

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA,  
Plaintiff**

**CIVIL ACTION**

**VERSUS**

**No. 12-1924**

**CITY OF NEW ORLEANS,  
Defendant**

**Judge S. Morgan  
Mag. Judge J. Wilkinson**

**MOTION TO INTERVENE**

Now into Court, through undersigned counsel, comes Community United for Change, who moves to intervene in this matter under Rule 24 of the Federal Rules for Civil Procedure for the following reasons:

**I.**

Community United for Change (CUC) is a non-profit association of people in New Orleans who have been working to transform the New Orleans Police Department (NOPD) into a constitutional policing department that respects the rights of all residents. The people involved in CUC have been challenging police killings and brutality for years. CUC works with and on behalf of resident victims of the NOPD.

**II.**

In April of 2010, the CUC petitioned US Attorney General Eric Holder to probe into the patterns and practices of the NOPD which had resulted in dozens of deaths over the past thirty years. See Attachment A. (It is noteworthy that this CUC petition for investigation predated the May 5, 2010 request of Mayor Landrieu for a DOJ investigation.)

**III.**

On May 17, 2010, the US Department of Justice announced that it was going to investigate the NOPD for constitutional and civil rights violates. CUC played a strategic role

during that investigation. CUC set up its own meetings for victims, other organizations, and concerned citizens around the City of New Orleans to voice their stories about abuses by the NOPD and their specific hopes for real change. Five meetings were held in churches and community centers. Most were observed by US Department of Justice representatives. CUC went on the radio and worked hard to bring people to speak at numerous public forums.

IV.

Listening to the voices of the victims and other people in New Orleans made it absolutely clear that the problems in the NOPD had been going on for decades and the NOPD had a deeply entrenched culture of corruption for a very long time.

V.

In November 2010, CUC finalized a 31 page Peoples Consent Decree which outlined the changes that grassroots people and organizations decided were needed to really change the NOPD into a constitutional policing department that respects the rights of all citizens. See Attachment B.

V.

CUC sent a copy of the Peoples Consent Decree to Thomas Perez of the US Department of Justice on December 3, 2010. See Attachment C.

VI.

CUC tried to present its findings from the community to the New Orleans City Council Criminal Justice Committee but was refused an opportunity to share the information. See Attachments D and E.

VII.

On March 21, 2011, right after the DOJ released its Report and Recommendations for NOPD, CUC wrote US Department of Justice asking them to include a strong grassroots monitoring committee to the proposed consent decree for NOPD. See Attachment F.

VIII.

On July 24, 2012 the USA and the City of New Orleans filed a proposed Consent Decree in this matter.

IX.

CUC moves to intervene in order to give the citizens of New Orleans, particularly those who have been the victims of the NOPD for decades, a strong voice in these proceedings.

X.

CUC largely agrees with the factual findings of the Department of Justice as to patterns and practices in the abuses, illegalities and injustices regularly committed by members of the NOPD.

XI.

However, there are several areas where the CUC finds the proposed consent decree to be insufficient to combat and change the culture of lawlessness in the NOPD. CUC will detail five of these areas in this Complaint of Intervention but reserves the right to supplement and expand on these deficiencies once CUC becomes a party to this litigation. For the full list of proposals raised by the CUC please refer to Attachment B.

XII.

The primary deficiency in the consent decree is its unrealistic reliance on the NOPD to monitor, improve and self-correct itself. Why should anyone be confident the NOPD can change

itself? Over the past several decades there have been numerous attempts to reform the NOPD but these attempts have been successfully resisted and evaded by the NOPD. In order to have a real chance to propose and enforce real changes, the consent decree must include the creation of a strong independent civilian oversight committee (COC) constructed by grassroots community organizations which has real power to investigate both individual and systemic complaints and claims of illegal behavior against NOPD. This COC should review all discharge of firearms, all uses of tasers, and all complaints of police misconduct, brutality, or violations of law and regulations.

### XIII.

The consent decree must also include a provision to diminish politics in the NOPD by guaranteeing that the selection of the Chief of the New Orleans Police Department is done by a search committee of grassroots organizations.

### XIV.

The consent decree must be for a much longer term than four years. It took decades for the culture of corruption described by the DOJ to grow and flourish, it will take a lot longer than 4 years for it to be rooted out and replaced by a culture of respect and accountability.

### XV.

The consent decree should include, under the oversight of the Civilian Oversight Committee (COC), a Civil Rights Section which will assist and supervise NOPD in maintaining zero tolerance for violations of human rights, civil rights and constitutional rights.

XVI.

The consent decree should include a requirement that all police officers be required to be equipped with audio and video recording equipment on their person so that all police stops and interactions with civilians are recorded.

XVII.

Community United for Change agrees with the US Department of Justice statements of facts which document the pervasive nature of illegalities and abuses allowed by the NOPD. However, CUC asks to intervene because the remedies suggested in the proposed consent decree are too little and too weak and not at all likely to force the major transformation needed to make the NOPD a constitutional policing department which respects the rights of all persons.

XIX.

The DOJ and the City of New Orleans obviously do not agree with the fundamental changes proposed by the CUC. But the interest of the public at large is very important to the creation of a just and lasting decree on such a critical matter.

Therefore, Community United for Change asks that this Motion to Intervene be granted.

DATED: August 7, 2012

Respectfully Submitted,

/s/ Davida Finger

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this pleading has been served upon counsel for all parties via ECF this 7<sup>th</sup> day of August, 2012

/s Davida Finger

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Davida Finger