

Office of the Inspector General

City of New Orleans

Report of Administrative Investigation

**Allegation of Abuse of Authority by Ronnie H. Blake, Taxicab
Bureau, Department of Safety and Permits**

OIG-ID-11-0003-I

**E. R. Quatrevaux
Inspector General**

April 3, 2014

FINAL REPORT OF ADMINISTRATIVE INVESTIGATION

11-0003-I

TITLE: Abuse of authority on October 23, 2013 by Taxicab Bureau Supervisor Senior Investigator (TBSI) Ronnie H. Blake

LOCATION OF OCCURRENCE: 800 Iberville St, New Orleans, LA 701123

DATE OF OCCURRENCE: October 23, 2013

INVESTIGATED BY: Investigator Kristen Morales; Investigator Michael Centola

VIOLATIONS: Policy Memo No. 83R - Standards of Behavior for City Employees, and Taxi Cab Bureau work rules Rule 4, particularly 4.2.43 Abuse of Authority, and City Code Section 2-112-(20)(a).

ACTION TAKEN: Referral for administrative action to First Deputy Mayor and Chief Administrative Officer (CAO) Andrew Kopplin. The OIG is also conducting a separate criminal joint investigation, with the New Orleans Police Department. The results of this investigation will be presented to the Orleans Parish District Attorney's Office.

This report concerns an allegation that TBSI Blake abused his authority, in violation of CAO Policy Memorandum No. 83R - Standards of Behavior for City Employees, effective July 17, 1989, revised October 28, 2013, attached (**Exhibit 1**). Section 2, *General Standards*, subsection a and b of CAO Policy Memo No. 83R - Standards of Behavior for City Employees and violation of Civil Service Rule 9.1.1. *Maintain Standards of Service* (**Exhibit 2**) require that:

- *An employee shall have patience with the public and with fellow employees*
- *When an employee in the classified service is unable or unwilling to perform the duties of his/her position in a satisfactory manner, or has committed any act to the prejudice of the service, or has omitted to perform any act it was his/her duty to perform, or otherwise has become subject to corrective action, the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service:*

Blake was also in violation of Taxicab Bureau (TCB) command memorandum; "Work Rules" signed July 29, 2011, attached. (**Exhibit 3**), to wit, No. 4.1.1 Appropriate Action Required; No. 4.1.4 Conduct; No. 4.1.5 Obey the Law, 4.2.43 Abuse of Authority.

No. 4.1.1 Appropriate Action Required

- *Employees shall respond in an appropriate manner to all situations by:*
- *Being considerate of the rights, feelings, and interests of all persons.*
- *Taking action in each situation to provide the necessary and appropriate service and insuring the proper notification of supervisors when appropriate.*
- *Requesting the assistance of supervisors when the appropriate action required is unclear, not possible given circumstances, or not within the scope of authority of the employee of whom such action was requested.*
- *Performing official acts in a lawful, restrained, dignified, impartial, and reasonable manner.*

4.1.4 Conduct

- *Employees shall not act in an official or private capacity in a manner that shall bring discredit upon the City or themselves.*

4.1.5 Obey the Law

- *Employees shall uphold the Constitutions of the United States and the State of Louisiana, obey all applicable federal, state, and local laws, and comply with all applicable court decisions and orders of the courts.*

4.2.43 Abuse of Authority

- *Employees shall not use their authority to abuse, harass, oppress, or persecute any person.*

Blake was also in violation of City Code Section 2-112- (20) (a)

- *It shall be the duty of every city officer, employee, department, agency, board, commission, and public benefit corporation; and the duty of every contractor, subcontractor and licensee of the city, and the duty of every applicant for certification of eligibility for a city contract or program, to cooperate with the Inspector general in any investigation Any employee, appointed officer or elected official of the city who violates any provision of this chapter shall be subject to discharge or such other discipline as may be specified in an applicable collective bargaining agreement., in addition to any other penalty provided in the City Charter or ordinances.*

BASIS FOR INVESTIGATION

This investigation was initiated based on a request from Andrew Kopplin, First Deputy Mayor and Chief Administrative Officer (CAO). This request included a letter from attorney Tom Shlosman. The letter from the Shlosman states, in part, *“Numerous tour guide companies throughout the French Quarter have retained me to handle legal matters surrounding the systematic threats, harassment and reprisals your investigators have subjected them to beginning on October 18, 2013. Let this letter be a formal request for you to immediately cease and desist this behavior.”* **(Exhibit 4)**.

RESULTS OF INVESTIGATION

I. INCIDENT

A security camera from the Hyatt French Quarter hotel, 100 Dauphine Street, captured events that occurred on October 23, 2013. This video was supplied to the Office of Inspector General (OIG) by Sharonda Williams, City Attorney. The video did not contain any audio recording. There was an incident on the sidewalk outside the hotel involving TBSI Ronnie Blake and Taxicab Driver Emmanuel Esterlin. Blake was called to the hotel to cite taxicab drivers for illegal parking.

The following is based on review of the video by OIG Investigators:

Blake approached Esterlin's vehicle, after a brief encounter, Esterlin exited the vehicle.

As Esterlin exited the vehicle, Blake placed his hands on Esterlin and pushed him toward the wall; Esterlin then pushed Blake and turned and walked away from his vehicle.

It appeared that the two were exchanging words while Esterlin continued to walk. After several steps Esterlin stopped and faced Blake. Blake turned and walked away from Esterlin and appeared to exchange words with other taxicab drivers.

After approximately 54 seconds, Blake reapproached Esterlin.

Esterlin continued to walk away from his vehicle with Blake following. Esterlin paused, dropped to his knees, placed his hands together, then returned to a standing position and continued to walk away from his vehicle.

While Esterlin was walking and facing away, Blake, from a position behind Esterlin, reached his left hand around Esterlin's head and discharged spray. As Blake continued to spray Esterlin, he forced Esterlin to the wall and Esterlin swung at Blake.

Blake pulled Esterlin toward the street and Esterlin swung again.

Blake maintained control of Esterlin and Esterlin fell to the ground on his stomach. After a struggle, Blake handcuffed Esterlin's hands behind his back.

Blake maintained control of Esterlin on the ground by holding the handcuffs against Esterlin's back while Esterlin was face down on the ground. Multiple persons approached Blake and appeared to exchange words with him during this time. Two individuals provided assistance to Esterlin while Blake maintained control of Esterlin. A copy of this video is maintained by the OIG and can be provided upon request.

II. INFORMATION OBTAINED THROUGH INTERVIEWS AND DOCUMENT REVIEWS

Prior Acts

February 08, 2013: Blake was interviewed by OIG Investigators wherein he stated he did not know of any formal Taxi Cab Bureau policies regarding the stopping and subsequent search of a vehicle. Blake further advised that he had not received training regarding vehicle stops, but did, on one occasion, attend a class presented by the Department of Motor Vehicles. Blake could not recall the length of the training or the date. (**Exhibit 5**)

November 1, 2013: Subsequent to the incident on October 23, 2013, Malachi Hull, Deputy Director of the Taxicab Bureau, emailed Blake stating, *"This is a follow up to our discussion regarding the letter attached from Attorney Shlosman alleging acts of bribery, shakedowns, harassment, and intimidation. During our discussion you advised that you have not taken any bribes, nor attempted to shakedown, harass, or intimidate any tour guides or any other for hire operators."* Hull then requested Blake to identify any portion of the statement that he believed was incorrect. Blake replied to Hull's email the same day, stating, "Sir this information is true and correct."

November 25, 2013: Emmanuel Esterlin was interviewed by OIG Investigators. During the interview Esterlin stated that he has lived in the New Orleans area since 2004. Prior to living in the area he lived in Port Au Prince, Haiti. He became a Naturalized United States Citizen in 2008. He had been a taxi cab driver since November 2004. The last citation he received was approximately one year ago while working at the airport. Esterlin described the incident on October 23, 2013, as follows; Esterlin said that he walked away from Blake and Blake started to follow him. After eight to ten steps, Blake tried to pull Esterlin's hand behind Esterlin's back. Esterlin said he tried to talk to Blake. Esterlin looked away in attempts to identify any witnesses to the incident and when he turned back toward Blake, Blake sprayed him with pepper spray over his face and head. Esterlin stated it was "enough spray to kill me." Esterlin stated that after being sprayed, his eyes were closed, and he swung and attempted to hit Blake. (**Exhibit 6**).

November 25, 2013: Blake received a letter from the City of New Orleans notifying him of his emergency suspension without pay for 60 working days. The letter stated that the suspension was, "for your actions on October 23, 2013, regarding an incident involving Mr. Emmanuel Esterlin, a taxi cab driver. Mr. Esterlin signed a sworn affidavit alleging that you attempted to handcuff him and pepper sprayed him without cause, after he presented his license and permit

to you in response to your request. This action was taken pursuant to Civil Service Rule 9.1.1.: When an employee in the classified service is unable or unwilling to perform the duties of his/her position in a satisfactory manner, or has committed any act to the prejudice of the service, or has omitted to perform any act it was his/her duty to perform, or otherwise has become subject to corrective action, the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service.” (Exhibit 7).

November 26, 2013: Blake supplied a signed statement to City Attorney, Sharonda Williams regarding the incident on October 23, 2013. Blake stated in part: “When I got to Alliance Taxi #1680 the driver refused to hand over his license and permit. The driver was very hostile each time I asked for his documents. After three tries he put his permit and license by his vehicle window and I asked him to get out of the vehicle. As he got out he was very hostile and combative. I asked the driver to step to the wall so we could finish our investigation. He then started waving his hands at me and using profanity and this is when he took his first swing at me and I backed up. As the driver and I walked down the sidewalk other taxi driver's approached us, and I asked them to step away from the area. The second time he took a swing at me the driver got on his knees and he threatened my life if I put handcuffs on him. The driver would not comply or relax and let us cite him for not following: Driver's good conduct; Refusal to comply (Chapter 162-446) and Restricted area; Parked in Freight Zone and Fire Lane (Chapter 162-654). I showed the driver the pepper spray and that's when he punched me in the eye and the face. At no time did I put my knee in his back. The hotel staff did give the driver water for his eyes and milk also.” (Exhibit 8).

November 27, 2013: Kent Wilkins, Director of Security, Hyatt French Quarter, emailed the attached email to Hull which is his statement of the events that took place on October 23, 2013 involving Esterlin and Blake. Wilkins stated in his email that “5 taxi cabs were illegally parked in the fire lane and freight zone in the 100 block of Dauphine Street. I called inspector Blake and informed him of the situation. Within five minutes Blake and a female officer arrived. They asked all drivers who were parked illegally to hand over their license and permits. One driver refused to comply. Blake repeatedly asked and he refused. The driver was then asked to exit the vehicle several times. He finally complied, handed over his permit and exited the vehicle. Blake then reached for him and asked him to stand against the wall. As Blake reached the cab driver pushed his hand. Blake then began to instruct him to get against the wall and place his hands behind his back. The driver refused and began to walk away. The driver became very hostile and began shouting obscenities as he walked toward the employee entrance of the hotel where I was standing. Blake asked him to comply and pulled out a can of pepper spray. The driver refused and Blake reached for him. They got entangled, the pepper spray was

released. Some of the spray got into my eyes. I did not see what happened after that.”
(Exhibit 9).

December 19, 2013: The OIG Investigators were informed by Malachi Hull that Blake told him that he received pepper spray training on one occasion sometime prior to Hurricane Katrina. OIG Investigators contacted Harbor Police Chief Bobby Hecker who advised that according to Harbor Police Department (HPD) records, Ronnie Blake has never received any training from the HPD. **(Exhibit 10)**

On January 09, 2014: Blake was compelled by OIG Investigators to answer questions. Blake was advised he had a duty to cooperate truthfully under the City Code Section 2-1120. It was explained to Blake any information obtained during this interview not be used against him in any criminal action and could only be used in administrative proceedings.**(Exhibit 11)**

Blake’s Training:

Blake stated that the only training he had attended provided by the New Orleans Police Department was on report writing. Blake stated that he attended training regarding the use of a baton, pepper spray and handcuffing conducted by the Harbor Police Department¹ at their facility. Blake did not have copies of certificates or documentation that he attended this training. Blake stated that he was scheduled to receive firearms training, but has not received this training to date. Blake also stated that he had training in issuing citations.

Blake advised that the majority of the training he received would be considered "on the job" training. According to Blake, Hull felt that TCB Investigators "know their jobs" so they would be able to perform with little or no guidance. Hull was never told of any need for training nor did he ask if training was needed. After the incident on October 23, 2013, Blake stated that he was questioned by Hull as to the training provided to TCB Investigators; Blake advised Hull of the one-time training received from the HPD approximately 12 years ago.

Blake did not receive any training after an incident on January 13, 2013, where he was on the hood of a moving car as it crossed Bourbon Street.

¹ The Harbor Police Department provides law enforcement services for the Port of New Orleans.

Authority of Taxicab Bureau Investigators:

Blake stated he had operated under the "authority I thought I was under," referring to having the authority to use pepper spray and detain individuals by handcuffing them while performing his duties as a TCB Investigator.

Blake had not discussed the ability of Taxicab Investigators to make arrests with anyone outside the TCB. His opinion was the TCB is the "police department for the industry". He believed that at one time the TCB Investigators were the "New Orleans Taxi Cab Bureau Police." Blake felt that TCB Investigators can perform as the NOPD Officers do, except for carrying of firearms and transporting arrested individuals.

As part of his uniform, Blake would carry pepper spray (sometimes two cans), handcuffs, baton, radio and a knife. These tools were carried on a daily basis while he was on duty while operating in the inspection station, office or on the streets.

Blake's Description of Incident on October 23, 2013:

In his statement to OIG Investigators, Blake described the events that occurred on October 23, 2013. Blake was working the 9:00 a.m. until 5:00 p.m. shift. He was training Linda Martin, a newly hired TCB Investigator in the office regarding paperwork. Blake received a telephone call from Ken Wilkins, Security, Hyatt French Quarter, on his personal cellular telephone. Wilkins told Blake that there were taxi cabs parked in the fire zone near the hotel and these cabs were blocking a delivery truck. Blake proceeded to the Hyatt.

Shortly after his arrival, Blake stated that he approached taxicab driver Emanuel Esterlin, who refused to provide his license and permit. Blake again asked for the documents and Esterlin again replied "no." Blake was startled by the noncompliance because he recognized Esterlin, who had been cordial to Blake in the past. Blake requested a third time without obtaining the documents. After this request Esterlin asked "why" and Martin responded that he was "parked in the fire lane." Esterlin had the documents in his hand, so Blake took them from him and asked Esterlin to "step out of the vehicle."

Blake described his own tone as "normal", but stated that he was "scared because of Esterlin's noncompliance." Blake advised he was going to cite Esterlin for "driver's good conduct" and being parked in the fire zone. Blake became suspicious of Esterlin while Esterlin was sitting in the vehicle with his right hand down between the seats. Blake said he was concerned that Esterlin had a weapon. Blake believed there was something suspicious in the vehicle, especially since the vehicle was driven away prior to his inspection of the inside by an unknown individual.

Since Esterlin was going to be cited for "driver's good conduct", Blake stated that it was the protocol to search the inside of the vehicle.

According to Blake, while Esterlin was against the wall, Esterlin swung at Blake, missing him as Blake stepped back to avoid the swing. Blake stated that he "acted as he was trained to" and "removed the pepper spray from the holster on his belt." He advised Esterlin that he "needed to comply." Esterlin refused and the two began arguing loudly. Blake wanted "to get Esterlin against the wall" and was "pleading" with him to "please comply." Esterlin swung again at Blake and was shouting to Blake, "Blake if you do this to me I'm going to." Blake could not recall the remainder of the statement, but felt that Esterlin was "threatening him, possibly stating he would kill" Blake. Blake then went into his "defense mode." Esterlin knelt down and Blake became more concerned. When Esterlin stood up, Blake pointed the pepper spray at Esterlin and directed Esterlin "to get against the wall." Esterlin then swung again and Blake simultaneously sprayed him with pepper spray. Blake recalled he did at one point leave Esterlin and tells the taxi cab drivers in the area to remain at a distance and then returned to Esterlin prior to spraying him. After he was sprayed, Esterlin became compliant.

January 31, 2014: Simone Quintero, Police Officer (PO), New Orleans Police Department (NOPD), 8th District, was interviewed by OIG Investigators. PO Quintero responded to a simple battery call involving a Taxi Cab Bureau (TCB) Investigator and a taxi cab driver. Quintero recalled when she arrived; the driver was sitting on the curb, crying and complaining about his eyes. Quintero asked TBSI Ronnie Blake to explain the situation. Blake advised Quintero that Blake had received a complaint from the Hyatt Hotel that taxi cabs were blocking the fire lane near the hotel. Blake had stated that when he arrived, other drivers were compliant with him, but one was not. Blake told PO Quintero that he requested Esterlin several times to comply with his instructions. Esterlin refused and attempted to leave the area. According to Blake, he then attempted to place Esterlin in handcuffs. While Blake was attempting to handcuff Esterlin, Esterlin swung at Blake and hit Blake in the left eye. According to Blake, at this point, Blake began defending himself. Blake removed pepper spray from his duty belt and sprayed Esterlin. According to Blake, Esterlin was refusing to comply with the rules and regulation of the TCB and was in violation of several municipal codes as well. Quintero is unsure of the violations to which Blake was referring. After being apprised of the incident by Blake, Quintero called for Emergency Medical Services (EMS) to proceed to the scene. After being treated on the scene by EMS, Esterlin was transported to University Hospital, while PO Quintero followed in her NOPD vehicle. After being released from the hospital, Esterlin was then transported to jail where he was booked on a Simple Battery charge. Quintero assumed Blake had the authority to handcuff and pepper spray Esterlin since Blake was wearing a police type uniform and possessed

handcuffs and pepper spray. Quintero placed Esterlin under arrest, removed Blake's handcuffs and placed her handcuffs on Esterlin. Esterlin did not make any statement to PO Quintero. He was only complaining about his eyes. (**Exhibit 12**)

February 18, 2014: OIG Investigators contacted Bernell Nevil, retired New Orleans Police Department (NOPD) Commander of the Training Academy. Nevil also served as a Lieutenant in the Public Integrity Division. Nevil advised that he was contacted by Malachi Hull, sometime in 2011, regarding training. Nevil said that NOPD Superintendent Ronal Serpas instructed him and the Superintendent's Chief of Staff Commander James Treadaway, to meet with Hull to discuss his training needs. Nevil stated that he and Commander Treadaway did meet with Hull. Hull wanted NOPD to provide arrest, handcuffing, and report writing training to Taxicab Bureau personnel. Nevil said that NOPD never provided any training to Taxicab Bureau personnel. He told Hull that it was his understanding that Taxicab Bureau personnel did not have any enforcement powers and therefore, NOPD could not provide the requested training.

III. DISCREPANCIES

1. Blake lied to the City Attorney, Sharonda Williams by misrepresenting the facts of October 23, 2013 in attempt to justify his actions. Blake's signed statement to the City Attorney dated November 26, 2013 stated that "The second time he took a swing at me the driver got on his knees and he threatened my life if I put handcuffs on him." "At no time when I pointed the spray at the driver did I spray him until he hit me in the face."

The video shows that Esterlin dropped to his knees, stood back up and did not swing at Blake until after Blake pepper sprayed him. The video from the Hyatt shows that these statements are false and that Esterlin was walking away and had his back to Blake when Blake followed Esterlin, when Esterlin turned his head, Blake sprayed Esterlin in the face. Esterlin did not attempt to strike Blake until after he sprayed him.

2. Blake lied to OIG Investigators by misrepresenting the facts of October 23, 2013. In attempt to justify his actions in his statement to OIG investigators on January 9, 2014, Blake claimed that Esterlin tried to hit him prior to Blake's use of pepper spray.

Blake stated he sprayed Esterlin after Esterlin swung at Blake, contrary to the video.

3. Blake lied to the NOPD by misrepresenting the facts of October 23, 2013 in attempt to justify his actions.

Blake stated to the NOPD that Esterlin swung at him while he was attempting to handcuff Esterlin. Again Blake sprayed Esterlin while his head was turned away from Blake. Esterlin did not attempt to strike Blake until after he was sprayed.

4. Blake stated that Harbor Police provided Blake with training, on one occasion approximately 12 years ago, in the use of a baton, pepper spray and handcuffing, over a two day period at the HPD facility.

Harbor Police Chief Bobby Hecker advised that Ronnie Blake has never received any training from the Harbor Police at any time.

CONCLUSIONS

Blake's use of pepper spray was not justified under the circumstances. The video clearly shows that cab driver, Esterlin was not a threat to Blake at the time Blake discharged the pepper spray. Esterlin had his back to Blake and was walking away. Sworn Police Officers, certified under the Peace Officers Standard of Training (POST) would not be justified in utilizing pepper spray under these circumstances. Blake then lied, on 3 separate occasions, to the City Attorney, OIG Investigators, and a NOPD Officer.

On November 26, 2013 Blake provided a written statement to city attorney Sharonda Williams, "I showed the driver the pepper spray and that's when he punched me in the eye and face." The video of the incident clearly shows this is not what really happened. The driver was walking away from Blake when he sprayed him.

By lying to OIG Investigators, Taxicab Bureau Supervisor Senior Investigator Ronnie Blake violated:

City Code Section 2-1120, (20) (a) states; "It shall be the duty of every city officer, employee, to cooperate with the Office of Inspector General in any investigation, audit, inspection, performance review, or hearing pursuant to this chapter."

City Code Section 2-1120, (20) (d) states; "Any employee who violates any provision of this chapter shall be subject to discharge or such other discipline as may be specified in an applicable collective bargaining agreement, in addition to any other penalty provided in the City Charter or ordinances."

Blake's false statements were made to OIG Investigators in an attempt to change the facts and circumstances of October 23, 2013, in order to justify his actions.

Blake's own admission that he lacked training and is not POST Certified demonstrates that he is not trained or classified to perform law enforcement duties. La.-R.S. 40:2402, Peace Officer Standards and Training Law, specifically, *3(a)* states in part;

- *(3)(a) "Peace officer" means any full-time employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state, but not including any elected or appointed head of a law enforcement department.*

Blake was unable to perform his job as a Supervisor Investigator with the Taxicab Bureau because he committed an act to the prejudice of the service and did not exercise sound judgment.

Blake's actions were inappropriate, because it was not within the scope of his authority. Chapter 162 – Vehicles for Hire, Article II – Administration, Section 162-48 Duties and responsibilities, specifically paragraph b, specifically states;

- *It shall be the primary responsibility of the taxicab and for-hire vehicle bureau, under the direction of the director through **designated enforcement agents**, to enforce all of the provisions of this chapter relative to taxicabs and other for-hire vehicles by either filing complaints with the supervisor of the taxicab and for-hire vehicle bureau for appropriate administrative action or by arrest or filing proper charges against the offender.*

EXHIBIT LIST

- Exhibit 1: CAO Policy Memorandum Policy Memo No. 83R - Standards of Behavior for City Employees, effective July 17, 1989, revised October 28, 2013
- Exhibit 2: Civil Service Rule 9.1.1. Maintain Standards of Service
- Exhibit 3: Taxicab Bureau command memorandum; "Work Rules" signed July 29, 2011
- Exhibit 4: Letter from the Shlosman Law Group to Malachi Hull
- Exhibit 5: February 08, 2013 OIG Memorandum of Interview : Ronnie Blake
- Exhibit 6: November 25, 2013 OIG Memorandum of Interview : Emmanuel Esterlin
- Exhibit 7: Blake's Emergency Suspension Letter
- Exhibit 8: Blake's signed statement dated November 26, 2013
- Exhibit 9: Kent Wilkins statement dated November 27, 2013
- Exhibit 10: Howard Schwartz email dated December 19, 2013 regarding Harbor Police Training
- Exhibit 11: January 09, 2013 OIG Memorandum of Interview : Ronnie Blake
- Exhibit 12: January 31, 2014 OIG Memorandum of Interview : Simone Quintero

**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

POLICY MEMORANDUM NO. 83 (R)

October 28, 2013

TO: All Departments, Boards, Agencies and Commissions

From: Andrew D. Kopplin, First Deputy Mayor/CAO



SUBJECT: STANDARDS OF BEHAVIOR FOR CITY EMPLOYEES

I. PURPOSE

The purpose of this memorandum is to revise the standards of behavior guidelines for City of New Orleans employees. Our goal is to provide efficient and courteous service to the public and each other in order to enhance the effectiveness of city government while maintaining the high standards of quality and professionalism necessary to project the best image possible. We are all dependent on each other to accomplish this mission. Our behavior should indicate our willingness to work and demonstrate the pride we have in our profession. The standards given below are to help us achieve our goal.

II. GENERAL STANDARDS

- a. An employee shall be courteous, civil, and respectful.
- b. An employee shall have patience with the public and with fellow employees.
- c. An employee shall not discriminate against or show partiality to any person in the course of work duties because of race, sex, orientation, ethnic background, religion, political party, age, handicap, sexual, or personal prejudice. No special treatment, partiality, or favoritism shall be given to anyone because of "connections" or relationship.
- d. An employee shall report for work at time assigned and remain on duty until the work hours are completed, except for standard, authorized breaks and lunch periods. Work hours shall be spent in productive work without time being wasted.
- e. An employee unable to report to work shall inform the supervisor as early as possible, before or at the beginning of the work shift. An employee unable to complete a shift shall notify the supervisor before leaving the job. Some departments have more specific policies which apply in their respective departments.

POLICY MEMORANDUM NO. 83 (R)

October 28, 2013

- f. Each employee, because of the job assignment, has certain required duties and must assume certain responsibilities. Each employee has a job to do and must do that job. Failure to perform these duties or take these responsibilities is **neglect of duty**.
- g. An employee shall investigate complaints thoroughly, objectively, and fairly to protect the public, the employees, and the government. If a citizen is not satisfied, then the employee shall refer the person to the immediate supervisor or other higher authority. No one should be sent away without a resolution to their issue if another solution can be found. The supervisor may have greater authority to resolve the problem or more knowledge to find a solution. The citizen will be satisfied by realizing that every effort has been made to resolve their concern.
- h. Personal telephone calls shall be kept to a minimum and shall be brief in duration. If possible, personal telephone calls should be made during breaks and lunch time, and in an area that is not used by the public.
- i. An employee shall not watch television, play games, or read for recreation during work hours.
- j. An employee shall not conduct any personal business which causes neglect or inattention to work duties.
- k. An employee shall not read newspapers during work hours except as a part of a specific assignment received in writing or as part of research in preparing an assignment.
- l. An employee shall not loiter in the hallways or other parts of the work place.
- m. Employees shall not conduct meetings in the passageways. Meetings shall take place at a work station or in a meeting room. If an employee meets someone in the hallway and a conversation begins, the people should move quickly to a work station or office to continue the conversation.
- n. Employees shall be encouraged to leave the work place or go to an authorized lounge area during the duty periods for lunch and breaks. Employees shall not eat in work areas in sight of the public. Eating should be done in eating areas.
- o. City property shall be used only for the purpose for which it was intended. Employees shall exercise care in the use of any city property and equipment, including vehicles, and promptly report to the immediate supervisor any damages, loss or theft. Use of City property is for work related purposes and not for personal benefit. Employees shall not use City supplies or office machines for personal business.

- p. An employee shall be financially responsible for City property issued, assigned, loaned or under his/her immediate control if the property is damaged or lost through the employee's negligence. Listed are several examples an employee may be deemed negligent such as: an employee failing to follow a manufacturer's or department's instructions for the use or care of equipment, using equipment for a purpose for which it was not intended, failure to return property to its place of safekeeping. Disciplinary action may include a fine or reimbursement paid directly to the department or through payroll deduction. **Please refer to Policy Memorandum No. 109 – Regulations Pertaining to Assignment, Usage and Care, and Return of City Property by Employees.**
- q. An employee shall not accept or solicit a valuable gift from any person, business, or organization for personal benefit. If an employee questions what is valuable, a supervisor, Civil Service or the Ethics Review Board should be consulted.
- r. Solicitations by City employees, without permission, in City facilities and on City property are prohibited at all times.
- s. City of New Orleans will not tolerate retaliation or threat of retaliation against those who make disclosures of actual or perceived misconduct. Acts or threats of retaliation in response to such disclosures may subject the person retaliating to disciplinary action, up to and including termination.

III. CUSTOMER SERVICE ETTIQUETTE STANDARDS

- a. An employee shall identify himself by name whenever serving anyone, unless the situation prevents such an identification. An employee shall courteously give his name to anyone who asks.
- b. When answering the telephone, an employee should give the name of the office, the employee's name and ask, "May I help you?"
- c. If a telephone caller asks for someone who is not available, the caller should be asked, "Would you like to leave a message or May I get someone else to assist you or would you like to be transferred to voicemail?"
- d. Any person who is not a member of the immediate work group, when entering the work place shall be greeted by the first available employee and asked, "May I help you?" Fellow workers and the public shall be treated with courtesy at all times.

IV. HEALTH AND SAFETY STANDARDS

- a. An employee shall not drink alcoholic beverages while at work or come to work under the influence of intoxicants or with the odor of intoxicants on their breath.
- b. An employee shall not use illegal substances during work hours or come to work under the influence of illegal substances.
- c. The sale, purchase, or possession of illegal substances at the work site is prohibited. Supervisors should be notified if an employee's work performance could be affected by the use of authorized prescription drugs.
- d. An employee shall adhere to the requirements of the smoking ordinance, the Health Department rules and regulations on smoking, and **Policy Memorandum No. 76, Smoking**, while on the job.
- e. An employee is expected to be a law abiding member of the community at all times including off duty work hours.
- f. An employee shall not bring or carry dangerous weapons while on duty or while on City property. Prohibited weapons include: clubs, explosive weapons, firearms, blades or any other objects regardless of designed purpose used with the intent of causing malicious threat, inflicting bodily injury or otherwise bearing assault or damage on body or property. **Exception: Employees who are required to carry weapons in the performance of their official duties and those authorized to carry weapons in an off duty capacity while working other employment shall be exempt from this policy.**
- g. An employee shall use sick leave only for the employee's personal illness, or personal injury, or death in the immediate family, as defined in the City Civil Service Rules. Sick leave cannot be used if a friend or family member is ill; annual leave is to be used for this purpose.

V. USE OF SOCIAL MEDIA AND SOCIAL NETWORKING STANDARDS

This section applies to new media, social media, Web 2.0 technologies, digital media and emerging media such as public and private blogs (BlogSpot) or internet-based comment pages (Nola.com), micro-blogs (Twitter), video sharing (You Tube or Vimeo), photo sharing (Flickr, SmugHug, or Webshots), wikis (WikiiSpaces, PBwiki, SocialText or Wetpaint}, social networking sites (Facebook, MySpace, Google+), web syndication (RSS, Atom, weblogs, vlogs, podcasts), internet-based bulletin boards (fo.ums), newsgroups (Usenet) chat rooms (Meebo, Chatroulette, or Tinychat), content aggregators

(mash-ups or portals), multiplayer online games (EverQuest, WoW, Happy Farm, Second Life, IMVU), and other forms of virtual or digital communications.

- a. The way we present ourselves and portray our colleagues affects the public's opinion of employees as City employees. If subject matter relates to City policies, City business, or other City workplace issues, City employees are responsible for maintaining compliance with **CAO Memorandum No. 110 regarding Media Advisory Procedures, and also No. 61 (R) on Internet Use & Access Authorization.**
- b. The City respects the rights of City employees to use social media as a medium of self-expression, but with online communications becoming more of a participatory action the lines between the public and the private, personal and professional are being blurred. As public servants, City employees may be perceived as representatives of the City of New Orleans and as such must at all times conduct themselves appropriately and consistently with the City's values and professional standards.
- c. To guide online conversations and social media postings City employees should:
 - Avoid the offensive. Do not post any defamatory, libelous, vulgar, obscene, abusive, profane, threatening, racially and ethnically hateful, or otherwise offensive or illegal information or material.
 - Unclassified employees, unless specifically authorized to do so, shall not use the position as a City employee to promote opinions, products or causes. Classified employees are prohibited by Civil Service Rule XIV and State Constitution, Article X to use the position as a City employee to promote opinions, products or causes unless explicitly permitted in Section 3.1 of said rule.
 - Do not post non-public information pursuant to the law.
 - Do not post any information that would infringe on privacy or legally protected rights of others.

VI. VIOLATIONS OF STANDARDS

Employee violations of a standard of behavior as set forth in this memorandum may subject the employee to disciplinary action and possible termination of employment. The City of New Orleans endorses the use for both classified and unclassified employees of progressive disciplinary action. The suggested progression is verbal warning, written warning, suspension, demotion of

circumstances warrant and termination. The implementation of disciplinary measures shall be at the discretion of a supervisor and/or the appointing authority.

VII. IMPLEMENTATION

Each employee is to sign a copy of the attached receipt acknowledging their receipt of this policy. The signed receipt is to be kept in the employee's personnel folder located in the department. New employees are to be issued a copy of this policy upon hire. Enforcement of this policy shall begin at date of hire. These standards may be amended as necessary. Departments are encouraged to develop additional standards tailored to specific department situations.

VIII. INQUIRIES

Questions regarding this policy should be addressed to the Chief Administrative Office, Employee and Labor Relations Division at (504) 658-8613.

ADK/PMRC/rth

Attachment

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT

I, _____, have received the Standards of Behavior for City Employees (Policy Memorandum No. 83 (R)). I understand that if I do not follow these standards, disciplinary action may be taken against me.

Date

Employee Signature

Updated 10/28/13
ADK/PMRC/rth

RULE IX

DISCIPLINARY ACTIONS

(amended February 9, 1955, July 22, 1975, August 9, 1979, June 10, 1982, January 21, 1988, September 27, 1990, December 14, 2000, adopted November 13, 2002)

Section 1. MAINTAINING STANDARDS OF SERVICE

1.1 When an employee in the classified service is unable or unwilling to perform the duties of his/her position in a satisfactory manner, or has committed any act to the prejudice of the service, or has omitted to perform any act it was his/her duty to perform, or otherwise has become subject to corrective action, the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service. The action may include one or more of the following:

- (a) termination from the service. (amended January 21, 1988, effective February 1, 1988)
- (b) involuntary retirement. (adopted June 10, 1982)
- (c) reduction in pay within the pay grade for the employee's classification, subject to the provisions of Rule IV, Section 3. (amended September 27, 1990)
- (d) demotion to any position of a lower classification that the employee is deemed by the Appointing Authority and the Director to be competent to fill, accompanied by a reduction in pay which is within the pay grade range for the lower classification, subject to the provisions of Rule IV, Section 3. (amended September 27, 1990)
- (e) suspension without pay not exceeding one hundred twenty (120) calendar days.
- (f) fine.

(Section 1.1. (a)-(f) and amended June 10, 1982, effective June 10, 1982)

RULE IX

- 1.2 In every case of termination of employment of a regular employee, the appointing authority shall conduct a pre-termination hearing as required by law and shall notify the employee of the disciplinary action being recommended prior to taking the action. (adopted January 21, 1988, effective February 1, 1988)
- 1.3 In every case of termination, suspension, reduction in pay, or fine of any employee in the classified service or of involuntary retirement or demotion of the employee, within five (5) working days of the effective date of the action, the appointing authority shall furnish the employee and the Personnel Director a statement in writing of the reasons therefore. The notification also must advise the employee of the possible right of appeal, which must be exercised within thirty (30) calendar days of the date of the disciplinary letter. (amended January 21, 1988, effective February 1, 1988)
- 1.4 In the event that any investigation conducted of any classified employee subject to L.R.S. 40:2531 is anticipated to exceed 60 days, the appointing authority shall, not later than 30 days after commencement of the investigation, advise the Director of the need for an extension of the time within which to complete the investigation pursuant to L.R.S. 40:2531(7). The Director shall assign the matter for the taking of testimony before a hearing officer and notify the appointing authority and the employee their rights to attend the hearing and to present evidence and arguments for or against the extension. The hearing officer shall, upon conclusion of the hearing, either grant or deny the requested extension. The hearing officer's action shall be ratified by the Commission at its next regular meeting. (adopted November 13, 2002, effective December 1, 2002)

RULE X

RECORDS

Section 1. PERSONNEL, PAYROLL AND ATTENDANCE RECORDS (amended December 13, 2004, effective January 1, 2005)

1.1 It shall be the duty of each appointing authority to comply with the personnel, payroll and attendance record keeping system established by the Director. It shall be the duty of the Director to advise and assist in these procedures. (amended April 20, 1995, amended December 13, 2004, effective January 1, 2005)

1.2 The appointing authority shall certify on the appropriate personnel or payroll record:

- (a) the continuing authorized employment of a person in a position approved by the Civil Service Department.
- (b) the actual rendering of service in that position.
- (c) the actual number of hours worked in the applicable work period or absence from work on the appropriate authorized leave, or another approved method of describing the time worked in the payroll period.

For purposes of crediting an employee properly for a holiday, annual leave, sick leave, and other forms of leave the appropriate payroll records shall note that pay for such time is equal to the employee's leave day as defined in Rule I. (amended April 20, 1995)

(Section 1.2 (a) - (c) amended October 23, 1985, effective April 13, 1986, amended April 20, 1995.)

1.3 No payment for personal services shall be made by any department or fiscal officer thereof to any employee in the classified service of the City until after certification by the Director that such payment is authorized and is in conformity with these Rules. The Director's approval of records relating to personnel transactions shall constitute certification within the meaning of this Rule.

1.4 If the Director in any case determines that any person has been employed in any position in violation of any provisions of the Law or these Rules, he shall notify the appropriate parties of the violation, and shall order that no compensation be paid until the matter is corrected to comply with the Law or Rules.

(Sections 1.1 - 1.4 amended April 7, 1982, effective April 7, 1982)

1.5 The Director shall prescribe personnel records on which appointing authorities shall certify the fact of lawful creation of a position and the fact of lawful appointment of a person to the position. The Director shall also indicate on these personnel records the proper allocation of the position. Only personnel records approved by the Director shall constitute authorization for initial placement of the name of a person on a payroll or for any change in

(RULE X)

the status of an employee already on the payroll. No person shall then be removed from a payroll, except in accordance with the Law and Rules. (amended April 7, 1982, effective April 7, 1982, amended April 20, 1995)

Section 2. AVAILABILITY OF RECORDS (amended December 13, 2004, effective January 1, 2005)

- 2.1 The Department of Civil Service is the official custodian of personnel and payroll records. As such, any and all such records shall be made available to the Director at his or her request. In addition, all analyses and permutations of these data shall be available at the time and in the format requested; any such request shall be made in a manner prescribed by the Director.
- 2.2 If a particular request or analysis of data cannot be made in a timely manner, a written explanation shall be forwarded to the Director within one (1) week.

Section 3. EXAMINATION OF PERSONNEL RECORDS

- 3.1 The Director shall, on a continuing basis, examine departmental payrolls and related records to determine whether or not the persons on such payrolls have been appointed, transferred, reinstated, continued or otherwise employed in violation of any provision of the Law and Rules or are being paid at a rate other than the duly authorized rate. (amended April 7, 1982, effective April 7, 1982)

Section 4. RECORDS OF THE DEPARTMENT OF CITY CIVIL SERVICE (amended December 13, 2004, effective January 1, 2005)

- 4.1 Except as specifically provided in this Rule, the records of the Department of City Civil Service shall be public records and shall be open to public inspection during office hours of the Department. For reasons of public policy, the following records shall be held confidential, except as provided by law:
 - (a) Examinations, examination materials, tests and the results of tests, except as provided in Rule V, Section 4.2.
 - (b) Confidential records and investigations on the character, personality and history of employees or candidates for positions in the classified service.
 - (c) Medical reports.
 - (d) Job Counseling & Evaluation Reports (service ratings).
 - (e) Social Security Numbers. (amended April 7, 1982, effective April 7, 1982)

RULE XI

SERVICE RATINGS

(as adopted December 9, 1953, amended May 19, 1954, April 10, 1975, July 22, 1975, May 11, 1978, February 28, 1979, June 9, 1983, and May 19, 1988, August 24, 1989, November 29, 1990)

Section 1. ADMINISTRATION

- 1.1 A uniform service rating system for all organization units is established, which system shall include provisions for periodic rating of employees on the basis of performance. The Director shall prescribe the form on which service ratings are to be made, and each organization unit shall use the form prescribed by the Director in accordance with these Rules and the instructions given on the official form and its accompanying manual.
- 1.2 The service rating period July 1, 1982 - June 30, 1983 is extended by six months to December 31, 1983. As of January 1, 1984, and annually thereafter, the appointing authority of each organization unit shall have a service rating made of each regular (permanent) employee in that organization unit who has worked in the classified service during that rating period.

However, if the employee has not worked for the current appointing authority for at least ninety (90) days during the rating period, the employee shall be rated by the appointing authority under whom the employee has most recently worked for at least ninety (90) days during the rating period. If the employee has not worked under any appointing authority for at least ninety (90) days, he shall be rated by the current appointing authority.

Service ratings shall be made by the supervisor designated by the appointing authority as the individual most familiar with the employee's work during the rating period. Such service ratings shall be prepared for all regular employees, including those currently serving in Emergency, Transient, Provisional or Probationary appointments. The service rating shall be discussed with the employee, and after such discussion the employee shall sign the rating, but this act of signing shall be evidence only of the fact that the rating has been submitted to the employee and discussed with the employee. Any refusal to sign shall be so noted on the official rating form. A rating made by the supervisor and signed by the employee shall then be reviewed by the appointing authority or the designated agent. The appointing authority or designate shall sign the rating as presented or as corrected and, when thus signed by the appointing authority or designate, the rating shall become effective as the official service rating of the employee for the period indicated thereon. Any modification by the appointing authority of the supervisor's rating of the employee shall be communicated to the employee and the supervisor.

(RULE XI)

- 1.3 The appointing authority shall submit the original copy of the completed service rating and a certified list of the employees who were rated to the Civil Service Department not later than March 1st of each year. (amended November 29, 1990, February 20, 1992)

If an appointing authority cannot submit an employee's evaluation by March 1, that appointing authority shall submit, by March 1, a written request for an extension to the Personnel Director stating the reason the rating was not submitted and the date the rating will be submitted, which will be prior to April 1. The majority of the department's ratings must be submitted by March 1, to be granted this grace period.

If an appointing authority fails to submit an employee's evaluation by March 1 and has not requested or received an extension to April 1 or fails to submit the rating by April 1 after an extension has been granted, the appointing authority will be in violation of this Rule and subject to sanctions by the Commission.

- 1.4 There shall be five possible service ratings, one of which shall be used in rating each employee. The service ratings are: "Outstanding", "Exceeds Requirements", "Competent", "Needs Improvement", and "Unsatisfactory".

- 1.5 Only those employees who receive an overall rating of "Unsatisfactory" or "Needs Improvement" shall have a right of appeal to a service rating appellate board consisting of three members which the appointing authority shall designate to hear such appeal. The appointing authority shall notify an employee, in writing, of an overall "Unsatisfactory" or "Needs Improvement" rating and shall inform the employee, in writing, of the employee's right to appeal the rating. Within thirty (30) days after receiving official notice of the "Unsatisfactory" or "Needs Improvement" rating, an appeal, if desired, must be made in writing by the employee, specifying what the rating should be and the reasons therefore. Within thirty (30) days after the filing of such appeal, the appellate board shall hear the appeal, have prepared an official transcribed or taped record of the proceedings, render a written decision either sustaining or modifying the rating which has been appealed and forward a copy to the employee and to the Personnel Director. (amended May 19, 1988, effective June 1, 1988; amended August 24, 1989, effective September 1, 1989)

(RULE XI)

- 1.6 After a final written decision of the appointing authority has been rendered, an employee whose overall rating remains "Unsatisfactory" or "Needs Improvement" may appeal to the Personnel Director for a further review of the service rating. The appeal to the Personnel Director shall be based solely on the official record established at the hearing of the appeal before the appellate board. A written appeal to the Personnel Director must be filed by the employee within thirty (30) days of the effective date of the decision of the appellate board. After review, a written notice of the final decision of the Personnel Director shall be provided to the employee and to the appointing authority. (amended May 19, 1988, effective June 1, 1988)
- 1.7 Once the "Unsatisfactory" or "Needs Improvement" rating has been determined to be final, the work performance of an employee who received the "Unsatisfactory" or "Needs Improvement" rating shall be reviewed by the appointing authority for a period of ninety (90) days. At the conclusion of this review period, the appointing authority must state in writing to the employee and to the Personnel Director whether or not the employee's work performance has improved. If, upon review, the work performance has not improved, the appointing authority shall take appropriate disciplinary action under the provisions of Rule IX. (amended May 19, 1988, effective June 1, 1988)
- 1.8 The Director may investigate the accuracy of reports of ratings under the system adopted, and may adjust the ratings to conform to the facts as ascertained.

(Sections 1.1 - 1.8 amended June 9, 1983, effective June 9, 1983)

(Sections 1.5 - 1.7 amended May 19, 1988, effective June 1, 1988)

Department of Safety and Permits Policy Manual	 CITY OF NEW ORLEANS	Taxicab and For Hire Vehicle Bureau Command Memorandum
Effective Date July 29, 2011		TFHB.CM.11.001 Work Rules
Applicable To: All TFHB Personnel		
Approval Authority: Deputy Director M. S. Hull		
Signature: Malachi S. Hull		Date Signed: 29 JUL 11

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1. PURPOSE

To establish a set of work rules and a general code of conduct for all employees of the Taxicab and For Hire Vehicle Department (TFHB).

2. POLICY

The Taxicab and For Hire Vehicle Department (TFHB) shall develop and maintain a set of work rules and a general code of conduct to regulate employee's behavior that shall reflect the highest standards of professionalism and customer service. All employees shall comply with established work rules and the general code of conduct. All violations of established work rules shall be investigated fairly, uniformly, and equitably.

3. RESPONSIBILITIES

3.1 All supervisors are responsible for ensuring that all employees comply with this directive and for reporting and investigating violations.

3.2 All employees of the TFHB are responsible for complying with this directive.

4. ACTION

4.1 Professional Conduct and Responsibilities

1. Employees of the Taxicab and For Hire Vehicle Bureau (TFHB) shall observe and abide by the following work rules that pertain to on duty and off duty situations:

4.1.1 Appropriate Action Required

1. Employees shall respond in an appropriate manner to all situations by:
 2. Being considerate of the rights, feelings, and interests of all persons.
 3. Taking action in any given situation to provide the necessary and appropriate action and insuring the proper notification of supervisors when the environment calls for such.
 4. Requesting the assistance of supervisors when the appropriate action required is unclear, not possible given circumstances, or not within the scope of authority of the employee of whom such action was requested.



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5. Performing official acts in a lawful, restrained, dignified, impartial, and reasonable manner.

4.1.2 Cooperation

1. Employees shall cooperate with other employees and with the employees of other public agencies as necessary for the accomplishment of professional responsibilities.

4.1.3 Truthfulness

1. Employees shall be truthful in their written and spoken words at all times.

4.1.4 Conduct

1. Employees will not act in an official or private capacity in any manner that shall bring discredit upon the City or themselves.

4.1.5 Obey the Laws

1. Employees shall uphold the Constitutions of the United States and the State of Louisiana, obey all applicable federal, state, and local laws, and comply with all applicable court decisions and orders of the courts.

4.1.6 Criticism

1. Employees shall not publicly criticize any employee or any order, action, or policy of the City except as officially required. Criticism, when required, shall be directed only through official City channels, to correct any deficiency, and shall not be used to the disadvantage of the reputation or operation of the City or any employees.

4.1.7 Suspended Employees

1. Suspended employees shall surrender their City identification cards and City issued equipment to their immediate supervisor for the period of their suspension.

4.1.8 Soliciting Gifts, Gratuities, Fees, Loans, Etc.

1. Employees shall not solicit any gift, gratuity, loan, or fee where there is any direct or indirect connection between the solicitation and their employment with the Department

4.1.9 Acceptance of Gifts, Gratuities, Fees, Loans, Etc.

1. Employees shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, or any other thing of value arising from or offered them because of their employment with the City of New Orleans.
2. Employees shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, or other thing of value that might tend to influence their actions or that of any other employee in any matter of City business.
3. Employees shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, or any other thing of value, which might tend to cast an adverse reflection on the City or any employee thereof.

4.1.10 Reward

1. Employees shall not accept any reward, of any kind, from any persons, without the prior written permission of the Deputy Director.

4.1.11 Bribery

1. Employees shall not accept any money, gratuity, loan, fee, gift of any kind, or any other thing of value, from any person if the purpose is intended to influence the employee in the performance of their official duties.



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4.1.12 Using Position for Personal Gain

1. Employees shall not use their official position, identification, or employment with the City for financial gain.

4.1.13 Confidentiality of Department Business

1. Employees shall treat as confidential the business, activities, files and reports of the Department. They must not impart knowledge of the above except to those who have a "right to know". Employees shall also comply with any nondisclosure agreement(s) in which they have entered.

4.1.14 Right to Know

1. Employees who are unable to determine an individual's or organizations "right to know," shall refer the matter to a supervisor.

4.1.15 Provide Telephone Number

1. Employees shall maintain telephone service and provide the Department and their immediate supervisor with that number. Any change of telephone number shall be immediately reported in writing. Telephone numbers shall be kept confidential.

4.1.16 Report of Change of Address

1. Employee shall keep the Department and their immediate supervisor informed of their current place of residence. Any change of address shall be immediately reported in writing. Addresses shall be kept confidential.

4.1.17 Threat or Violence to an Employee

1. Employees will not threaten, strike, accost, or attempt to strike any other employee or threaten any violence against another employee.

4.1.18 Personal Business

1. Employees shall not use any property, equipment, or facilities purchased, leased, or owned by the City to conduct personal business.

4.2 General Conduct on Duty

1. Employees of the Department shall observe and abide by the following work rules while on duty or representing the Department:

4.2.1 Public Service

1. Employees shall promptly, courteously, and effectively assist the public. A citizen's need for assistance takes precedence over any activity, except those of an emergency nature. Routine Department business shall not take precedence over providing service to the public. Prompt assistance shall be rendered whether requested in person, by telephone, or by letter. Employees shall provide immediate attention to the needs of any person without referral to any other employee or agency unless this cannot be avoided.

4.2.2 Courtesy

1. Employees shall be civil, orderly and courteous to the public, co-workers, and supervisors and will not use coarse, insensitive, abusive, violent, or profane language.
2. When in public, in an on-duty capacity or official capacity, employees shall be referred to by their appropriate rank, position, and/or title.



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4.2.3 Responsibilities of Supervisor

1. Supervisory employees shall enforce the rules and regulations of the Department and shall ensure the proper conformity to Department policies and procedures.
2. Supervisors shall take immediate, appropriate action(s) and document when the conduct of any employee is contrary to the public interest or the good reputation or proper operation of the Department.

4.2.4 Manner of Issuing Orders

1. Supervisors shall issue orders to employees in a clear, articulate, understandable, and professional manner.

4.2.5 Unlawful Orders

1. Supervisors or any employee with ability to issue orders are prohibited from issuing any order which is in violation of any law or Department rule, regulation, directive, or procedure.

4.2.6 Obedience to Unlawful or Improper Orders

1. Employees are not required to obey an order that is improper or contrary to federal, state, or local laws or Department rules, directives, or procedures. Obedience to an unlawful or improper order is never a defense for unlawful or improper action.
2. The responsibility for refusal to obey an order rests with the refusing employee who shall be required to justify his/her actions.

4.2.7 Improper Orders

1. Employees who receive an improper or unlawful order shall, at the first opportunity, report the facts of the incident and the action taken in writing to the Deputy Director through the chain of command. If the Deputy Director is unavailable, then notify his/her designee.

4.2.8 Conflicting Orders

1. Upon receipt of an order conflicting with any previous order, instruction, or directive, the employee affected shall, when practicable, advise the person issuing the second order of this fact in writing.
2. Responsibility for countermanding or revoking the original instruction rests with the individual issuing the second order.
3. If so directed by a supervisor, the latter command shall be obeyed, unless that command is unlawful or improper.

4.2.9 Obeying Supervisory Personnel

1. Employees shall promptly obey all proper and lawful orders of supervisors and other employees assigned to act in a supervisory capacity, including any order relayed from a superior by an employee of the same or lesser rank.

4.2.10 Chain of Command

1. Employees shall conduct all official business through the chain of command. While lateral communication is encouraged, employees shall inform immediate supervisors of significant matters and parties involved in such lateral communications.

4.2.11 Forwarding Written Communication



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1. Employees who receive a written communication from another employee directed to a higher authority shall initial and promptly forward it through the chain of command, indicating approval or disapproval, and shall make such explanatory comments as the matter requires so as to fully informing the higher authority.

4.2.12 Discrimination

1. Employees shall not allow any of their actions or decisions to be affected by prejudice of gender, race, color, religion, sexual orientation, social class, position or standing in the community, or political belief.

4.2.13 Discriminatory References

1. Employees shall not refer to any person in a derogatory manner because of their gender, race, color, religion, sexual orientation, social class, position or standing in the community, or political preference.

4.2.14 Intoxicants, Stimulants, or Depressants

1. Employees shall not consume intoxicants or illegal substances while on duty nor shall they consume intoxicants or legal or illegal substances to the extent that performance is impaired.
2. The smell of intoxicants on the breath or any impaired performance resulting from the use of intoxicants or legal or illegal substances by an employee reporting for duty or on duty is grounds for disciplinary action. The employee shall be immediately relieved from duty.
3. Intoxicants or illegal substances shall not be consumed in any Department facility or vehicle.

4.2.15 Physical Fitness for Duty

1. Employees shall maintain such physical condition that they can fulfill the duties of their assignments.

4.2.16 Sleeping on Duty

1. Employees shall not sleep or doze during the time they are on duty and are responsible for reporting to work physically able to appropriately complete the tour of duty.
2. Employees unable to remain awake or complete the tour of duty shall report to their supervisor who shall take appropriate action.

4.2.17 Malingering or Pretending

1. Employees shall not attempt to avoid their duties by feigning illness or by giving a false impression that they are performing their duties.

4.2.18 Punctuality

1. Employees shall be punctual when reporting for duty or reporting or performing any official act.

4.2.19 Absence from Duty

1. Employees shall not absent themselves from their assignment without permission from a supervisor or until properly relieved.

4.2.20 Keeping Up to Date

1. Employee reporting for duty shall acquaint themselves with events that have taken place since the end of their last shift that pertain to their responsibilities or assignment.

4.2.21 Submitting Reports



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1. Employees shall submit all reports which are required of them as promptly, correctly and completely as possible.

4.2.22 Identification Cards

1. While on duty and not in uniform, in City facilities, employees shall wear the department's issued photo identification card above the waist.
2. While on duty and not in uniform, outside department's facilities, employees shall have the department issued photo identification card readily available on their person. Employees working undercover assignments are exempt from this requirement or at the discretion of their supervisor.

4.2.23 Giving Identification

1. Employees shall identify themselves by name, assignment and department issued identification card upon request while on duty or performing their official duties unless doing so would compromise their safety or the safety of others due to the nature of their assignment or the task.

4.2.24 Senior Employee in Charge

1. When two or more employees of equal rank are simultaneously engaged in the same operation, the employee with longest service in rank shall be in charge, except when otherwise designated by a supervisor or Department policy.

4.2.25 Private Business

1. Employees shall not conduct private business while on duty. Lunch periods are exempt.

4.2.26 Peddling and Soliciting Prohibited

1. Employees shall not peddle or solicit in Department facilities or on Department property unless authorized by the Deputy Director, or his/her designee.

4.2.27 Loitering by Public

1. Employees shall not permit persons to loiter on Departmental premises or in a Department facility or vehicle, unless they are official business.

4.2.28 Department Correspondence

1. Employees shall not use Department stationery, postage, duplicating machines, typing support, or other equipment, except for official Department correspondence.

4.2.29 Recovered Property

1. Employees shall be responsible for all property coming into their possession. Employees shall handle all property in accordance with Department policy and procedure.

4.2.30 Recommending Attorneys, Bondsmen, Etc.

1. Employees, while on duty or acting in an official capacity, shall not recommend an attorney or bondsman nor act as a bailor.

4.2.31 General Appearance

1. Employees shall be neat, clean, and well groomed while on duty. Dress shall be appropriate given the position and/or function of the employee and reflect standards that depict public service employees in the best possible image.
2. Employees shall not wear articles of clothing or ornamentation while on duty if the wearing, or the article itself,



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symbolizes or represents an organization or philosophy which supports discrimination in any form or any other abridgement of human rights.

4.2.32 Conformance to Directives

1. Employees are required to familiarize themselves with, and conform to, the rules, regulations, directives, and standard operating procedures of the Department.

4.2.33 Abuse of Leave

1. Employees shall not misuse or abuse the leave policies, procedures, practices, or records of the Department.

4.2.34 Job Actions Prohibited

1. Employees shall not, at any time, under any circumstances, participate in any job actions or apparent job actions (i.e., strikes, walk-outs, work stoppages, work slowdowns, or "sick-outs", etc.)

4.2.35 Unsatisfactory Performance

1. Employees shall maintain sufficient competency to perform their duties and assume the responsibilities of their position. Employees shall perform their duties in a manner which shall establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.
2. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of the laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's rank, grade, or position; the failure to take appropriate action on the occasion of a situation or incident deserving a public safety employee's attention; absence without leave; or unexcused absence from a duty assignment during a tour of duty.
3. In addition to other indications of unsatisfactory performance, repeated poor evaluations and/or repeated infractions of Department directives shall be considered probable evidence of unsatisfactory performance of duty:

4.2.36 Outside Employment

1. Employees shall not engage in any employment outside the Department without the prior written permission of the Deputy Director or his/her designee.

4.2.37 Understanding Directives

1. Employees who do not understand an official Department directive or procedure shall seek the advice of their supervisor.

4.2.38 Call to Duty

1. Employees shall be subject to work variations of shifts and shall be prepared to assume scheduled hours if ordered by a supervisor.

4.2.39 Available for Service

1. Employees shall keep themselves available for service at all times while on duty unless they are on specific assignment.

4.2.40 Wearing of Uniforms and Equipment

1. Employees shall comply with the standards and regulations that address the wearing of Department uniforms and equipment.



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4.2.41 Radio to Remain On

1. Employees who have been assigned a radio for communicating purposes shall ensure that the radio is fully operational, powered, audible, and tuned to the appropriate frequency at all times while on duty unless otherwise authorized by a supervisor or necessary for the safety of the employee.
2. Employees who have been assigned a Department or City issued communication device shall ensure that the communication device is fully operational, powered, and audible while on duty unless otherwise authorized by a supervisor or necessary for the safety of the employee.

4.2.42 Interfering with Radio Communication

1. Employees shall not willfully, intentionally, or otherwise interfere with radio communication except in exigent circumstances.
2. Inappropriate use of radio communication is prohibited.

4.2.43 Abuse of Authority

1. Employees shall not use their authority to abuse, harass, oppress, or persecute any person.

4.2.44 Off-Duty Employee in Uniform in Public

1. Employees appearing in public in uniform shall be considered on duty and must be prepared to assist the public by taking whatever public safety action is appropriate and necessary.

4.2.45 Outside Affiliation

1. Employees shall not affiliate with, or become or remain a member of, any organization if such affiliation would in any way interfere with or prevent them from performing their duties as employees of the Department.

4.2.46 Conflicts of Interests

1. Employees shall not invest or hold investments, directly or indirectly, in any financial, business, commercial, or other private transaction which creates, or gives the appearance of creating, a conflict with their official duties.
2. Employees shall not be or become interested, directly or indirectly, in any manner, except as provided by law, in any business dealings with the City of New Orleans.

4.2.47 Fraternalizing with Person(s) of Questionable Character

1. Employees shall not fraternize or associate in a personal, social, or financial relationship with any person(s) of questionable character.

4.2.48 Access to Places of Business

1. Employees shall not have a key, access card or code to any place of business on their assigned area of patrol or relating to their assignment without the written permission of their supervisor.

4.3 Conduct and Appearance Required

4.3.1 Conduct and Appearance in Court

Employees appearing in court or on behalf the TFHB shall:

1. Be punctual and prepared as appropriate.
2. Conform to the court's rules of conduct.



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3. Obey all orders of the court.
4. Dress appropriately according to the court's standards.
5. Be truthful at all times.
6. Attend court as scheduled and/or when subpoenaed.

4.3.2 Subpoenaed as Defense Witness

1. Employees subpoenaed as a defense witness in a criminal or civil case shall immediately notify, in writing, their immediate supervisor and forward a copy to the Law Department. Employees do not need permission from a supervisor or the Department to attend court as a defense witness and must comply with the requirements of the subpoena.

4.3.3 Arrest of or Court Actions Involving an Employee

1. Employees who has been arrested or becomes involved in any court action, in any capacity other than as a witness for the prosecution, shall immediately notify the Deputy Director or his/her designee in writing through the chain of command.

4.4 Department Property and Equipment

1. Employees of the Department shall observe and abide by the following work rules while on duty or representing the Department as it concerns property and equipment.

4.4.1 Responsibility for an Examination of City Property

1. Employees shall be responsible for the condition and the prompt reporting of loss, damage, or defect of all Department or City property placed in their custody or use.
2. Before use, employees shall examine any city vehicle or property assigned to them, report unrecorded damage or operational defects to their supervisor, and submit the necessary written reports.
3. If property is lost, stolen, or damaged, a detailed report shall be made immediately. The immediate supervisor of the employee shall review the report and submit an investigative report through the chain of command to the Deputy Director or his/her designee.

4.4.2 Operator to be Qualified and Authorized

Employees shall not operate a city vehicle or vehicles used for law enforcement purposes unless they are qualified and authorized to do so and possess a valid driver's license.

4.4.3 Use of City Vehicles

1. Employees shall use a city vehicle only in the course of official business. No person shall be transported in a city vehicle except in the course of official business.
2. Employees shall not operate personally owned vehicles as a vehicle used for law enforcement purposes, not to include using their vehicle to commute to and from their assignment and work place.
3. Taxicab and For Hire Vehicle Department (TFHB) personnel shall operate all city vehicles in such a manner as to avoid injury to themselves, other persons or damage to property at all times.
4. Taxicab and For Hire Vehicle Department (TFHB) personnel shall park all city in such a manner as to cause the least interference with traffic flow without compromising their safety.
3. Employees shall abide by take home or work vehicles established by C.A.O. policies.

4.4.4 Vehicle Appearance



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1. Employees assigned to operate city vehicles are responsible for ensuring their cleanliness.

4.4.5 Safe Driving Techniques

1. Taxicab and For Hire Vehicle Department (TFHB) personnel shall exercise due caution and exhibit good driving habits when operating all city vehicles and vehicles used for law enforcement purposes.

4.4.6 Vehicle Maintenance Checklist

1. Employees shall complete a vehicle checklist before operating a city vehicle on a tour of duty. The completed vehicle checklist shall be kept on file, ready for inspection, for 60 days.

4.4.7 Personal use of property

1. Employees shall not convert to their own use, or have any claim on, any found or recovered property, property held as evidence, or property purchased, leased, or owned by the Department or the City.

4.5 Office Courtesy

4.5.1 Supervisors will ensure that work sites are staffed and telephones are answered during the working hours of the work site, unless approved otherwise by the division commander.

4.5.2 General Considerations

1. Employees will make every effort to answer each call and greet each visitor in a courteous and efficient manner. The employee greeting the visitor or caller will attempt to handle the request personally, but if the employee is unable to supply the requested information or service, he or she will make sure that the office or person to whom he or she refers the call is the appropriate one.
2. Answer all calls and greet all visitors immediately.
3. Do not use slang, coarse language or profanity.
4. Keep current Department and City government telephone listings and a message pad at each telephone location.

4.5.3 Telephone calls

1. Greet callers courteously with a statement identifying the work site and name of the person answering. For example, "Good morning, this is the Taxicab and For Hire Vehicle Department, Ms. Holmes speaking." Or, "Taxicab and For Hire Vehicle Bureau, Investigator Jones speaking."
2. If the person asked for is unavailable, offer to either take a message or allow them to leave a voicemail. If it is necessary that the caller must wait place the caller on hold. If the call has not been picked up after a reasonable time, ask if the caller wants to continue holding or to leave a message.
3. If it is necessary to transfer a call, inform the caller that he or she is being transferred and state the office and telephone number to which the call is being transferred. Stay on the line to be sure that the call goes through correctly.
4. Personal information about an employee will not be given out over the phone. Home phone numbers, cell phone numbers, or addresses are not to be released outside the chain of command unless approved by a supervisor. If the caller identifies himself or herself as an employee of the Department and wants this personal information, refer him or her to the Human Resources Office.

4.5.4 Responding to Telephone Calls and Mail

1. When possible, requests for information or action by telephone will be responded to immediately. When the person receiving the call must take a message for the intended recipient, the message must be thorough and include a



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callback number and the date and time it was taken. The message must be delivered and responded to within 2 business days of the original call.

2. The Office Management Specialist II or designee will return telephone calls within 24 hours of returning to work.
3. Requests for information or action by mail or fax will be responded to within three business days. These requests will be logged, to indicate the date of receipt, to whom forwarded for response, and the date of response.
4. All sections will maintain a log in which all incoming telephone calls and written correspondences are entered, which will be kept at the work site for at least 12 months.
5. The Office Management Specialist II will review the log to ensure compliance.
6. The log will contain the following:
 - a. Date of correspondence
 - b. Time received
 - c. Identification of correspondent
 1. Name
 2. Telephone Number, including area code.
 - d. Subject matter
 - e. Action taken

4.5.5 Visitors

1. Greet visitors courteously, and notify the appropriate staff member of the visitor. If the staff member is unavailable, offer to take a message or find someone else who can assist him or her. If there will be a wait, estimate how long it will be and offer the visitor a seat.
2. If a visitor must be referred to another office, be sure that the directions are clear. If the destination is in the same building, consider escorting the visitor to minimize confusion, if possible.

4.5.6 Messages

Take a full message, with the name of the caller or visitor, his or her organization and telephone number, the date and time, and any message the caller or visitor wants to relay. Sign or initial the message legibly. Put the message where the intended recipient will readily see it or deliver the message.

4.5.7 Urgent Communications

Be responsive to the urgency of visitors and callers; if the matter is urgent, ask them if they need to interrupt a meeting or page the person they need. It is generally appropriate to interrupt a meeting for the person's supervisor, but ask the person's supervisor first. If a call or visit is urgent, make extra effort to find the appropriate person.

4.6 Use of Tobacco or Tobacco Products

4.6.1 Employees will not use any tobacco or tobacco products while interacting with general public.

4.6.2 Use of Tobacco in Department Facilities

1. Use of any type of tobacco product is prohibited in any building, office, work area, or other structure, which is owned, leased, or in any manner operated under the control of the City

4.6.3 Use of any type of tobacco product is prohibited in vehicles that are owned, leased, or in any manner operated under the



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control of the City.

4.7 Cellular Phone Use while on Duty

4.7.1 Employees are authorized to use city cell phones to conduct Departmental business.

1. Employees will not use cellular telephones to conduct Departmental business that should otherwise be broadcast over the radio.
2. Cellular telephones may be used to allow additional communication between employees but does not relieve personnel from using the radio for disseminating and documenting information.

4.7.2 Employees will not use a cellular phone for personal business while interacting with the general public.

4.7.3 Employees will not use a cellular phone, with or without a hands free option, while operating a city vehicle.

5. DEFINITIONS

N/A

6. CANCELLATIONS

N/A

7. REFERENCES

|

THE SHLOSMAN LAW GROUP

Malachi Hull
Deputy Director
Taxicab and For Hire Bureau
Dept. of Safety and Permits
1300 Perdido St., Suite 2W89
New Orleans, LA 70112

Dear Mr. Hull,

Numerous tour guide companies throughout the French Quarter have retained me to handle legal matters surrounding the systematic threats, harassment and reprisals your investigators have subjected them to beginning on October 18, 2013. Let this letter be a formal request for you to immediately cease and desist this behavior.

Please be aware that I will be filing a temporary restraining order and a preliminary injunction seeking a court order that will immediately prevent your investigators from any further violation of my clients' constitutional rights. Title 42 of the United States Code § 1983 made relief, in the form of money damages, available to those whose constitutional rights had been violated by an actor acting under State authority.

I have obtained more than fifteen affidavits from tour guides with five different companies that have given specific instances of misconduct on the behalf of your investigators ranging from allegations of bribery and shakedowns to extreme harassment and intimidations.

Please be aware that we have full intentions to seek legal action to the fullest extent permitted by law.

Sincerely,



Thomas W. Shlosman

607 ST. CHARLES AVE.
NEW ORLEANS, LA 70130
SHLOSMANLAWGROUP@GMAIL.COM
(504) 453-0607 (O)
(504) 581-5588 (F)

MEMORANDUM OF INTERVIEW

On February 8, 2013, Hamilton "Ronnie" Blake, Sr. Investigator, Taxi Cab Bureau, City of New Orleans, was interviewed by Investigators Michael J. Centola and Kristen Morales in the Taxi Cab Bureau Office located in City Hall. After being advised of the official identities of the OIG Investigators, Blake voluntarily provided the following information:

On Saturday January 12, 2013, Blake was working a 6:00 p.m. to Sunday January 13, 2013, 2:00 a.m. shift in the French Quarter area of the city. His objective for this shift was to monitor tours operating after 10:00pm. While patrolling near the intersection of Esplanade Avenue and Royal Street, Blake noticed an American Taxi Cab operating with a top light that was no longer in compliance. Blake knew that all American Taxi Cabs are subject to inspection during the months of May and November. Consequently, Blake reasoned that as of January 1, 2013, all of their vehicles should comply with the new regulations put in place by the City of New Orleans. One of these requirements specified that the top light of the vehicle must have the capacity to be lit to indicate if the cab is on or off duty. The new rules also specified that the Certificate of Public Necessity and Convenience (CPNC) number has to be visible, taxicabs are to be equipped with credit card processing devices and all vehicles are to have on board cameras.

Blake decided to follow this taxi down Royal Street toward Canal Street after noticing that the vehicle did not have an updated top light that would comply with the new taxicab ordinance. The taxi turned right onto St. Peter Street and then stopped due to traffic in the 700 block of St. Peter. Blake advised he was dressed in his uniform with two Taxi Cab Bureau badges visible. Blake approached the vehicle on foot and noticed that the tinted windows appeared to be darker than permitted. Since Blake could not see inside the taxi, he told the driver to roll down the window. According to Blake, the driver responded by rolling down the window a crack. Blake was able to see a male and female in the rear seat of the vehicle.

At this time Blake requested the driver's license and permit and noticed a smell of marijuana coming from the interior of the vehicle. The driver responded to Blake's instructions by rolling up the window and locking the doors. Blake told the driver to place the vehicle in park. Since the driver did not comply, Blake turned on his flashlight and walked to the front of the vehicle. Once in front of the taxi, Blake ordered the driver and the passengers to exit the vehicle. Blake moved to the front of the vehicle in an effort to determine the accurate number of passengers in the vehicle since the heavy window tint prevented him from seeing inside. In addition, Blake wanted to identify the driver, as well as enabling the driver to recognize him. Blake contends that he is familiar with the majority of the taxi cab drivers who operate in the city and they in turn recognize him. It was Blake's intention to cite the driver for operating a taxicab with an expired inspection sticker and for utilizing a top light that did not comply with the new taxicab ordinance.

After Blake had positioned himself in front of the vehicle, the driver moved the vehicle forward causing Blake to fall directly onto the hood of the vehicle. Blake stated that he remained on the hood of the vehicle while it proceeded to cross Bourbon Street and traveled to the end of the 800 block of St. Peter. Blake also stated that he heard patrons on Bourbon Street yelling at the driver to stop the vehicle. Blake recalled that he jumped off the hood because he felt the taxi was going to strike a parked vehicle on the left.

Blake was later told by the passengers of the taxi they were hitting and yelling at the driver to stop. One of the passengers reached over the seat and put the vehicle in park, turned off the vehicle and removed the keys from the ignition. Once stopped, the driver fled the vehicle. Blake opened the glove box of the car in an attempt to locate the registration paperwork for the vehicle. When he opened the glove box, he saw a bag of what appeared to be marijuana. Blake advised he has the right to search the vehicle as part of his inspection duties.

According to Blake, the New Orleans Police Department (NOPD) responded to the incident, found the driver hiding in a second taxi near the intersection of Dauphine and Toulouse Streets and arrested him. Blake retrieved his vehicle from St. Peter and relocated to the 80 block of St. Peter. At this time it appeared to Blake that the NOPD was in charge of the situation. This is when Blake learned that in addition to the driver, there were three females and one male passenger in the taxi.

Blake recalls that he spoke to NOPD Detective Shepack after the incident. Blake also gave a statement to another unidentified NOPD Officer. Blake was told by this officer the taxi driver was going to be charged with Possession of Marijuana, Kidnapping and Battery. Blake was asked if he required medical attention and he advised this officer he did not.

Blake went to the NOPD 8th District Station to obtain information regarding the identity of the driver. It was Blake's intention to cite the driver and have the permit of the vehicle revoked. When Blake asked for the information, he was told that a report would be available in 21 days. Blake was provided two item numbers to utilize when requesting copies of the reports.

Blake advised he does not know of any formal Taxi Cab Bureau policies regarding the stopping and subsequent search of a vehicle. He has not received training regarding vehicle stops, but did attend a class presented by the Department of Motor Vehicles. He believes the policy for taxi inspection is contained in City Ordinance 162.

Blake documented the incident in an email to his supervisors. Blake does not know of any formal documentation that may be required regarding incidents.

Blake is described as:

Race:	Black
Sex:	Male
DOB:	██████████
Address:	██████████ ████████████████████
Telephone:	██████████

MEMORANDUM OF INTERVIEW

On November 25, 2013, Emanuel Esterlin, [REDACTED] was interviewed by Investigators Michael J. Centola and Kristen Morales, City of New Orleans, Office of Inspector General. Also present during this interview was Tom Shlosman, Attorney for Esterlin. After being advised of the official identities of the interviewing Investigators, Esterlin voluntarily provided the following information:

Esterlin has lived in the New Orleans area since 2004, living in the Marrero, Gretna and Harvey, LA, areas. Prior to living in the area he lived in Port Au Price, Haiti. He became a Naturalized United States Citizen in 2008. He has been a taxi cab driver since November 2004. He recalled obtaining a permit from City Hall. He did not pay for the first license and is unsure if he took a test prior to receiving the permit. He has renewed the permit every two years since obtaining it. Since 2004, he has driven for the following lines: Bell, White Fleet and Alliance. He has driven within the city and "made the airport run."

Esterlin has received citations in the past. He went to the hearing as required and pled his side of the situation. He feels if He is wrong then he should accept being wrong. If not wrong he feels he should present his side. The last citation he received was approximately one year ago while working at the airport. He feels he wrongly received this citation. He did not recall who has issued citation to him in the past. He has not received a citation in the past two years. He has never received a suspension or a revocation of his permit.

At noon time on October 23, 2013, while waiting for his second fare, Esterlin was parked in line with other taxis in the 100 block of Dauphine. Taxi Cab Bureau (TCB) Investigator Blake pulled behind him and parked, blocking him where he could not move his vehicle. Esterlin knew he was parked illegally on the street and would receive a citation. Esterlin recognized Blake and the vehicle Blake was driving. Blake exited the vehicle and walked past Esterlin's vehicle. Another TCB employee who is unknown to Esterlin was accompanying Blake. Esterlin described her as a black female approximately 45-48 years old. Esterlin advised her last name may be Martin. Blake was collecting the permits and drivers license of the drivers parked ahead of Esterlin. Esterlin could not move from the line as Blake had his car blocked in. Esterlin stated he did not attempt to move as he feels he would receive an additional citation for leaving.

When Blake approached Esterlin's vehicle, Esterlin asked Blake not to write him a citation because he could not afford a ticket financially. Esterlin asked Blake a second time and Blake responded loudly "give me what I asked for." Esterlin handed Blake his permit and drivers license through the window. Blake grabbed the door handle and attempted to open the door, but could not do so since the door was locked. Blake told Esterlin to exit the vehicle. Esterlin exited the vehicle. At this time Blake took handcuffs from the right side of his belt and told Esterlin to face the wall they were standing near. Esterlin refused feeling he did nothing to warrant being handcuffed. Esterlin did not notice anything else on Blake's belt.

Blake again ordered Esterlin to face the wall. Esterlin questioned him why and stated that he did provide Blake with the paperwork he requested. Blake said it was due to Esterlin not cooperating. Esterlin responded that he did cooperate by giving Blake the paperwork. At this time Esterlin began walking away from the vehicle toward the middle of the block heading toward Canal Street. Blake

followed him. After walking approximately eight to ten steps, Blake tried to pull Esterlin's hand behind Esterlin's back. Esterlin took Blake's hand off and kept walking. Esterlin saw something in Blake's hand but did not know what it was. The other TCB employee was following a few steps behind Blake talking on the telephone. During this time, other taxi cab drivers arrived and began taking pictures and video of Blake and Esterlin.

Esterlin was talking to Blake the whole time he was walking away from Blake. Esterlin looked away in attempts to identify any witnesses to the incident. When he turned back toward Blake, Blake sprayed him with pepper spray over his face and head. Esterlin stated it was "enough spray to kill me." After being sprayed, his eyes were closed, he swung and attempted to hit Blake. Esterlin stated this was in defense of himself and that Blake had provoked him. Several taxi cab driver witnessed Esterlin being sprayed. During this altercation the female TCB employee was on the telephone and did not do anything to intervene on behalf of Blake or Esterlin.

After Esterlin swung at Blake, Esterlin dropped to his knees on his own because of the pain of the pepper spray. Blake commented "there we go." When Esterlin was on his stomach, Blake placed his knee in the back of Esterlin and placed the handcuffs on Esterlin. Esterlin was not fighting Blake as the pepper spray was burning his skin. Someone poured water on his head after he was complaining of the pain. Esterlin was repeatedly requesting water and assistance; three taxi cab drivers gave him water. Blake denied him water. Esterlin felt he was on his stomach for approximately 20 minutes.

Subsequently the New Orleans Police (NOPD) arrived. Blake spoke to the officer and advised he sprayed Esterlin after Esterlin struck Blake. The Officer asked Blake if he the authority to handcuff and spray individuals. Blake responded that he did. The NOPD Officer did not take a statement from Esterlin or any other witnesses. The NOPD Officer moved the handcuff to the front of Esterlin prior to Esterlin receiving medical treatment in an ambulance that also arrived on the scene. Esterlin was transported to the LSU hospital.

Esterlin did not recall ever being told he was under arrest by either Blake or the NOPD Officer. Esterlin's father was not allowed to talk to him while in the ambulance. After receiving treatment at the hospital, Esterlin was transported to jail in the NOPD vehicle. He was released approximately 11:30 p.m. after his brother-in-law posted a \$415.00 bond. Sholman has all paperwork Esterlin received during this incident.

After being released from jail, Esterlin went home and took a shower. Due to the severity of his pain, his body was shaking, so he took prescription Advil PM to help him sleep. Esterlin was still experiencing stomach pain. He believes this was due to his ingesting pepper spray.

Esterlin resumed driving either three or five days after the incident. His trip sheet would have the correct date.

Either four or five days after the incident, Esterlin was contacted by Malachi Hull, Director, TCB. Hull advised Esterlin he was to come to the TCB office to receive a citation regarding the incident. Once he arrived there he met with Hull. Esterlin recorded the conversation utilizing his cellular telephone. During this meeting Hull advised that Blake was not going to press charges against Esterlin. After the meeting the lady who was with Blake on October 23, 2013 wrote him a citation, citing him for illegal parking and refusing to cooperate.

CHIEF ADMINISTRATIVE OFFICE
CITY OF NEW ORLEANS

MITCHELL J. LANDRIEU
MAYOR

ANDREW D. KOPPLIN
FIRST DEPUTY MAYOR & CAO

November 27, 2013

NOTIFICATION OF EMERGENCY SUSPENSION

VIA U.S. CERTIFIED MAIL

Item No. 7003 0500 0003 6739 8117

and regular U.S. Mail
and email: RBlake@nola.gov
Mr. Ronnie Blake



Dear Mr. Blake:

This letter is to notify you that you are being placed on Emergency Suspension without pay for 60 working days, beginning November 27, 2013, for your actions on October 23, 2013, regarding an incident involving Mr. Emmanuel Esterlin, a taxi cab driver. Mr. Esterlin signed a sworn affidavit alleging that you attempted to handcuff him and pepper sprayed him without cause, after he presented his license and permit to you in response to your request.

You are being placed on an Emergency Suspension without pay, for 60 working days while this matter is further investigated. The suspension will begin on Wednesday, November 27, 2013, and continue through February 18, 2014. You will return to work on February 19, 2014, **unless** you receive notice otherwise prior to the scheduled return date.

This action was taken pursuant to Civil Service Rule 9.1.1.: When an employee in the classified service is unable or unwilling to perform the duties of his/her position in a satisfactory manner, or has committed any act to the prejudice of the service, or has omitted to perform any act it was his/her duty to perform, or otherwise has become subject to corrective action, the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service. The action may include one or more of the following:

- (a) termination from the service. (amended January 21, 1988, effective February 1, 1988)
- (b) involuntary retirement. (adopted June 10, 1982)
- (c) reduction in pay within the pay grade for the employee's classification, subject to the provisions of Rule IV, Section 3. (amended September 27, 1990)
- (d) demotion to any position of a lower classification that the employee is deemed by the Appointing Authority and the Director to be competent

1300 PERDIDO STREET | SUITE 9E06 | NEW ORLEANS, LOUISIANA | 70112
PHONE 504.658.8600 | FAX 504.658.8648



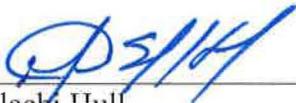
to fill, accompanied by a reduction in pay which is within the pay grade range for the lower classification, subject to the provisions of Rule IV, Section 3. (amended September 27, 1990)

- (e) suspension without pay not exceeding one hundred twenty (120) calendar days.
- (f) fine.

You may have the right as a civil service employee to appeal this disciplinary action within 30 days from the date of this letter. Additionally, when you are suspended for a period of time, you should contact the CAO Hospitalization Office at 658-8615, to make arrangements to maintain hospitalization insurance payments as well as any other benefits you may have. These payments are not paid for by the City while you are on suspension. You will lose those benefits if you do not arrange to pay for them yourself. You are not paid by the City while on suspension.

This emergency suspension is **not** a final disciplinary measure. The Department may impose additional discipline, or modify the discipline, based on the investigation results.

Sincerely,



Malachi Hull
Director, Taxicab Bureau



Andrew Kopplin
Chief Administrative Officer

cc: Civil Service
Law Department
Personnel File

From: Sharonda R. Williams [mailto:shrwilliams@nola.gov]
Sent: Wednesday, December 04, 2013 12:55 PM
To: Howard Schwartz; Kristen Morales
Cc: Ava L. Rogers
Subject: FW: Witness Statement

Sharonda R. Williams
City Attorney
City of New Orleans
Law Department
1300 Perdido Street
Suite 5E03
New Orleans, LA 70112
Phone: 504-658-9920
Mobile: 504-472-7075
Fax: 504-658-9868
shrwilliams@nola.gov

This electronic mail transmission may constitute an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail, so that our address record can be corrected.

In accordance with 31 C.F.R. Section 10.35(b)(4), this message has not been prepared, and may not be relied upon by any person, for protection against any federal tax penalty.

-----Original Message-----

From: Malachi Hull
Sent: Wednesday, November 27, 2013 2:54 PM
To: Sharonda R. Williams
Cc: Ava L. Rogers
Subject: FW: Witness Statement

-----Original Message-----

From: Kent Wilkins [mailto:kwilkins1614@gmail.com]
Sent: Wednesday, November 27, 2013 2:47 PM
To: Malachi Hull
Subject: Witness Statement

On October 23, 2013 5 taxi cabs were illegally parked in the fire lane and freight zone in the 100 block of Dauphine street. I asked the cab drivers to move because they were partially blocking our shipping and receiving area. They refused. I called inspector Blake and informed him of the situation. Within 5 minutes inspector Blake and a Female officer arrived. They asked all drivers who were parked illegally to hand over their license and permits. One driver refused to comply. Blake repeatedly asked and he refused. The driver was then asked to exit the vehicle several times. He finally complied, handed over his permit and exited the vehicle. Blake then reached for him and asked him to stand against the wall. As Blake reached the cab driver pushed his hand. Blake then began to instruct him to get against the wall and place his hands behind his back. The driver refused and began to walk away. They driver became very hostile and began shouting obscenities as he walked toward the employee entrance of the hotel where I was standing. Blake asked him to comply and pulled out a can of pepper spray. The driver refused and Blake reached for him. They got entangled, the pepper spray was released. Some of the spray got into my eyes. I did not see what happened after that.

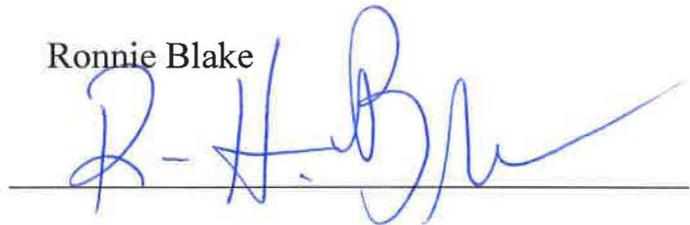
Sent from my iPhone

November 26, 2013

On October 23, 2013, investigator Linda Martin and I were making an airport run. We got a call from the French Quarter Hyatt Hotel to report to the 100 block of Dauphine Street. Upon arrival there were four taxis parked in the fire lane as well as the freight zone. We exited the vehicle and walked to the first taxi and noticed that no one was in that taxi or the second taxi. At that time I walked up to Canal Street to find the other drivers who then returned back to their vehicles. Ms. Martin and I requested there driver's license and permit and they quickly complied by handing them over. When I got to Alliance Taxi #1680 the driver refused to hand over his license and permit. The driver was very hostile each time I asked for his documents. After three tries he put his permit and license by his vehicle window and I asked him to get out of the vehicle. As he got out he was very hostile and combative. I asked the driver to step to the wall so we could finish our investigation. He then started waving his hands at me and using profanity and this is when he took his first swing at me and I backed up. As the driver and I walked down the sidewalk other taxi driver's approached us, and I asked them to step away from the area. The second time he took a swing at me the driver got on his knees and he threatened my life if I put hand cuffs on him. The driver would not comply or relax and let us cite him for not following: Driver's good conduct;

Refusal to comply (Chapter 162-446) and Restricted area; Parked in Freight Zone and Fire Lane (Chapter 162-654). I showed the driver the pepper spray and that's when he punched me in the eye and the face. At no time did I put my knee in his back. The hotel staff did give the driver water for his eyes and milk also. The other drivers were very hostile to Investigator Martin and myself and refused to leave the area. After the driver was serviced by the EMS he received a summons and was taken away by N.O.P.D. The driver took a swing at me two times before I proceeded with any action. At no time when I pointed the spray at the driver did I spray him until he hit me in the face.

Ronnie Blake

A handwritten signature in blue ink, appearing to read "R. H. Blake", is written over a horizontal line. The signature is stylized and cursive.

From: Howard Schwartz
Sent: Thursday, December 19, 2013 2:16 PM
To: Kristen Morales; Michael Centola
Subject: Harbor Police Training

On 12/19/2013, Harbor Police Chief Bobby Hecker advised that Wilton Joiner and Ronnie Blake have never received any training from the Harbor Police at any time.

MEMORANDUM OF INTERVIEW

On 01/10/2014, Investigator Kristen Morales and Investigator Michael Centola of the City of New Orleans Office of Inspector General (OIG), contacted with Wilton Joiner, Senior Taxicab Investigator, New Orleans Taxicab Bureau. Joiner was advised the scope of the interview was administrative and anything he said could not be used in a criminal case. Joiner was required to cooperate fully and truthfully. Joiner knew the identities of the OIG personnel. Joiner advised that he understood the nature of the interview to be administrative and the he was required to cooperate and be truthful. Following this introduction, Joiner provided the following information:

Joiner said that he transferred from the Break Tag Division to the Taxicab Bureau (TCB) in order to receive a pay raise. He was hired by former Taxicab Bureau Director Sidney Bourne. After one year as a Taxicab Investigator, he was promoted to Senior Investigator.

Joiner stated the training that he received the following, which was referred to as: "basic of investigator" "by laws of bureau," "baton training, pepper spray, report writing, operating vehicles' sirens and light, and when and where to use them. The Senior Investigators were Kevin Gorrell, Kewana Fortune, Carlos J Christine, and former Director, Jessie Bridges provided the training,

According to Joiner, baton, pepper spray and handcuff training was provided by Harbor Police in 2003. Other investigators attended, but he could not remember specifically who. He had copies of the training but lost them during Hurricane Katrina (August 2005). Joiner advised that the TCB should have these records in his personnel file. Joiner said at the Harbor Police training in 2003, one day they would watch a video and the next day they would take a test. He also stated that training location was the Jackson Barracks. The other training that Joiner went through was on the job training. Joiner did not recall if the "in-house" training was documented. Joiner stated that there has been no retraining.

Approximately two years ago, under the direction of Michael Lentz, former Deputy Director of TCB, Joiner was sent to firearms training. He did not recall if it was in Mississippi or Louisiana. He advised that Joie Cutrer set up the training and he and Billy Bird attended. The firearms class was a half a day. They fired at targets. He borrowed Cutrer's firearm for the training.

Joiner said while performing his duties as a taxicab investigator he "never carried a firearm," and did carry handcuffs while on the job. He said that he has not worn handcuffs and pepper spray for, "a while." When asked again, if he carried a firearm while on duty, Joiner said "never." Joiner said the TCIs were required to carry pepper spray so he, "purchased them." Joiner purchased Smith and Wesson handcuffs and a basic pepper spray. The TCIs were not told to buy a specific brand of pepper spray.

Joiner described the authority the TCIs had as, "law enforcement officers, enforcing the laws of 162." TCIs issued citations, TCB or Municipal Summons, depending on the circumstances. Joiner stated, "we do have powers to arrest, we just cannot transport them." Joiner said it is stated in, "chapter 162 sections 48 or 58."

The 2002 Standards and Procedures (S&Ps 2002) for the TCB were written and approved by Bridges in 2002. Joiner said that he, "looked at it once." It was not often that he referred to the S&Ps 2002 it was only, "if needed."

Joiner said that pepper spray would be used if he was threatened or harmed. The S&Ps 2002 set forth the proper way to handcuff, complete the New Orleans Police Department (NOPD) form 105

“Report of Incidents.” Joiner stated that he has purchased pepper spray since Hurricane Katrina and it was either from the store “Code 3” or “APE.”

Joiner stated there is “no difference,” between detaining someone and arresting someone. In his position “a situation can go either way” Joiner provided the example; “violent subject; not going to let them harm you.”

When asked what is the role of the NOPD, with regards to TCB? His response “their main job is to transport.” “It is his decision if they will be arrested or not.” Joiner advised he will put handcuffs on someone for his safety until police came. Once NOPD arrived, he would release the individual. Joiner said he can detain someone without an arrest or they can be detained and then arrested. Joiner advised that he has done this twice. One person he did arrest went to jail. On another occasion, Joiner placed handcuffs on a person and when NOPD arrived and defused the situation, the person was released.

Joiner said he, “tried not to wear cuffs that much.” That it’s, “just not that serious.” For his benefit he does not really want to carry handcuffs because he does not want to intimidate people. He did have handcuffs, “it was just in my vehicle.” Joiner stated, “I enforce and I write tickets,” and if, “it’s going to get out of hand, I am going to back out.” He went on to say that he is not going to walk up to a person with handcuffs out because this creates a confrontational situation.

Joiner said he was trained by other investigators in the proper way to issue a citation. He looks for violations of Chapter 162 and “he writes them up for it.” New employees after him were never trained and did not carry a gun.

The difference between a Municipal and a TCB ticket depends on the violation. A driver registered outside Orleans Parish is written a Municipal Summons. A TCB Summons would be written if someone who is permitted in Orleans Parish. If the person does not appear for their hearing, their permit is suspended. If an someone does not show up for a Municipal Hearing, a warrant is issued. It is at the investigator’s discretion to issue a Municipal Ticket. Joiner learned this through on the job training.

Joiner stated that an example of an arrestable offense (AO) would be Chapter 162-446- Driver Good Conduct; if the driver is combative, it is an AO. Chapter 162-89 – Chapter 162-151 is also an AO. Not having the CPNC (Certificate for Public Necessity and Convince) number on the vehicle would be an AO. Taxi Cabs not registered in Orleans Parish would receive a Municipal citation or would be arrested.

The TCB would issue a Summons to taxicab drivers for a drug test if the driver had, “the smell alcohol on them.” Joiner will also issue a TCB Summons if the driver had red eyes or slurred words. When referring to cab drivers/tour guide operators, Joiner said there is, “only so far you can go.” What would “belittling a person do?” Unless Joiner sees someone doing something wrong, Joiner, “wont over step, unless he has a reason too.”

Training:

Joiner said that he did not discuss training with anyone, nor did he have conversations with anyone in regards to the need for training. The TCB would hold weekly staff meetings where they would talk about, “anything and everything.” Joiner brought to the attention of management that females should not work nights – 3:00 p.m.-11:00 p.m. shift. Joiner stated: females should not work on the

streets at night by themselves.” Joiner discussed this all the time with Karen Thibodeaux and Malachi Hull whose answers were always “we don’t have enough staff.”

Equipment:

The vehicles utilized by the TCB were pool vehicles assigned the TCB. Whatever vehicles are assigned to the department is what they used. Certain vehicles would be driven by the investigators. Joiner described the vehicles the investigators drove as, “scrapes of the scrap.” You would get one vehicle repaired and then another one would break down. TCB had six vehicles, two Ford Crown Victorias, one Ford F-150 pickup truck, and two Ford Explorers, (one of these is on loan from the Mayor’s Office). Joiner stated that he would use a white Ford Explorer or Crown Victoria.

When Joiner worked the day shift, he would, “occasionally use one of the Crown Victorias” Joiner believes the 2000 Ford Explorer had, “emergency lights removed approximately 2 ½ years ago” by Equipment Maintenance Division (EMD). Joiner stated that only three TCB vehicles had emergency lights. Former Deputy Mayor Ann Duplessis ordered all emergency lights to be removed. Joiner said he, “had no idea why they had to be removed,” “it was part of the equipment from the beginning,” and the TCB, “is a law enforcement agency.”

Joiner said that, “policy/procedures say you can pull over vehicles” for traffic stops, running a red light or a complaint that comes in about a cab. “Chapter 162 says we can do this.” Joiner said he is, “not sure” if this was stated in the S&Ps 2002. Joiner said there was, “no way he going to flash headlights to get someone to stop.” Mark Dugas, a former TCI, taught TCIs how to pull over a vehicle. This was done when Bournes was the Director and Michael Lentz was the Deputy Director. Dugas and Cutrer provided this training over a one or two day period and consisted of a day or two with both of them.

Joiner said there are “no lights and sirens” in the TCB vehicles he used recently. He said he did use a “dash flash” however after Duplessis said, “no more,” he “never used it.” Each Investigator, “did their own thing” when it came to the vehicles they drove. He would not know if anyone else in the department was using a “dash flash,” just that he, “did not use” it. Joiner said that no other law enforcement training was provided, just the training from the Harbor Police. Joiner “is not and never has been trained as “POST” (Police Officer Standards of Training).

Joiner said you “can enter” and inspect a taxicab. He is, “not sure about searching the dash or glove box.” He said he, “would not search a vehicle if the driver, was not there.” “Nine out of ten times, the driver was present, hanging out near the rear of the vehicle.”

Citations:

Hull told the TCB staff in meetings that the number of citations written was unacceptable but a direct order to write tickets were never issued. No particular number was ever provided to the staff, “not to his knowledge.” If there were violations, Joiner would email or call the driver to correct the problem. He sometimes issues a correction slip.

When Hull observed a violation of Chapter 162, Hull often told TCIs to contact the drivers and take appropriate action. Joiner said, “you can’t go to extreme; these people are trying to make a living the same as I am.” Every violation that Hull witnessed, “did not warrant a citation,” so Joiner would give warnings instead. Joiner said, “you have to use common sense and good judgment.” “I am not going to cause anyone hardship.”

Hull would send an email or a photo of a cab number to the TCB Investigator. The TCB investigators then called the driver "in" and would do an inspection. Joiner wrote on the complaint, "as per Hull" and attached it to the summons. He would print out the email if Hull notified them that way. In Administrative Court, Joiner would still have to explain to the Hearing Officer why Joiner wrote the citation when Hull was source of the complaint. Most of the citations that were written in this manner were dismissed. Some citations that were presented to the Hearing Officer were found guilty.

Tour Guide Operators:

When Joiner observed Tour Guide Operators he would check to, "make sure they had their permit." Joiner would use "Chapter 30" as his reference. The violations would be 1. "Disband by 10:00pm," 2. "valid permits" and 3. "can't be within 50 feet of another tour."

Joiner is able to determine 50 feet apart because he can, "visibly see 50 feet from 15 feet." Joiner has "no measuring device" however, "if they had one it would be helpful." Joiner said he will "only enforce when incredibly obvious." He said it did not happen often, but when it did, he would just let them know. Joiner said the 2nd tour group would be in violation if they turned corner and 1st group was there and the two became within 50 feet of each other. The last citation Joiner wrote was to Wendy Bosma, it was citations for operating after 10:00 p.m. Joiner said, "I did not write tickets for the 50ft rule."

When asked about a grace period for tours operating he would "just ask them to move on." If the tour guide operator was less than 50 feet they would get a citation. If he had previously warned the Tour Guide then he would issue them a summons. If it was 10:01 p.m., he would issue a citation for the curfew violation. Joiner documents his citations via his trip sheet. He would also document warnings, "any warning or any contact with a tour guide." Joiner kept track of the Tour Guide Operators by telling them at 9:55 p.m., to start wrapping up their story in order to complete their tour.

Joiner is not aware if there is a rule regarding the length of time a tour can stay at one location. Joiner would just say, "hey you been here long enough" but there is no set rule to cite that he is aware of. Joiner said that there have been complaints from citizens and residents about Tour Guide Operators being in one spot for 30 or 40 minutes, especially around Governor Nicholls and Royal Streets. A majority of complaints were received from residents living in the 600 block of Governor Nicholls. The maximum number of individuals compromising a tour is 28. One evening Joiner saw, "six groups in a small block area." Joiner said the individuals on the tour were leaning up against the wall, and the Tour Guide Operators were loud. Joiner stated that he personally does not know the Tour Guide Operators, but does know Mr. & Mrs. Whiddon, residents on Governor Nicholls. Whiddon would sometimes talk to him while standing on his balcony.

November 09, 2013

November 9, 2013, Joiner was working the 3:00 p.m. until 11:00 p.m. shift. At approximately 9:30 p.m., he stationed himself near the LaLaurie Mansion. This time period is the busiest time for tours to be located at the mansion.

Joiner said he was wearing a, "navy blue shirt, BDU (Battle Dress Uniform) pants, and reflective vest with no utility belt." Joiner said he was driving the white Ford Explorer. Hull called Joiner on TCB radio. Hull parked his vehicle in the 600 block of Royal Street.

he saw four tour groups in the area. Bosma's group came up and stopped next to another group. Hull told Joiner Bosma's group was less than 50 feet. Hull instructed Joiner to, "inform her of being within 50 feet, get her permit"

Bosma had just walked up to the LaLaurie Mansion so she was less than 50 feet from the next tour group. Bosma came down from Chartres Street. Joiner said she passed another group but they were so close they were almost "mingling about, within 25 feet." Joiner described the distance as the length between the lamp post of Governor Nicholls and Royal Street.

Joiner said he approached Bosma to inform her of the violation. Hull instructed Joiner to let Bosma finish her tour, but get her permit and let her finish her story. At that time Joiner told Bosma she was violating the 50 foot rule. Bosma gave Joiner her permit. Joiner stated; "it's almost 10:00 p.m., finish your tour and then come back and see me." She said, "no other groups" were out there. Joiner responded, "If you have complaints go see my supervisor." Bosma then got on the phone and called someone. Joiner said Bosma went back towards her tour group and told them he, "took her permit, he is not allowed to take my permit, had no reason to take my permit." He walked back across the street and Bosma said, "give me back my permit, you fucking asshole."

The tour group walked across the street and started to yell and scream at Joiner. Joiner said he walked away and called NOPD as Hull instructed him to do. He called the 8th District Command Desk, He informed the Command Desk that he needed assistance at the 600 block of Governor Nicholls. Joiner said he called the Command Desk instead of 911 because "it was not an emergency so to speak." Joiner said; "I felt someone run up behind me and push me" at this point he did not know who just pushed him. He felt hands on his left ribs and another hand over him and grab the permit. Bosma bent his fingers back and Joiner dropped his phone, he then grabbed her right wrist. He started to twist her wrist behind her back because Joiner wanted her off of him. Joiner said her arm is either under or over Joiner's shoulder. Once Bosma's arm was in front of Joiner he twisted her arm and she released the permit. Joiner told Bosma "don't you ever take anything out of my hand." Joiner said he just wanted Bosma off of him, he, "did not push her away." "If I had cuffs on me I would have put them on her." Joiner said he could not recall if he grabbed her anywhere else. Joiner said both he and Bosma were up against van, he was on the van first, but does not recall how they were on the van.

When Joiner was asked if he saw the video of this incident he said "yes," it's all over the news, and he is "disgusted" every time he sees it. Joiner then said he, "did not recall pushing her". Joiner noted that he, "does not interrupt tours, he informs them only after they finish speaking."

Joiner said two NOPD Officers arrived, he explained that Bosma, "assaulted me, I want her arrested." Hull was interviewed by one of the officers, but Joiner does not know what was said. Joiner said Bosma was not arrested and he made it clear to NOPD that she assaulted him.

Joiner wrote a citation to Bosma for violating the 50ft rule. He asked NOPD to remain in the area while he issued the citation to Bosma. After the citation was written, Joiner left, went to his office and wrote his report of the incident which he described as, "a true and accurate statement." Hull told Joiner to submit his report to him. Joiner emailed his report to Hull, Thibodaux, and Ronnie Blake.

Jennifer Vallas complaint:

Joiner stated an individual had complained about a tour guide dressed like a pirate on Governor Nicholls. He could not remember the complainant name, advising it may be Robert Percey or Preston.

Joiner said he could determine the name because he also wrote the complainant a ticket the same day. The complainant was harassed by a woman with red hair and thinks her name was Jennifer. He would try to ignore her but then one time it happened in front of his group. Joiner said he saw her a week later and, "I had to do something, I have to act on it, I can't let a complaint just go by." (OIG Note: Joiner was referring to Tour Guide Operator, Jennifer Vallas). Joiner said when he approached her about the complaint she stated, "she is not a racist," and that she, "has black members in her family." Joiner said he still wrote her a citation, but since he did not have the complainant available to point Vallas out as the person who was harassing him, he just wrote "complaint" on the citation

When asked if he had ever been interviewed by Hull regarding the Bosma incident, Joiner responded, "Never spoke to anyone." The City Attorney never interviewed him, nor Blake, Thibodeaux or the arresting officer, NOPD Roach. (OIG NOTE: Joiner was arrested for assault.) Joiner said when he was arrested he was not questioned.

On the following Monday after the incident, Joiner was called to the office by Hull. Joiner said that he thought he was going to be interviewed, instead he was suspended. Hull called Joiner and asked him to come in for 4:00 p.m., Hull advised Joiner he was going to be questioned about what happened. Hull then asked him if he had seen the news. Hull told Joiner that, "the City Attorney needs you to come in and discuss this." Joiner went to Hulls office and Hull told him that he was being placed on emergency suspension before he even saw the city attorney, Sharonda William. Joiner told Hull, "you already found me guilty and have not asked me for his side of the story."

Joiner said he did not understand why he was being suspended when he, "was instructed to do it and that was the reason I took her permit." Joiner said he would rather warn operators because it is less confrontational.

Complaints:

Tom Shlosman, Attorney, sent a letter to City Hall about Joiner. The letter said there were complaints about him but he never received any complaints about himself. Joiner said he was never interviewed about this letter. He said Hull and Blake also received letters from Shlosman. Joiner said Hull, "never discussed the letters" from Shlosman with him. Joiner said when he did ask Blake about it, Blake told him that Hull said, "don't worry about it, Its foolishness."

Joiner said that he is not personal friends with Hull. It is a "boss/employee" relationship. Joiner said they did not meet on routine a basis.

Joiner said he "has never taken money or lunch" from anyone, " He went on to say that, "he never took anything of value." He has, "never been offered and never requested."

Work Details:

Joiner said he had worked details, including Voo Doo Festival and Jazz Festival. Joiner said he, "gets a check from the venue" or the promoter of the event. He explained that details are considered by him, "not on duty" for the city, but he does wear his TCB uniform. Joiner said when he did the details; he was in his personal vehicle. Joiner said the details were not part of "city money." Joiner said there was "no policy" on work details.

When asked about a Field Operations Manual, Joiner said "one exists, but he does not have one." Joiner said Hull gave them the policy/procedures. Joiner walked through the steps of issuing a

driver a citation for blocking a fire hydrant. He said he would, "ask for their driver's license, registration and permit." He said that he would prefer that the cab drivers stay in their cars. There is "no protocol on that," it just his "discretion." Joiner said most cab drivers carry "guns, knives and weapons."

Joiner said he has received complaints on Terrance Wimberly and former co-workers; Travis Trahan and Cutrer however, he was told the complaints was unsubstantiated.

Joiner said he did not know of any TCB employee receiving anything of value as a bribe or payoff. Joiner says he knows of, "no wrong doing by the TCB." Joiner said he is aware but had never seen the Passenger Bill of Rights and Taxicab Driver Bill of Rights.

Joiner said he was aware of an incident where his co-worker Blake was on the hood of a moving cab. He said the incident was, "never formally discussed" within the TCB however; TCB employees did, "joke about it." Joiner said TCB employees were not given "do's and don'ts" that have resulted from Blake's incident.

MEMORANDUM OF INTERVIEW

On January 31, 2014, Simone Quintero, Police Officer (PO), New Orleans Police Department (NOPD), 8th District, was interviewed by Investigator Michael J. Centola, City of New Orleans, Office of Inspector General (OIG). After being advised of the official identity of the interviewing Investigator, PO Quintero provided the following information:

PO Quintero has been employed by the NOPD for nine years. Her only assignment has been the 8th District.

PO Quintero recalled being in NOPD unit #815 by herself and responding to a simple battery call involving a Taxi Cab Bureau (TCB) Investigator and a taxi cab driver. NOPD Officer Gennero had also arrived on the scene, but left after being there for only a short time. Quintero had with her a copy of the report she completed regarding the incident in order to be able to refresh her memory. The date of this incident was October 23, 2013 and the location was the 100 block of Dauphine.

Quintero recalled when she arrived; the driver was sitting on the curb, crying and complaining about his eyes. Quintero asked TCB Investigator Ronnie Blake to explain the situation. Blake advised Quintero that Blake had received a complaint from the Hyatt Hotel that taxi cabs were blocking the fire lane near the hotel. Blake had stated that when he arrived other drivers were compliant with him, but one was not. (OIG Note: This driver was later identified as Emanuel Esterlin.) Blake told PO Quintero that he requested Esterlin several times to comply with his instructions. Esterlin refused and attempted to leave the area.

According to Blake, he then attempted to place Esterlin in handcuffs. While Blake was attempting to handcuff Esterlin, Esterlin swung at Blake and hit Blake in the left eye. According to Blake, at this point, Blake began defending himself. Blake removed pepper spray from his duty belt and sprayed Esterlin. This is when NOPD was called and this incident was reported. According to Blake, Esterlin was refusing to comply with the rules and regulation of the TCB and was in violation of several municipal codes as well. Quintero is unsure of the violations to which Blake was referring. After being apprized of the incident by Blake, Quintero called for Emergency Medical Services (EMS) to proceed to the scene. After being treated on the scene by EMS, Esterlin was transported to University Hospital, while PO Quintero followed in her NOPD vehicle. After being released from the hospital, Esterlin was then transported to jail where he was booked on a Simple Battery charge.

Quintero assumed Blake had the authority to handcuff Esterlin since Blake was wearing a police type uniform and possessed handcuffs and pepper spray. Quintero placed Esterlin under arrest and placed her handcuffs on him, after she removed Blake's handcuffs. Esterlin did not make any statement to PO Quintero. He was only complaining about his eyes. PO Quintero did not speak to a second TCB Investigator who was present on the scene. PO Gennero may have spoken to her.