

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA,
Plaintiff,

V.

CITY OF NEW ORLEANS,
Defendant.

CIVIL ACTION NO.
2:12-CV-01924-SM-DPC

JUDGE SUSIE MORGAN

MAG. DONNA PHILLIPS
CURRAULT

MONTHLY REPORT OF NOPD
ON THE REMEDIAL ACTION PLAN

Now Into Court, comes Defendant, the City of New Orleans and its New Orleans Police Department (“NOPD”), who, in compliance with the Court’s Order of November 2, 2023 (R. **Doc. 756**), submit the report attached hereto as Exhibit 1, on the NOPD’s progress on its Remedial Action Plan.

Respectfully submitted, this 1st day of April 2024.

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/s/ Collin J. Ligorì

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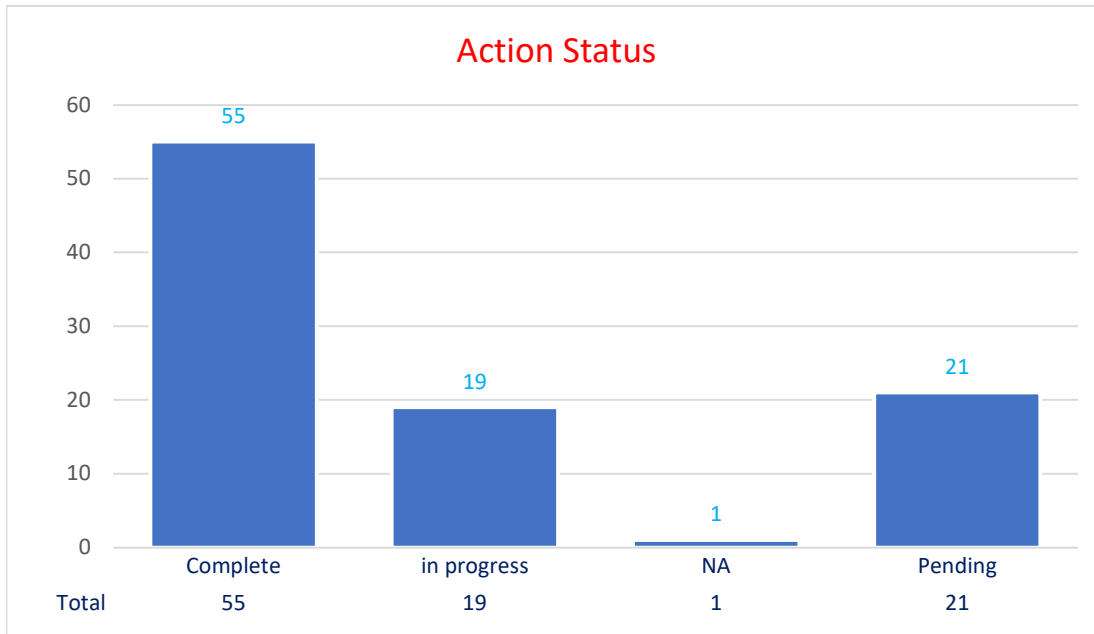
New Orleans Police Department

CERTIFICATE OF SERVICE

I certify that I have served a copy of the above and foregoing pleading *via* Notice of Electronic filing using this Court's CM/ECF system to counsel of record participating in the CM/ECF system on this 1st day of April 2024.

/s/ Collin J. Ligorì

| Action Status | Count of Action Status |
|--------------------|------------------------|
| Complete | 55 |
| in progress | 19 |
| NA | 1 |
| Pending | 21 |
| Grand Total | 96 |



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|----|------|--|---------|--------------------------|---|---------------|---|---|---|---|
| | CD # | Remedial Plan | Owner | Expected Completion Date | Actions | Action Status | Last completed task | Current action / task | Next Step | Notes |
| 1 | 306 | Revise/re-energize the Serious Discipline Review Board (SDRB) | NG | 11/9/2023 11/29/2023 | OCDM to give feedback on proposed changes | Complete | Held SDRB on November 9 and 29th - awaiting feedback | None | | The recommendation by OCDM was centered around NOPD employees facing discipline and the impact it may have on family members |
| 2 | | | NG | 11/16/2023 | NOPD to draft policy changes and submit them to OCDM/DOJ | Complete | Sent to OCDM DOJ 11/16 | Implemented 12/7 via GO 1176 | | |
| 3 | | | NG | 11/30/2023 | OCDM/DOJ to approve policy changes and return to NOPD | Complete | Approved by OCDM 11/30- DOJ 11/20 | | | |
| 4 | | | NG | 12/17/2023 | NOPD to implement policy changes | Complete | | Implemented 12/17 via General order 1176 | | |
| 5 | | | KS | 11/9/2023 | NOPD PIB held SDRB's on 11/9/23, 11/29/2023, 2/22,2024, and will hold the next on 03/14/2024 following the UOFRB | Complete | SDRB WAS HELD ON 11/9 - OCDM Scott Huntsberry attended, OCDM attendented via Webex on 11/29/2023, attended in person on 2/22/2024 | OCDM Scott Huntsberry provided feedback | Discuss logistical and confidentiality challenges if any exist with OCDM | The recommendation by OCDM was centered around NOPD employees facing discipline and the impact it may have on family members |
| 6 | | | KS | 11/9/2023 | NOPD to keep OCDM/Court apprised of SDRB schedules, agendas, and outcomes | Complete | SDRB email/calendar invite for 11/29/23 sent to OCDM on 11/22/23 by Sgt. LaShawn Rondeno. SDRB held on 11/29/2023. OCDM Robert Mcneilly was present. Additionally, OCDM is apprised of the results of the most recent SDRB at their weekly meetings with PIB. | Next SDRB is scheduled for February 22, 2024. OCDM has been notified and provided all releveant materials | Review by OCDM | SDRB is scheduled following UOFRB |
| 7 | | | | | | | | | | |
| 8 | 306 | Ensure Executive Protection (EP) unit is effectively supervised | LD | 8/18/2023 | NOPD to assign a full-time Sgt to EP | Complete | Sgt. Jaque transferred to EP unit 8/18/23 | Jaque retired / Sgt. Gant transferred as replacement | NA | Personnel transfer # 19-2023 |
| 9 | | | LD | 8/18/2023 | NOPD to move EP to Chief of Ops | Complete | EP Unit transferred to Chief Dupree 8/18/23 | NA | NA | Personnel transfer # 19-2023 |
| 10 | | | NG | 11/20/2023 | All parties to develop EP SOP | Complete | Approved 11/20 | Effective Dec. 17 | | |
| 11 | | | NG | 11/20/2023 | All parties to develop EP policy, 46.6 | Complete | Approved 11/20 | Effective Dec. 17 - Gen. Ord 1178 | | |
| 12 | | | LD / MW | 2/28/2024 | NOPD to train EP on policies and SOP | In progress | Lesson plan was created and sent to OCDM / DOJ for review | Taught on March 6, 2024 | One member left to train | All members have had formal EP training in outside schools /March 6 training was Robert Monlyn, Lazono Black, Larry Dace, David Bennett, and Alvin Walton - Victor Gant taught with Brewer. |
| 13 | | | | | | | | | | |
| 14 | 306 | Revise NOPD assignment/reassignment policies | NG | 1/29/2024 | NOPD to draft policy changes and submit them to OCDM/DOJ | Complete | | Sent to OCDM 1/30 | | Part of bigger disip. policy revisions (Ch. 52.1 et. al.) |
| 15 | | | NG | | OCDM/DOJ to approve policy changes and return to NOPD | In progress | | Received OCDM version | Need to update chapter to bring in line with current structure | |
| 16 | | | NG | | NOPD to implement policy changes | Pending | | | | |
| 17 | | | NG | | NOPD to revise NOPD's assignment/reassignment forms (pending) | Pending | | | | |
| 18 | 313 | Draft/Enhance policies related to reviewing supervisors' roles in misconduct | NG | | See actions for 306 re SDRB | NA | | | | |
| 19 | | | NG | JSA to advise | OCDM to advise whether the current system suffices | In Progress | information shared by PSAB on current system is under review by OCDM | Memo prepared 12/15 details current system of accountability | Awaiting feedback from OCDM regarding 2023 steps taken to ensure accountability | Memo shared with OCDM and OIPM |
| 20 | | | NG | | OCDM to review NOPD's request for shift data enhancements | In Progress | 11/9 meeting with Finance / N.O. Homeland security / OCDM / OPSE | Finance provided timeline for OPSE / ADP system alignment / Finance committed to researching costs of integration | Complete ADP upgrade (June 2024) prior to starting system integration | Estimated completion Late 2024-early 2025 see Dec. 15 memo for details |
| 21 | 313 | Enhance Academy training re supervisory use of Insight and escalating concerns | MW | 2/15/2024 | NOPD to develop the training | Complete | Outline of learning materials developed by PSAB | Classes being taught at inservice training | | Lesson plan Sent to OCDM Murphy on 2/6/2023 |
| 22 | | | MW | 4/1/2024 | Work with OCDM to develop a system for measuring the training | Pending | | | | OCDM to sit in on in service training |
| 23 | 399 | Ensure current revisions to 52.1 ensure proper complaint intake based on allegations | NG | 11/15/2023 | OCDM to review current revisions to 52.1 | Complete | Awaiting DOJ approval / pending discussion scheduled for 11/28 | DOJ / OCDM agree to framework for 52.1, needs CD modifications | CD modifications for 403 / 416 - Modifications Sent 1/8 and 1/20 | |
| 24 | | | NG | 11/15/2023 | NOPD to implement OCDM's suggestions for 52.1 | Complete | Incorporated all OCDM suggestions | Awaiting CD modifications and ancillary chapters | OCDM / DOJ feedback on CD modifications | |
| 25 | | | MW | 1/30/2024 | PSAB to train intake personnel on complaint classifications | complete | | Training on 1/30/2024 | | |
| 26 | 399 | Conduct admin and criminal investigations concurrently | NG | 11/15/2023 | OCDM to approve revisions to 52.1 that require superintendent's authorization to delay admin investigation when criminal investigation is in progress | Complete | Awaiting DOJ approval / pending discussion scheduled for 11/28 | DOJ / OCDM agree to framework for 52.1, needs CD modifications | | Chapter is approved contingent upon CD modifications |
| 27 | | | NG | 3/1/2024 | NOPD to implement revisions to 52.1 | In progress | | Need ancillary chapters to be completed | | Completed modification draft with OCDM DOJ on 2.21.23 |

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| 28 | | | KS | 1/22/2024 | PIB to draft SOP for conducting concurrently investigations | Complete | In keeping with the fair and equitable selection process, PIB conducted 20 interviews of potential candidates over several days. | Sent to OCDM 1/22 | Additional captain no longer being added to PIB, Lieutenant will take on the firewall role. | |
| 29 | | | KS | 2/15/2024 | OCDM / DOJ to review SOP | In progress | | | | |
| 30 | | | KS | 3/1/2024 | PIB to implement SOP | Pending | | | | Currently following proposed SOP- awaiting final approval |
| 31 | | Create system for outsourcing integrity investigations | NG | 11/15/2023 | OCDM to review the proposed guidance in the revisions to 52.1 | Complete | Awaiting DOJ approval / pending discussion scheduled for 11/28 | DOJ / OCDM agree to framework for 52.1, needs CD modifications | | Currently outsourced three cases |
| 32 | | | KS | 3/1/2024 | NOPD to implement the revised 52.1 | In progress | | Need ancillary chapters to be completed | | Completed modification draft with OCDM DOJ on 2.21.23 |
| 33 | | | SL | 1/22/2024 | NOPD to seek funding sources for outsourcing | Complete | | \$15K for 2023 / RFP for 2024 | | Three currently outsourced |
| 34 | | Ensure the PIB conflict policy is addressed | NG | 11/15/2023 | OCDM to review revisions to 52.1 for this purpose | Complete | Done | | | Awaiting CD modifications and ancillary chapters |
| 35 | | | NG | 3/1/2024 | NOPD to implement revised 52.1 | In progress | | | | Completed modification draft with OCDM DOJ on 2.21.23 |
| 36 | | Clarify the 16:35 rule | ER | 1/20/2024 | City Attorney to draft CD amendments | Complete | | Completed modification draft with OCDM DOJ on 2.21.23 | | |
| 37 | | | NG | 2/20/2024 | OCDM/DOJ to review amendment | Complete | | | | |
| 38 | | | ER | TBD | Court to amend CD | Pending | | | | |
| 39 | | | NG | +7 DAYS | NOPD to update secondary employment and overtime policies to align with amendment | Pending | | | | |
| 40 | | | NG | + 7 days | NOPD to implement policy changes | Pending | | | | |
| 41 | | Ensure PSAB Misconduct Investigations protocol covers 399 | NG | 12/4/2023 | PSAB to ensure protocol covers proper intake classification | Complete | | DOJ / OCDM agree to framework for 52.1, needs CD modifications | | Audit protocol finalized b/t NOPD / OCDM |
| 42 | | | NG | 12/4/2023 | PSAB to ensure protocol covers whether criminal investigations are outsourced when appropriate | Complete | | | | Not related to 399, not in CD but will be in 52.1 after revisions |
| 43 | | | NG | 12/4/2023 | OCDM to review/approve updated protocol | Complete | | | | |
| 44 | | | NG | 1/25/2024 | PSAB to conduct audit with new protocol | In Progress | | | | Audit started 1/25/2024 - expected to take several weeks |
| 45 | 403 | Clarify timeliness requirements regarding Public Integrity Investigations and the imposition of discipline | ER | 1/20/2024 | City Attorney's Office to draft CD modifications | Complete | CD 403 Draft Sent 1/8/2024 | CD 403 Draft Sent 1/8/2024 | | Completed modification draft with OCDM DOJ on 2.21.23 |
| 46 | | | ER | 2/20/2024 | OCDM/DOJ to review CD amendment | Complete | CD 403 OCDM / DOJ 1/8/24 | CD 403 OCDM / DOJ 1/8/24 | | Completed modification draft with OCDM DOJ on 2.21.23 |
| 47 | | | ER | TBD | Court to amend CD | In progress | | | | |
| 48 | | | NG | + 7 | NOPD to align policies with CD Amendment | In progress | | Nearly completed in 52.1 revisions | | |
| 49 | | | NG | + 7 | NOPD to implement policy changes | Pending | | | | |
| 50 | | Measure and report timeliness compliance | NG | 4/1/2024 | NOPD to create system for tracking integrity investigation timeliness | In Progress | Attempting to determine how to measure timeliness automatically, may require manual review | | | |
| 51 | | | NG | 5/1/2024 | NOPD to create system for publicly reporting integrity investigation timeliness | Pending | | | | |
| 52 | | | NG/ KS | +30 | NOPD to update misconduct investigation audit protocol based on clarifications to CD 403. | Pending | | | | |
| 53 | | | NG/ KS | 4/1/2024 | NOPD to measure and report PIB timeliness compliance | Pending | | | | |
| 54 | | Audit whether admin and criminal investigation are conducted concurrently | NG / KS | 1/25/2024 | PSAB to ensure protocol covers whether criminal and admin investigations are conducted concurrently | In Progress | Awaiting OCDM final approval | Is within new 52.1 | | PIB audit started 1/25/2024 |
| 55 | 409/419 | Ensure integrity investigation records are secure until their release has been authorized | NG | 11/15/2023 | OCDM to review revisions to 52.1 for this purpose | Complete | NOPD sent most recent set of proposed revisions 10/19/23 | Completed modification draft with OCDM DOJ on 2.21.23 | | Completed modification draft with OCDM DOJ on 2.21.23 |
| 56 | | | NG | 11/15/2023 | DOJ to review revisions to 52.1 for this purpose | Complete | | | | |
| 57 | | | NG | +14 from CD amendment | NOPD to implement revisions to 52.1 | Pending | | | | |
| 58 | 411 | Ensure OCDM is notified about criminal investigations | KS | 1/22/2024 | PIB to draft guidance | Complete | PIB has implemented weekly notification to OCDM Scot Huntsberry regarding any and all Serious Misconduct Investigations via excel spreadsheet and email. | | | |
| 59 | | | KS | 2/15/2024 | OCDM to review guidance | In progress | | | | |
| 60 | | | KS | 3/1/2024 | NOPD to implement guidance | Pending | | | | |
| 61 | | | NG /ER | 2/15/2024 | PSAB or counsel to draft general order or directive clarifying DOJ and OCDM access to information | complete | | Memo completed | | Para 471-473 |
| 62 | | | NG / ER | 2/22/2024 | Superintendent to issue clarifying instructions (general order or directive) to command staff regarding DOJ and OCDM access to information | Complete | | Special Order 4-2024 3/11/2024 | | |

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| 63 | | | KS | 12/27/2023 | PIB to hold regular meetings with OCDM regarding criminal investigations | Complete | Next meeting scheduled for 12/27/2023 via Webex with OCDM (Huntsberry) | Occuring on Fridays with OCDM / Sanchez | | |
| 64 | | | KS | 11/22/2023 | PIB to share IAPro data on criminal investigations monthly | Complete | This information is produced in conjunction with the SDRB Weekly List. Last produced on 11/22/23. | Provided on Weekly-Basis | | |
| 65 | 413 | Enhance training for PIB investigators on circumstantial evidence | KS / MW | 1/19/2024 | PIB to review existing training and recommend enhancements prior to 2024 | Complete | regarding Misconduct Investigation Lesson | | | |
| 66 | | | KS / MW | 1/22/2024 | PIB to coordinate enhancements with OCDM | In progress | | | | |
| 67 | | | KS / MW | 2/29/2024 | OCDM to approve enhancements | Pending | | | | |
| 68 | | Advise all city employees about the coverage of the CD | DT | 4/2/2024 | Seek opinion from City Attorney regarding advising all city employees about the coverage of the CD | Pending | | | | |
| 69 | | | | 4/16/2024 | CAO / City Attorney's Office coordinate and undertake appropriate messaging to relevant employees | Pending | | | | |
| 70 | 414 | Ensure policy sufficiently covers application of the preponderance of evidence standard | NG | 11/15/2023 | OCDM to review revisions to 52.1 for this purpose | Complete | NOPD sent most recent set of proposed revisions 10/19/23 | | | Awaiting ancillary chapters |
| 71 | | | NG | + 7 from CD amendment | NOPD to implement revisions to 52.1 | Pending | | | | |
| 72 | | Ensure training on applying the preponderance of evidence standard is sufficient | KS | 2/1/2024 | PIB to revise lesson plan to cover application of the standard to be ready for 2024 supervisor in-service | Complete | Lt. Kenny Temple to meet with Duane Johnson regarding Misconduct Investigation Lesson Plan. | Lesson plan submitted January 18, 2024 | Awaiting review from OCDM | |
| 73 | 415 | Enhance tracking of disciplinary investigation dispositions | KS | 1/1/2024 | PIB to work with OCDM to understand the enhancements envisioned by OCDM | Complete | Will discuss at PIB and OCDM weekly meetings | OCDM needed better milestone recording in IAPro- | | Entering "timescales" into IAPro for key milestones |
| 74 | | | KS | 1/1/2024 | PIB QAU to implement enhancements | Complete | Will discuss at PIB and OCDM weekly meetings | ibid | | ibid |
| 75 | | | KS | 10/31/2023 | PIB personnel to seek additional info on this matter at the IAPro training at the end of October | Complete | PIB personnel attended an IAPro conference in the end of October for the purpose of enhancing QAU's ability to utilize and appreciate the functionality of IAPro. | | | |
| 76 | | Provide guidance on violations investigated but not included in the initial complaint | NG | 11/15/2023 | OCDM to review revisions to 52.1 for this purpose | Complete | NOPD sent most recent set of proposed revisions 10/19/23 | DOJ / OCDM agree to framework for 52.1 | | Awaiting ancillary chapters |
| 77 | | | NG | + 14 from CD amendment | NOPD to implement revisions to 52.1 | Pending | | | | |
| 78 | | Provide OCDM with periodic disposition reports | KS | 3/1/2024 | PIB to get specifics from OCDM | In Progress | Will discuss at PIB and OCDM weekly meetings | | | Entering "timescales" into IAPro for key milestones |
| 79 | | | KS / NG | 3/1/2024 | PIB/PSAB to develop system for giving OCDM the info | Pending | | Explore IAPro auto-report system capabilities | | Entering "timescales" into IAPro for key milestones |
| 80 | | Update misconduct investigations protocol accordingly | NG / ER | 12/4/2023 | PSAB to update audit protocol to cover whether the investigation disposition is one of the four allowed and that the disposition used is appropriate | Complete | Awaiting OCDM final approval | OCDM approved PIB protocol | | |
| 81 | 416 | Clarify the CD paragraph | NG | 1/20/2024 | Douglas and Gernon to draft modification | Complete | | Sent to OCDM / DOJ 1/20/2024 | | Completed modification draft with OCDM DOJ on 2.21.23 |
| 82 | | | ER | 1/20/2024 | City Attorney's Office to include modification drafted by Douglass and Gernon | Complete | | | | |
| 83 | 420 | Provide OCDM with more timeline info | KS | 3/1/2024 | QAU to give OCDM monthly reports on the timelines of cases closed in the previous month | In Progress | | Explore IAPro auto-report system capabilities | | Entering "timescales" into IAPro for key milestones |
| 84 | | | NG / KS | 4/1/2024 | OCDM, PIB, PSAB to review monthly timeline reports and identify data gaps | Pending | | | | |
| 85 | | Clarify Citizen vs. Rank Initiated | NG | 11/15/2023 | OCDM to review revisions to 52.1 for this purpose | Complete | NOPD sent most recent set of proposed revisions 10/19/23 | DOJ / OCDM agree to framework for 52.1, needs CD modifications | | Awaiting ancillary chapters |
| 86 | | | NG | + 14 days from CD amendment | NOPD to implement revisions to 52.1 | In progress | | | | |
| 87 | 454 | Clarify what is sent to OCDM when | KS | 1/22/2024 | PIB to work with OCDM to establish guidelines for 454 eligible complaints | Complete | Extracted from CD Paragraph 454 | | | Sent SOP to OCDM |
| 88 | | | KS | 1/22/2024 | PIB to put 454 guidelines into SOP | Complete | | | | Sent SOP to OCDM |
| 89 | | Send all 454 complaints to OCDM | KS | 11/15/2023 | PIB to send all active criminal investigations to OCDM | Complete | 10/13/2023 sent pending criminal investigations to OCDM | | | |
| 90 | | | KS | 11/15/2023 | PIB to develop system for transmitting info to OCDM | Complete | Coordinated with OCDM and established a protocol to transmit information regarding criminal investigations as well 454 violations to OCDM | CD 454 Spreadsheet is updated with additional information when applicable and provided to OCDM. PIB communicates with OCDM with Webex or Zoom meetings when needed. | | |
| 91 | | Provide guidance to command staff re 454 | NG / ER | 2/15/2024 | Gernon and City Attorney to craft language | Complete | | Draft completed | | |
| 92 | | | AK | + 7 days from above | Superintendent to issue memo with guidance | Complete | | 3/11/2024 -- Special order 4-2024 | | |
| 93 | | Enhance PIB intake form re 454 | NG | 3/15/2024 | PSAB to work with OCDM to determine needed enhancements | In progress | | Draft completed | Need to Send to OCDM / DOJ | |
| 94 | | | NG | +14 days from above | PIB to update intake form | Pending | | | | |

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| 95 | | include 454 in misconduct investigations protocol | NG | 12/4/2023 | PSAB to update misconduct investigations audit protocol to ensure it covers 454 | Complete | Awaiting OCDM final approval | Protocal approved 12/4/2023 | | Audit started 1/25/2024 |
| 96 | 470/472 | Ensure OCDM/DOJ receive requesting info | NG / ER | 2/15/2024 | Gernon to draft language for Superintendent's memo | Complete | | special order sent 3/11/2024 | | Para 471-473 |
| 97 | | | AK | 2/21/2024 | Superintendent to send memo to command staff | Complete | | Special order sent 3/11/2024 | | |