

Release of Confidential Materials in a NOPD PIB Investigation 23-0004-I

December 5, 2023

Purpose of This Report

The OIG investigated the released confidential materials in the NOPD Officer Jeffrey Vappie case conducted by the NOPD PIB. The purpose of this review was to determine if the Police Officer Bill of Rights, La. R.S. 40:2532, was violated in this case. The law states: that “[n]o person, agency, or department shall release to the news media, press or any other public information agency, a law enforcement officer’s home address, photograph, *or any information that may be deemed otherwise confidential*, without the express consent of the law enforcement officer, with respect to an investigation of the law enforcement officer.” The OIG is authorized to comment on rules, regulations, policies, and transactions for the purpose of preventing fraud, waste, and abuse in order to promote effective and efficient government.

What the OIG Found

- The City Attorney asserted that the thumb drive containing the PIB recordings was mistakenly released to a third party, but the OIG was unable to further investigate this assertion because the alleged recipient asserted his Fifth Amendment privilege against self-incrimination and declined to be interviewed.
- The NOPD, City Attorney’s Office and the Office of Independent Police Monitor (OIPM) neglected to attempt to recover the recordings.
- The OIPM did not initially cooperate with the OIG as required by City Code Section 2-1120 (20) and provide the OIG with all available information regarding the release.

What the OIG Recommended

- Access to information and recordings related to investigations should be provided to the City Attorney’s office solely through evidence.com.
- PIB should establish a record management policy that includes language regarding the storage of all PIB files and establish procedures so that all interviews are handled in a consistent manner.
- PIB should have a separate case management system to maintain, store, and track all records related to PIB investigations.
- The City Attorney’s Office should create an electronic log to document the receipt and release of any documents from PIB in order to further ensure the protection of sensitive information.
- The CAO should ensure that all City employees and departments should share with the OIG pertinent and vital information within the purview of the OIG as required by the City Code, Section 2-1120, in order to reduce the risk of overlapping operations and to ensure deconfliction.
- The OIPM should take steps to obtain the statutory authority to maintain certain information as confidential and therefore not subject to Public Records Law.
- City employees should be reminded to install the City’s device management application if they elect to use their personal cellular telephones and personal equipment while performing official duties as a City employee.

Inspector General Edward Michel Statement:

“The City has a responsibility to safe guard sensitive information and must ensure information is provided only to individuals who have a need to posses the information.”

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