

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

UNITED STATES OF AMERICA	:	CIVIL ACTION NO.
		12-CV-01924
VERSUS	:	SECTION E
		JUDGE SUSIE MORGAN
CITY OF NEW ORLEANS	:	DIVISION 2
		MAGISTRATE WILKINSON

ORDER

CONSIDERING THE FOREGOING Consent Motion for Temporary Exemption Pursuant to Paragraph 487 filed on behalf of the Defendant, the City of New Orleans (“City”), and the Plaintiff, the United States:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion is **GRANTED** and, pursuant to Consent Decree paragraph 487 of the Consent Decree, the Court temporarily suspends Consent Decree paragraph 365 through December 21, 2016 for a limited number of events as follows:

1. Event:

- a. Any event requiring
 - i. the secondary employment of 50 or more simultaneously serving officers; **and**
 - ii. occurring on a weeknight or at a time when officer availability is extremely limited because of concurrent special events or police emergency or for which there is a public safety imperative, as determined by the superintendent of police, city attorney, or chief administrative officer.

- b. Any event of any size or duration that is related to the emergency repair of public utilities or infrastructure that requires police security or traffic regulation and for which the early departure of an officer would create a public safety hazard or delay in the repair of the critical infrastructure.

2. Number of Officers Per Event:

- a. For events with 50 or more simultaneously serving officers: no more than 20% of the total number of officers working the event;
- b. For public utility or infrastructure repair events: the minimum number of officers to safely enable the resolution of the emergency, as determined by an NOPD supervisor.

3. Maximum Duration of Extension Beyond 16 hours: 3 hours.

The City will invoke this exception only where necessary for public safety and where no reasonable alternative exists. This will likely only occur no more than 8-10 times annually:

- i. Up to four Saints weeknight games (preseason included);
- ii. First Friday of LHSAA football playoffs;
- iii. Thursday and Friday of French Quarter Fest; and
- iv. First Friday & Middle Thursday and Friday of Jazz Fest.

OPSE will notify the United States and Consent Decree Monitors, in writing, of the circumstances and details when an officer exceeds 16 hours in a 24-hour period. This notification will come after the close of the pay period covering the event and will include: the event, each officer who exceeded 16 hours, the actual duration of the officer's shift, and a description of why the longer shift was required. While the Parties do not seek to modify the Consent Decree at this time, the Parties request that OPSE be allowed to implement the temporary exemptions from Paragraph 365 as outlined above.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that in the event the Monitor or either of the Parties determines that performance under the temporary exemptions from Paragraph 365 are not consistent with constitutional policing as set forth in the Consent Decree, or that there does not exist a sufficient basis to determine whether performance under the temporary exemptions from Paragraph 365 are consistent with constitutional policing as set forth in the Decree, the Parties shall work in good faith to remedy the deficiency. If the parties remain unable to confirm performance of the temporary exemptions from Paragraph 365 to the requirements of constitutional

policing as set forth in the Decree, or remain unable to determine if the temporary exemptions from Paragraph 365 are being implemented in a manner that is consistent with constitutional policing as set forth in the Decree, then either party may move the Court to terminate the temporary exemption granted herein.

New Orleans, Louisiana this 18th day of December, 2015.



JUDGE SUSIE MORGAN