

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 March 2024.

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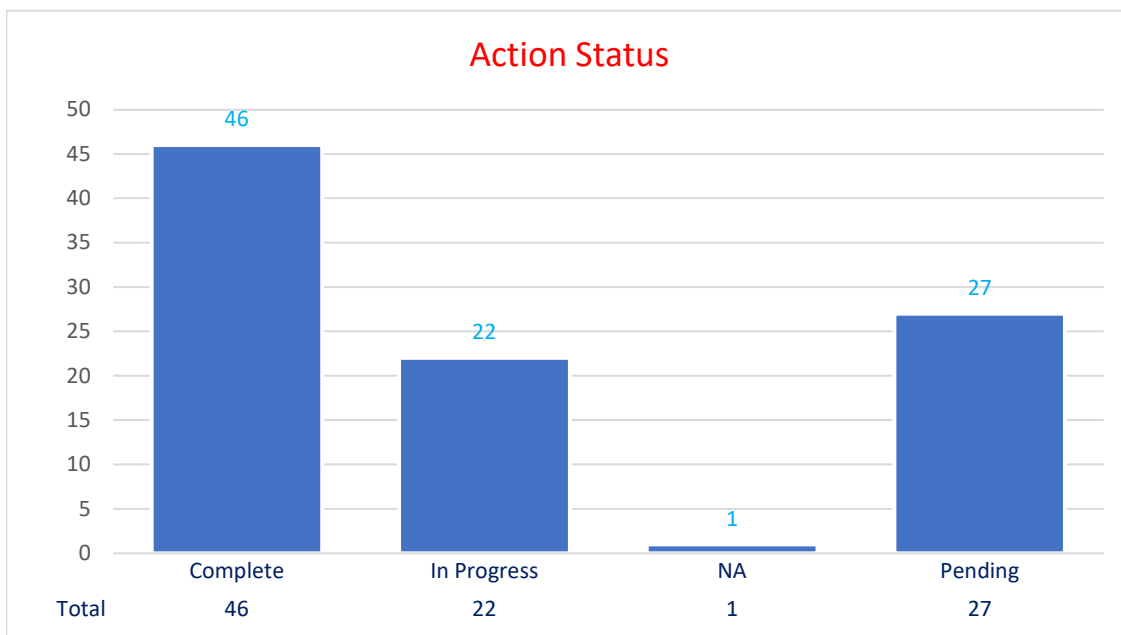
*Counsel of Record for the
City of New Orleans and the
New Orleans Police Department*

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 March 2024.

/s/ Charles F. Zimmer II

Action Status	Count of Action Status
Complete	46
In Progress	22
NA	1
Pending	27
Grand Total	96



PIB Remedial Action Plan Tracker as of 2/29/2024

	A	B	C	D	E	F	G	H	I	J
1	CD ¶	Remedial Plan	Owner	Expected Completion Date	Actions	Action Status	Last completed task	Current action / task	Next Step	Notes
2	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
3			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		
4			NG	11/30/2023	OCDM/DOJ to approve policy changes and return to NOPD	Complete	Approved by OCDM 11/30- DOJ 11/20			
5			NG	12/17/2023	NOPD to implement policy changes	Complete		Implemented 12/17 via General order 1176		
6			KS	11/9/2023	NOPD to hold first SDRB on 11/9/23 following the UOFRB	Complete	SDRB WAS HELD ON 11/9 - OCDM Scott Huntsberry attended	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

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	A	B	C	D	E	F	G	H	I	J
7			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. ODCM has been notified and provided all relevant materials	Review by OCDM	SDRB is scheduled following UOFRB
8		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	Sgt. Brewer - Jones tasked with conducting training class	All members have had formal EP training in outside schools	
13		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 discipl. policy revisions (Ch. 52.1 et. al.)

	A	B	C	D	E	F	G	H	I	J
14			NG		OCDM/DOJ to approve policy changes and return to NOPD	In progress		Awaiting OCDM response		
15			NG		NOPD to implement policy changes	Pending				
16			NG		NOPD to revise NOPD's assignment/reassignment forms (pending)	Pending				
17	313	Draft/Enhance policies related to reviewing supervisors' roles in misconduct	NG		See actions for 306 re SDRB	NA				
18		Ensure supervisors have access to OPSE and NOPD shift information	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
19			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
20		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
21			MW	4/1/2024	Work with OCDM to develop a system for measuring the training	Pending				OCDM to sit in on inservice training

PIB Remedial Action Plan Tracker as of 2/29/2024

	A	B	C	D	E	F	G	H	I	J
22	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	
23			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	
24		PIB and PSAB to retrain intake personnel on complaint classifications	MW	1/30/2024	PIB to train intake personnel on complaint classifications	Complete		Training on 1/30/2024		
25			MW	1/30/2024	PSAB to train intake personnel on complaint classifications	complete		Training on 1/30/2024		
26		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 CD modifications and ancillary chapters to be completed		Completed modification draft with OCDM DOJ on 2.21.23

	A	B	C	D	E	F	G	H	I	J
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.	Additional staffing will be needed to conduct concurrent investigations, KSA process is pending.
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 CD and 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	DOJ / OCDM agree to framework for 52.1, needs CD modifications		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

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	A	B	C	D	E	F	G	H	I	J
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	In progress				
38			ER	TBD	Court to amend CD	Pending				
			NG	+7 DAYS	NOPD to update secondary employment and overtime policies to align with amendment	Pending				
39			NG	+ 7 days	NOPD to implement policy changes	Pending				
40										
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	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

PIB Remedial Action Plan Tracker as of 2/29/2024

	A	B	C	D	E	F	G	H	I	J
46		Investigations and the imposition of discipline	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	Pending					
48	NG		+ 7	NOPD to align policies with CD Amendment	Pending					
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 manually 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				

	A	B	C	D	E	F	G	H	I	J
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	In progress		Draft completed		Para 471-473

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	A	B	C	D	E	F	G	H	I	J
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	Pending				
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 supervisor in-service	Complete	Lt. Kenny Temple to meet with Duane Johnson regarding Misconduct Investigation Lesson Plan.			
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				

	A	B	C	D	E	F	G	H	I	J
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	DOJ / OCDM agree to framework for 52.1, needs CD modifications		Awaiting CD modifications and 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 IApr-		Entering "timescales" into IApr for key milestones
74				KS	1/1/2024	PIB QAU to implement enhancements	Complete	Will discuss at PIB and OCDM weekly meetings	ibid	

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	A	B	C	D	E	F	G	H	I	J
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, needs CD modifications		Awaiting CD modifications and 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

PIB Remedial Action Plan Tracker as of 2/29/2024

	A	B	C	D	E	F	G	H	I	J
82			ER	1/20/2024	City Attorney's Office to include modification drafted by Douglass and Gernon	Complete		Pending OCDM / DOJ review		
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	Needs CD modifications completed	Awaiting CD modifications and 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			

PIB Remedial Action Plan Tracker as of 2/29/2024

	A	B	C	D	E	F	G	H	I	J
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 as 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	In progress		Draft completed		
92			AK	+ 7 days from above	Superintendent to issue memo with guidance	Pending				
93		Enhance PIB intake form re 454	NG	3/15/2024	PSAB to work with OCDM to determine needed enhancements	Pending				
94			NG	+14 days from above	PIB to update intake form	Pending				
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	Protocol 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	In progress		Draft Completed		Para 471-473
97			AK	2/21/2024	Superintendent to send memo to command staff	Pending				