliation prevents workers from asking for assistance when their civil rights are denied. Moreover, it is well recognized in New Orleans that wage theft negatively impacts all workers as well as employers who follow the rules and that NOPD lacks necessary policies to appropriately address this issue.¹¹

Pursuant to the plan, NOPD, in collaboration with community organizations with expertise in this area, should develop and implement a public, written policy with clear accountability measures which protect workers and ensure NOPD is not used by employers to retaliate, intimidate, or threaten workers enforcing their labor rights.

VI. NOPD's First Amendment Training Should Include Training on the Right of Day Laborers to Free Speech and Association.

¹⁰ "Cops falter in Hispanic outreach: Hassles reported despite Riley pledge", Times Picayune, 20 November 2009, available at <<http://nowcrj.org/press/congreso-of-day-laborers/112009-the-times-picayune-cops-falter-in-hispanic-outreach-hassles-reported-despite-riley-pledge/>>

¹¹ "Day Laborers Call for Action on Wage Theft", Times Picayune (June 30, 2009) available at <http://www.nola.com/news/index.ssf/2009/06/day_laborers_call_for_action_o.html>

Paragraph 162 requires that NOPD officers be trained on First Amendment and related law and NOPD policies. The proposed consent decree limits its reference of First Amendment law to a bystander's right to record and observe officer conduct. Policy and training on the First Amendment should go far beyond this right including but not limited to a policy affirming the prohibition on violating the right of day laborers to gather and speak freely in public as they look for work.

Members of the Workers' Center report repeated harassment and pretextual arrests on quality of life citations by NOPD officers of day laborers who gather in public areas. When calls are made to NOPD complaining about day laborers, NOPD officers take enforcement actions not only to ensure that workers are not on private property, but also to prevent workers from gathering even on public property with no relate public safety purpose. Such NOPD action violates the rights of day laborers to gather and speak freely in public as they look for work, and must be corrected. *See City of Redondo Beach v. Comite de Jornaleros de Redondo Beach*, 657 F.3d 936, 946 (9th Cir. 2011), cert. denied, 132 S. Ct. 1566 (2012).

VII. NOPD's Trainings On Bias Free Policing Issues and All Issues in the Consent Decree Should Be Developed and Conducted in Collaboration with Community Organizations with Expertise in the Area and National Experts.

The Workers' Center supports comments made by other community experts including *BreakOUT!*, an organization that fights the criminalization of lesbian, gay, bisexual, and transgender (LGBT) youth in New Orleans regarding the importance of including community organizations with expertise in the area and national experts in the development of all training materials created as a result of this consent decree. Trainings related to Bias Free and Constitutional policing should be seen as fundamental skills of law enforcement not "sensitivity" trainings, and should be thoughtfully and carefully developed in a way that integrates best practices in law enforcement trainings and builds relationships with community experts.

In sum, we appreciate the Court's consideration of these issues in its consideration of the Consent Decree. We support approval of the consent decree and the critical ongoing monitoring role this Court will play. We urge the Court to pay particular attention to the issues emphasized herein as the implementation and monitoring phases move forward.

The Workers' Center will continue its community oversight, policy development, and Know Your Rights trainings. We hope to engage with NOPD on public, written policies with accountability measures on the key issue areas identified herein. This will be critical to ensuring the Consent Decree is implemented in the streets, communities, and at the worksites of reconstruction workers and their families across the city.

Sincerely,

s/ Jennifer J. Rosenbaum

Jennifer Rosenbaum
Legal Director

Yihong "Julie" Mao
Staff Attorney/Equal Justice Works Fellow

Encls. Exhibit A-E

Exhibit A

EXHIBIT B: DOCKETMASTER MINUTE ENTRIES

MAG#: [REDACTED] DOCKET MASTER DATE: 4/26/2011

TIME: 8:29:29

ORLEANS PARISH MAGISTRATE COURT

DEFENDANT(S): CNTS CHARGE(S):

[REDACTED] RS 14 100.13 BOND: .00
OPERATING VEH W/O LAWFUL PRESENCE IN U S

DATE PROCEEDINGS

4/21/2011

SCHIAFFIN*

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M5
RESULT-RULE TO SHOW CAUSE FOR 7/19/2011 AT 3:00 PM
SCHEDULED -RULE TO SHOW CAUSE ON 7/19/2011 AT 3:00 PM, SECT M3
NO CAUSE RELEASE ISSUED

4/25/2011

CUTRERM *

STATUS HEARING IN MAGISTRATE COURT SECTION M2
SCHEDULED -RULE TO SHOW CAUSE ON 4/26/2011 AT 10:00 AM, SECT M1
DEFENSE COUNSEL FILED MOTION FOR IMMEDIATE RELEASE AND WRIT OF
HABEAS CORPUS ON BEHALF ON DEFENDANT
MOTION WAS NOT FILED TILL 6:30 PM ON 4/25/11
SENT TO M1 TO BE HEARD 4/26/11 TO GIVE ADA TIME TO RESPOND

END OF DOCKET MASTER

Exhibit B

NARRATIVE CONTINUED:

At this point, Detective [REDACTED] and Officer [REDACTED] approached [REDACTED] perpetrator, and [REDACTED] read him his rights verbally whereby [REDACTED] stated he understood to [REDACTED] and wished to speak on the matter, after [REDACTED] confirmed him to be her boyfriend/perpetrator. [REDACTED] immediately started talking on his own volition, having never being asked anything yet by [REDACTED] or [REDACTED]. [REDACTED] was denying his involvement in any of the allegations or described sexual acts he was accused of doing. Officer [REDACTED] advised Det. [REDACTED] that [REDACTED] was rambling about things that had no significance to the investigation at hand, and advised that [REDACTED] wasn't going to say much of anything else other than repeatedly denying any wrongdoing. With that in mind, Det. [REDACTED] advised [REDACTED] that sufficient probable cause was met, and that he was being placed under arrest and being charged with R.S. 14:42-rel. to agg. Rape-vaginal, oral, and anal (three counts total) under NOPD Item # [REDACTED]. In addition to that, under NOPD item number [REDACTED], [REDACTED] was being charged with R.S. 14:35-Rel. to Domestic Battery. [REDACTED] was relocated to Central Lockup in Orleans Parish, where he was turned over to the authorities there without incident.

Det. [REDACTED] relocated the victim to University Hospital, where she was seen by a SANE Nurse, a sexual examination kit was done as well as her other injuries ([REDACTED]) were attended to. This same kit was retrieved and placed on the evidence books at CE&P, under receipt number [REDACTED]. A DNA comparative analysis form was done at the time of placing the kit on the evidence books. Det. [REDACTED] notified [REDACTED] - of the NOPD Domestic Violence Unit about this matter. Also, [REDACTED] -NOPD Sex Crimes Supervisor, notified [REDACTED] -Asst. District Attorney for the D.A. of Orleans Parish about the matter as well.

An EMS Unit was summoned out to the scene. However, Unit 3164 manned by Technicians [REDACTED] and [REDACTED] were refused by the victim.

Several days later, Detective [REDACTED] contacted Agent [REDACTED] of I.C.E. (Immigration & Customs Enforcement). During the conversation Agent [REDACTED] was informed about the incident, but mostly, was told about the names and locations of several individuals who were in the country as illegal aliens that were learned about as a result of investigating this case. Agent [REDACTED] assured Det. [REDACTED] that he and his agency would look into the matter, after recording the information from Det. [REDACTED].

CONCLUSION:

This case is cleared and closed by way of arrest based on the aforementioned set of facts and circumstances. At the time of preparing this report, no results were ready from the Crime Lab as to the sexual assault kit or its' contents.

Exhibit C

COMPLAINT HISTORY
ITEM-NO A13743-10

ITEM-NO = A13743-10 DATE = 011210 SIGNAL = 21 UNIT = 532A
LOCATION = 2707 N RAMPART ST DISPO = NAT CODE = NLR
TIME-RECV = 0956:51 TIME-DISP = 0959:10 TIME-ONSC = 1000:41 TIME-CLOS = 1019:05

OPERATOR-POSITION = OPERATOR-NO = 076
DISPATCH-POSITION = DISPATCH-NO =
COMPLAINANTS-NAME = KELLY RUSHING
ADDRESS = 2707 N RAMPART ST FROM-NO = 2211377
COMPLAINANTS-TEXT =

0958	IN	FRM-	TO-NPOPCD171
0958	B/M...	BLACK SHIRT...H/M..WEARING BROWN SWEATS....	
0958	MC	FRM-	TO-N
0958	RM	NO WEAPONS INV	
0958	BC		
0958	S	FRM-N	TO-P
0958	RM		
0959	USDS2707 N RAMPART ST		103F
0959	FU	FRM-	TO-NP/538A
0959	USDS2707 N RAMPART ST		103F
0959	USEN2707 N RAMPART ST		103F
0959	USEN2707 N RAMPART ST		103F
1000	USOS2707 N RAMPART ST		103F
1000	USOS2707 N RAMPART ST		103F
1000	CALL BACK,,DEANNA WOODY,,CP #722-3731,,B/M,,BLK SWEATSHIRT,,NFDG,,HOLD		
1000	ING DOWN A HISPANIC MALE WEARING BLK CAP,,ON THE GROUND,,NFDG		
1001	USC42707 N RAMPART ST		103F
1001	USEN2707 N RAMPART ST		103F
1002	T	FRM-103F	
1002	RC	FRM-	TO-21
1002	P	FRM-2	TO-1M
1002	SP	FRM-B	TO-1
1002	SIGNAL CHANGE VIA 532A		TO-H
1002	USC		
1002	VIA UNIT 532A STS BORDER PATROL AT THE LOC		21
1017	FROS		
1017	PU	FRM-NP/538A	21
1019	USC		
1019	D	FRM-	TO-NAT

Exhibit D

Family Name (CAFS) (b)(7)(C) & (b)(6)		First	Middle	Sex M	Hair BRN	Eyes BRN	Complexion MED
Country of Citizenship BRAZIL	Passport Number and Country of Issue (b)(7)(C) & (b)(6) BRAZIL	File Number CASE No. (b)(7)(C) & (b)(6) (b)(7)(C) & (b)(6)		Height 57	Weight 120	Occupation LABORER	
U.S. Address (b)(7)(C) & (b)(6)				Scars and Marks SCAR HAND, LEFT			
Date, Place, Time, and Manner of Last Entry 11/30/2003, 2900, 2 miles W of SLP, SFA/AYOOT			Passport Bounded at	FBI Number (b)(7)(C) & (b)(6)			
Number, Street, City, Province (State) and Country of Permanent Residence (b)(7)(C) & (b)(6)				<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Birth (b)(7)(C) & (b)(6)	Age: 32	Date of Action 06/03/2009	Location Code NGL/NLS	Method of Location/Apprehension CA			
City, Province (State) and Country of Birth SÃO PAULO, SÃO PAULO, BRAZIL		AR <input checked="" type="checkbox"/>	Form: (Type and No.) Listed <input type="checkbox"/> Not Listed <input type="checkbox"/>	AUI/Case NEN ORRANS, LA			
NIV Issuing Post and NIV Number		Social Security Account Name		Date/Time 06/03/2009 0957			
Data Visa Issued		Social Security Number		By See Narrative			
Immigration Record NEGATIVE		Criminal Record None Known		Status at Entry PWA Other			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)		Number and Nationality of Minor Children CLAIMS NONE		Status When Found CONSTRUCTION			
Father's Name, Nationality, and Address, if Known See Narrative		Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative		Length of Time Legally in U.S. OVER 1 YEAR			
Motes Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	System Checks See Narrative	Charge Code Words(s) 16A			
Name and Address of (Last) Current U.S. Employer		Type of Employment	Salary	Employed from/to N			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
FINS #: (b)(7)(C) & (b)(6)		(b)(7)(C) & (b)(6)		(b)(7)(C) & (b)(6)			
		Left Index Print		Right Index Print			
ARREST COORDINATES: Latitude: 29.9309 Longitude: -90.093							
ARRESTING AGENT: (b)(7)(C) & (b)(6)							
Alien has been advised of communication privileges		(Date/Initials)		(b)(7)(C) & (b)(6) SENIOR PATROL AGENT (Signature and Title of Immigration Officer)			
Distribution:		Received (Subject and Documents) (Report of Interview)					
FILE	Office: (b)(7)(C) & (b)(6)						
NLS	on June 03, 2009 at 1030 (time)						
NLL	Disposition: Warrant of Arrest/Notice to Appear						
		Issuing Officer: (b)(7)(C) & (b)(6)					

Alien's Name (b)(7)(C) & (b)(6)	File Number (b)(7)(C) & (b)(6) Event No (b)(7)(C) & (b)(6)	Date 05/03/2009
(b)(7)(C) & (b)(6)		
FATHER NAME AND ADDRESS: ----- Nationality: BRAZIL (b)(7)(C) & (b)(6) (b)(7)(C) & (b)(6)		
MOTHER NAME AND ADDRESS: ----- Nationality: BRAZIL (b)(7)(C) & (b)(6) (b)(7)(C) & (b)(6)		
ASSISTING ASSETS: ----- Other		
FUNDS IN POSSESSION: ----- United States Dollar 115.00		
RECORDS CHECKED: ----- CIS Negative IAFIS Negative NCIC Negative		
NARRATIVE: ----- Subject is a citizen and national of Brazil who last entered the United States illegally near El Paso, Texas on November 30, 2003 without being inspected by a CBP officer. New Orleans Police Department (NOPD) officers encountered this subject and four other illegal Brazilian nationals at (b)(7)(C) & (b)(6). NOPD officers recovered one weapon inside of the residence and took custody of it. The weapon was described as a sig Sauer 9mm, blue stainless steel semi automatic pistol serial number (b)(7)(C) & (b)(6). Records checks determined that the weapon was not stolen. NOPD requested USBP assistance with translation as none of the subjects spoke English and agents responded. SPA identified himself to the subjects in the Portuguese language prior questioning them. All of the subjects admitted to being in the U.S. illegally while being interviewed. Agents arrested the subjects and transported them to the USBP New Orleans Station for processing.		
Signature (b)(7)(C) & (b)(6)	Title SENIOR PATROL AGENT	

Allen's Name (b)(7)(C) & (b)(6)	File Number (b)(7)(C) & (b)(6) Event No. (b)(7)(C) & (b)(6)	Date 05/03/2009
<p>CIS, IAFIS and NCIC checks did not locate any prior criminal or immigration histories.</p> <p>Subject was issued a WA/NTA and detained at the Orleans Parish Criminal Sheriff's Office TP-5 facility under a \$7,500.00 bond pending removal proceedings at ICE DRO Oakdale. NOL ICE DRO (A) SIEA (b)(7)(C) & (b)(6) authorized detention space.</p>		
Signature (b)(7)(C) & (b)(6)	Title SENIOR PATROL AGENT	

Exhibit E

New Orleans Workers' Center for Racial Justice

217 N. Prieur St., New Orleans, Louisiana 70112
Phone: (504) 309-5165/ Facsimile (504) 309-5205

January 31, 2011

HAND DELIVERY AND U.S. MAIL

Chief Ronal Serpas
New Orleans Police Department
715 South Broad Street
New Orleans, Louisiana, 70119

**Re: Public Records Act Request Related to NOPD's Racial Profiling and
Information Sharing and Other Forms of Partnership with Immigration and
Customs Enforcement**

Dear Chief Serpas:

This letter constitutes a public records act request pursuant to the Public Records Act of Louisiana, La. Rev. Stat. §44:1 *et seq.*, and Louisiana Constitution art. 12, § 3.

BACKGROUND

This request relates to the New Orleans Police Department's (NOPD) sharing of information or other forms of partnership with the Immigration and Customs Enforcement agency (ICE) of the Department of Homeland Security.

The immigration laws of the United States are enforced by ICE. When ICE investigates whether to initiate removal proceedings against a noncitizen or suspected noncitizen who is held in the custody of a state or local law enforcement agency, ICE may issue an immigration detainer (also referred to as an "immigration hold"), citing as authority 8 C.F.R. § 287.7. An immigration detainer is a "request" that "advises" the Orleans law enforcement agency that DHS *may* desire to initiate removal proceedings against an individual and/or assume custody of them. *Id.* In placing immigration detainers on individuals in law enforcement custody, ICE agents purport to rely on a variety of information from various law enforcement sources, including information from NOPD.

THE REQUESTORS

The Congress of Day Laborers and the New Orleans Workers' Center for Racial Justice are nonprofit organizations dedicated to community monitoring and oversight of actions that impact immigrant workers by local, state, and federal law enforcement. Mike Chamorro is an individual who also seeks to vindicate the New Orleans' community's right to information about racial profiling by NOPD to facilitate much-needed community monitoring and oversight of

actions as well as to defend himself against the immigration consequences of these actions, which violated his Fourth, Fifth, and Fourteenth Amendment rights. Evidence obtained through "egregious" or "widespread" violations of the Constitution by law enforcement are inadmissible in deportation proceedings in immigration court. See *I.N.S. v. Lopez-Mendoza*, 486 U.S. 1032, 1050 (1984).

RECORDS REQUESTED

Unless otherwise time delineated, Requestors seek any and all records created or coming into NOPD's possession after August 29, 2009 that constitute the following:

1. The policies and procedures that are currently in place that:
 - a. Govern the use of race/ethnicity in law enforcement decisions, including specific circumstances where race/ethnicity may be used to guide enforcement activity or prohibit bias-based policing; and
 - b. Description of the circumstances in which an officer may investigate a violation of federal immigration law. This would include general orders, formal or informal directives, instructions, manuals, bulletins, guidelines and memoranda.
2. Training materials that address the topics described in request number 1.
3. All policies and procedures that pertain to the collection of statistical data.
4. All policies and procedures that related to the collection and recording of information related to immigration status and/or country of origin for arrestees, witnesses, and/or victims, as well as policies and procedures that related to the sharing of such information.
5. Documents showing the information gathered and recorded and documents requested from the driver and passenger(s) during routine traffic stops, including what identification documents are adequate and what factors allow an officer to use discretion.
6. Records of complaints that contain allegations of racial profiling by the department officers. Names and biographical information may be redacted in accordance with state law.
7. Records of the racial/ethnic makeup of the department's patrol force and the number of officers fluent in languages other than English including the specific language and documents showing whether the officer has been certified as to their language ability and level.
8. Documents from the past 48 months relating to actions taken by NOPD in coordination with the ICE Fugitive Operations Team including dates, times, arrests, and resolution of charges.

9. Any emails, or printed documents that involved communication between your office and either the Office of Detention and Removal, Immigration and Customs Enforcement, or the Department of Homeland Security concerning
 - a. Secure Communities,
 - b. The Criminal Alien Program
 - c. Standards for or training regarding identification of aliens,
 - d. Procedures or standards for ICE detainees or holds,
 - e. Procedures or standard operating procedures (SOPs) from DHS or ICE relating to enrollment in and use of the Secure Communities or Criminal Alien programs
 - f. Any billings statements/invoices regarding housing individuals with immigration holds since 2002.

10. Any documents, electronic or otherwise, that were circulated within your office that consist of directives, trainings, procedures, standards or memoranda regarding:
 - a. Secure Communities,
 - b. Criminal Alien Program
 - c. Identification of aliens,
 - d. Ice Holds,
 - e. Identification of foreign born individuals.

11. Any documents, electronic or otherwise, that involved communication between your office; and the Louisiana State Police, regarding:
 - a. Secure Communities,
 - b. Criminal Alien Program
 - c. Standards for training regarding identification of aliens,
 - d. Procedures or standards for ICE detainees or holds,

We ask that copies of these documents be provided in electronic form, if possible. Pursuant to the Public Records Act of Louisiana, La. Rev. Stat. §44:1 *et seq.*, we request electronic copies of the following records related to arrests made before and after the Immigration and Customs Enforcement (ICE) Secure Communities program was implemented in your county:

12. Individual arrest records for all people who were arrested, which contain the following information:
 - a. Name of arrestee
 - b. Date of arrest by law enforcement,
 - c. Location of arrest,
 - d. Date of booking by law enforcement,
 - e. Location of booking by law enforcement,
 - f. Criminal charges filed,
 - g. Whether arrests were classified as felonies, misdemeanors, or violations,
 - h. Outcome of criminal proceedings, (if available)
 - i. Person's prior criminal convictions, (if available)

- j. Person's race/ethnicity, (if your office tracks these separately, please include both)
- k. Person's place of birth/country of origin, (if your office tracks these separately, please include both)
- l. Person's immigration status, (if known)
- m. Whether NOPD communicated with ICE about the arrest
- n. Whether ICE place a hold or detainer on the individual,
- o. Any data field that may exist that describes the basis for the ICE hold- fingerprint match, place of birth, or interview of individual.

16. If an ICE detainer was placed,

- a. Date ICE detainer placed,
- b. Whether individual was transferred to ICE custody,
- c. Date individual was transferred to ICE custody, and
- d. Any billing or invoice sent to ICE to recoup costs for ICE holds

Pursuant to the Louisiana, La. Rev. Stat. §44:1 *et seq.*, I request electronic copies of the following records related to stops made before and after the Immigration and Customs Enforcement (ICE) Secure Communities program was implemented in your county.

PLEASE NOTE: If no records are kept of stops made in your area, or if records are kept by another department or agency, please let us know.

6. Individual stop records for all individuals stopped, which contain the following information:

- a. Name of individual
- b. Date of stop by law enforcement,
- c. Location of stop,
- d. Basis of stop, if recorded,
- e. Outcome of stop, if recorded
- f. Person's prior criminal convictions, if recorded
- g. Person's race/ethnicity, (if your office tracks these separately, please include both)
- h. Person's place of birth/country of origin, (if your office tracks these separately, please include both)
- i. Person's immigration status, (if known)
- j. Were fingerprints taken?
- k. Did the stop result in an arrest?

The easiest way to deliver arrest and stop information may be to send the entire record, rather than filtering them for our requested information. However, if your office maintains confidential information so that the complete files may not be available, please let us know so that we can work with you to redact this information electronically.

I request that you deliver all records and responses to me in electronic form using DBF, text file, or Microsoft Excel formats. If you will be unable to deliver the information using one of these formats, please contact me to discuss whether a different format would meet both our needs. In

cases of files too large to email, you can send us electronic copies through CDs, or upload the data to a drop-box which has been set up for this purpose.

I understand that there are likely to be a large number of records, and that ease of transmitting this information may depend on the type of data storage used. We will work with you to find the cheapest and least burdensome way to fulfill this request in the most efficient manner.

Thank you for your consideration of this request. Under the provisions of R.S. 44:32, if you raise question whether any of the records requested is a public record, you are required to notify in writing the person making the request of your determination and the reasons for it, including the legal basis therefore. Notice shall be made within three days of the receipt of the request, exclusive of Saturdays, Sundays and legal public holidays. If you claim exemption for a record or records under the Public Records Act, or any other statute, include for each record the section of law under which the exemption is claimed and your reasons for believing the statute is applicable to the record.

Under the provisions of R.S. 44:33, if the public record is not immediately available, you are required to certify this in writing promptly, and in your certificate fix a day and hour within three days, exclusive of Saturdays, Sundays and legal public holidays, for the exercise of the right granted in the Public Records Act.

Under R.S. 44:34, "If any public record applied for by any authorized person is not in the custody or control of the person to whom the application is made, such person shall promptly certify this in writing to the applicant, and shall in the certificate state in detail to the best of his knowledge and belief, the reason for the absence of the record from his custody or control, its location, what person has custody of the record and the manner and method in which, and the exact time at which it was taken from his custody and control. He shall include in the certificate ample and detailed answers to inquiries of the applicant which may facilitate the exercise of the right granted by this Chapter."

If you are invoking R.S. 44:34 to deny this request, please answer the following question in detail:


1. Is a copy of the requested public record usually located in your office?
2. Why is your copy of the requested public record absent from your office?
3. Where is your copy of the requested public record?
4. Who has received a copy of the requested public record?
5. How and from whom did the present custodian gain control of your copy of the requested public record?
6. What was the exact time your copy of the public record was taken from your custody and control?
7. When will your copy of the requested public record be returned to your office?
8. Is there any other public official who has a copy of the requested record?
9. What is/are the name(s) of anyone who has a copy of the requested public record?
10. What is/are the location(s) where the requested public record can be viewed?
11. What are the hours and dates when the requested public record can be viewed?

As Requestors seek information on behalf of our low-income members concerning the operations of the Louisiana State Government, we request that fees be waived or reduced pursuant to La. R.S. § 44:32(C)(1)(a).

As you are aware, failure to abide by the Public Records Act may result in certain penalties, including criminal prosecution, and the award of attorney's fees. We trust that you will comply without the necessity of any further action on our part.

Thank you for your prompt attention to this matter. We eagerly await your response and appreciate your assistance.

Sincerely,



Jennifer J. Rosenbaum
Legal Director
New Orleans Workers' Center for Racial Justice

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Chief Ronald Berpog New Orleans Police Dept. 715 G Broad Street New Orleans, La. 70119	B. Received by (Printed Name) G. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
PS Form 3811, February 2004 Domestic Return Receipt 12595-02-M-USA	

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)											
For delivery information, visit our website at www.usps.com											
OFFICIAL USE											
<table border="1"> <tr> <td>Postage</td> <td>\$ 0.61</td> </tr> <tr> <td>Certified Fee</td> <td>\$2.80</td> </tr> <tr> <td>Return Receipt Fee (Endorserment Required)</td> <td>\$2.30</td> </tr> <tr> <td>Restricted Delivery Fee (Endorserment Required)</td> <td>\$0.00</td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$ 5.71</td> </tr> </table>	Postage	\$ 0.61	Certified Fee	\$2.80	Return Receipt Fee (Endorserment Required)	\$2.30	Restricted Delivery Fee (Endorserment Required)	\$0.00	Total Postage & Fees	\$ 5.71	NEW ORLEANS, LA 70119 08 1 2011 Postmark Here FEB 02 01/2011 USPS
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