



Office of Inspector General
City of New Orleans
525 Saint Charles Avenue
New Orleans, LA 70130-3409
Office: (504) 681-3200 Fax: (504) 681-3230
www.nolaoig.org

March 3, 2010

Mayor Ray Nagin
City Hall
1300 Perdido Street
New Orleans, LA 70112

Dear Mayor Nagin:

As you know, the relationship between the New Orleans Police Department (NOPD) and the citizens of New Orleans has been poor. Citizens have complained of numerous instances of police harassment, gratuitous insult and worse.

In response to the groundswell of citizen displeasure last year, the City Council passed and you signed into law, the Independent Police Monitor (IPM) ordinance. One of the law's objectives is to provide independent oversight of the NOPD's investigations into incidents of alleged police misconduct.

In recent weeks, local media have described multiple incidents of apparent police misconduct involving force against citizens in the aftermath of Hurricane Katrina. Last week, a police lieutenant pleaded guilty to charges arising from his fabrication and filing of a false incident report relating to the apparently unprovoked slaying and wounding of innocent, unarmed civilians on the Danziger Bridge. This deception and the detestable actions it attempted to conceal make an effective Independent Police Monitor all the more essential.

These and the other actions, in the words of Police Superintendent Warren Riley, mean that police "...are going to be judged in an extreme way on every encounter...because it is certainly on every person's mind – is this good cop or a bad officer?" Superintendent Riley also was quoted as saying, "It's going to take a long time for this black eye, for this dark moment, to subside."

The black eye and dark moment will never go away until there is trusted third-party oversight into allegations of police misconduct. The odious smell hanging over the NOPD will affect all police officers, good and bad, until someone the public trusts certifies that the NOPD is properly investigating allegations of police misconduct.

Though Superintendent Warren Riley has recently tried to assuage public outrage over the Danziger Bridge investigation, his true opinion of third-party oversight is clearly demonstrated in his continued efforts to impede the implementation of the Independent Police Monitor law as described below.

On September 4, 2009, then Police Monitor Neely Moody wrote the Superintendent requesting the policies and procedures of the NOPD and the Public Integrity Bureau (PIB), tables of disciplinary action, files of complaints and investigations completed in the prior year, and the number of investigations not completed within the prescribed time period. (See letter of Neely Moody to Warren Riley, September 4, 2009.) None of these documents were provided.

On September 2, 8, 18, and October 1, 2009, Deputy Police Monitor Holly Wiseman met with Chief Adams of the PIB, and then with Captain Thomas to discuss setting up a protocol for cooperation. Negotiations reached an impasse over the timing of PIB's disclosure to the Police Monitor of the results of its misconduct investigations.

On November 16, 2009, Deputy Police Monitor Wiseman and I met with Superintendent Riley. Riley said that the Police Monitor would have to apply to him personally for access to PIB files, and that he would not consider such requests until the investigations were completed and closed, contrary to the ordinance's requirements that the Police Monitor be provided with all documents and information *prior* to disciplinary hearings. He also rejected the OIG's offer to pay for a shared database that is essential for tracking police misconduct complaints.

On January 11, 2010, I wrote Superintendent Riley to request that he direct PIB to provide the documents to which the Police Monitor, and for that matter, the OIG were entitled under the law. (See letter Ed Quatrevaux to Warren Riley, January 11, 2009.)

On February 22, 2010, the Deputy Police Monitor met with Captain Thomas and Chief Adams. Adams said that Riley had decided to accept the offer of the database. The Deputy Police Monitor asked about the letter of January 11, 2010, saying we had received no reply to our request for documents. Adams claimed to be unaware of it even though a copy of it was visible. Adams said the PIB was still under a prohibition against cooperating with (the Police Monitor), and that it would remain until there was a change in administrations.

Cooperation in the implementation of the Independent Police Monitor ordinance is required by Sec. 2-1121(17) of the City Code. The provision also subjects a city

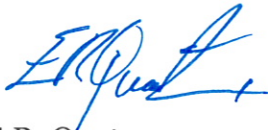
employee to “investigation, and if warranted, to discharge or such other discipline...” for failure to cooperate with the Independent Police Monitor.

The Superintendent has repeatedly refused to comply with the law. The Superintendent said he is shocked by the misconduct of some his officers, but ordered the very officers charged with investigating complaints of misconduct to ignore the law as it applies to the NOPD.

These actions prevent the Office of the Independent Police Monitor from performing its duties under the law. I urge you to instruct the Superintendent to cooperate with the Police Monitor and obey the law.

Although the City Council has the authority under Sections 3-124 and 3-125 of the City Charter to conduct investigations and remove Unclassified Appointees, I am hopeful that your immediate action to resolve this serious problem will preclude involvement by the Council.

Please advise me of your decision and action taken not later than March 17, 2010.



E.R. Quatrevaux
Inspector General

Cc: Superintendent Warren Riley
New Orleans City Council



**Office of Inspector General
Independent Police Monitor**
City of New Orleans
525 Saint Charles Avenue
New Orleans, LA 70130-3409
Office: (504) 681-3200 Fax: (504) 681-3230
www.nolaoig.org

September 4, 2009

Warren J. Riley
Superintendent of Police
New Orleans Police Department
715 S. Broad St.
New Orleans, LA 70119

Dear Superintendent Riley:

On Wednesday, September 2, 2009, Holly Wiseman, Deputy Independent Police Monitor, and I met with Deputy Superintendent Bruce Adams and Captain John Thomas of the NOPD Public Integrity Bureau (PIB) to begin discussing the Protocol which the NOPD and our office must finalize by November 9, 2009. See enclosed Police Monitor Ordinance. Both officers assured us of their good will and desire to make the PIB files and procedures open and transparent to this office; I am sure we will work together cordially and effectively.

I would like to set out the issues for which our agencies must establish rules and procedures under the Protocol:

The NOPD must provide the Independent Police Monitor (IPM) with:

1. Notification of the filing of any complaint of misconduct, whether civilian or internally-generated, however classified, within seven (7) days of its receipt.
2. Notice of any internal investigations and/or internally generated complaints within seven (7) days of the initiation of investigation.
3. Timely notice prior to all disciplinary proceedings.
4. Complete access to all disciplinary and non-disciplinary proceedings of department boards.
5. Complete access to all materials to which those boards have access, regarding all disciplinary and non-disciplinary matters.
6. Adequate notice of the conclusion and results of disciplinary and non disciplinary proceedings so that the IPM can meaningfully exercise its statutory responsibility to review the completed investigations and make recommendations as to re-opening an investigation or altering a disciplinary sanction.
7. Meaningful status reports on all investigations as requested.

The IPM shall:

1. Refer to the PIB all civilian complaints that it receives from community or civil groups. It may or may not refer complaints it receives directly, as appropriate.
2. Review classifications of all civilian complaints and internal investigations and recommend that they be re-classified where the IPM believes appropriate.
3. Review civilian commendations to the NOPD and present such information public.
4. Review the appropriateness of disciplinary sanctions and make its own recommendations where appropriate.

Additionally, the IPM and PIB must develop recommendations to improve police disciplinary procedures.

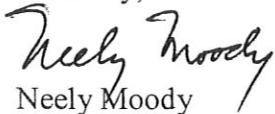
The IPM must also review how the NOPD collects and analyzes information regarding misconduct in order to allow it to track trends of various factors, such as types of complaints, supervision, and use of the early warning system to intervene with officers charged with misconduct, etc. To this end, we are interested in knowing how the PIB currently maintains its files and what types of statistical reviews and analyses it performs on the information in the files.

In addition to finalizing the Protocol, in order for our office to begin its work, we will need copies of or access to the follow materials:

1. All policies and procedures of the NOPD.
2. Policies and procedures of the Public Integrity Bureau and all rules regarding disciplinary and non-disciplinary procedures.
3. Tables of disciplinary action.
4. Files of complaints and internal investigations closed within the past year.
5. Number of investigations during the past year that were not completed within the required time period, whether 60 days or 120 days.

We will meet again with Captain Thomas next week to begin sketching out the Protocol and will keep you advised of our progress.

Sincerely,



Neely Moody
Independent Police Monitor

cc: Deputy Supt. Bruce Adams, NOPD
Enclosure
NM/hw



**Office of Inspector General
City of New Orleans
525 Saint Charles Avenue
New Orleans, LA 70130-3409
Office: (504) 681-3200 Fax: (504) 681-3230
www.nolaoig.org**

January 11, 2009

Superintendent Warren Riley
New Orleans Police Department
715 S. Broad St.
New Orleans, LA 70119

Dear Superintendent Riley:

This is to request that, pursuant to City of New Orleans Code Sec. 2-1121, entitled "Office of the Independent Police Monitor," ("Police Monitor Ordinance") you provide this office with the following:

1. Notification of all complaints of alleged departmental member misconduct, whether civilian or internally generated and however classified, filed with the NOPD Public Integrity Bureau since September 14, 2009. Access to all "complainant/initial intake" forms alleging departmental member misconduct, whenever filed.
2. Access to all documents representing initiation of internally generated complaints against departmental members, including Forms DI-1 (Initiation of a Formal Disciplinary Investigation), DI-3 (Informal Disciplinary Investigations) and Citations of Disciplinary Action, whenever filed.
3. Notification of and access to all incident reports and/or use of force reports regarding all officer-involved shootings, death in custody incidents, uses of force and vehicle accidents involving alleged misconduct occurring since September 14, 2009.
4. Access to the PIB file of each departmental member who is the subject of a complaint or disciplinary investigation, both now and in the future.

5. Notification of and access to all “completed” investigative reports as defined in the Police Officers Bill of Rights, LA R.S. 40: 2531(7): “The investigation shall be considered **complete** [emphasis added] upon notice to the police employee or law enforcement officer under investigation of a pre-disciplinary hearing or a determination of an unfounded or unsustainable complaint.”
6. Notification of and access to all disciplinary hearings scheduled from today’s date forward.
7. Access to all materials available to the hearings officer in any disciplinary hearing scheduled from today’s date forward, at least five (5) days prior to the hearing.
8. Access to any and all databases currently maintained or in the possession of the NOPD Public Integrity Bureau or any other section of the NOPD which record closed or open complaints or incidents of alleged misconduct on the part of NOPD departmental members, with the exception of access to files currently under investigation and not “complete” as defined above.

This includes the Excel database created by the PIB approximately one year ago, the database program designed/created by PIB personnel post-Katrina, and any pre-Katrina database still existing. Please note New Orleans City Code Sec. 2-1121(14) Review of Data Collection and Analysis: “The New Orleans Police Department shall provide [the Independent Police Monitor] the appropriate database and personnel to facilitate this section.”

9. A copy of the NOPD Standard Operating Procedures.

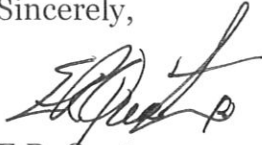
Finally, at our meeting on November 16, 2009, the Office of the Inspector General offered to purchase an internal affairs database for the NOPD, a tool which we understand the Public Integrity Bureau has been seeking funds to purchase for over a year. In addition to tracking complaint investigations, such commercially available databases include functions of vital utility to a police department such as early warning programs, trend analysis and other state of the art management tools. At our meeting you declined our offer on the grounds that we proposed to share the database, which would be designed so that the IPM could access information and only information to which it is entitled under the Police Monitor’s Ordinance.

Deeming such a database necessary for the NOPD, at a minimum, to comply with its responsibilities under Sec. 2-1121(14), above, we now offer to purchase a database for the NOPD’s independent use. The IPM will use an identical but separate database program for its own files so that the NOPD can provide the information it is required to submit to the IPM by Sec. 2-1121(14) in a compatible format.

You may deal directly with Deputy Independent Police Monitor Holly Wiseman to discuss these and any other issues arising under the Ordinance. In the absence of an Independent Police Monitor, I have fully authorized her to represent the IPM. You can reach her at 681-3229. Thank you.

I would appreciate hearing from you before January 29, 2010. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'E.R. Quatrevaux', with a stylized flourish at the end.

E.R. Quatrevaux
Inspector General