OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS

ED QUATREVAUX
INSPECTOR GENERAL

January 18, 2011

Andy Kopplin, First Deputy Mayor and Chief Administrative Officer
New Orleans City Hall
1300 Perdido Street
New Orleans, LA 70112

Mr. Kopplin:

In conducting the Performance Audit of the Municipal Court's Remittances to the City, issued January 13, 2011, we noted that the City's assignment of "take-home" vehicles to the Municipal Court (the Court) did not meet the City's criteria for "take-home" vehicles.

The City has historically provided six vehicles to the Court for use by judges and certain Court employees. The Court has assigned one car to each of the four judges, one car to the clerk of court and one "pool" vehicle for the Court. Five of the six vehicles were "take-home" vehicles. Costs associated with each vehicle, such as repairs, maintenance and fuel adversely affected the Municipal Court's surplus amount to be remitted to the City's General Fund at the end of the year. The costs of self-insurance may be even greater.

In August of 2010 the City revised CAO Policy Memorandum 5(R), which applied to all licensed vehicles considered property of the City of New Orleans, including the vehicles assigned to the Municipal Court. CAO Policy Memorandum 5(R) stated, "Take-home vehicles will only be assigned to full-time City employees who need to respond to on-site, City business related incidences on a 24-hour basis. This criterion will not be considered to be attained by employees simply being available on a 24-hour basis. This provision will be considered to be attained when an employee is regularly and recurrently called out during an employee's non-traditional working hours to perform duties associated with that employee's duties and responsibilities."

Although it is not our usual policy to obtain responses to letters, the Court requested the ability to respond to this letter. A summary of their responses were outlined below and attached to this correspondence.

525 ST. CHARLES AVENUE | NEW ORLEANS, LOUISIANA | 70130-3049
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The Court asserted[1] that it should retain its vehicles because the Judges of Municipal Court have been accorded the status of first responders relative to emergencies. This argument does not justify the assignment of "take-home" vehicles to the Court as the judges and clerk do not routinely respond to on-site City business related incidences on a 24-hour basis as required by CAO Policy Memorandum 5(R). As such the assignment of "take-home" vehicles was in non-compliance with the requirements set forth in CAO Policy Memorandum 5(R).

The Court also asserted[2] that as a separate and equal branch of city government the elected judges should be afforded equal treatment as those elected to the executive and legislative branches of city government, in other words, "take-home" vehicles are a perquisite of office. City Code Section 2-898 which applied to the executive branch, stated "take-home" vehicles should be used to perform critical functions that contributed to the overall operations and recovery of the City and maintenance of its infrastructure "to respond to critical needs on a 24+ hour basis." Again, the Court's argument to retain its vehicles was not justified as the judges and clerk of court do not respond to critical needs on a 24+ hour basis.

We recommend that the City review the assignment of "take-home" vehicles to the Municipal Court and take appropriate action under CAO Policy Memorandum 5(R).

Please contact Eileen Andrus, Deputy Inspector General for Audit and Review, at 504-681-3200 if you have any questions.

Sincerely,

E.R. Quatrevaux
Inspector General

Cc:
Judge Paul Sens, Municipal Court Administrative Judge

[1] See the Court's attached correspondence dated December 21, 2010.
[2] Ibid.

State of Louisiana
City of New Orleans
Municipal Court

PAUL N. SENS, CHIEF JUDGE
SECTION "A"

SEAN P. EARLY, JUDGE
SECTION "B"

DESIRÉE M. CHARBONNET, JUDGE
SECTION "C"

JOSEPH B. LANDRY, JUDGE
SECTION "D"

RONALD E. LAMPARD
CLERK OF COURT

727 SOUTH BROAD STREET
NEW ORLEANS, LA 70119

December 21, 2010

Ed Quatrevaux
Inspector General
City of New Orleans
525 St. Charles Avenue
New Orleans, Louisiana 70130-3049

Dear Mr. Quatrevaux:

In footnote 29 of the Inspector General's Performance Audit of the Municipal Court's Remittances to the City, OIG-a&R-10PAU002, it was noted that the City's "take-home" vehicle policy with the Municipal Court will be handled in a separate correspondence to the City. Prior to forwarding your correspondence to the City, I would like to submit the following for your consideration.

There are a number of reasons why the Municipal Court retains use of City vehicles. First, the Judges of Municipal Court have been accorded the status of first responders relative to emergencies. I have enclosed a copy of the placards and authorizations which I have received for the judges and staff from the Office of Homeland Security (Exhibit A). If you were present during the aftermath of Hurricane Katrina you might remember the scenes of lawlessness and chaos that followed the storm. I evacuated the City with the city's vehicle, first to Jackson, Mississippi then, after the storm damaged the place in which I sought shelter, we relocated to Waco, Texas, then about a week after the storm I was able to find a rental in New Iberia, Louisiana. Upon arrival in New Iberia, I contacted Chief Justice Calogero and then Associate Justice Kimball to inquire how the Court could assist the judiciary post Katrina. I was asked to travel to Baton Rouge to assist Orleans Parish Criminal Sheriff Gusman with municipal detainees who had been transferred from New Orleans to Department of Corrections facilities around the State as a result of the storm. I made daily treks from New Iberia to Baton Rouge working with OPCSO Colonel Kennedy to review and release municipal detainees. Additionally, during the weeks after Katrina I was also called to Baton Rouge to meet with FEMA officials and members of the Supreme Court

along with other judges whose courthouses had been damaged, to develop procedures for the reopening of our Court. I relocated with my wife, two children, a dog, a cat and as many valuables as we could carry. I include this information because I would not have left my family stranded without a vehicle had I not had use of the City's vehicle. For three weeks we were unable to get back to New Orleans. Finally, with assistance from Sheriff Gusman I was able to return to New Orleans and survey the courthouse and my personal residence which had been severely damaged by the flood. In fact all of the homes of the judges then on the Municipal Court bench were flooded. A week later, after receiving first responder authorizations, I traveled back to New Orleans in an attempt to secure a venue for the Court. On October 2, 2005, a little over a month after the storm, I was able to commandeer a venue at the Union Passenger Terminal. With the assistance of the Sheriff, I had a phone line installed, we retrieved pc's from the courthouse and we started operating court the next day, October 3, 2005. We have been in daily operation ever since. Municipal Court was the first displaced court to resume operations. The commute back and forth from New Orleans to New Iberia took over 7 hours. I could not have accomplished that rapid of an opening without the use of the City's vehicle. As it was, many judges of other courts did not return for more than six months after the storm. Judge Early, who also was on the bench in 2005, commuted daily from False River which was a round trip of about 6 hours.

Secondly, as part of the Court's Emergency Preparedness Plan the Court has purchased portable servers and laptops. Our plan calls for judges to secure this equipment in their City vehicles, for one judge and three volunteer staff members to remain in City secured locations within the City and to be able to follow the Sheriff wherever he moves detainees. This is a lesson learned from the storm. The lesson is that we will always be able to protect the constitutional rights of the citizens of this City and those unfortunate visitors arrested on municipal charges just prior to an emergency evacuation. For your information, we have activated this plan on two occasions post-Katrina.

Thirdly, I have enclosed for your review a 2 month itinerary of extrajudicial meetings I have had to attend on behalf of the Court (Exhibit B). All of the Judges of Municipal Court have similar schedules. We are required to attend many community functions in addition to our Courthouse duties.

Finally, I would submit that as a separate and equal branch of city government the elected judges of Municipal Court should be afforded equal treatment as those elected to the executive and legislative branches of city government. The judges are not asking for personal chauffeurs or security details but should be afforded the same amenities as are offered to the Mayor and Council. As this is not a novel issue, an investigation of approximately 25 yrs ago was presented with the facts that each of the 5 District Councilmembers represent approximately 20% of the city and each has a car, driver and security whereas each of the 4 Municipal Court Judges represent 100% of the citizens of our city. The court in its inherent powers is of the opinion each Judge is provided a car to carry out the duties of the Court.

Thank you for your time in reading and time in consideration of this letter.

Sincerely,

Paul N. Sens
Administrative Judge
New Orleans Municipal Court

PS. Footnote 28 of the Inspector General's Report states incorrect facts. The newest Judge has not upgraded his vehicle or its seats. He merely assumed use of the retiring Judge's vehicle.

From: Jerry W. Sneed <jwsneed@cityofno.com>
To: judgesens@aol.com
Cc: NOOEP <NOOEP@cityofno.com>
Subject: RE: Emergency Preparedness Plan
Date: Mon, Jul 19, 2010 1:14 pm

Judge Sens,

I just listened to my voice mail and saw you called. If your re-entry passes have a sticker that says 2009-2010, those passes are still good and you will have no problems during re-entry. If you do not have these then we need to get you new ones.

J.W. Sneed LtCol USMC (ret)
Deputy Mayor for Public Safety
Director, Office of Homeland Security & Emergency Preparedness
City of New Orleans
(504) 658-8700{Office}
(504) 628 9035 {Blackberry}
jwsneed@cityofno.com

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From: judgesens@aol.com [mailto:judgesens@aol.com]
Sent: Monday, July 19, 2010 12:04 PM
To: Jerry W. Sneed
Subject: Emergency Preparedness Plan

Dear Colonel Sneed,

We recently did a dry run on our emergency preparedness plan and everything seems to be in order. As you may know the Municipal Court has purchased a portable server so that in case of an emergency we can transport the server and a few pc's that will give us the capability to operate our court at any location where the Sheriff will house prisoners in case of an emergency. We activated the system during Gustave and everything worked fine. We can operate anywhere we can find an energy source and a phone line. What we do not have a this time is re-entry placards for our essential personnel. I still have the placards from last year if they are still deemed good. However, I would like an email or written letter confirming those re-entry placards as satisfactory so that I can attach it to those placards. Thanks for your assistance. Paul

EXHIBIT A

RE-ENTRY AUTHORIZATION

Bearer allowed temporary and controlled access to the affected area pursuant to all conditions and controls imposed by the Parish President/Mayor, the Chief Law Enforcement Officer of the affected jurisdiction, and any other law enforcement agency in control of the affected area. Those permitted to enter the affected area do so willingly and knowingly assume any and all risks associated with access to a disaster area.

NO 1

PARISH PRESIDENT/MAYOR

PERMIT #

City of N.O.
HSRA# 01340-00016
Printed 06/03/2009

Office of Homeland Security - New Orleans

2009 2010 HOMELAND SECURITY

PERMIT #

Meetings Sept., Oct. and Nov.

September 10, 2010 September 13, 2010	CAO Budget Hearings for Municipal Court at City Hall
September 27, 2010	Quality of Life Meeting at City Hall
September 28, 2010	ICIS Institute CNO/NOPD and Justice Foundation at City Hall
September 30, 2010	State Misdemeanors Meeting and Afterwards the Criminal Justice Working Group Meeting
October 1, 2010	NO Police & Criminal Justice Foundation Meeting – City Hall
October 13, 2010	City Hall – Appear at Environmental and Housing Committee at City Hall
October 15, 2010	1st mtg Criminal Justice Working Group Meeting- City Hall
October 19, 2010	2nd mtg Criminal Justice Working Group Meeting – City Hall
October 21, 2010	Criminal Justice Meeting – City Hall
October 22, 2010	IJIS/CNO/NOPD & Justice Foundation 9 to Noon City Hall
	Building Renovations-Amoco Bldg. Deputy Mayor Grant Traffic Court Judges, Architects
October 27, 2010	NOPD & Justice Foundation Luncheon Hilton
October 29, 2010	Pre-Budget Meeting City Hall
November 1, 2010	Budget Hearing at City Hall
November 2, 2010	"Training the Trainers" Seminar at Supreme Court Bldg.
November 3, 2010	Inspector General Response, Meeting with Mayor Landrieu, Budget Hearing at City Hall
November 4, 2010	3rd mtg Criminal Justice Meeting at City Hall

EXHIBIT B

November 9, 2010	Public Meeting – Criminal Justice Working Group At MLK Charter School
November 10, 2010	State Misdemeanor Meeting
	Recovery School District Meeting on Poland Avenue
November 11, 2010	Public Meeting Criminal Justice at YMCA Oretha Castle Haley Blvd.
November 16, 2010	Meeting at Supreme Court –
	4th mtg Criminal Justice Working Group at City Hall
November 19, 2010	Criminal Justice Working Group Meeting at City Hall
November 22, 2010	Criminal Justice Public Meeting at City Hall