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REPORT OF INVESTIGATION

Investigation of the potential exposure regarding confidential materials concerning NOPD Officer, Jeffery Vappie.

December 5, 2023

Edward Michel, CIG
Inspector General



REPORT OF INVESTIGATION

23-0004-I

TITLE: Investigation of the potential exposure regarding confidential materials concerning NOPD Officer, Jeffery Vappie.

LOCATION OF OCCURRENCE: New Orleans, LA

DATE OF OCCURRENCE: Between February 8, 2023 and March 13, 2023

INVESTIGATED BY: Investigations Division

- VIOLATIONS:**
- The Police Officer Bill of Rights, at La. R.S. 40:2532¹, provides 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.*” This confidentiality of information relative to the investigation of a law enforcement officer is further protected by (1) La. R.S. 44:4.1 (26)², which exempts from the State Public Records Law information that is confidential under La. R.S. 40:2532; and (2) NOPD Operations Manual, Chapter 13.03 (21)³, which excludes internal investigation files from an Officer’s personnel jacket, places them under the exclusive control of PIB, and authorizes only the Superintendent or the Deputy Chief of PIB to approve access to these files.
 - Federal Consent Decree between the New Orleans Police Department and the United States Department of Justice paragraph #409⁴. “All misconduct investigation interview recordings shall be stored and maintained in a secure location within PIB.”

ACTION TAKEN: This report is provided to the City of New Orleans, Chief Administrative Officer, and the Superintendent of the New Orleans Police Department (NOPD) for corrective actions to ensure the integrity of future investigation activities by the NOPD.

¹ See Exhibit 1, La. R.S. 40:2532.

² See Exhibit 2, La. R.S. 44:4.1.

³ See Exhibit 3, NOPD Operations Manual, Chapter 13.03.

⁴ See Exhibit 4, Paragraph #409 of the Federal Consent Decree between the New Orleans Police Department and the United States Department of Justice.

BASIS FOR INVESTIGATION

On March 27, 2023, the President of the New Orleans City Council sent a letter to the New Orleans Office of Inspector General (OIG) requesting the OIG investigate the handling of the Public Integrity Bureau's (PIB) investigation into NOPD Officer, Jeffrey Vappie.⁵ The Office of the Independent Police Monitor (OIPM) alleged that there was an apparent breach of confidentiality and security at the PIB that compromised the integrity of the Vappie investigation, specifically referencing the release to the public and media of recordings of 11 witness interviews in the Vappie investigation prior to the completion of the investigation.

BACKGROUND

The City of New Orleans (City) owns a building known as the Upper Pontalba Building (Upper Pontalba) which is located on St. Peter Street in the French Quarter and managed and operated by the French Market Corporation (FMC), a Public Benefit Corporation. There is an apartment in the Upper Pontalba, known as the Mayor's Apartment, controlled by the City. The City did not implement any written rules or guidance relating to the use of the apartment. It was alleged Mayor Cantrell was utilizing the apartment for personal use and her Executive Protection Detail (EPD) would routinely accompany her to this location. It was further alleged that a member of the EPD, Officer Jeffery Vappie, would accompany the Mayor, both on and off-duty. Due to these allegations, the PIB opened an investigation of Vappie's conduct.

On March 13, 2023, the Office of Independent Police Monitor (OIPM) sent a letter to City Council President J.P. Morrell, Federal District Court Judge Morgan, NOPD Deputy Chief of Public Integrity Bureau Keith Sanchez, and the United States Department of Justice.⁶ This letter informed that 11 recorded interviews conducted by the PIB, from the Vappie investigation, had been released to members of the public and the media. The OIPM confirmed through a private citizen and review of the recordings that the recordings were in fact recordings of the interviews conducted by the PIB during the Vappie investigation.

EXTENT AND RESULTS OF INVESTIGATION

On April 4, 2023, Stella Cziment, the Independent Police Monitor (IPM), was interviewed by OIG Investigators.⁷ Cziment recalled receiving information on March 9, 2023 from an individual who claimed they received recordings on a thumb drive two weeks prior. This individual advised Cziment that she would be interested in the recordings as they are from the NOPD Vappie investigation. The individual received the recordings from another individual whom they refused

⁵ See Exhibit 5, City Council Letter dated March 27, 2023 to the OIG.

⁶ See Exhibit 6, Letter dated March 13, 2023, the OIPM sent a letter to the City Council President J.P. Morrell.

⁷ See Exhibit 7, Memorandum of Interview of Cziment dated April 4, 2023.

to identify. The individual who possessed the thumb drive also advised her that the recordings in the Vappie investigation had been released into the public realm. Cziment did not understand exactly what they were claiming. Cziment attempted to arrange a meeting with the individual but the individual was unable to meet until Monday March 13, 2023.

According to Cziment, she met with the individual on Monday, March 13, 2023 and they gave her a thumb drive containing copies of the alleged recordings of NOPD officers interviewed during the Vappie investigation. She recalled meeting with the individual and the individual was very vague as to where they obtained the recordings and exactly what the nature of the recordings were. Cziment stated that she made a copy of the files which she currently maintains on her notebook computer. When she was asked to provide the name of the individual who provided her with the thumb drive, Cziment refused to provide the individual's name. She stated that she promised the individual confidentiality when she was provided the thumb drive. OIG investigators advised Cziment that they were unaware of any statute or provision that allows the OIPM to withhold the identity of an individual of information because they promised the person that their name would remain confidential. Cziment advised that the OIPM has an internal policy containing this practice concerning confidentiality and she agreed to provide the OIG with a copy of the policy. Cziment also contended that the Memorandum of Understanding between her office and NOPD prevents her from releasing of the name of the individual. (OIG Note: Internal office policies do not override the City Ordinance requiring cooperation with the OIG or State Public Records law.)

Cziment connected the thumb drive to the OIPM computer, viewed the contents, and also took a screen shot showing the contents of the drive. This is the same screen shot she placed in the March 13, 2023, letter regarding the recordings being released. Cziment also performed what she called a "spot check" which she described as listening to portions of the recordings. She did this in an attempt to determine if the content of the drive was what the individual claimed. The individual advised that the recordings have gone public and stated "everyone has it" including the media. Despite the individual stating that the recordings were public in the media, Cziment was still skeptical of the audios' validity, since there were no news reports.

The OIG asked Cziment if she discussed the receipt of the recordings with anyone. Cziment replied she initially discussed the receipt of the thumb drive and its reported contents with the OIPM Legal Counsel Sharonda Williams and the Deputy Independent Police Monitor Bonyce Sokunbi.

After determining the recordings were interviews in the Vappie investigation, Cziment emailed NOPD PIB Deputy Chief Sanchez and requested an audit trail of the recordings to identify who had accessed the recordings and documents. Cziment advised she was concerned about the release of sensitive information regarding the Vappie investigation. She was interested in determining who at PIB and the Federal Consent Monitor may have had access to the recordings.

PIB records and documents are maintained on an electronic file repository known as “evidence.com.” The “evidence.com” platform allows registered users to log into the system, review, and download files. All recordings created by NOPD officers via body camera are uploaded to “evidence.com.” Sanchez replied in an email to Cziment that he would provide the audit trail.

Cziment then discussed the recordings with PIB Deputy Chief Sanchez. Cziment decided that she had an obligation to advise all interested parties that she possessed the recordings. Cziment had a suspicion the Vappie investigation was compromised, although she did not know if it had actually been compromised or not.

Cziment was also concerned about a statement made by Mayor Cantrell in the media regarding cooperation with investigations.⁸ Mayor Cantrell stated that those in law enforcement should not comment on her protection detail as it could create a potential security threat and they should exercise their right to not speak. Cziment believed that the Mayor was instructing law enforcement officers not to cooperate with the investigation. At a minimum Cziment believed the statements could be interpreted as such since the statement was made publicly. Cziment was concerned that the Mayor’s Office could not remain separated from the investigation. Cziment was also concerned because the City Attorney, Donesia Turner, was acting as the lawyer for both the NOPD and the Mayor’s Office. (OIG Note: By City Charter the City Attorney is required to represent both the City and the Mayor.)

Since late November 2022, Cziment has attended a weekly 10:00 a.m. Monday meeting concerning PIB investigations, including the Vappie investigation. These Zoom meetings were attended by Cziment, Federal District Court Judge Susie Morgan, the Federal NOPD Consent Decree Monitor and PIB Deputy Chief Sanchez. During these meetings Sanchez assured attendees that access to all information developed and records collected during the investigation was being restricted. Sanchez also noted the information was stored at a remote location. Through the course of these meetings, Cziment learned how the investigation was being conducted. Legal issues that arose during the investigation were discussed as well as potential “road blocks.”

During one of these meetings, Cziment raised the question of who is NOPD’s legal representation regarding the Vappie investigation. Historically the City Attorney has been the lawyer for the NOPD. However, it was not clear who was the actual attorney representing NOPD and the City in this matter. Cziment wondered if the NOPD hired outside counsel due to the nature of the Vappie investigation.

Cziment advised that PIB did not attend the Monday morning meeting on March 13, 2023. She became concerned about this, particularly after learning the Vappie recordings were released. During this meeting, Cziment shared the information she received that the interview recordings were made public.

⁸ See Exhibit 8, Mayors Press Release dated February 3, 2023.

Cziment did not discuss the recordings with NOPD Superintendent Michelle Woodfork. She believed it would be a conflict of interest to share her findings with Woodfork because the NOPD Superintendent is ultimately the deciding official. She also did not contact City Attorney Donesia Turner about the recordings.

Cziment advised that she did not provide any information to or contact the OIG because of the possibility of any other investigation being compromised. She did not want any compelled interviews to be in the possession of an agency conducting a criminal investigation. According to Cziment, the individual, the news media, and her office has copies of the recordings, indicating the recordings were not kept confidential, but were in the public domain. It was her hope if the investigation was still ongoing, and she believed it was, that the City could shield further information from being released. Specifically, Cziment did not want the release of records that may include exceptions to any public record request, particularly techniques and tactics used.

Cziment sent the letter to the City Council advising them of her possession of the recordings since the City Council has the ability to initiate investigations. She further advised that once the recordings were outside of the NOPD's possession, the release was outside the scope of the OIPM.

Judge Morgan requested a special meeting to get an update on the Vappie investigation. Present at the meeting were Judge Morgan, the Federal Consent Decree Monitor Jonathan Aronie, NOPD PIB Deputy Sanchez, the City Attorney Donesia Turner, and Cziment. Cziment found it unusual that the City Attorney was present since the Assistant City Attorney would normally attend.

Cziment also found it unusual that the City Attorney's Office was participating in the meeting because it was rare for the City Attorney to become involved in a disciplinary investigation prior to the completion of the investigation. There have been instances where the City Attorney's office was consulted in investigations prior to completion; however, these instances were related to use of force matters or situations that questioned whether it was a civil or criminal matter.

Cziment recalled during this meeting she raised her concern about the Mayor's statement encouraging the lack of cooperation of law enforcement individuals and other statements made by the Mayor regarding the Vappie investigation. She raised further concern that the NOPD may be experiencing political pressure regarding the investigation, especially since Mayor Cantrell appeared to be attempting to have Vappie reinstated to her protection detail.

Cziment sought to remove potential conflict of interest issues from the investigation and wanted a "firewall." It was her desire that the Mayor's Office and NOPD be represented but there should be no sharing of information. She felt this would provide for a fair, accurate, and complete investigation.

When asked if she knew of the allegation that the Housing Authority of New Orleans (HANO) was in possession of the recordings, Cziment replied she heard in the media that the City Attorney's Office identified HANO as the department who received the recordings.

Cziment provided the OIG a copy of the email that accompanied her March 13, 2023 letter that was titled, "Breach of Security regarding NOPD Investigation CTN 2022-0513-R."

On April 10, 2023, City Council President JP Morrell was interviewed by OIG Investigators.⁹ According to Morrell, IPM Cziment contacted him via a text message from her personal cellular telephone on Monday, March 13, 2023 at 4:13 PM. In the text message she asked him if he could get on a conference call with her and Beldon Batiste. In the text message, Cziment stated, "Hi, this is Stella from OIPM. Do you have time for an important call with me and Beldon Batiste? He has something he wants to discuss with us. It is important." (OIG Note: Batiste is active in local community and political issues.)

Morrell called Cziment after receiving the text message and Cziment told Morrell she had to get Batiste on the phone. Cziment created a conference call with Batiste and Morrell. Morrell didn't know if Cziment had spoken to Batiste before the conference call. Morrell believes that Batiste contacted Cziment because Cziment participates in community engagement.

Morrell also believed Cziment subsequently called him because he's the City Council President and because he predicted something similar to a leak would occur. Morrell alluded to the unauthorized release of the recorded interviews of NOPD officers regarding the Vappie investigation. According to Morrell, the Council has oversight over NOPD and was skeptical about PIB conducting the Vappie investigation due to a potential conflict of interest.

According to Morrell, Batiste told Cziment and Morrell that he had recordings of police interviews regarding the Vappie investigation, but would not say where he got them. During the conversation, Cziment did not mention the need to keep Batiste's identity confidential.

Batiste asked Morrell if he wanted to see the files and offered to send Morrell copies of the recordings. Morrell declined because he contends it would be a violation of the Policemen's Bill of Rights to possess the recordings. Morrell did not receive copies of the tapes and told Cziment he did not want any copies. Batiste advised he'd already sent them to Lee Zurik, an investigative reporter with FOX 8 news. Morrell told Batiste not to share the file with anyone, but does not recall if Cziment repeated his admonishment to Batiste.

Morrell was concerned about a civilian having evidence from the Vappie investigation because the Policemen's Bill of Rights grants confidentiality of investigations.

Morrell advised that Cziment thought it was important to send a letter to all groups involved in the Consent Decree, including the Federal Monitor and the Judge since the NOPD is currently under a Federal Consent Decree. During their conversation, Cziment did not mention the OIG. Morrell did not disagree with Cziment's plan to send a letter to all parties involved. Morrell advised Cziment that the letter should be sent to the Department of Justice (DOJ), and Cziment

⁹ See Exhibit 9, Memorandum of Interview of Morrell dated April 10, 2023.

agreed. When Morrell received the letter from Cziment, he forwarded it to all City Council members.

Morrell received another text message from Cziment on March 13, 2023, at 5:24 PM,¹⁰ that stated, “Just sent the letter and I have copies of the interviews from Beldon. I decided to include DOJ as well. Please let me know if you have any questions. Thanks again.”

Morrell, was again contacted by on April 11, 2023,¹¹ regarding a text message thread he had received from Cziment on March 13, 2023. Morrell was asked to provide the telephone number he received the text message and Morrell did so. The number is not the same as the City cellphone issued to Cziment.

On April 11, 2023 Bonycle Sokunbi, Deputy Police Monitor, OIPM, sent an email to the OIG¹² in response to the OIG’s request for an explanation of where the OIPM’s confidentiality authority is derived from. This email claimed the OIPM’s confidentiality is granted through the MOU between the OIPM and the NOPD as well as the OIPM Manual. A review of the provided material failed to show any statutory authority which sets forth the ability for the OIPM to grant confidentiality to individuals. Additionally, no state law exists that provides such ability to the OIPM.¹³

On April 12, 2023, Cziment was re-interviewed by OIG Investigators.¹⁴ Cziment wanted to clarify that she recently received a response from Chief Sanchez regarding the audit trail of the recordings in question from the Vappie investigation.

Cziment advised that Beldon Batiste was the individual who contacted her and claimed to have recordings of interviews conducted during the Vappie investigation. Batiste initially called Cziment on Thursday, March 9, 2023. They first met on March 13, 2023 at the office of the OIPM around 12:00 noon. Present were Cziment, Batiste, Sokunbi and an unknown female who accompanied Batiste.

Cziment asked Batiste when did he think the media would run a story regarding the recordings and Batiste did not answer. Batiste was asked by Cziment where he obtained the recordings and again, he did not answer. It was Cziment’s belief he probably obtained the recordings from either the Mayor’s Office or the City Attorney’s Office. Later in the conversation, Batiste advised that someone had left the thumb drive in his mail box. This was contrary to his previous statement,

¹⁰ See Exhibit 10, Text Message received by Morrell dated March 13, 2023.

¹¹ See Exhibit 11, Memorandum of Interview of Morrell dated April 11, 2023.

¹² See Exhibit 12, Email received from Sokunbi dated On April 11, 2023.

¹³ La. R.S. 33:9614 and R.S. 44:4.1(B)(20) make confidential and exempt from the Public Records Law certain information and records of the OIG. When the OIPM was a division of the OIG, information and records of the OIPM were afforded this same protection. However, when the OIPM was separated from the OIG in 2016 by amendment to the Home Rule Charter and established as an independent office under Charter Section 9-403, this effectively removed the OIPM from the scope of La. R.S. 33:9614.

¹⁴ See Exhibit 13, Memorandum of Interview of Cziment on April 12, 2023.

where Batiste advised someone had given him the drive. Cziment never obtained a clear explanation from Batiste as to how he obtained the recordings.

According to Cziment, after the first meeting on March 13, 2023, Batiste went to the Federal building looking for someone to speak with regarding the recordings. He contacted U.S. District Court Judge Morgan who would not meet with him and did not want a copy of the recordings. Batiste then went to City Hall where he attempted to meet with City Council President J.P. Morrell. While Batiste was at City Hall, he called Cziment and told her that he was attempting to locate Morrell without success. Cziment noted that this was the moment when she decided to send a letter regarding the release of the recordings to the parties that Batiste was attempting to contact.

Batiste advised Cziment that he needed proof that she was attempting to help him and that he was not comfortable with Cziment. Cziment then sent a text message to Councilmember Morrell from her personal cellular telephone instructing him to call her. Cziment advised that she did so on her personal cellular phone because that is the number Morrell had saved for her. Cziment then called Morrell from her work cellular telephone and had a conference call with him and Batiste concerning the release of the recordings of interviews conducted during the Vappie investigation. Cziment also told Morrell that she was drafting a letter documenting the release of the recordings. It was decided between Cziment and Morrell that the letter should be sent to Judge Morgan, the Federal Consent Decree Monitor, the NOPD Deputy Chief in charge of PIB, the Department of Justice and Morrell as president of the City Council.

When asked by the OIG why she did not advise the OIG Investigators that she had contacted Morrell when she was first interviewed, Cziment replied there was no particular reason and that she must have forgotten to mention that she contacted Morrell about the recordings.

Cziment advised that during the conference telephone call, Morrell seemed surprised to learn that the recordings were released. According to Cziment, Morrell advised Batiste that he should provide Cziment with a copy of the recordings. Cziment opined that Batiste probably felt more comfortable after Morrell advised him to provide a copy of the recordings to Cziment.

Batiste did not want Cziment to send the letter because he did not want his identity released. Batiste also felt that if the information regarding the release was provided to the NOPD, the problem would not be taken seriously and nothing would come of the release.

Batiste returned to the office of the OIPM after the conference telephone conversation and met with Cziment. This was when Cziment transferred a copy of the recordings from the thumb drive to her OIPM computer.

Cziment also had a telephone conversation with Arlinda Westbrook, former Deputy Chief of PIB on March 15, 2023. Westbrook asked Cziment why Cziment sent the letter regarding her possession of the recordings. Cziment advised Westbrook stated that she thought things could have been handled differently. Westbrook accused her of being emotional and impulsive.

Westbrook told Cziment that she only wanted to resolve the issue and that the recordings would eventually become public records. Cziment disagreed with Westbrook's statement and according to Cziment, she and Westbrook discussed the fact that the recordings were not purposely released but released due to an error. Westbrook categorized the release as an accident.

Cziment discussed the release with Jonas Geissler, U.S. Department of Justice, Civil Rights Division, on March 15, 2023. Geissler wanted to know if the City Attorney and the NOPD had responded to Cziment's letter.

Subsequently, the Federal Consent Decree Monitor Aronie, City Attorney Donesia Turner and Cziment participated in a Zoom teleconference. During this teleconference, Turner advised that the recordings were released from her office inadvertently. Turner did not identify to whom the recordings were released.

Cziment received a telephone call from a representative of NOPD Superintendent Michelle Woodwork's office to schedule a meeting. Subsequently, that afternoon a meeting was held at the NOPD. In attendance were Woodfork, Turner, Batiste, Sharonda Williams as legal Counsel for the OIPM, and Cziment. Woodfork was angry that Cziment did not send the letter regarding the release of the recordings directly to her. Woodfork stated the existence of Cziment's letter will make it hard for the NOPD to recruit and retain officers, and cause morale issues at NOPD.

Cziment defended her action of sending the letter by stating she wanted to ensure the integrity of the Vappie investigation. Cziment advised that she felt that Woodfork should not have been one of the original recipients of the letter. Cziment noted she sent the letter to NOPD PIB Deputy Chief Sanchez, whom Cziment felt was a proxy of Woodfork. Woodfork described Cziment's explanation as insulting and disrespectful. Woodfork felt blindsided and betrayed by not being contacted directly regarding the release of the recordings. Woodfork then advised Cziment she does not use proxies.

Turner also expressed frustration with Cziment issuing the letter because she did not like the fact the PIB was implicated in the release. According to Turner, the allegation was undermining PIB. In response to Turner's complaint, Cziment stated that she wrote the letter alerting of the facts known to her at the time. And she did not know what individuals were involved, what orders were given or what matters were discussed by the Mayor, the City Attorney and the NOPD. Turner then contacted the Mayor and told the Mayor about the release. Turner did not identify who was responsible for the release of the recordings in this meeting.

Consequently, Cziment did not understand why the recordings were in possession of the City Attorney's Office especially if the investigation was not complete. Turner had advised Cziment that her office was preparing for any potential appeal resulting from any decision regarding employee discipline.

On April 13, 2023, Donesia Turner, City Attorney, City of New Orleans (City), was interviewed by OIG Investigators.¹⁵ Turner was given a thumb drive containing records related to the PIB investigation into Vappie by a NOPD investigator conducting the investigation. She could not recall the investigator's name but noted only two investigators from PIB are handling this investigation. The investigator offered the records to Turner and she was provided a thumb drive containing copies of the recordings. Turner placed the thumb drive in one of her desk drawers. Turner could not recall the date she received the thumb drive. Turner noted that the City Attorney's Office handles proceedings for PIB once their investigation is over and results are disclosed. It is not uncommon for the City Attorney's Office to meet and provide assistance to PIB if they have questions or issues become apparent during investigations. Turner denied sharing the recordings or listening to them.

If PIB required assistance from the City Attorney, access to records were available to be reviewed or listened to through the website "www.evidence.com." The City Attorney's Office has a record room where documents or files are stored. Since the Vappie investigation included sensitive information, the records were placed on a thumb drive for future review. Turner noted she received the thumb drive with the Vappie records because she and her office are entitled to receive them to be used in the course of business of the City Attorney's Office.

Turner noted a member of the HANO board was removed upon the request of the HANO Board. That member, Sharon Jasper, was challenging her removal from the board to the City Council. A special City Council meeting was scheduled on March 8, 2023 and the City Council wanted both parties to exchange information that would be provided at the meeting. Turner was going to provide to Jasper videos of HANO Board meetings and placed a thumb drive containing the videos in an envelope and left it at the front desk. The date upon which this occurred was either March 6, 2023 or March 7, 2023. The envelope containing the thumb drive with the PIB records was mistakenly placed in the envelope that was picked up by W.C. Johnson, a handler for Jasper.

Turner learned of the accidental release of PIB records on March 14, 2023 when Jonas Geisler with the Department of Justice, Washington D.C., forwarded a letter to her authored by Stella Cziment. Based on the contents of Cziment's letter, Turner contacted Police Chief Woodfork and told her to take steps to ensure there would be no additional release of information. Turner then returned to her office and re-read Cziment's letter and began to look for the thumb drive given to her by the PIB investigator. She found the HANO Board meeting video thumb drive and put it in her computer. It was at this point Turner realized with 99% certainty that she had mistakenly given the PIB thumb drive to Jasper via Johnson.

Once Turner realized the mistake, she informed Mayor Cantrell. She then contacted Chief Woodfork and Aronie and took responsibility for the accidental release of the PIB thumb drive.

¹⁵ See Exhibit 14, Memorandum of Interview of Turner dated April 13, 2023.

Turner also attended a meeting at police headquarters with Woodfork, Cziment, Sokunbi, and Sharonda Williams. Turner could not recall the date of this meeting. Woodfork wanted to discuss open lines of dialogue with all parties. Woodfork asked Cziment why she did not come directly to Woodfork in regard to the suspected leak. Cziment answered that she was not sure if Woodfork was involved in the suspected PIB leak; however, she drafted a letter to Deputy Chief Sanchez which described her suspicions. Woodfork told all those present at the meeting that Deputy Chief Sanchez answered to her. Turner noted there was no mention of any conflicts of interest at this meeting.

Turner discussed a Zoom meeting on March 15, 2023, between her, Cziment and FCDM Aronie. During this meeting, Turner told the others what happened with respect to the release of the PIB thumb drive and then issued a press release regarding this issue. Turner provided a copy of it to the OIG.¹⁶ She denied sharing the contents of the thumb drive, opening the records, reviewing or listening to any recordings.

Turner further noted that the Vappie investigation had concluded but was not finalized when the thumb drive was provided to her. According to Turner, Vappie was the last person interviewed and she was aware of the facts concerning the investigation prior to receiving the thumb drive. Since Vappie had been reinterviewed, she assumed the investigation was completed. The HANO Board videos were never picked up by Jasper or Johnson. Turner claimed safeguards have been put in place to make sure this never happens again. In particular, files are now verified that they are the correct files prior to being released outside the City Attorney's Office.

During a conversation between Turner and Cziment, Cziment said she sent her letter to City Council President, J.P. Morrell. Turner did not attempt to retrieve the thumb drive from Johnson or Jasper after learning of the mistaken release. Turner advised she now believes that W.C. Johnson is the individual who provided the recordings to Cziment.

On April 18, 2023, W.C. Johnson, was contacted by OIG Investigators in an attempt to schedule an interview concerning the release of recordings of interviews conducted during the Vappie investigation.¹⁷ Johnson advised he had no knowledge of the recordings. Johnson was advised by the OIG that they were aware that Johnson received a copy of the recordings from the City Attorney's office. Johnson again stated he had no knowledge of the recordings. An in-person meeting was requested and Johnson advised that he would not be available until the beginning of May 2023. Johnson reiterated he had no knowledge of the recordings.

On May 3, 2023, Lt. Lawrence Jones, NOPD, currently assigned to the 6th District, and formerly PIB, was interviewed by OIG Investigators.¹⁸ Jones advised that the interviews performed during the Vappie investigation were recorded in two separate manners. The first was through the use of a NOPD body camera. Any recording captured by a body camera was placed into a docking

¹⁶ See Exhibit 15, City Attorney News Release dated March 15, 2023.

¹⁷ See Exhibit 16, Memorandum of Interview of Johnson dated April 18, 2023.

¹⁸ See Exhibit 17, Memorandum of Interview of Jones dated May 3, 2023.

station and the docking station then uploaded the recording to a server and catalogued the recording into a program named evidence.com. These recordings can be accessed via any computer using the evidence.com web portal and a link can be sent to a user allowing access. A label is affixed to all the recordings that details the date and time of the recording as well as the name of individual being interviewed. Jones advised he is unsure how the recordings from the permanently mounted camera inside the interview room are stored. He added that these recordings are restricted to NOPD PIB users.

According to Jones, the following individuals had access to the recordings created during the Vappie investigation: (1) himself; (2) Deputy Chief Keith Sanchez; (3) Captain Kendrick Allen; (4) Consent Decree Monitor Jonathan Aronie; (5) Ann Price; (6) an investigator unknown to Jones; (7) the Independent Police Monitor Stella Cziment; and (8) Deputy Independent Police Monitor Bonycle Sokunbi.

Jones has never downloaded any of the Vappie investigation recordings. He advised he does not know how the recordings ended up in the possession of the City Attorney's Office. Jones did not provide anyone with access to any of the investigative files. Jones advised his portion of the investigation is complete and he is currently assigned to the NOPD 6th District. As such, he no longer has access to the NOPD PIB systems that house the recordings.

Jones noted that he was not the lead investigator on the Vappie Investigation. Captain Kendrick Allen was the lead and Jones was assisting. Once Allen was re-assigned from PIB, Jones is unsure who took over the investigation.

Jones learned of the release of the recordings when he saw the news stories in the media. He is unsure how the recordings were released.

Jones was asked if it was routine to provide copies of recordings and documents gathered during investigations to the City Attorney's Office prior to the completion of the investigation. Jones stated it depends on the significance and nature of the investigation and was done on a case-by-case basis. He could not recall a time that he provided records or documents to the City Attorney's Office prior to the completion of an investigation.

On May 11, 2023, Beldon Batiste was interviewed by OIG Legal Counsel and an OIG Investigator. Batiste advised he was the individual who had approached Cziment with the thumb drive containing the recordings of interviews conducted during the Vappie investigation. Batiste advised the thumb drive, which was inside a manila envelope, was left in his mailbox at his residence and was marked PIB Vappie. Batiste stated that he viewed the names of the files contained on the drive but denied listening to any of the recordings. Batiste was concerned that recordings of the interviews conducted in the PIB investigation of Officer Vappie were released to the public. On March 9, 2023, he contacted the OIPM and spoke with Cziment about his possession of the recordings. Batiste also attempted to contact the FCDM and the Federal Judge overseeing the Consent Decree without success. When he contacted Cziment, she immediately wanted to contact Morell. Batiste did participate in a telephone call that discussed Batiste's

possession of the recordings with Cziment and Morrell. Batiste then went to the OIPM where he allowed Cziment to verify and copy the recordings. Batiste advised he also provided copies of the recordings to the Metropolitan Crime Commission. Batiste then furnished the thumb drive to the OIG.

On May 11, 2023, W.C. Johnson was interviewed by OIG Legal Counsel and an OIG Investigator. Johnson refused to answer any questions and asserted his 5th Amendment privilege. Johnson made this claim to basic background questions such as his address and date of birth. When asked if it was his intention to continue to claim his 5th Amendment privilege to any and all questions, Johnson advised that it was his intention. At this point the interview was discontinued. The OIG has taken legal steps to re-interview Johnson without success.

The OIG received documents and records related to the storage and security of the records NOPD gathered during the course of the PIB Vappie investigation. A review of the “evidence.com” Audit Trails provided by the NOPD reveal that there was no access to the recordings contained on the “evidence.com” access logs from February 8, 2023 until the date the Audit Trails were created May 17, 2023.

On July 3, 2023, Deputy Chief Keith Sanchez, PIB, was interviewed by OIG Investigators.¹⁹ According to Sanchez, PIB investigators normally use more than one recording device while conducting interviews at the PIB office. Interviews are recorded by a NOPD-issued Body Worn Camera (BWC). A BWC captures both audio and video of the interview. Additionally, a hand-held recorder, which only captures audio, is used to record a second copy of the same interview.

When an interview is conducted outside of the PIB office, a handheld recorder is used to record audio only. Sanchez was unsure why a BWC is not utilized during interviews outside the PIB office. He was also unsure of the file format on which the recordings are created. He was not aware of a PIB policy regarding the storage of recordings created on the hand-held devices. He was not sure where the recordings from the hand-held devices are stored. The recordings from the BWC are stored in a software program named evidence.com.

Sanchez was not one of the investigators performing the Vappie investigation and was instead charged with oversight of the investigation. He did have access to the BWC recordings, as did the FCDM, and the OIPM. He was unsure who had access to the hand-held recordings and if the hand-held recordings were stored in a manner that included an audit trail documenting the access of these files.

Sanchez knew that the City Attorney was provided copies of the recordings obtained during the Vappie investigation. These recordings were provided to the City Attorney by NOPD Capt. Kendrick Allen, who was one of the investigators assigned to the Vappie investigation. The City Attorney and her office are routinely consulted during PIB investigations as well as when the investigation is complete and routinely provided recordings. Sanchez does not recall receiving a

¹⁹ See Exhibit 18, Memorandum of Interview of Sanchez dated July 3, 2023.

written request for the recordings of the interviews to be provided to the City Attorney. (OIG Note: During a subsequent interview of Capt. Allen, it was learned that a meeting was held in Sanchez's office. This meeting was attended by Sanchez, Allen and the City Attorney. During this meeting there was a discussion regarding the release of the recordings to the City Attorney's Office.)

Sanchez could not recall when he first learned of the release of the recordings outside of the City Attorney's Office. It was probably when he received an email from the OIPM regarding the release or when he saw a news article regarding the release on Fox 8 news.

To his knowledge, no one at PIB was contacted regarding the possible return of the recordings. Additionally, no one at PIB attempted to recover the recordings.

On July 3, 2023, Captain Kendrick Allen, NOPD, formerly of PIB, was interviewed by OIG Investigators.²⁰

Allen advised that he and Lt. Lawrence Jones were assigned to the Vappie investigation. Allen and Jones operated as co-investigators and conducted interviews together with the exception of the interview of Capt. Robinette of the Louisiana State Police, which was conducted by Jones. Allen also advised he left the interview of NOPD Officer Monlyn prior to its completion and Jones completed this interview on his own.

According to Allen, during the PIB investigation of Officer Vappie and the Mayor's Executive Protection Detail (MEPD), Jones used a hand-held recorder to record interviews along with a BWC. Allen also records the interviews on his cell phone because he is able to easily share the recordings with other entities.

According to Allen, PIB investigators normally use more than one recording device while conducting interviews at the PIB office. The interview is recorded by an NOPD-issued BWC which captures both audio and video of the interview. PIB investigators also commonly use a personally-owned hand-held recorder to record a second copy of the interview. This recorder only captures audio of the interview.

Allen is unsure of the recording file format on the hand-held recorders, but assumes the format is mp3. He stored recordings from the personally-owned hand-held recorder on a Google drive. According to Allen, this storage method allows him to share the files with the FCDM and the OIPM.

Allen utilized his personal Google drive during the Vappie investigation. He used this drive due to the high volume of electronic media created during the investigation. It was impossible to email most of the files due to their large size. Allen advised he did not want to store the files on a City computer server. He wanted to ensure the files were not subject to a cyber-attack like the City experienced in the past. Additionally, he wanted the recordings and documents stored where

²⁰ See Exhibit 19, Memorandum of Interview of Allen dated July 3, 2023

there was less risk of them being accessed, altered or deleted. The BWC recordings were stored in a software program known as evidence.com. Allen is unsure if a recording made with a recorder other than a BWC can be stored within evidence.com.

Allen does know recordings are shared with a third-party transcriptionist who creates a formal transcript of the interviews. The recording is uploaded to a computer and then sent to the transcriptionist. Allen is unsure how Jones provided recorded interviews to be transcribed. He assumes he uploaded them to his computer and sent via email, CD, or thumb drive.

Allen recorded the interviews he participated in on his City-issued iPhone. These recordings are secondary to the ones captured by Jones and the BWC. Allen synchronized his iPhone to his computer and the recordings were then stored on a Google drive. These only contain Allen's recordings and not the recordings captured by Jones. Allen is unsure where Jones stored his copies of the recordings from his hand-held recorder.

Allen also stored a copy of the recordings on his City computer in a case specific file folder. Allen is able to save files to his computer's c: drive even though City computers have this feature disabled. The other City computers within PIB are restricted from saving files to the c: drive. The other City computers are also unable to utilize a USB thumb drive as a result of the cyber intrusion. Once an investigation is complete, Allen transfers the files to a CD and that CD is placed into the PIB case folder and he deletes the recordings on the c: drive.

Allen provided copies of the recorded interviews to the City Attorney's Office. Allen recalled there was a meeting in Deputy Chief Sanchez's office attended by Sanchez, the City Attorney and Allen. During this meeting, it was decided that the City Attorney would be provided copies of the recorded interviews. Allen is unsure who first discussed this, but Sanchez approved the files being provided to the City Attorney. Allen copied the files from his Google drive and provided them to Turner on a thumb drive. Allen did not store copies of the recordings on the hard drive of his computer. He could not recall the physical description of the thumb drive he gave to Turner.

Neither these files nor the thumb drive was password protected. Allen provided the recordings to Turner while she was in the PIB office. He is fairly certain the date was February 8, 2023, which is the date of the second interview of Vappie.

Allen advised it is not unusual to provide the City Attorney's office with copies of the recorded interviews and other documents gathered during an investigation. Copies are routinely provided to the City Attorney's Office after they make a request. Allen has shared recordings with the FCDM, OIPM, and City Attorney's office in the past. Recordings can also be shared via Google drive by providing them access to the drive.

Allen advised copies of the recorded interviews were provided to the FCDM and the OIPM once all of the interviews were conducted. Later, an additional interview of NOPD Sgt. Lane was conducted, although this interview was not originally anticipated.

Allen is unsure what recordings he provided to Turner. He copied all of the interviews on his Google drive to the thumb drive he gave to her. Allen advised he would only have copies of the interviews he recorded on his City-issued iPhone.

Allen advised on page 83 of the PIB policy manual there is a section that allows the sharing of information and recordings with the outside agencies namely the Orleans Parish District Attorney's Office and the United States Attorney's Office. He is unsure of any specific policy regarding the storage and safeguarding of recordings and records other than they are required to be maintained and secured. He feels that files that are saved on a computer that is password protected are secure.

Allen first heard of the release of the recordings in the news. To his knowledge, the PIB did not attempt to recover the recordings, nor did they receive an offer to have the recordings returned.

CONCLUSIONS

The City Attorney asserted that the thumb drive containing the PIB recordings was mistakenly released to a third party. The OIG was unable to further investigate this assertion because the alleged recipient of the thumb drive asserted his Fifth Amendment privilege against self-incrimination and declined to be interviewed. The City Attorney's Office, which had reason to be in possession of the recordings to properly respond to potential discipline, did not properly safeguard sensitive information. The City Attorney routinely receives copies of recordings of interviews conducted by the PIB. PIB did not use available safeguards to protect and store its documents. If the recordings or the thumb drive that contained the recordings were password protected, there may not have been a public release of the recordings.

The NOPD and the City Attorney's Office neglected to attempt to recover the recordings. Once these entities learned of the release through the City Attorney's Office, attempts should have been taken to recover the recordings. After an individual, W.C. Johnson, was identified as the probable recipient of the recordings, that individual should have been contacted immediately to mitigate the potential risk associated with the unauthorized release of information.

The IPM, who actually had possession of the thumb drive, gave the drive back to Batiste, a private individual, who was not authorized by law to possess the recordings. The IPM should have attempted to recover the thumb drive since the thumb drive and the recordings contained on it were City property. The recovery of the thumb drive by the OIPM would have at a minimum, limited further distribution of the confidential 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. Confidentiality based on an agreement between the NOPD and the OIPM, as well as the OIPM Manual, does not grant the OIPM the ability to withhold pertinent and vital information that falls under the purview of the OIG.

The IPM used her personal cellular telephone, when sending a text message that contained the identity of an individual whom she was trying to protect, to conduct official business.

RECOMMENDATIONS

Access to information and recordings related to investigations should be provided to the City Attorney's office solely through evidence.com. This would ensure that an audit trail is created anytime a recording is accessed. This would also reduce the chance of an inadvertent release, as well as preserve the integrity of the investigation and the confidentiality of the information.

PIB should establish a record management policy that establishes procedures so that all interviews are handled in the same manner. All interviews should be recorded by the use of a BWC as well as a hand-held recorder. No additional recordings should be made in addition to the BWC and hand-held backup.

PIB should include language regarding the storage of all PIB files in their record management policy. Electronic files, such as the recording of interviews and documents that contain sensitive information, should be safeguarded and not stored on personal cloud drives. They should also be password protected, as should electronic media such as thumb drives containing sensitive information.

All recordings should be stored on evidence.com to ensure the integrity of sensitive data. If evidence.com is only able to store recordings from BWC, then PIB should create uniform procedures and security protocols for the storage of all other recordings. This should include an up-to-date listing of who has access to all files and an audit trail documenting who has accessed the recordings.

PIB should have a separate case management system to maintain, store and track all records related to PIB investigations. A case management system should be a central repository for all PIB records. Such a system would also allow the tracking and management of investigations while having the capability of granting access to authorized individuals who need access to specific information.

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.

All City employees and departments should share with the OIG pertinent and vital information within the purview of the OIG, in accordance with City Code Section 2-1120. This should be conducted on a regular basis in order to reduce the risk of overlapping operations and to ensure deconfliction. Contacting the OIG regarding an ongoing criminal matter does not compromise the ongoing investigation.

The OIPM should take steps to obtain the statutory authority to maintain certain information as confidential and therefore not subject to Public Records Law. The OIPM should also consult with the OIG for guidance concerning audits, evaluations, and particularly criminal investigations, all of which the OIPM has no purview.

The CAO should issue a Policy Memoranda regarding the requirement under City Code Section 2-1120 (2) that all City employees cooperate fully with the OIG and include the potential penalties for failure to do so. This includes not only submitting to any requested interviews, but employees must also fully cooperate and be candid during these interviews.

Additionally, City employees should be reminded that the use of personal cellular telephones and personal equipment should not be used while performing official duties as a City employee. If City employees elect to use their personal phones for City business, they should be reminded to comply with CAO Policy Memorandum No. 60(R), Section V, which requires employees to make their personal phone available to the City for the installation of a mobile device management application which allows the City the capability to protect City information.

A handwritten signature in blue ink that reads "Edward Michel". The signature is written in a cursive style with a small dot above the letter 'i' in "Michel".

Edward Michel, CIG
Inspector General
City of New Orleans

EXHIBITS

Exhibit 1	La. R.S. 40:2532.
Exhibit 2	La. R.S. 44:4.1
Exhibit 3	NOPD Operations Manual, Chapter 13.03
Exhibit 4	Paragraph #409 of the Federal Consent Decree between the New Orleans Police Department and the United States Department of Justice.
Exhibit 5	City Council Letter dated May 27, 2023 to the OIG.
Exhibit 6	Letter dated March 13, 2023, the OIPM sent a letter to the City Council President J.P. Morrell.
Exhibit 7	Memorandum of Interview of Cziment dated April 4, 2023.
Exhibit 8	Mayors Press Release dated February 3, 2023.
Exhibit 9	Memorandum of Interview of Morrell dated April 10, 2023.
Exhibit 10	Text Message received by Morrell dated March 13, 2023.
Exhibit 11	Memorandum of Interview of Morrell dated April 11, 2023.
Exhibit 12	Email received from Sokunbi dated On April 11, 2023.
Exhibit 13	Memorandum of Interview of Cziment on April 12, 2023.
Exhibit 14	Memorandum of Interview of Turner dated April 13, 2023.
Exhibit 15	City Attorney News Release dated March 15, 2023.
Exhibit 16	Memorandum of Interview of Johnson dated April 18, 2023.
Exhibit 17	Memorandum of Interview of Jones dated May 3, 2023.
Exhibit 18	Memorandum of Interview of Sanchez dated July 3, 2023.
Exhibit 19	Memorandum of Interview of Allen dated July 3, 2023.

RS 40:2532

§2532. Release of personal information

No 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 written consent of the law enforcement officer, with respect to an investigation of the law enforcement officer.

Acts 1985, No. 425, §1.

West's Louisiana Statutes Annotated
Louisiana Revised Statutes
Title 44. Public Records and Recordors (Refs & Annos)
Chapter 1. Public Records (Refs & Annos)
Part I. Scope (Refs & Annos)

LSA-R.S. 44:4.1

§ 4.1 Exceptions

Effective: October 1, 2023

Currentness

A. The legislature recognizes that it is essential to the operation of a democratic government that the people be made aware of all exceptions, exemptions, and limitations to the laws pertaining to public records. In order to foster the people's awareness, the legislature declares that all exceptions, exemptions, and limitations to the laws pertaining to public records shall be provided for in this Chapter or the Constitution of Louisiana. Any exception, exemption, and limitation to the laws pertaining to public records not provided for in this Chapter or in the Constitution of Louisiana shall have no effect.

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

(1) R.S. 3:556.10, 559.9, 750, 1401, 1413, 1430.7, 1435, 3204, 3221, 3370, 3421, 3524, 3706, 4021, 4110, 4162

(2) R.S. 6:103, 122, 135, 1308

(3) R.S. 9:172, 224, 313, 331.1, 395, 461, 1033, 3518.1, 3556, 3574.6, 3576.21

(4) R.S. 11:174

(5) R.S. 12:1702, 1858, 1864

(6) R.S. 13:1905, 2593, 3715.3, 3715.4, 3734, 4687, 5108.1, 5304, 5366(L)

(7) R.S. 14:403, 403.1, 403.5

(8) R.S. 15:242, 440.6, 477.2, 549, 570(F), 574.12, 578.1, 587, 587.1.2, 616, 660, 840.1, 1176, 1204.1, 1212.1(E), 1507

<Text of spar. (B)(9) effective until appropriation of monies . See italic note. post.>

(9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.65, 500.2, 1175, 1202, 1237, 1252, 1948, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3137, 3390, 3703, 3773, 3884

<Text of par. (B)(9) effective upon appropriation of monies. See italic note, post.>

(9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.65, 500.2, 1175, 1202, 1237, 1252, 1948, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3137, 3138.12, 3390, 3703, 3773, 3884

(10) R.S. 18:43, 44, 114, 116, 154, 1308, 1491.5, 1495.3, 1511.8

(11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1, 572.2, 574, 601.3, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 976, 1008, 1019.2, 1203, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1657.1, 1660.7, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, 2091, 2293, 2303, 2508

(12) R.S. 23:1177, 1197, 1200.7, 1291, 1292, 1293, 1306, 1660, 1671

(13) R.S. 24:513, 513.1, 513.3, 518

(14) R.S. 26:921

(15) R.S. 27:13, 21, 22, 25, 45, 61, 237

(16) R.S. 28:56, 215.4

(17) R.S. 29:765

(18) R.S. 30:10.1, 209.1, 213, 215, 907, 908, 916, 2030, 2074, 2351, 2351.54, 2564

(19) R.S. 32:398, 403.3, 707.2, 1254

(20) R.S. 33:130, 409, 1334, 2182, 2428, 4720.151, 4720.161, 4720.171, 4891, 9109, 9128, 9614

(21) R.S. 34:340.21, 1005, 3499.2

(22) R.S. 36:108

(23) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 920.1, 969.1, 1123(E), 1277, 1278, 1285, 1326, 1338.1, 1360.53.1, 1360.104.1, 1518, 1745.15, 1747, 1806, 2156.1, 2406, 2505.1, 2863.1, 3276.2, 3481, 3507.1

(24) R.S. 38:2212.1, 2220.3, 3053, 3104

(25) R.S. 39:372, 1435, 2370.16

(26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 973.1, 978.2.1, 1007, 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1125.14, 1133.8, 1168.3, 1171.4, 1203.4, 1231.4, 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019, 2020, 2106, 2109.1, 2138, 2175.7(B)(1), 2193.6, 2532, 2845.1

(27) R.S. 41:1609

(28) R.S. 42:17, 57, 355, 1111, 1141.4, 1158, 1161, 1193, 1194

(29) R.S. 44:19, 408, 425

(30) R.S. 45:1313(C)

(31) R.S. 46:56, 123(K), 236.1.1 through 238, 284, 286.1, 439.1, 446.1, 1073, 1355, 1806, 1829, 1844, 1862, 1923, 2124.1, 2134, 2187, 2356, 2416, 2597, 2603, 2625

(32) R.S. 47:15, 349, 633.6, 1508, 1515.3, 1516, 1524(G), 1837, 2130, 2327, 2605, 6026, 9006

(33) R.S. 48:255.1

(34) R.S. 49:220.25, 975.1, 997, 1055

(35) R.S. 51:710.2(B), 705, 706, 936, 1363.1, 1404, 1926, 1934, 2113, 2182, 2262, 2318, 2370.3, 2370.16, 2370.25, 2370.27, 2389

(36) R.S. 56:301.4, 306.5, 433.1(A)(4), 637

(37) Code of Civil Procedure Arts. 891, 1426

(38) Code of Criminal Procedure Articles 103, 234, 877, 894, Title XXXIV of the Code of Criminal Procedure comprised of Articles 971 through 995, Title XXXV of the Code of Criminal Procedure comprised of Articles 1001 through 1004

(39) Children's Code Articles 328, 404, 412, 424.6, 424.9, 441, 543, 545, 615, 616, 616.1, 663, 737, 793, 888, 891, 893, 920, 921, 922, 1007, 1106, 1107, 1185, 1186, 1187, 1207, 1213, 1229, 1235, 1252, 1273, 1283.5, 1283.10, 1416, 1453, 1568

C. The provisions of this Chapter shall not apply to any writings, records, or other accounts that reflect the mental impressions, conclusions, opinions, or theories of an attorney or an expert, obtained or prepared in anticipation of litigation or in preparation for trial.

D. The provisions of this Chapter shall not apply to any writings, records, or reports of cyber incidents or payment of cyber ransoms submitted to the Louisiana Fusion Center pursuant to R.S. 51:2114 for sixty days from the date of submission of the reports to the commission, nor shall this Chapter apply to information that constitutes critical infrastructure information as defined in 6 U.S.C. 671 regardless of whether the information has been shared with any federal governmental agency.

Credits

Added by Acts 2001, No. 882, § 1. Amended by Acts 2003, No. 221, § 3, eff. June 5, 2003; Acts 2003, No. 283, § 2; Acts 2003, No. 540, § 2, eff. June 27, 2003; Acts 2003, No. 667, § 2; Acts 2003, No. 1206, § 2; Acts 2003, No. 1245, § 2; Acts 2004, No. 699, § 1; Acts 2004, No. 865, § 3, eff. July 12, 2004; Acts 2005, No. 63, § 2; Acts 2005, No. 119, § 2, eff. Jan. 1, 2006; Acts 2005, No. 250, § 2; Acts 2006, No. 227, § 2; Acts 2006, No. 464, § 2, eff. June 15, 2006; Acts 2006, No. 676, § 2, eff. July 1, 2006; Acts 2006, No. 723, § 2, eff. June 29, 2006; Acts 2007, No. 55, § 2, eff. June 18, 2007; Acts 2007, No. 274, § 2; Acts 2008, 1st Ex.Sess., No. 12, § 2; Acts 2008, No. 211, § 2; Acts 2008, No. 506, § 1, eff. Jan. 1, 2009; Acts 2008, No. 532, § 3; Acts 2008, No. 881, § 2; Acts 2008, No. 891, § 2, eff. July 9, 2008; Acts 2008, No. 901, § 2, eff. July 1, 2008; Acts 2008, No. 912, § 2, eff. July 14, 2008; Acts 2009, No. 45, § 2, eff. June 15, 2009; Acts 2009, No. 263, § 3; Acts 2009, No. 345, § 1, eff. July 6, 2009; Acts 2009, No. 367, § 2, eff. July 6, 2009; Acts 2009, No. 434, § 2, eff. July 7, 2009; Acts 2009, No. 474, § 2; Acts 2009, No. 485, § 2, eff. Jan. 1, 2010; Acts 2009, No. 535, § 2, eff. Jan. 1, 2010; Acts 2010, No. 211, § 2; Acts 2010, No. 579, § 2; Acts 2010, No. 600, § 1; Acts 2010, No. 610, § 2, eff. June 25, 2010; Acts 2010, No. 688, § 2, eff. Jan. 1, 2011; Acts 2010, No. 789, § 1, eff. June 30, 2010; Acts 2010, No. 794, § 3; Acts 2010, No. 861, § 19; Acts 2010, No. 907, § 2; Acts 2010, No. 934, § 2; Acts 2010, No. 968, § 2; Acts 2010, No. 974, § 2, eff. Jan. 1, 2011; Acts 2011, No. 266, § 1; Acts 2012, No. 586, § 1, eff. June 7, 2012; Acts 2012, No. 835, § 3, eff. Jan. 1, 2013; Acts 2013, No. 173, § 2, eff. Jan. 1, 2014; Acts 2013, No. 205, § 2, eff. June 10, 2013; Acts 2013, No. 209, § 2; Acts 2013, No. 220, § 19, eff. June 11, 2013; Acts 2013, No. 349, § 2, eff. Jan. 1, 2014; Acts 2013, No. 402, § 2; Acts 2013, No. 418, § 2, eff. June 21, 2013; Acts 2014, No. 145, § 2; Acts 2014, No. 328, § 2, eff. Jan. 1, 2015; Acts 2014, No. 427, § 2; Acts 2014, No. 635, § 2, eff. June 12, 2014; Acts 2014, No. 695, § 2, eff. June 18, 2014; Acts 2014, No. 716, § 2; Acts 2014, No. 846, § 1; Acts 2015, No. 196, § 2, eff. Jan. 1, 2016; Acts 2015, No. 242, § 4; Acts 2015, No. 304, § 2, eff. Jan. 1, 2016; Acts 2015, No. 316, § 2; Acts 2015, No. 327, § 2; Acts 2016, No. 312, § 2; Acts 2016, No. 345, § 2; Acts 2016, No. 494, § 5; Acts 2017, No. 242, § 2, eff. Jan. 1, 2018; Acts 2017, No. 272, § 3, eff. June 16, 2017; Acts 2017, No. 362, § 4; Acts 2018, No. 362, § 2, eff. May 20, 2018; Acts 2018, No. 371, § 2, eff. Jan. 1, 2020; Acts 2018, No. 497, § 3, eff. May 23, 2018; Acts 2018, No. 579, § 2; Acts 2018, No. 687, § 4, eff. May 30, 2018; Acts 2019, No. 207, § 2; Acts 2019, No. 219, § 2; Acts 2019, No. 243, § 3, eff. June 11, 2019; Acts 2019, No. 244, § 2; Acts 2019, No. 262, § 2; Acts 2019, No. 262, § 3, eff. Jan. 1, 2020; Acts 2019, No. 265, § 2; Acts 2019, No. 280, § 4; Acts 2019, No. 413, § 3, eff. June 20, 2019; Acts 2019, No. 423, § 2, eff. June 20, 2019; Acts 2019, No. 427, § 2; Acts 2019, No. 434, § 2(B), eff. June 30, 2019; Acts 2020, No. 117, § 1, eff. Feb. 1, 2021; Acts 2020, No. 283, § 2, eff. Aug. 1, 2020; Acts 2020, No. 321, § 2; Acts 2021, No. 21, § 1, eff. June 1, 2021; Acts 2021, No. 66, § 3, eff. June 4, 2021; Acts 2021, No. 165, § 2, eff. Jan. 1, 2022; Acts 2021, No. 192, § 2; Acts 2021, No. 231, § 1, eff. June 11, 2021; Acts 2021, No. 425, § 2; Acts 2021, No. 456, § 2, eff. June 23, 2021; Acts 2021, No. 477, § 2, eff. July 1, 2021; Acts 2022, No. 103, § 1, eff. May 25, 2022; Acts 2022, No. 288, § 1; Acts 2022, No. 307, § 2, eff. June 10, 2022; Acts 2022, No. 413, § 1, eff. June 15, 2022; Acts 2022, No. 494, § 1, eff. June 16, 2022; Acts 2022, No. 619, § 2, eff. Jan. 1, 2023; Acts 2022, No. 647, § 3; Acts 2022, No. 729, § 2, eff. June 20, 2022; Acts 2022, No. 760, § 2, eff. June 18, 2022; Acts 2023, No. 13, § 3, eff. Oct. 1, 2023; Acts 2023, No. 124, § 2, eff. June 6, 2023; Acts 2023, No. 172, § 2; Acts 2023, No. 259, § 2, eff. June 12, 2023; Acts 2023, No. 383, § 2; Acts 2023, No. 394, § 2; Acts 2023, No. 451, § 1.

LSA-R.S. 44:4.1, LA R.S. 44:4.1

Current through the 2023 First Extraordinary, Regular, and Veto Sessions.

End of Document

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NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 13.3

TITLE: PERSONNEL FILES

EFFECTIVE: 04/08/2018

REVISED: Replaces Policy (1026)

PURPOSE

This Chapter governs maintenance, retention and access to NOPD personnel files (sometimes referred to as personnel jackets).

POLICY STATEMENT

1. It is the policy of the Department to maintain consistent employment records and preserve the confidentiality of personnel data contained in personnel files pursuant to state public records law (La. R.S. 44:11).
2. Long-term volunteer records such as for Reserve Police Officers shall be handled in the same manner as employee records.
3. The personnel jacket is part of the INSIGHT Early Intervention System and may contain Personally Identifiable Information (PII) and Health Insurance Portability and Accountability Act (HIPPA) protected data as well as each member's name, badge number, shift assignment, supervisor, race/ethnicity and gender. (See: **Chapter 35.1.9 – INSIGHT**).
4. The use of information contained in INSIGHT shall be in compliance with all applicable laws and Department regulations and shall be regarded as **confidential**. Each member shall be allowed to view his/her own information as well as the information contained on any subordinate under his/her command.
5. Personnel records are kept in both paper version and files and electronic version and files. The personnel jacket does not replace the paper file system.

DEFINITIONS

Brady Material—Evidence held by the prosecution that may be favorable to the defendant, as held by the U.S. Supreme Court in *Brady v. Maryland* (373 U.S. 83 (1963)).

The Prosecution—Includes the prosecutor and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

CONFIDENTIALITY OF ALL PERSONNEL FILES

6. Personnel files are private and confidential and may be exempt from disclosure. A request to release, inspect or copy a personnel record shall be forwarded to the City Attorney's Office for review and a determination regarding the action to be taken by the Department in meeting the request.

PERSONNEL SECTION

7. Each member of the Department shall have a personnel jacket created by the Personnel Section at the time an employee is appointed to the Department. The electronic version of the personnel jacket will be available to the member and the member's immediate supervisor(s) for viewing at any time on the City intranet. A member's electronic personnel jacket can be found on the NOPD Web Application page under Applications / Insight.
8. The Personnel Section shall maintain a personnel jacket on all members throughout their employment or service with the New Orleans Police Department. The member's personnel jacket shall be maintained in accordance with the Department's records retention policy maintained by the MSB – Records Section.
9. Should any employee be transferred to another city agency, thus terminating their employment with the New Orleans Police Department, the Personnel Section shall forward a suitably redacted copy of the employee's personnel jacket to the director of that city agency upon their request.

HUMAN RESOURCE SERVICES

10. The paper version or hard copy of the personnel jacket maintained in the MSB – Human Resource Services – Personnel Section shall contain, but not be limited to, the following:
 - (a) The member's current and all previous addresses (Declaration of Domicile Form B which can be found at <http://www.nopd.org> in the **Forms** folder).
 - (b) Contact person(s) designated by the member in the event emergency notification of a relative is needed.
 - (c) All payroll records and documents pertaining to the reclassification of an employee either through promotion and/or demotion.
 - (d) All other documentation deemed appropriate by the Director/Commander of the Human Resource Services necessary to abide by Civil Service rules and regulations, CAO policies and State Law.
 - (e) The member's current telephone number and all previous telephone numbers.

MEDICAL RECORDS

11. All information pertaining to an employee's medical records shall be kept in a separate paper and electronic file (part of the INSIGHT Early Intervention System) located in the Personnel Section of the New Orleans Police Department. No information pertaining to an employee's medical history shall be kept at the unit or division level. (See **Chapter 35.1.9 – INSIGHT**).

DECLARATION OF DOMICILE

12. All employees shall complete the Declaration of Domicile Form B and submit same to their immediate supervisor within 10 working days of obtaining a new domicile or residence.

13. Supervisors shall forward all completed Form Bs to the Personnel Section within three working days of their receipt.
14. Personnel Section shall upload the document to the member's personnel jacket within five working days of receipt.

EMPLOYEE HOME / CELL / DEPARTMENT PHONE NUMBER

15. Employees are responsible for notifying their supervisor via the **INSIGHT Data Correction Form** immediately upon obtaining a new home/cell or department telephone number. (See **Chapter 35.1.9 – INSIGHT**).
16. The Early Intervention Unit shall forward a copy of the **INSIGHT Data Correction Form** indicating the correction made to the Personnel Division for correction and notation in the member's paper or hard copy personnel file.

RESIDENCE BOOK

17. Each Bureau/Division/District/Section/Unit within the New Orleans Police Department shall maintain a residence book on all employees assigned to the unit. The residence book is a hard copy of the following records, maintained and kept current for each member assigned to the Bureau/Division/District/Section/Unit. It shall contain the member's:
 - (a) Name;
 - (b) Domicile;
 - (c) Home telephone number;
 - (d) Personal cell number (if the member carries while on-duty); and
 - (e) Department cell phone number (if assigned).
18. Supervisors are responsible for ensuring his/her subordinates maintain updated records in the member's personnel jacket and for updating the residence book as the information changes.
19. The residence book should be available to all Bureau/Division/District/ Section/Unit supervisors 24 hours a day, but the information contained in the residence book is **Personally Identifiable Information (PII)** and shall be restricted to **authorized Departmental use ONLY**. (See **Chapter 35.1.9 – INSIGHT**).
20. Departmental employees are **PROHIBITED** from releasing personal telephone numbers to **anyone** unless authorized by the Director of Personnel or the Superintendent of Police. (See **R.S. 40:2532**).

EXEMPTION FOR PIB - INTERNAL INVESTIGATION FILES

21. The internal investigation file is not part of a member's personnel jacket and shall be maintained under the exclusive control of the Public Integrity Bureau in conjunction with the office of the Superintendent. Access to these files may only be approved by the Superintendent or the Deputy Chief of the Public Integrity Bureau.

RELEASE OF INFORMATION

22. No member of this department may disclose private or confidential data without the written consent of the affected member or written authorization of the Superintendent or Police or his/her designee, except as provided by this policy, pursuant to lawful process, court order or as required by state law (see generally: **La. R.S. 44:3**; **La. R.S. 44:4(23)**).

PURGING OF FILES

23. An officer may make a written request to purge from their file any record as specified in La. R.S. 40:2533(C) or found to be inaccurate by use of the **INSIGHT Data Correction Form**. (See: **Chapter 35.1.9 – INSIGHT**).

BRADY MATERIAL IN PERSONNEL FILES

24. The purpose of this section is to establish a procedure for releasing potentially exculpatory information, known as Brady material, which may be contained within Department personnel jackets.

RELEASE OF PERSONNEL FILES TO THE PROSECUTOR

25. Generally, the only time the prosecuting attorney (District Attorney, Attorney General or a grand jury) is entitled to access confidential law enforcement officer personnel files without filing a court motion is during an investigation of the conduct of an officer of this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.
26. Absent a specific investigation of an identified officer or a specific investigation of this department, or the consent of an involved officer, no confidential information from any officer's personnel file shall be released to the District Attorney or grand jury without full compliance with the court process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.
27. Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by law or through the process set forth in court and evidentiary rules (**C. Cr. P. 718; Code of Evidence Art. 607**).
28. If an officer is a material witness in a criminal case, a person or persons designated by the Superintendent may examine the subject officer's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If Brady material is located, the following procedure shall apply:
- (a) In the event that a court motion has not already been filed by the criminal defendant or other party, the prosecuting attorney shall be notified of the potential presence of Brady material in the officer's personnel file.
 - (b) The prosecutor should be instructed to file a court motion in order to initiate an in camera review by the court.
 - (c) As with any court motion, and prior to any review of the files by the court, the subject officer shall be notified in writing that a court motion has been filed.
 - (d) The responsible custodian of records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether or not any material contained in the file is both material and favorable to the criminal defendant.
 - (e) If the court determines that there is relevant Brady material contained in the file, only that material ordered released will be copied and released to the parties filing the court motion.
 - (f) Prior to the release of any materials pursuant to this process, the custodian of records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon

completion of the case.

investigator shall conduct an in-person interview. The interview shall be recorded in its entirety, absent, in the case of non-officer witnesses, specific documented objection.

407. Each officer, witness, and complainant shall be interviewed separately. A NOPDAI not involved in the underlying complaint will be used when taking statements or conducting interviews of any Vietnamese or Spanish speaking LEP complainant or witness.

408. The misconduct investigator shall seek to identify all persons at the scene giving rise to a misconduct allegation, especially all NOPD officers. The investigator shall note in the investigative report the identities of all officers and other witnesses who were on the scene but assert they did not witness and were not involved in the incident. The investigator shall conduct further investigation of any such assertions that appear unsupported by the evidence.

409. All misconduct investigation interview recordings shall be stored and maintained in a secure location within PIB.

410. NOPD agrees to require officers to cooperate with administrative investigations, including appearing for an interview when requested by an NOPD or Inspector General investigator and providing all requested documents and evidence. Supervisors shall be notified when an officer under their supervision is summoned as part of an administrative investigation, and shall facilitate the officer's appearance, absent extraordinary and documented circumstances.

411. If at any time during complaint intake or investigation the investigator determines that there may have been criminal conduct on the part of any officer or employee, the investigator shall immediately notify the PIB commander. The PIB commander shall immediately notify the Superintendent, the DA and/or USAO, and the Monitor of the initiation of a criminal investigation. The subject officer shall not be compelled to provide a statement to administrative investigators where there is a potential criminal investigation or prosecution of the officer until the remainder of the investigation has been completed, unless after consultation with prosecuting agency (e.g., DA or USAO) and the PIB commander, such compulsion is deemed appropriate by the Superintendent. NOPD and the City agree to consult with the DA to develop and implement protocols to ensure that the criminal and administrative investigations can be conducted in parallel as appropriate and are kept separate after a subject officer has provided a compelled statement.

412. Nothing in this Agreement or NOPD policy shall hamper an officer's obligation to provide a public safety statement regarding a work related incident or activity. NOPD agrees to



JP MORRELL
COUNCILMEMBER AT-LARGE

Office (504) 658-1070
1300 Perdido Street • Suite 2W50
New Orleans, Louisiana 70112

New Orleans City Council

March 27, 2023

Edward Michel
Inspector General
New Orleans Office of Inspector General
525 St Charles Ave
New Orleans, LA 70130

Re: Request for Investigation

Dear Mr. Michel:

I am writing to urge you to investigate the handling of the New Orleans Police Department's Public Integrity Bureau investigation into Officer Jeffrey Vappie. I am also urging you to investigate the claims of payroll fraud regarding Officer Vappie.

Recently, the New Orleans City Attorney's Office leaked confidential investigatory materials from the Public Integrity Bureau's (PIB) open investigation into Officer Vappie. It is unclear to the City Council how or why the City Attorney's Office possessed the investigatory materials as the City Attorney does not represent the Public Integrity Bureau. The City Attorney Office leak compromises PIB's investigation, undermining public trust and confidence.

The City Council shares its concerns with you and requests that you please consider opening investigations into these matters. The Council lacks the resources and expertise to investigate allegations of mismanagement and payroll fraud on its own. As an independent third party, your office is best situated to investigate these concerning allegations.

Thank you for your service and dedication to the residents of New Orleans. If you have any questions, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read 'JP Morrell'.

JP Morrell
New Orleans City Council President



2714 Canal Street Suite 201 New Orleans LA 70119

www.nolaipm.gov

(504) 309-9799

March 13, 2023

RE: Breach of Security regarding NOPD Investigation CTN 2022-0513-R

Dear Council President JP Morrell, Judge Morgan, Federal Monitor Aronie, Deputy-Chief Sanchez, and Department of Justice:

We are writing to inform you of an apparent breach of confidentiality and security within the Public Integrity Bureau that compromises the integrity of the investigation **CTN 2022-0513-R**. This is the investigation concerning Officer Jeffrey Vappie and potentially involves Mayor Cantrell. It is vital that the Public Integrity Bureau safeguard all investigatory materials in pending investigations, and if possible, this need was heightened considering the political realities and sensitive material within this investigation.

Today, we were made aware by a confidential source that all recorded interviews with witnesses within the investigation have been released to members of the public and the media. This individual provided proof in the form of a flash drive. I took a screenshot of the contents of the flash drive and listened to the recorded interviews to verify that they were complete.

View

PC > USB20FD (D:) > PIB Vappie

Name	Date modified	Type	Size
o Capt Dewight Robinette.mp3	2/16/2023 10:17 AM	MP3 File	89,143 KB
o Charles Ellis.mp3	2/16/2023 10:20 AM	MP3 File	34,231 KB
o Jeffrey Vappie 1.mp3	2/16/2023 10:20 AM	MP3 File	2,108 KB
o Jeffrey Vappie 2.mp3	2/16/2023 10:21 AM	MP3 File	18,435 KB
o Jeffrey Vappie 3.mp3	2/16/2023 10:21 AM	MP3 File	4,306 KB
o Jeffrey Vappie 4.mp3	2/16/2023 10:21 AM	MP3 File	162,200 KB
o John Douglass.mp3	2/16/2023 10:21 AM	MP3 File	34,818 KB
o Kristy Johnson.mp3	2/16/2023 10:21 AM	MP3 File	112,209 KB
o Robert Monlyn.mp3	2/16/2023 10:21 AM	MP3 File	137,206 KB
o Sgt Tacasheba Lane.mp3	2/16/2023 10:21 AM	MP3 File	26,462 KB
o Sgt Wendell Smith.mp3	2/16/2023 10:21 AM	MP3 File	1,084,716 KB

These unredacted interviews were clearly released prior to the completion of the pending investigation and outside of NOPD protocol and possibly in violation of Louisiana law. The OIPM is not aware of any investigatory materials being reported stolen or compromised by the Public Integrity Bureau and does not understand how this breach occurred.

I am renewing my request to the Deputy-Chief of the Public Integrity Bureau for the audit trial for all platforms where evidence and recorded statements were housed. Additionally, we are requesting a list of all equipment used in the investigation, where that equipment is housed, who has access to that information, and who has been provided information or copies of interviews within and without of NOPD (including all city offices and officials).



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Finally, we are requesting the NOPD review all security protocol and provide assurance that other investigatory information has not been inappropriately released.

Thank you,

Stella Cziment
Independent Police Monitor

MEMORANDUM OF INTERVIEW

On April 4, 2023, Independent Police Monitor (OIPM) Stella Cziment was interviewed at her office, 2714 Canal Street, New Orleans, LA, by Chief of Investigations Michael J. Centola and Deputy Inspector General of Investigations William Bonney, City of New Orleans Office of Inspector General (OIG). Also present as an observer was Deputy Independent Police Monitor Bonycle Sokunbi. After being advised of the official identities of the Investigators and the purpose of the interview, Cziment voluntarily provided the following information:

Cziment recalled that she received information from a source on a Thursday that he had received a thumb drive two weeks prior from another individual who the source refused to identify. (OIG Note: March 9, 2023 is a Thursday.) At this time, he advised Cziment that she would be interested in the recordings he possessed. The source of the thumb drive also advised her that the Vappie case had been released. She did not understand exactly what he was claiming. Cziment attempted to arrange a meeting with the source but the source was unable to meet with Cziment until Monday March 13, 2023.

According to Cziment, she met with the source on Monday, March 13, 2023 and he gave her a thumb drive that he claimed contained copies of recorded interviews of New Orleans Police Department (NOPD) officers interviewed during the investigation concerning NOPD Officer Jeffery Vappie. She recalled meeting with him and he was very vague as to where he obtained the recordings and exactly what the recordings were. Cziment stated that she made a copy of the files which she currently maintains on her notebook computer. When she was asked to provide the name of the individual who provided her with the thumb drive, Cziment refused to provide the individual's name. She advised that she promised him confidentiality when he provided the thumb drive to her. Cziment was advised by the OIG investigators that they were unaware of any statute or provision that allows the OIPM to withhold the identity of someone who provided information because they promised the person that his name would remain confidential. Cziment advised that the OIPM has an internal policy containing this practice concerning confidentiality and she agreed to provide the OIG with a copy of the policy. Cziment also contends that the Memorandum of Understanding between her office and NOPD prevents her from releasing of the name of the source.

When Cziment received the thumb drive from the source, she made a copy on her computer. She then was able to confirm the recordings were in fact copies of interviews performed by the NOPD PIB during the Vappie investigation. The thumb drive contained both recordings created by body cameras and traditional recording devices. The source had brought a witness with him when he provided the thumb drive to Cziment. This witness was not identified. The source advised the recordings were very much public stating "everyone has it" even the news reporters, particularly Lee Zurick, Fox 8 Investigative Reporter. Cziment still was unsure of the validity of the recording since there were no reports in the media even through the source claimed the news media was in possession of the recordings.

Cziment was asked with whom did you discuss the receipt of the recordings. Cziment replied that she discussed the receipt of the thumb drive and its reported contents with both the OIPM Legal Counsel Sharonda Williams and the Deputy Independent Police Monitor Sokunbi. It was determined

that Cziment should listen to the recordings and attempt to determine if the files on the thumb drive were recorded interviews of NOPD officers interviewed during the investigation concerning NOPD Officer Jeffery Vappie.

Cziment listened to the recordings and determined that they were copies of interviews of NOPD officers conducted by the NOPD Public Integrity Bureau (PIB) regarding the investigation of NOPD Officer Vappie. After determining the recordings were exactly what the source claimed, Cziment emailed NOPD PIB Deputy Chief Sanchez, and requested that he provide an audit trail of the recordings to identify who had accessed the recordings and documents housed on evidence.com. Sanchez replied in an email that he would provide the audit trail. Cziment has not been provided with this information and she is unsure if a copy of the audit trail was made.

Cziment discussed also the recordings with NOPD PIB Deputy Chief Sanchez, and at that point Cziment decided she had an obligation to let all interested parties know she possessed the recordings. This is when she first felt the Vappie investigation was compromised. She is unsure if the Vappie investigation has been compromised or not.

Cziment advised she was concerned about the release of sensitive information regarding the Vappie investigation. She was interested in determining who at PIB and the Federal Consent Monitor may have had access to the recordings. (OIG Note: the NOPD is currently under a Federal Consent Decree and a Federal Monitor has been assigned to coordinate with the NOPD regarding this Consent Decree). Cziment explained that PIB records and documents are maintained on an electronic file repository known as evidence.com. This repository allows users to log into the system and review and download files. In particular, recordings created by NOPD officers via body camera are uploaded to evidence.com.

Cziment was also concerned about the statement made by Mayor Cantrell that those in law enforcement should not comment on her protection detail as it could create a potential security threat and they should exercise their right to not speak. Cziment contends that the Mayor was instructing law enforcement officers not to cooperate with the investigation and at a minimum it could be interpreted as such. This statement was made publicly and Cziment said this was confusing and she was concerned the Mayor's Office could not remain separated from the investigation. Cziment was also concerned that City Attorney Donesia Turner was acting as the lawyer for both the NOPD and the Mayor's Office.

Since late November 2022, Cziment has attended a weekly 10:00 a.m. Monday morning meeting concerning PIB investigations including the Vappie investigation. These meetings were attended, mainly via Zoom, by Cziment, Federal District Court Judge Suzie Morgan, the Federal NOPD Consent Decree Monitor and NOPD PIB Deputy Chief Sanchez. During these meetings Sanchez assured all attendees that access to the information developed and records collected during the investigation was being restricted. The information was stored at a remote location separate from the PIB Office. Through the course of these meetings, Cziment learned the protocols of how the investigation was being conducted as well as how and where the information that was developed was being stored. At times there were legal issues that arose during the investigation that were discussed as well a potential "road blocks" that may be encountered by investigators.

During one of these meetings, Cziment raised the question of who is the lawyer for the investigation. Cziment wanted to clarify who was the lawyer and who had access to the information developed during the investigation. It was not clear who was the actual lawyer representing the NOPD

and the City or if there was a separation of these responsibilities. Historically the City Attorney was the lawyer for the NOPD. Cziment wondered if the NOPD had hired outside counsel due to the nature of the Vappie investigation.

Cziment advised the NOPD PIB did not attend the Monday morning March 13, 2023 meeting. She became concerned about this, particularly after just learning about the release of the Vappie recordings and had asked Sanchez for the evidence.com audit trail. During the meeting, Cziment did advise she had received information that recordings of interviews had been released to the public

Cziment did not discuss the recordings with NOPD Superintendent Michelle Woodfork. She did discuss the need for an audit trail with Sanchez. She felt that discussing with Woodfork would be a conflict since Woodfork was not part of the investigation. She also did not contact City Attorney Donesia Turner about the recordings.

Cziment advised she did not provide any information to or contact the OIG because of the possibility of any other investigation being compromised. She did not want any compelled interviews to be in the possession of an agency conducting a criminal investigation. According to Cziment, the source, the news media and her office have copies of the recordings. It was her hope that if the investigation was still ongoing, and she believed it was, that the City could shield further information from being released. Cziment specifically did not want the release of records that may enjoy exceptions to any public record request particularly techniques and tactics used.

She sent the letter advising of her possession of the recordings to the City Council. The City Council has the ability to initiate investigations. She further advised that once the recordings were possessed outside the NOPD, the matter of the release was outside the scope of the OIPM.

Cziment did recall attending a meeting requested by Judge Morgan for a status or update on the Vappie investigation. Present were Judge Morgan, the Federal Consent Decree Monitor, Deputy Chief Sanchez, City Attorney Donesia Turner, Sokunbi and Cziment. The meeting could not proceed until Sokunbi left. Cziment found it was unusual that Turner was present. Normally an Assistant City Attorney would attend the meeting rather than the City Attorney. In the past Elizabeth Robbins, Mike Laughlin, Kristia Lea and Wil, last name could not be recalled, would attend as the representative of the City Attorney.

Cziment also found it unusual that the City Attorney's Office was participating in the meeting because it was rare to have that office become involved in a Formal Disciplinary Investigation prior to the completion of the investigation. There have been instances where the City Attorney's office was consulted in investigations prior to completion. These concerned a use of force issue or the need to determine if the conduct in question was a civil matter or a criminal matter. One particular investigation that Cziment recalled the City Attorney's Office participating in prior to completion was the investigation of then NOPD Caption Sabrina Richardson. The City Attorney's office was asked to provide an interpretation of investigation issues.

Cziment recalled during this meeting she raised her concern about the Mayor's statement regarding the cooperation of law enforcement individuals as well as statements regarding the Vappie investigation. She further raised concern that the NOPD may be experiencing political pressure concerning the investigation, particularly when the Mayor appeared to be attempting to have Vappie reinstated to that protection detail and there existed a great potential that the Mayor would be

interviewed. Cziment sought to remove any potential conflict of interest issues. During this meeting, Turner advised she was the attorney for the NOPD.

Cziment wanted at least a “firewall” to avoid the potential conflict. It was her desire that both sides, the Mayor’s Office and the NOPD be represented but there should be no sharing of information.

When asked if she knew the origin of the allegation that the Housing Authority of New Orleans (HANO) was in possession of the recordings, Cziment replied that she had heard in the media that the City Attorney’s Office had identified HANO as having been given the recordings.

At the end of the interview Cziment provided a copy of the email that accompanied the March 13, 2023 letter she entitled, “Breach of Security regarding NOPD Investigation CTN 2022-0513-R.” Cziment agreed to email copies of the OIPM policy regarding confidentiality and the MOU between the OIPM and the NOPD.



Lower Mississippi Saltwater Intrusion

Water in Orleans Parish remains safe to drink and use for all purposes. For more information at this time, visit <https://emergency.la.gov/>.



As a result of the historic drought throughout the Mississippi River Valley, the rate of freshwater flowing down the Mississippi River has been dramatically low, allowing an intrusion of saltwater from the Gulf of Mexico to make its way upriver. Plaquemines Parish has already been affected by the intrusion, and other parishes are projected to be impacted over the next month including St. Bernard Parish, Jefferson Parish and Orleans Parish.

[Lower Mississippi Saltwater Intrusion updates](#) [About Saltwater Intrusion](#) [Saltwater FAQs](#)
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City of New Orleans
Mayor LaToya Cantrell



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OFFICE OF THE MAYOR

News



February 3, 2023 | From City of New Orleans

Mayor's Office of Communications Issues Statement on the Mayor's Executive Protection Security Detail

NEW ORLEANS — The Mayor's Office of Communications today issued the following statement on the Mayor's Executive Protection Security Detail:

"Those who purport themselves to be in law enforcement but who rather score cheap and meaningless political points at the expense of the safety and well-being of the people of the City of New Orleans should exercise their right to remain silent," said **Gregory Joseph, Director of Communications**. "It is deplorable and simply disgusting that in the day and age of heightened and realized political violence, that so-called public safety leadership would place the lives of Executive Protection, the Mayor, her family, and the people of the City of New Orleans at risk. By fabricating lies and half-truths they expose the fact that they know next to nothing about New Orleans Police Department procedures or the roles and functions of Executive Protection."

The duties assigned to the Executive Protection team are at the discretion of the Mayor, and the Mayor and the Executive Protection team are not subject to provide reasoning on changes to itinerary, hours of operation, or safety needs. Officers within the Executive Protection team are subject to the same operating guidelines outlined by the NOPD, and all operations of the NOPD are at the discretion of the Superintendent. Ultimately, Executive Protection is responsible for protecting the Mayor from all threats to her safety and well-being, regardless of where those threats may exist. This is a duty and responsibility that every member of the Mayor's Executive Protection team performs admirably.

No one, whether a public official or otherwise, deserves to feel unsafe and uncomfortable in their home, their community or doing their job.*

###

Last updated: 2/3/2023 5:54:54 PM

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MEMORANDUM OF INTERVIEW

On April 10, 2023, City Council President JP Morrell, [REDACTED], was telephonically contacted by Deputy Inspector General for Investigations William Bonney, Office of Inspector General (OIG). Chief of Investigations Michael Centola was also present during this call. Morrell was advised as to the identities of the interviewing personnel and the purpose of the interview; he then voluntarily provided the following information:

According to Morrell, Independent Police Monitor (OIPM) Stella Cziment contacted him via a text message on Monday, March 13, 2023 at 4:13 PM, in which she asked him to get on a conference call with her and Beldon Batiste. (OIG Note: In the text message, Cziment stated, "Hi, this is Stella from OIPM. Do you have time for an important call with me and Beldon Batiste? He has something he wants to discuss with us. It is important.") Morrell also received another text messages from Cziment on March 13, 2023. (OIG Note: Cziment sent Morrell a text at 5:24 PM, in which she stated, "Just sent the letter and I have copies of the interviews from Beldon. I decided to include DOJ as well. Please let me know if you have any questions. Thanks again.")

Morrell called Cziment after receiving the first text message. Cziment told Morrell she had to get Batiste on the phone. Cziment did a 3-way call with Batiste and Morrell. Morrell doesn't know if Cziment had already spoken to Batiste before the conference call. Morrell believes that Batiste had contacted Cziment because Cziment reaches out to the community.

Morrell also believes that Cziment subsequently called him because he's the City Council President and because he predicted something like the leak would occur. (OIG Note: Morrell is referring to the unauthorized release of recorded interviews of New Orleans Police Department (NOPD) officers interviewed during the investigation concerning NOPD Officer Jeffery Vappie.) According to Morrell, the Council has oversight over the police department. Morrell was skeptical about the NOPD Public Integrity Bureau conducting the Jeffery Vappie investigation. Morrell also said NOPD was conflicted, but no one else wanted to investigate Vappie.

Batiste told Cziment and Morrell that he had files of tape recordings of police interviews in the Vappie case, but would not say where he got them. During the conversation with Morrell, Cziment did not make any mention of any confidentiality issues. Cziment did not tell Morrell that the name of the source of the information, in this instance, Beldon Batiste, had to remain confidential.

Batiste asked Morrell if he wanted to see the file. Batiste also offered to send Morrell copies of the tapes. Morrell declined Batiste offer to give him the file because he contends that it's a violation of the Policemen's Bill of Rights to possess the tapes. Batiste said he'd already sent them to Lee Zurik. (OIG Note: Lee Zurik is an investigative reporter with FOX 8 news.) Morrell told Batiste not to send the file around, but does not recall if Cziment repeated his admonishment to Batiste.

Morrell told Batiste to be careful with the tapes. Morrell was concerned about a civilian having copies of tape recordings of police interviews in the Vappie case because the Policemen's Bill of Rights grants confidentiality. Morrell did not receive any copies of the tapes and told Cziment that he did not

want any copies of the tapes. Morrell does not recall if Cziment said anything about giving the tapes to anyone else.

Cziment thought it was important to send a letter to all groups involved in the consent decree, including the monitor and the judge. (OIG Note: the NOPD is currently under a Federal Consent Decree and a Federal Monitor has been assigned to coordinate with the NOPD regarding this Consent Decree). During the conversation, Cziment did not mention the Inspector General. Morrell didn't disagree with Cziment's plan to send a letter to everyone. Morrell told Cziment that the letter should also go to the Department of Justice (DOJ). Cziment agreed to send a copy of the letter to DOJ. Morrell wanted Cziment to do more than send a letter, or want someone else to investigate the leak. When Morrell got the letter from Cziment, he forwarded it to the entire City Council.

Morrell later learned that the source of the leak was HANO because of a reference in the second letter from the City Attorney, concerning how the tapes were accidentally turned over to someone at HANO.

11:54



Councilmember JP

Mon, Mar 13 at 4:13 PM

Hi, this Stella from OIPM. Do you have time for an important call with me and Belden Batiste? He has something he wants to discuss with us. It is important.

Yes. 4:30?

Yes, thank you

Will call you from my work cell - (504) 427-1724

Mon, Mar 13 at 5:24 PM

Just sent the letter and I have copies of the interviews from Belden. I decided to include the DoJ as well. Please let me know if you have any questions. Thanks again

Delivered

Thanks, Stella



MEMORANDUM OF INTERVIEW

On April 11, 2023, City Council President J. P. Morrell, was telephonically contacted by Chief of Investigations Michael J. Centola, City of New Orleans Office of Inspector General. Morrell had provided Centola with a text message string he had received from Independent Police Monitor, Stella Cziment, on April 10, 2023. Morrell was asked to provide the telephone number he received the text string from. Morrell advised it was received from telephone number [REDACTED]

Michael Centola

From: Bonycle Sokunbi <bsokunbi@nolaipm.gov>
Sent: Tuesday, April 11, 2023 12:09 PM
To: Michael Centola; William Bonney
Cc: Ed Michel; Stella Cziment
Subject: OIPM MOU and Policy
Attachments: MOU Signed 11-10-10.pdf; 2020 IPM Manual 11-4-20.pdf

Hello,

I hope this email finds you both well. As discussed last week, I am sending our MOU and policies. Confidentiality is weaved throughout both documents and guides our operations.

Please let us know if you have any questions.

Best,
Bonycle

Bonycle S. Sokunbi, Esq.
Deputy Police Monitor

Office of the Independent Police Monitor
2714 Canal Street, Suite 201 | New Orleans, LA 70119
O: 504.304.5825 | C: 504.250.2360
bsokunbi@nolaipm.gov



MEMORANDUM OF INTERVIEW

On April 12, 2023, Independent Police Monitor Stella Cziment, Office of the Independent Police Monitor (OIPM) was interviewed at her office, 2714 Canal Street, New Orleans, La., by Chief of Investigations Michael J. Centola and Deputy Inspector General of Investigations William Bonney, City of New Orleans Office of Inspector General (OIG). Also present as an observer was Sharonda Williams, Legal Counsel for the OIPM. Having been interviewed previously by the investigators, Cziment knew their identities. The Investigators are also known to Williams. After being advised of the official identities of the Investigators and the purpose of the interview, Cziment voluntarily provided the following information:

Cziment wanted to clarify that she had sent an email requesting an audit trail of the records from the Vappie investigation on Friday, March 10, 2023, to Deputy Chief Sanchez, New Orleans Police Department (NOPD). Sanchez heads the Public Integrity Bureau (PIB) of the NOPD. She advised she received a response last week.

Cziment advised that the individual who approached her claiming to have copies of the recordings of interviews conducted during the Vappie investigation is Beldon Batiste. Batiste initially called Cziment on Thursday, March 9, 2023. During the call he advised he had something that Cziment would be interested in. Cziment met with Batiste the following Monday on two different occasions.

The first meeting was at the office of the OIPM around 12:00 noon. Present were Cziment, Batiste, the OIPM Deputy Police Monitor Bonycle Sokunbi and an unknown black female who accompanied Batiste. The unknown female seemed friendly and comfortable with Batiste. During this meeting, Batiste handed Cziment a thumb drive reportedly containing copies of recorded interviews conducted during the Vappie investigation. Cziment connected the drive to the OIPM computer and viewed the contents. She also took a screen shot showing the contents of the drive. This is the same screen shot she placed in the letter she sent out regarding the recordings being released. Cziment also performed what she called a "spot check" which she described as listening to portions of the recordings. She did this in an attempt to determine if the contents of the drive were what Batiste claimed. At this first meeting, Batiste would not allow Cziment to copy the files.

Batiste advised Cziment that a lot of individuals have copies of the recordings including the news media. Cziment asked Batiste when did he think the media would run a story regarding the recordings and Batiste did not answer. Batiste was asked by Cziment where he obtained the recordings. Again, he would not answer. It was Cziment's belief that he probably obtained the recordings from either the Mayor's Office or the City Attorney's Office. Later in the conversation, Batiste advised that someone had left the drive in his mail box and subsequently he advised someone had given the drive to him. Cziment never obtained a clear explanation from Batiste as to how he came into the possession of the recordings.

According to Cziment, after the first meeting, Batiste went to the Federal building looking for someone to help him regarding the recordings. He contacted U.S. District Court Judge Morgan who did not meet with him and did not want a copy of the recordings. Batiste then went to City Hall where he attempted to meet with City Council President J.P. Morrell. While Batiste was at City Hall, he called

Cziment and told her that he was attempting to locate Morrell without success. Cziment noted this was the moment at which she decided to send a letter regarding the release of the recordings to the parties Batiste was attempting to contact.

Batiste advised Cziment that he needed proof that she was attempting to help him. Batiste was not comfortable with Cziment. Cziment sent a text message to Morrell from her personal cellular telephone instructing him to call her. Cziment advised she did so on her personal cellular phone because that is the number Morrell had for her. Cziment then called Morrell from her work cellular telephone and had a three-way conversation with Batiste concerning the release of recordings of interviews conducted during the Vappie investigation. Cziment also told Morrell that she was drafting a letter documenting the release of the recordings. It was decided between Cziment and Morrell that the letter should be sent to Judge Morgan, the Federal Consent Decree Monitor, the NOPD Deputy Chief in charge of PIB, the Department of Justice and Morrell as president of the City Council.

When asked why she did not advise the Investigators she had contacted Morrell when she was first interviewed, Cziment replied there was no particular reason and she must have forgotten to mention that she contacted Morrell about the recordings.

Cziment advised that during the three-way telephone call, Morrell seemed surprised to learn that the recordings were released. According to Cziment, Morrell advised Batiste that he should provide Cziment with a copy of the recordings. Cziment opined that Batiste probably felt comfortable with Morrell telling him to provide a copy of the recordings to Cziment. Morrell asked Cziment to whom she intended to send copies of the letter. Cziment replied the Federal Consent Decree Monitor, U.S. District Court Judge Suzie Morgan, Deputy Chief NOPD PIB and the President of the City Council (Morrell).

Batiste did not want Cziment to send the letter because he did not want his identity released. Batiste also felt that if the information regarding the release was sent to the NOPD the problem would not be taken seriously and nothing would come of the release.

Batiste returned to the office of the OIPM after the three-way telephone conversation and met with Cziment. This is when Cziment transferred a copy of the recordings from the thumb drive to her OIPM computer.

Cziment had a conversation with the Consent Decree Monitor Jonathan Aronie at the weekly 10:00 a.m. Monday meeting about the recordings being released. (OIG Note: This meeting occurred on March 13, 2023.)

On March 15, 2023, Cziment also had a telephone conversation with Arlinda Westbrook, NOPD. Westbrook asked Cziment why did she send the letter regarding her possession of the recordings. Westbrook thought things could have been handled different. Westbrook accused her of being emotional and impulsive. Cziment told Westbrook that she only wanted to resolve the issue. Cziment also told Westbrook that the recordings would eventually become public records because they were possibly released pursuant to a Public Record Request unrelated to the Vappie Investigation. Westbrook disagreed with Cziment's statement. According to Cziment, she and Westbrook discussed the fact recordings were released due to an error and not purposely released. Westbrook categorized the error as an accident.

On March 15, 2023, Cziment discussed the release with Jonas Geissler, U.S. Department of Justice, Civil Rights Division. Geissler wanted to know if the City Attorney and the NOPD has responded to Cziment's letter.

Subsequently, Aronie, City Attorney Donesia Turner and Cziment participated in a Zoom teleconference. During this teleconference, Turner advised the recordings were released from her office inadvertently. Turner would not identify to whom the recordings were released.

Later Cziment received a telephone call from either Sabrina Hickerson or Raven Batiste from NOPD Superintendent Michelle Woodwork's office. The caller was attempting to arrange a meeting between Woodfork and Cziment. Subsequently, that afternoon a meeting was held at the NOPD. In attendance were Woodfork, Turner, Batiste, Sharonda Williams as legal Counsel for the OIPM and Cziment. Woodfork was angry that Cziment did not send the letter regarding the release of the recordings directly to her. Woodfork stated the existence of Cziment's letter will make it hard for the NOPD to recruit and retain officers and will also hurt morale, generally hurting the NOPD.

Cziment attempted to defend her action of sending the letter by advising she wanted to ensure the integrity of the Vappie investigation. Cziment advised that she felt that Woodfork should not have been one of the original recipients of the letter. Cziment noted she did send the letter to NOPD Deputy Chief PIB Sanchez who Cziment felt was a proxy of Woodfork. Woodfork described Cziment's explanation as insulting and disrespectful. Woodfork felt blindsided and betrayed by not being contacted directly regarding the release of the recordings. Woodfork advised she does not use proxies.

Turner was also expression frustration with Cziment issuing the letter because she did not like the fact the NOPD PIB was implicated in the release. According to Turner, the allegation was undermining the NOPD PIB.

In response to Turner's complaint, Cziment sought to justify her decision by insisting that she did not know who was involved in the release, what orders were given or what matters discussed by the Mayor, the City Attorney and the NOPD. Turner then advised that she contacted the Mayor and told the Mayor about the release. Turner did not identify who was responsible for the release of the recordings in this meeting.

Cziment advised the investigators she was unaware of anyone to whom the recordings were given outside of NOPD PIB.

Consequently, Cziment did not understand why the recordings were in possession of the City Attorney's Office especially if the investigation was not complete. Turner advised Cziment that her office was preparing for any potential appeal resulting from any decision on discipline.

Cziment noted that the City Attorney was not present in the meeting on Monday morning after Cziment learned of the release. Cziment now realizes she should have maintained notes or a log of who she spoke to and what was discussed. This would have enabled her to have a better recall of the facts.

On March 15, 2023, Cziment did share a statement via email with the news media regarding the release.

MEMORANDUM OF INTERVIEW

On April 13, 2023, Donesia Turner, City Attorney, City of New Orleans (City), was interviewed by Investigators Troy Chenevert and Michael Centola, of the City of New Orleans Office of Inspector General (OIG) at her office, 1300 Perdido Street, Fifth Floor, New Orleans Louisiana. After being advised of the identities of Chenevert and Centola and the nature of the interview, she voluntarily provided the following information:

Turner was given a thumb drive containing records related to the New Orleans Police Department, Public Integrity Bureau (PIB) investigation into Jeffrey Vappie by an investigator conducting the investigation. She could not recall the investigator's name but noted only two investigators from PIB are handling this investigation. The investigator offered the records to Turner and she accepted them and placed the thumb drive in one of her desk drawers. Turner could not recall the date she received the thumb drive. Turner noted that the City Attorney's Office handles proceedings for PIB once their investigation and results are disclosed. It is not uncommon for the City Attorney's Office to meet and provide assistance to PIB if questions or issues become apparent. She denied sharing the recordings or listening to the them.

If PIB needed assistance with investigations from the City Attorney, those records are available to be reviewed or listened to at the website used www.evidence.com. The City Attorney's Office has a record room where documents or files can be stored. Since the Vappie investigation was sensitive, the records were placed on a thumb drive for future review. Turner noted she received the thumb drive with the Vappie records because she is entitled to receive them.

Turner noted a member of the Housing Authority of New Orleans (HANO) board was removed upon the request of the HANO Board. That member, Shirley Jasper, was challenging her removal from the board to the City Council. A special City Council meeting was scheduled on 03/08/2023 and the City Council wanted both parties to exchange items being used at the meeting. Turner was going to provide to Jasper with videos of HANO Board meetings and placed a thumb drive containing the videos in an envelope and left it at the front desk. The date upon which this occurred was either 03/06/2023 or 03/07/2023. The envelope containing the thumb drive with the PIB records was mistakenly placed in the envelope that was picked up by W.C. Johnson, a handler for Jasper.

Turner learned of the error related to the PIB records on 03/14/2023. She learned of it when Jonas Geisler with the Department of Justice in Washington D.C forwarded a letter to her authored by Stella Cziment. Based upon what Cziment wrote in her letter, Turner contacted Police Chief Michelle Woodfork and told her to shut everyone down in PIB and lock down all of the records concerning the Vappie investigation. Turner returned to her office and re-read the Cziment letter and began to look for the thumb drive given to her by the PIB investigator. She found the HANO Board meeting videos thumb drive and put it in her computer. It was at this point Turner realized with 99% certainty she had given the PIB thumb drive by mistake to Jasper via Johnson.

Once Turner realized what had happened regarding the PIB thumb drive, she went to inform Mayor LaToya Cantrell of the mistake. She then contacted Woodfork and the Federal Consent Decree

Monitor of the New Orleans Police, Jonathan Aroine. Turner took responsibility for the mistaken release of the PIB thumb drive.

Turner also attended a meeting at police headquarters with Woodfork, Cziment, Bonycle Sokunbi, and Cziment's attorney Sharonda Williams. Turner could not recall the date of this meeting. Woodfork wanted to discuss open lines of dialogue with all parties. Woodfork asked Cziment why she did not come directly to Woodfork in regards to the suspected leak from PIB. Cziment claimed she was not sure if Woodfork was involved in the suspected PIB leak. Cziment added that she drafted a letter to Deputy Chief Sanchez which described her allegations. Woodfork told all those present at the meeting that Deputy Chief Sanchez answered to her. Turner noted there was no mention of any conflicts of interest at this meeting.

Turner discussed a Zoom meeting on 03/15/2023 with her, Cziment, and Aroine. During this meeting, Turner told the attendees what happened with respect to the release of the PIB thumb drive. Turner issued a press release about this matter and agreed to provide a copy of it to the OIG. She again denied sharing the contents of the thumb drive with anyone, opening the records, reviewing or listening to any recordings.

Turner further noted the Vappie investigation was concluded but not finalized when the thumb drive was provided to her. According to Turner, Vappie was the last person interviewed and she was aware of the facts concerning the investigation prior to receiving the thumb drive. The HANO Board videos were never picked up by Jasper or Johnson. Turner claimed safeguards have been put in place to make sure this never happens again. In particular, files are now double checked prior to being released outside the City Attorney's Office.

During a conversation with Cziment, Turner asked her why did she leak the letter. Cziment said she sent her letter to City Council President, J.P. Morrell. Turner believed it was Morrell who leaked Cziment's letter to the media. Turner did not attempt to retrieve the thumb drive from Johnson or Jasper after learning of the mistaken release.

Turner advised she now believes that W.C. Johnson is the individual who provided the recordings to Cziment.

View it in your browser.



FOR IMMEDIATE RELEASE

March 15, 2023

For Media Inquiries Only
communications@nola.gov
(504) 658-4945

CONFID

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CITY ATTORNEY, PUBLIC INTEGRITY BUREAU ISSUE STATEMENT IN RESPONSE TO LETTER FROM INDEPENDENT POLICE MONITOR

NEW ORLEANS — City Attorney Donesia Turner and Deputy Superintendent of the Public Integrity Bureau (PIB) Keith Sanchez today issued the following statement:

"There is no breach of any kind within the Public Integrity Bureau (PIB)," said **Sanche**

"Immediately upon receipt of such allegation, the Administration began an internal investigation into these charges. Our collective investigation revealed the referenced drive was inadvertently released by the Law Department to a HANO board member in response to the City Council's directive to exchange records in advance of a special meeting. The Law Department has since taken steps to address this mishap and has placed additional safeguards into practice to prevent these types of incidents from happening again," said **Turner**.

We are disappointed the Office of Independent Police Monitor did not come to us first such allegations in order for us to work collaboratively to resolve this misunderstanding. There is no benefit or value that could be derived by the PIB or the Administration by releasing any interviews or investigatory materials to members of the public or media.

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MEMORANDUM OF INTERVIEW

On April 18, 2023, W.C. Johnson, telephone [REDACTED], was telephonically contacted by Chief of Investigations Michael J. Centola in an attempt to schedule an interview concerning the release of recordings of interviews conducted during the Vappie investigation. Johnson advised he has no knowledge of the recordings. Centola advised that he has received information that Johnson received a copy of the recordings from the City of New Orleans City Attorney's office. Johnson again stated he has no knowledge of the recordings. Centola requested to have in person meeting in order to document Johnson's position. Johnson then advised he would not be available until the beginning of May 2023. Centola advised he would like to meet earlier. Johnson advised his position is that he has no knowledge of the recordings.

MEMORANDUM OF INTERVIEW

On May 3, 2023, Lt. Lawrence Jones, New Orleans Police Department (NOPD) was interviewed at the NOPD Public Integrity Bureau (PIB) by Chief of Investigations Michael J. Centola and Deputy Inspector General of Investigations William Bonney, City of New Orleans Office of Inspector General. The interview was recorded by both Jones, on his personal recorder, and the cameras maintained in the NOPD PIB interview room. According to Jones, the Policeman's Bill of Rights and NOPD policies require that the interview be recorded. It was agreed that the recordings would not be released and the NOPD PIB would provide the OIG with a copy of the recording. Centola and Bonney are both known by Jones and he voluntarily provided the following information:

Jones advised that the interviews performed during the Vappie Investigation were recorded in two separate manners. The first was through the use of a NOPD body camera. Any recording captured in this manner would be handled and stored in the same manner that all body camera recordings are handled. Specifically, the NOPD body camera used to record the interview is subsequently placed into a docking station. This docking station would then upload the recording to a server and catalogue the recording into a program named evidence.com. These recordings can be accessed via any computer using the evidence.com web portal. A link can be sent to a user allowing access. A label is affixed to all the recordings that details the date and time of the recording as well as the name of individual being interviewed. Jones advised he is unsure how the recordings from the permanently mounted camera inside the interview room are stored. He added that these recordings are restricted to NOPD PIB users.

According to Jones, the following individuals had access to the recordings created during the Vappie Investigation; 1) himself, 2) Deputy Chief Keith Sanchez, 3) Captain Kendrick Allen, 4) Consent Decree Monitor Jonathan Aronie, 5) Ann Price, 6) an investigator unknown to Jones, 7) the Independent Police Monitor Stella Cziment and 8) Deputy Independent Police Monitor Bonycle Sokunbi.

Jones has never downloaded any of the Vappie Investigation recordings. He advised he does not know how the recordings ended up in the possession of the City Attorney's Office. Jones did not provide anyone with access to any of the investigative files.

Jones advised his portion of the investigation is complete and he is currently assigned to the NOPD 6th District. As such, he no longer has access to the NOPD PIB systems that house the recordings.

Jones noted that he was not the lead investigator on the Vappie Investigation. Captain Kendrick Allen was the lead and Jones was assisting. Once Allen was re-assigned from the NOPD PIB, Jones is unsure who took over the investigation.

Jones learned of the release of the recordings when he saw the news stories in the media. He is unsure how the recordings would have been released.

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Investigation on 05/03/2023

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Jones was asked if it was routine to provide copies of recordings and documents gathered during investigations to the City Attorney's Office prior to the completion of the investigation. Jones stated he would think that depended on the significance and nature of the investigation. This was done on a case-by-case basis without any set rule. He could not recall providing records or documents to the City Attorney's Office prior to the completion of an investigation.

MEMORANDUM OF INTERVIEW

On July 3, 2023, Deputy Chief Keith Sanchez, New Orleans Police Department (NOPD), Public Integrity Bureau (PIB) was interviewed by Chief of Investigations Michael J. Centola and Deputy Inspector General of Investigations William Bonney, City of New Orleans Office of Inspector General. Also present for this interview was Eric Carter, Sanchez's Chief of Staff. After being advised of the official identities of Centola and Bonney and the nature of the interview, Sanchez voluntarily provided the following information:

According to Sanchez, PIB investigators normally use more than one recording device while conducting interviews at the PIB office. The interview is recorded by a NOPD issued Body Worn Camera (BWC). A BWC captures both audio and video of the interview. Additionally, a hand-held recorder is used to record a second copy of the interview. This recorder only captures audio of the interview.

When an interview is conducted outside the PIB office, a handheld recorder is used to record audio only. Sanchez is unsure why a BWC is not utilized during interviews outside the PIB office. He is unsure of the file format on which the recordings are created. He is not aware of a NOPD PIB policy regarding the storage of recordings created on the hand-held devices. He is not sure where the recordings from the hand-held devices are stored. The recordings from the BWC are stored in a software program named evidence.com.

Sanchez was not one of the investigators performing the investigation into NOPD Officer Jeffery Vappie. His role was oversight of the investigation. He did have access to the BWC recordings as did the Federal Consent Decree Monitor and the Independent Police Monitor (IPM). He is unsure who had access to the hand-held recordings. He is unsure if the hand-held recordings are stored in a manner that includes an audit trail documenting access to these files similar to the recordings stored in evidence.com.

He does know the New Orleans City Attorney was provided copies of the recordings obtained during the investigation of Officer Jeffery Vappie. These recordings were provided to the City Attorney by NOPD Capt. Kendrick Allen, who was one of the investigators assigned to the Vappie investigation. Providing recordings to the City Attorney is routinely done during PIB investigations. The City Attorney and her office is routinely consulted during investigations as well as when the investigation is complete. Sanchez does not recall receiving a written request for the recordings of the interviews to be provided to the City Attorney. (OIG Note: During a subsequent interview of Capt. Allen, it was learned that a meeting was held in Sanchez's office. This meeting was attended by Sanchez, Allen and City Attorney Donesia Turner. During this meeting there was a discussion regarding the release of copies of the recordings to the City Attorney's Office.)

Sanchez could not recall when he first learned of the release of the recordings outside of the City Attorney's Office. It was probably when he received an email from the IPM regarding the release. He may have first learned when he saw a news article regarding the release on Fox 8 news.

To his knowledge, no one at PIB was contacted regarding the possible return of the recordings. Additionally, no one at PIB attempted to recover the recordings.

MEMORANDUM OF INTERVIEW

. On July 3, 2023, Captain Kendrick Allen, New Orleans Police Department (NOPD), formerly of the Public Integrity Bureau (PIB) was interviewed by Chief of Investigations Michael J. Centola and Deputy Inspector General of Investigations William Bonney, City of New Orleans Office of Inspector General. Allen advised Centola and Bonney that he was recording the interview on his iPhone. After being advised of the official identities of Centola and Bonney and the nature of the interview, Sanchez voluntarily provided the following information:

Allen advised he was assigned to the PIB investigation of NOPD Officer Jeffery Vappie. Lt. Lawrence Jones was also assigned to the investigation. Allen and Jones operated as co-investigators. Allen and Jones conducted the interviews together with the exception of the interview of Capt. Robinette of the Louisiana State Police, which was conducted by Jones. Allen also advised he left the interview of NOPD Officer Monlyn prior to its completion. Jones completed this interview on his own.

According to Allen, during the PIB investigation of Officer Vappie and the Mayor's Executive Protection Detail (MEPD), Jones used a hand-held recorder to record interviews along with a Body Worn Cameras (BWC). Allen also recorder the interviews on his cell phone because

According to Alen, PIB investigators normally use more than one recording device while conducting interviews at the PIB office. The interview is recorded by a NOPD issued Body Worn Camera (BWC). A BWC captures both audio and video of the interview. PIB investigators also commonly use a personally-owned hand-held recorder to record a second copy of the interview. This recorder only captures audio of the interview. According to Allen, PIB investigators used the BWCs recordings to assist in the identification and understanding of the officer's roles and training as they relate to the MEPD.

Allen is unsure of the recording file format on the hand-held recorders, but assumes the format is mp3. He stored recordings from personally-owned hand-held recorder on a Google drive. According to Allen, this storage method allows him to share the files with the Federal Consent Decree Monitor and the Independent Police Monitor.

Allen utilized his personal Google drive during the Vappie investigation. He used this drive due to the high volume of electronic media created during the investigation. It was impossible to email most of the files due to their large size. Allen advised he did not want to store the files on a City computer server. He wanted to ensure the files were free from another cyber-attack like the City experienced in the past. Additionally, he wanted the recordings and documents stored where they would have less risk of them being accessed, altered or deleted. The BWC recordings were stored in a software program known as evidence.com. Allen is unsure if a recording made with a recorder other than a BWC can be stored within evidence.com.

Allen does know recordings are shared with a third-party transcriptionist who creates a formal transcript of the interviews. The recording is uploaded to a computer and then sent to the transcriptionist. Allen is unsure how Jones provides recorded interviews to be transcribed. He assumes he uploaded them to his computer and sent via email or either on a CD or USB thumb drive.

Allen recorded the interviews he participated in on his City issued iPhone. These recordings are secondary to the ones captured by Jones and the BWC. Allen synchronizes his iPhone to his computer and the recordings were then stored on a Google drive. These are only recordings controlled by Allen and not the recordings captured by Jones. Allen is unsure where Jones stored his copies of the recordings from his hand-held recorder.

Allen also stores a copy of the recording on his City computer on a case specific file folder. Allen is able to save files to his computer's c: drive. The other City computers within PIB are restricted from saving files to the c: drive. The other City computers are unable to utilize a USB thumb drive since the City experienced the cyber intrusion. Once an investigation is completed, Allen transfers the files to a CD and that CD is placed into the PIB case folder. The recordings on the c: drive are then deleted.

Allen provided copies of the recorded interviews to the City Attorney's Office. Allen recalled there was a meeting in Deputy Chief Sanchez's office attended by Sanchez, Donesia Turner who is the City Attorney and Allen. During this meeting it was discussed and decided the City Attorney be provided recorded copies of the interviews. Allen is unsure who first discussed this, but Sanchez did approve the City Attorney being provided copies of the files. Allen copied the files from his Google drive and provided then to Turner. He could not recall the description of the USB drive he gave to Turner.

Allen reiterated that he only provided copies to Turner after Sanchez gave his approval. The copies of recordings Allen provided to Turner were recorded by Allen using his City issued iPhone. These files nor the USB drive were password protected. Allen provided the USB drive with the recordings to Turner while she was in the PIB office. He is fairly certain the date was February 8, 2023, which is the date of the second interview of Vappie.

Allen advised it is not unusual to provide the City Attorney's office with copies of the recorded interviews and other documents gathered during an investigation. Copies are routinely provided after they are requested. Allen has shared recordings with the Federal Consent Decree Monitor (FCDM), the Independent Police Monitor (IPM) and the City Attorney's office in the past. Recordings can also be shared via Google drive by providing access to the drive.

Allen advised copies of the recorded interviews were provided to the FCDM and the IPM once all of the interviews were conducted. Later an additional interview of NOPD Sgt. Lane was conducted, although this interview was not originally anticipated.

Allen is unsure what recordings he provided. He copied all of the interviews recorded on his Google drive. Allen advised he would only have copies of the interviews he recorded on his City issued iPhone.

Allen advised on page 83 of the PIB policy manual there is a section that allows the sharing of information and recordings with the Orleans Parish District Attorney's Office and the United States Attorney's Office. He is unsure of any specific policy regarding the storage and safeguarding of recordings and records other than they are required to be maintained and secured. He feels files that are saved on a computer that is password protected are secure.

Allen first heard of the release of the recordings in the news media. To his knowledge, PIB did not attempt to recover the recordings, nor did they receive an offer to have the recordings returned.