

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

**UNITED STATES OF AMERICA,
Plaintiff,**

V.

**CITY OF NEW ORLEANS,
Defendant.**

**CIVIL ACTION NO.
2:12-CV-01924-SM-DPC**

JUDGE SUSIE MORGAN

**MAG. DONNA PHILLIPS
CURRAULT**

**RESPONSE OF THE CITY AND NOPD
TO THE MONITOR'S REPORT REGARDING THE
INVESTIGATION OF OFFICER VAPPIE**

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Now Into Court, comes Defendant, the City of New Orleans (the “City”) and its New Orleans Police Department (“NOPD”), who, in compliance with the Court’s Order of June 6, 2023 (R. **Doc. 712**) respond to the letter report to the Court by Jonathan S. Aronie, the court-appointed Consent Decree Monitor (“Monitor”), dated June 5, 2023, and attached as **Exhibit 1** hereto, as follows:

I. NOTICE OF OBJECTION TO MODIFICATION OF THE CONSENT DECREE

As an initial matter, the City objects to the Court’s modification of paragraph 458 of the Consent Decree¹ by requiring NOPD to file a formal response into the record regarding the Monitor’s report on the PIB Vappie Investigation. Paragraph 458 requires that notice must be given to the City 10 business days in advance of a public report *by the Monitor*. It also allows for informal comment by the City prior to publication of the Monitor’s report.

There is no provision for mandatory formal public responses by the City, or NOPD, beyond their routine reports. Similarly, there is no prohibition on the City or NOPD issuing reports or statements at any time in any forum that may conflict with, or directly challenge, the Monitor’s public comments and reports. Modification of the Consent Decree requires joint stipulation of the parties and Court approval.² The City has not stipulated to these changes as required under Paragraph 487, and the City seeks to defend the provisions of the Consent Decree as written. Subject to this objection, the City and NOPD comply with the Court’s order and respond as follows:

¹ Rec. **Doc. 565**.

² Rec. **Doc. 565 at** para. 487.

II. SUMMARY OF THE RESPONSE

The Consent Decree is a limited expansion of the finite jurisdiction³ of the federal judiciary intended to address systemic institutional policies and practices impinging on the Fourth and Fourteenth Amendment rights of the residents of New Orleans.⁴ The sweeping reforms of the NOPD since the 2011 report of the Department of Justice (“DOJ”) have targeted every material policy and practice of NOPD regarding its interaction with the public and have reshaped the NOPD in every fundamental aspect from policy to personality.

Policies for Executive Protection (“EP”) details for the Mayor, City Council members, and other local government officials and visiting dignitaries, however, are not part of the sweeping Consent Decree. EP detail members have unique assignments that often have nothing to do with traditional “police work.” For example, it is routine for EP members to run errands for a Protectee, pick up their family members, attend church or workout with them as part of their official duties.⁵ And, according to experts in the field relied on by the PIB investigators, that is not unique to New Orleans, the State of Louisiana, or the federal government.

³ *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377, 114 S.Ct. 1673, 1675, 128 L.Ed.2d 391, 395 (1994) (“Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute, which is not to be expanded by judicial decree.”), citing *Willy v. Coastal Corp.*, 503 U.S. 131, 136-137, 117 L. Ed. 2d 280, 112 S. Ct. 1076 (1992); *Bender v. Williamsport Area School Dist.*, 475 U.S. 534, 541, 89 L. Ed. 2d 501, 106 S. Ct. 1326 (1986), and *American Fire & Casualty Co. v. Finn*, 341 U.S. 6, 95 L. Ed. 702, 71 S. Ct. 534 (1951).

⁴ CD goals

⁵ Attachment D to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1.

After a thorough investigation, PIB investigators found Officer Jeffrey Vappie had violated NOPD policy.⁶ On June 8, 2023, a three-Captain disciplinary panel forwarded its Disciplinary Hearing Disposition which recommended that the Superintendent sustain three of the four charges.⁷ Discipline according to the mandated NOPD disciplinary matrix has been recommended for each sustained violation. On June 14, 2023, the Superintendent sustained the recommendation of the disciplinary panel.⁸

The attacks on NOPD's Public Integrity Bureau by the Monitor appear to be based on motivations outside the Consent Decree. In short, the Monitor demands that PIB treat Officer Vappie differently than other officers accused of the same policy violations. Local politics and personality conflicts, however, cannot be allowed to influence NOPD disciplinary matters. The PIB investigators and staff were single-minded in their focus and showed absolute fidelity to NOPD policy and procedure despite outside pressures to treat Officer Vappie differently. The Monitor's opinions to the contrary are unfounded and unfortunate.

III. CONSENT DECREE SCOPE AND CONTENT

A Consent Decree is an extreme remedy intended to reach and reform systemic flaws in institutional systems that threaten the constitutional rights of citizens within that system. Consent Decrees raise serious federalism and separation of powers issues that must be closely monitored to assure the special and

⁶ Interoffice Correspondence at Attachment D to the Monitor's June 5, 2023, letter to the Court, attached here as Ex. 1.

⁷ See Ex. 7, Disciplinary Hearing Disposition.

⁸ See Ex. 7, Disciplinary Hearing Disposition.

limited powers afforded to the federal court are not broadened to expand federal power beyond constitutional limits. As the U.S. Supreme Court has made explicit:

We have often explained that federal courts are courts of limited jurisdiction. Article III, §2, of the Constitution delineates the character of the controversies over which federal judicial authority may extend. And lower federal-court jurisdiction is further limited to those subjects encompassed within a statutory grant of jurisdiction. Accordingly, the district courts may not exercise jurisdiction absent a statutory basis.⁹

As the Court has noted, the DOJ investigation reported “an alleged pattern or practice of unconstitutional conduct with respect to the use of force; stops, searches, and arrests; and discriminatory policing based on race, ethnicity, gender, and sexual orientation, all in violation of the U.S. Constitution and federal law.” R. **Doc. 256, pp. 4-5**. The Consent Decree was put in place to reform the policies and practices of the NOPD to prevent systemic violations of these critical rights.

The DOJ then filed a complaint in this court alleging violations of **42 U.S.C. §14141**; **42 U.S.C. § 3789d**; and **42 U.S.C. §§2000d** to 2000d-7, as implemented by **28 C.F.R. §§42.101** to 42.11. As summarized by this Court, the DOJ suit sought “to remedy an alleged pattern or practice of conduct by the NOPD that subjects individuals to **excessive force** in violation of the Fourth Amendment, **unlawful searches and seizures** in violation of the Fourth Amendment, and **discriminatory policing** in violation of the Fourteenth Amendment, the Safe

⁹ *Home Depot U.S.A., Inc. v. Jackson*, **139 S.Ct. 1743, 1746, 204 L.Ed.2d 34, 40** (2019) (cleaned up), quoting *Kokkonen v. Guardian Life Ins. Co. of America*, **511 U. S. 375, 377, 114 S. Ct. 1673, 128 L. Ed. 2d 391** (1994); *Insurance Corp. of Ireland v. Compagnie des Bauxites de Guinee*, **456 U. S. 694, 701, 102 S. Ct. 2099, 72 L. Ed. 2d 492** (1982); *Exxon Mobil Corp. v. Allapattah Services, Inc.*, **545 U. S. 546, 552, 125 S. Ct. 2611, 162 L. Ed. 2d 502** (2005).

Streets Act, and Title VI.”¹⁰ These claims establish the District Court’s jurisdiction under Article III, §2, of the U.S. Constitution. As with any case, the parties to litigation cannot confer additional jurisdiction to the federal court by agreement.

Again, the sweeping Consent Decree does not mention Executive Protection details. After ten years of DOJ and Monitor oversight, NOPD does not even have a specific policy for EP details. The reason is simple: the unique function of the EP detail is not one the DOJ or the City viewed as relevant to the Consent Decree when drafting that agreement, unlike excessive force, unlawful searches and seizures, and discriminatory policing. But for this NOPD disciplinary proceeding being an “investigation of the Mayor,” according to two city councilmembers, the case of Officer Vappie would have gone unnoticed like the vast majority of disciplinary proceedings. The change in notoriety, however, did not change the PIB investigation or the discipline recommended. The Monitoring team’s conduct, however, raises serious concerns.

IV. TIMELINE REGARDING THE OFFICER VAPPIE INVESTIGATION

On the evening of November 8, 2022, NOPD’s Public Integrity Bureau (“PIB”) received information regarding Senior Police Officer Jeffrey Vappie allegedly working more than 16 hours and 35 minutes in a 24-hour period, stemming from local news reports.¹¹ The following day the lead investigator, Captain Kendrick Allen, initiated a PIB investigation (No. 2022-0513-R). The following day, November 10th, New Orleans City councilmembers JP Morrell and Joseph I. Giarrusso, III,

¹⁰ Order and Reasons, R. **Doc. 159 at** p. 2. (*emphasis added*)

¹¹ Attachment D to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1.

sent a letter to this Honorable Court and Jonathan Aronie, the court-appointed monitor.¹²

The letter expressed significant concerns in allowing NOPD (*via* PIB) to investigate “serious allegations involving Mayor Cantrell” and asked this Court to appoint the Monitor in partnership with the Office of the Independent Police Monitor to lead “**the investigation of the Mayor.**”¹³ The Morrell-Giarrusso letter does not mention Officer Vappie, the Mayor’s security team, or time card misconduct allegations, just the Mayor.

The Monitor responded to the Morrell-Giarrusso letter the next day confirming receipt of the request to “jointly investigate matters relating to alleged time card misconduct involving the Mayor’s NOPD security detail.”¹⁴ The Monitor acknowledged that it lacked the power to “investigate specific matters” but acknowledged the two councilmembers’ fear of real or perceived pressure on the PIB investigators. The Monitor further advised that this Court had *already* authorized the Monitor to oversee¹⁵ the investigation and “work closely with the New Orleans Police Department Public Integrity Bureau to ensure their investigation of NOPD’s role in this matter is effective, efficient, and without bias.”¹⁶ The Monitor frequently repeats that its supervision was conducted at the request of the City Council.¹⁷ It is unclear where this engagement was consummated, as the evidence submitted by

¹² Attachment A to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1.

¹³ Attachment A to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1.

¹⁴ Attachment B to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1.

¹⁵ *See, e.g.*, Ex. 2, at 01/05/23 (“attend to Vappie investigation oversight (0.3); prepare questions for PIB regarding Vappie investigation (0.4)...Jonathan S. Aronie”)

¹⁶ Attachment B to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1.

¹⁷ *See* Attachment C to Ex. 1.

the Monitor consists only of a single letter from just two councilmembers, not the City Council of New Orleans.¹⁸

It is important to recall that as of February 2021, the Monitor had declared that “we are pleased to move NOPD into Full and Effective Compliance in the area of Misconduct Investigations.”¹⁹ PIB’s policies and procedures, therefore, had been validated by the Monitor and the DOJ over many years of direct supervision. This does not guarantee all future investigations would be done properly, but it provides important context for the public in light of the above comments by the Monitor to New Orleans City councilmembers JP Morrell and Joseph I. Giarrusso, III.

A. The Monitor’s Unique Involvement

Immediately upon the start of the PIB investigation the Monitor became fully engaged and was kept informed on an *at least* weekly basis.²⁰ On November 10th, the same day councilmembers JP Morrell and Joseph I. Giarrusso, III asked the federal court to investigate the head of the local executive branch, the Monitor met with the Office of the Inspector General regarding the “NOPD/Mayor investigation.”²¹ The Monitor’s team kept the Court informed of the “Vappie investigation issues” on a real-time basis, according to their invoices to the City. *See, e.g.*, Ex. 2, 11/14/22 entry by David L. Douglass (“Call with Judge Morgan and Mr. Aronie regarding Vappie investigation issues.”), and 11/14/22 entry by

¹⁸ *See* Attachment A to Ex. 1.

¹⁹ Annual Report of the Office of the Consent Decree Monitor for 2020 February 16, 2021, Rec. **Doc. 613-1, at 15.**

²⁰ Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1, at Attachment C, p. 1, and at Attachment E, p. 3; *see also*, Allen Affidavit, at Ex. 3.

²¹ *See, e.g.*, time entry summary regarding Vappie at Ex. 2, for November 10, 2023 entry for Jonathan S. Aronie.

Jonathan S. Aronie (“Prepare for and meet with Judge Morgan regarding Vappie investigation (1.4); meet with NOPD personnel regarding same (0.4); review policies and rules regarding potential violations.”)²² The Monitor also corresponded with the Department of Justice about the ongoing disciplinary investigation of Officer Vappie.²³

The Monitor also participated in the coordination of the PIB investigation from the very start.²⁴ This included reviewing the investigation documents and commenting on the PIB investigation plan.²⁵ PIB staff is unaware of any prior investigation since the start of the Consent Decree in which the Monitor was involved in shaping the investigation, drafting questions, and pushing specific findings at this intricate level. The Monitor’s time records do not reveal any precedent for this level of involvement.

It is troubling that while overseeing the investigation, the Monitor’s team stressed that specific allegations should be pursued, what questions to ask, and what evidence should be considered.²⁶ This should not be the Monitor’s role. The Monitor is paid by the City, in part, to independently evaluate the integrity and

²² See Monitor time entry summary regarding Vappie at Ex. 2, at 12/30/22 Jonathan S. Aronie; 01/09/23 Jonathan S. Aronie; *see also*, 01/12/23 Scott Huntsberry, and 03/14/23 Jonathan S. Aronie.

²³ See Monitor time entry summary regarding Vappie at Ex. 2, at 01/12/23 Jonathan S. Aronie; and 01/19/23 Jonathan S. Aronie.

²⁴ See Monitor time entry summary regarding Vappie at Ex. 2, at 12/05/22 Scott Huntsberry

²⁵ See Monitor time entry summary regarding Vappie at Ex. 2, at 12/05/22 Jonathan S. Aronie.

²⁶ See Monitor time entry summary regarding Vappie at Ex. 2, at 01/05/23 Jonathan S. Aronie; 12/28/22 Jonathan S. Aronie; 01/08/23 Scott Huntsberry; 01/23/23 Anne B. Perry; 01/23/23 Nikole R. Snyder; 01/24/23 Scott; 01/24/23 Anne B. Perry; 01/24/23 Jonathan S. Aronie.

quality of PIB's investigation, but took an active role in this investigation. This involvement threatened the integrity of the PIB investigation as the Monitoring team demonstrated evident bias against the Mayor, and therefore against Officer Vappie.²⁷ As the lead investigator of PIB acknowledged under oath, the Monitor's team suggested the PIB investigators sustain findings against Officer Vappie despite a lack of evidence:

12. During the investigation of Officer Vappie, the monitoring team specifically suggested that I and Lt. Jones, the other investigator, sustain the findings against Officer Vappie regarding nepotism and just let the Civil Service commission overturn the sustain disposition on appeal.

13. It was my understanding that the nepotism charge would open the door for payroll fraud as it would mean Officer Vappie was not working while on duty.

14. These comments were, and still are, very concerning because it is my goal, and the goal of PIB to conduct unbiased and accurate investigations at all times. It goes against everything I understood about NOPD policy to sustain findings despite a lack of evidence.²⁸

This conduct is antithetical to the root constitutional goal of the Consent Decree and violates the City's contract with the Monitor.

At the beginning of the investigation into Officer Vappie, the Monitor's team advised that the Superintendent, City Attorney, and Mayor's office should be blocked from the investigation.²⁹ This request ignored that the Superintendent is part of the disciplinary process, and that the City Attorney's office is legal counsel

²⁷ Affidavit of Captain Kendrick Allen, at Ex. 3.

²⁸ *Id.*

²⁹ *Id.*

for PIB. Moreover, the Consent Decree, at paragraph 424, **requires** that the City and NOPD establish methods for the City Attorney to provide “close guidance to NOPD” during PIB investigations to “ensure that NOPD’s disciplinary decisions are as fair and legally defensible as possible.” The Monitor did not seek to amend the Consent Decree. Despite this requirement, the Monitor suggested that PIB block the City Attorney from any information regarding the investigation of Officer Vappie.³⁰ PIB’s investigators declined to deviate from the Consent Decree and standing NOPD policy based on the Monitor’s unique interest in the investigation of Officer Vappie. The City Attorney was utilized by the PIB investigators to protect the integrity and merit of the investigation, as is the ordinary course of their work.

The Monitor was provided with all the confidential evidence and investigation files, including witness interviews, in near real-time, throughout the investigation. Terabytes of data including video, license plate reader data, and cell phone data were uploaded from PIB’s secure computers to the Monitoring team’s hard drives and removed from PIB.³¹ The idea that the Monitor’s access to the investigation was in any way limited is refuted by the clear record.

B. Violations of Consent Decree Paragraph 445.

In early January of 2023, the Monitor called Superintendent Woodfork and demanded that certain personnel changes be made to satisfy the Monitor’s desires regarding the ongoing investigation. The Superintendent listened to the Monitor’s demands and declined to move the personnel. She was confident her personnel plan

³⁰ See p. 3 of Attachment C to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1, and Affidavit of Captain Kendrick Allen, at Ex. 3, at para. 6.

³¹ Affidavit of Captain Kendrick Allen, at Ex. 3, para. 3.

would accomplish NOPD's goals and complete the Vappie investigation properly and on time. On January 12, 2023, undeterred by the Superintendent of NOPD's personnel decision, the Monitor sent an email directly to a subordinate of the Superintendent, tacitly instructing that specific people be reassigned:

Despite your email, I continue to believe they will not, as a practical matter, have the time they need....**While I can't and don't make personnel decisions for the Department, I recommend you detail** Lawrence back to PIB until the conclusion of the...investigation. Frankly, I would love to see you detail both Lawrence and Kendrick back to PIB until the conclusion of the investigation...To be clear, I am NOT requesting a permanent **reassignment**.³²

The Monitor did not copy the Superintendent. The Monitor did not tell the Deputy Superintendent that his superior, the Superintendent, had already rejected this request. Supervision is a pillar of the Consent Decree and the Monitor is not empowered to usurp that purpose at the behest of two (or even all) city councilmembers, or because it believed this was an investigation of the Mayor of New Orleans.

The Superintendent is the head of the police department, and the Monitor is prohibited from interfering in that managerial function. *See* Consent Decree at para. 445. The Superintendent appropriately responded to the overt violation of her command structure explaining:

Mr. Aronie, going forward, please direct any request or suggestions concerning personnel changes or the detail of my command staff or essential personnel, directly to me.

³² Ex. 8 email string from Jonathan S. Aronie. (emphasis added)

Chief Deputy Ganthier, nor any of the deputy chiefs, have the authority to make those decisions.³³

On February 17, 2023, the Monitor issued a letter to the Chief of PIB titled “Interim Recommendations Based on Vappie Investigation.”³⁴ The Monitor now calls the letter an “Immediate Action Notice,” but those words are not found anywhere in the document. The letter claims that the Monitor’s team is not involved in the day-to-day affairs of the investigation but has met weekly with the investigators to obtain the strategy and status of the PIB investigation. The Monitor stated that the recommendations in the letter were “policy/process issues that are *unrelated* to the forthcoming substantive findings” regarding Officer Vappie.³⁵ Despite this express statement, the Monitor now reverses course in large part, and attacks PIB for not complying with its “*recommendations*” during the Vappie investigation.

In this February 17th letter regarding the Vappie investigation directed to the head of PIB, Mr. Aronie made a troubling allegation that:

Outgoing Superintendent Ferguson, however, hours before his retirement, **directed** the return of Officer Vappie to the Mayor’s security detail. While this **order**, fortunately, was **reversed** by a deputy chief and the City Attorney, the **order** itself created at the very least the appearance of interference in a PIB investigation.³⁶

Soon thereafter, on March 7th, the Monitor conducted a zoom conference open to the public and media. During that conference Mr. Aronie was asked the following

³³ Ex. 8 email string from Jonathan S. Aronie.

³⁴ Attachment C to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1.

³⁵ Attachment C to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1.

³⁶ Attachment C to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1

very specific question by a news outlet that paralleled the unpublished letter of February 17th as follows: “In December 2022, was there an effort made to put Officer Jeffrey Vappie back on the mayor's executive protection detail? If so, what role did the consent decree monitor play in stopping this?”³⁷ Mr. Aronie stated he *never* speaks about ongoing investigations, and then proceeded to discuss details of the alleged interference in an ongoing investigation:

I just want to caveat this by saying, there is, as the media has reported, an investigation into Officer Jeffrey Vappie, and **we never talk about ongoing investigations, so my answer has nothing to do with that investigation**, but to the specific question, the answer is yes, there was an effort to put Officer Vappie back on the mayor’s executive protection team, prior to the completion of the PIB investigation. When the monitoring team found out about it, we reached out to multiple members of the NOPD leadership team, who quickly and effectively quashed that effort.³⁸

Mr. Aronie does not state the basis for his belief in this allegation. All evidence, however, demonstrates that this damaging public statement by the declared eyes and ears of a federal district court was untrue. Former Superintendent Ferguson, who Mr. Aronie alleges ordered Officer Vappie’s return to the Mayor’s security team, rejects this accusation as utterly untrue, under oath.³⁹

³⁷ The video of this question and answer is available at <https://www.sheppardmullin.com/multimedia-464> beginning at time mark 1:12:51 – 1:13:48. *See also*, <https://www.fox8live.com/2023/03/08/zurik-vappies-return-mayor-cantrells-protection-detail-scuttled-nopd-federal-monitor-says/> (“The federal monitor ... said ... he blocked an attempt in December to have Officer Jeffrey Vappie reinstated to Mayor LaToya Cantrell’s executive protection detail while still under internal police investigation.”)

³⁸ <https://www.fox8live.com/2023/03/08/zurik-vappies-return-mayor-cantrells-protection-detail-scuttled-nopd-federal-monitor-says/>. The Video of this exchange is available at <https://www.sheppardmullin.com/multimedia-464> beginning at time mark 1:12:52.

³⁹ *See* Ferguson Affidavit at Ex. 5.

Interim Superintendent Woodfork also rejects this story, under oath.⁴⁰ And City Attorney Donesia Turner – who Mr. Aronie alleges reversed Ferguson’s order – testified that this story is untrue, again, under oath.⁴¹

The truth is that it is NOPD standard practice that during an administrative investigation by PIB that the officer is returned to active duty – *i.e.*, the officer is taken “off administrative reassignment.”⁴² This occurs *via* an NOPD form from PIB to the head of the Bureau the officer was reassigned from when the investigation began. The Bureau Chief, or Superintendent, then determines where the officer will be assigned.⁴³ Here, former Superintendent Ferguson was aware of the normal return of Officer Vappie to his original bureau. Former Superintendent Ferguson specifically confirmed that there was no federal or PIB criminal investigation that would prevent the assignment.⁴⁴ He was not, however, ever going to put Officer Vappie back on the Mayor’s EP team during the investigation.⁴⁵ Again, he did **not** assign Officer Vappie to the Mayor’s EP team as alleged by Mr. Aronie.

Former Superintendent Ferguson even advised incoming superintendent Woodfork that Officer Vappie should not be assigned back to EP during the investigation.⁴⁶ There was never any such order, nor did the City Attorney reverse

⁴⁰ See Woodfork Affidavit at Ex. 4

⁴¹ See Turner Affidavit at Ex. 6.

⁴² See Administrative Reassignment Notice form at Ex. 10.

⁴³ Affidavit of Captain Kendrick Allen, at Ex. 3, at para. 21.

⁴⁴ See Ferguson Affidavit at Ex. 5.

⁴⁵ See Ferguson Affidavit at Ex. 5.

⁴⁶ See Ferguson Affidavit at Ex. 5 and Woodfork Affidavit at Ex. 4.

such an order.⁴⁷ The ordinary PIB process that applies to every officer was applied to Officer Vappie, including reassignment during an administrative investigation.

Mr. Aronie's erroneous public statements alleging interference in the PIB investigation unfortunately fit the pattern of the monitoring team seeking to drive the outcome of the PIB investigation of Officer Vappie to a specific, public result.

C. Completing the Investigation

On March 10, 2023, the PIB investigators completed their investigation and issued their written report and disciplinary recommendations. The Deputy Superintendent of PIB signed the investigation report on March 16th. As is noted by the Monitor, NOPD internal procedure has always had a line for the Superintendent to sign the report. However, NOPD Superintendents do not review the report until it is part of the entire disciplinary hearing package, which includes any evidence and arguments from the officer from the pre-disposition conference, which occurs after this PIB investigation report is completed. For this reason, it is NOPD practice to have the head of PIB sign "for" the Superintendent.⁴⁸ The publicity of this case has highlighted that this old internal practice needs to be changed to reflect the reality of the flow of information to avoid confusing outsiders.

This is, however, the process that has been used for every investigation at PIB during the Consent Decree. It has not been noted as deficient by the Monitor or DOJ during that time. It is not, as the Monitor now advocates, a deficiency in the Vappie investigation as it is standard NOPD procedure.

⁴⁷ See Turner Affidavit at Ex. 6.

⁴⁸ See NOPD PIB response to PIB Report R. [Doc. 695-4](#).

The PIB investigators recommended sustaining claims of: (1) violation of the limit of 16.58 hours of work per 24-hour period; (2) violation of NOPD policies regarding professionalism for spending “numerous hours alone with the Protectee outside of his regular tour of duty;” and (3) violation of NOPD policies requiring that Officer Vappie devote all of his time on duty to his NOPD detail based on his attendance at two HANO meetings while on NOPD duty.⁴⁹ The PIB Disciplinary Recommendation report also notes that Officer Vappie “may also have violated” a Civil Service rule regarding standards of service.⁵⁰

D. The Disciplinary Phase

The Pre-Disposition Conference and Pre-Disciplinary Hearing for Officer Vappie were conducted on May 25, 2023. At this time Officer Vappie introduced evidence and exculpatory arguments for consideration by the panel of three NOPD Captains that would evaluate the PIB investigation and make recommended findings and suggest appropriate discipline to the Superintendent. At this conference Officer Vappie produced an email that authorized EP details to work overtime as necessary, effectively voiding the 16.58-hour rule for that EP detail. The email states as follows, according to the record:

[A]s a member of the NOPD Executive Protection overtime was expressly authorized in an email authored by former NOPD Deputy Chief Paul Noel on February 23, 2021. The email advised that “*per the Superintendent the Mayor's Security Detail can work overtime as necessary*” and it was disseminated to Capt. Joseph Waguespack Sr., Sgt.

⁴⁹ Page 37 of Attachment D to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1

⁵⁰ Page 37 of Attachment D to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1

Shumeca Chadwick, Lt. Christopher Johnson, and Sgt. Tokishiba Lane. The referenced email will be attached to this correspondence.⁵¹

NOPD policy was changed by this email authorization, as conveyed by the NOPD Chief of Detectives, Paul Noel. The PIB investigators did not have access to this email during their investigation.⁵²

After considering all the evidence, including this email, the Three-Captain Panel recommended: **(1) Sustaining** a policy violation for failure to devote the entire time to his duty regarding the two times Officer Vappie was at HANO meetings while on duty; **(2) Sustaining** a policy violation for professionalism regarding the time Officer Vappie spent alone with the Mayor; **(3) Sustaining** violations of the Civil Service rules for maintaining standards, and **(4) Exonerated** on the alleged violation of the “16.58 hour” limit based on the specific permission to work overtime granted to the EP detail.⁵³ The Superintendent sustained those recommendations on June 14, 2023.

E. The Monitor’s Access was not Impeded.

As noted above and in the affidavit of lead investigator Capt. Kendrick Allen,⁵⁴ the Monitor’s team was given unprecedented and complete access to the investigation. As of March 31, 2023, it appears the Monitoring team had already invoiced the City over \$50,000⁵⁵ for time allocated specifically to the ongoing Vappie

⁵¹ See Interoffice Correspondence of May 30, 2023, at Ex. 9.

⁵² Affidavit of Captain Allen at Ex. 3.

⁵³ Disciplinary Hearing Disposition at Ex. 7.

⁵⁴ Affidavit of Captain Kendrick Allen, at Ex. 3.

⁵⁵ This amount is difficult to quantify exactly due to the manner of record keeping for time by the Monitor’s team.

investigation.⁵⁶ Based on available invoices, there is no other individual PIB investigation in the 10-year history of the Consent Decree that reaches a fraction of that value. Even PIB investigations of alleged officer violations of detainee constitutional rights do not receive the level of attention from the Monitor as occurred here regarding, what the Monitor described as, “alleged time card misconduct involving the Mayor’s NOPD security detail.”⁵⁷

On April 7th the Monitor created a report on the Vappie investigation. This report was shared with the City and NOPD on April 17, 2023.⁵⁸ This report states, in part, that the Monitor finds the conclusions of the PIB Vappie investigation to be “reasonable based upon the facts available to PIB.”⁵⁹ Specifically, the Monitor noted:

Overall, we are satisfied that PIB’s investigation into the actions and inactions of Officer Vappie met the requirements of the Consent Decree. Captain Allen and Lieutenant Jones took their jobs seriously and pursued the investigation with diligence and integrity. The Monitoring Team reviewed all witness and subject interviews conducted by PIB and can confirm the seriousness of the questions asked by the investigators, their lack of bias, and the appropriate scope of the questions.⁶⁰

⁵⁶ See Monitor time entry summary regarding Vappie at Ex. 2.

⁵⁷ Letter of the Monitor to New Orleans City council-members JP Morrell and Joseph I. Giarrusso, III, as Attachment B to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1.

⁵⁸ Attachment E to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1.

⁵⁹ Attachment E to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1, at p. 6.

⁶⁰ Attachment E to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1, at p. 6.

In addition to the approval of the overall investigation, the report also includes concerns regarding the process. PIB responded to the Monitor's concerns on April 24th.⁶¹ The Monitor then issued a public report on PIB's Consent Decree compliance status on May 3, 2023, which included extensive details regarding the Vappie investigation.⁶² PIB responded on that same day without addressing specifics of evidence regarding the on-going Vappie disciplinary proceeding.⁶³

V. NOPD'S RESPONSE TO FAILURES ALLEGED BY THE MONITOR

On, or about, May 1, 2023, the Monitor tendered another report on the Vappie investigation alleging failures by PIB. The draft was updated on May 19, 2023, to be filed on June 5th. By this time the report and recommendations of the PIB investigators were complete. The Monitor's report dramatically ramped up the attacks on PIB. The Monitor declared that PIB was cavalier,⁶⁴ disingenuous,⁶⁵ and generally unprofessional in its handling of the Vappie investigation despite the Monitor's previous findings. The primary complaint centered around the PIB investigators' failure to find a criminal violation for payroll fraud as pushed by the Monitor.⁶⁶

PIB investigators recommended sustaining violations against Officer Vappie of the 16.58 billed hours per day limit, along with unprofessional conduct and failure to dedicate his entire time to his duty. After pushing the PIB investigators to

⁶¹ Attachment F to the Monitor's June 5, 2023, letter to the Court, attached here as Ex. 1.

⁶² R. **Doc. 694 at 14.**

⁶³ R. **Doc. 697.**

⁶⁴ Monitor's June 5, 2023, letter to the Court, attached here as Ex. 1, at p. 4.

⁶⁵ Monitor's June 5, 2023, letter to the Court, attached here as Ex. 1, a p. 7.

⁶⁶ Affidavit of Captain Allen at Ex. 3.

make a specific finding of nepotism to allow for payroll fraud, **even if it lacked sufficient evidence to survive an appeal to the Civil Service Commission**,⁶⁷ the Monitor now chastises PIB for having a “cavalier attitude towards [its] obligations and the importance of officer accountability.”⁶⁸ It is the Monitor, however, that has demonstrated a cavalier attitude towards PIB’s critical duties and integrity.

In the face of unique pressure from the Monitoring team to reach specific findings, the investigators stuck to their principles and treated this investigation exactly the same as every other PIB investigation.⁶⁹ Only two changes to the routine PIB process were made regarding Officer Vappie based on the media and Monitor attention. First, the intimate involvement of the Monitor’s team on this investigation on an almost daily basis was unlike any prior PIB investigation known to the PIB staff and investigators.

Second, the investigating team was “upgraded” as compared to normal investigations. Ordinarily, the investigation of claims against an officer for time violations would be conducted by a Sergeant. In the case of Officer Vappie, the investigating team consisted of a Lieutenant and a Captain. This was done to ensure there was no viable attack on the integrity of the investigation. This is a practice used by NOPD for higher profile investigations.

⁶⁷ Affidavit of Captain Allen at Ex. 3.

⁶⁸ Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1, at p. 4.

⁶⁹ Affidavit of Captain Kendrick Allen, at Ex. 3.

A. Payroll Fraud was Investigated

The Monitor's team made clear they wanted Officer Vappie criminally charged with payroll fraud from the outset of the PIB investigation.⁷⁰ The Monitor's attack on the investigators for allegedly *failing to investigate* that claim lacks merit and ignores the Monitor's role in the investigation. The Monitor spends pages detailing how it pressed the PIB investigators during the investigation to pursue payroll fraud rather than letting the investigation proceed as normal. The Monitor coordinated the investigation,⁷¹ drafted interview questions,⁷² reviewed the interviews immediately,⁷³ met weekly with the PIB investigators,⁷⁴ and updated the Court,⁷⁵ and DOJ⁷⁶ with the status of the investigation. A failure to investigate would have been known long before the Monitor's April 7, 2023, report.

It was not until the PIB investigators made their recommendations⁷⁷ that the Monitor declared the PIB investigators somehow misled them about the scope of the investigation – an allegation the City, NOPD and the PIB investigators denounce as

⁷⁰ Affidavit of Captain Allen at Ex. 3.

⁷¹ See, e.g., Monitor time entry summary regarding Vappie at Ex. 2, at 12/05/22, 12/19/22, and 01/31/23.

⁷² See, e.g., Monitor time entry summary regarding Vappie at Ex. 2, at 12/28/22, 01/05/23, 01/08/23, 01/23/23, 01/24/23, and 01/25/23.

⁷³ See, e.g., Monitor time entry summary regarding Vappie at Ex. 2, at 12/28/22, 12/29/22, 12/31/22, 01/03/23, 01/04/23, 01/09/23, 01/15/23, and 02/01/23.

⁷⁴ See, e.g., Monitor time entry summary regarding Vappie at Ex. 2, and pages 1, 3, 4, 5, 8 and Attachments B and E to the Monitor's June 5, 2023, letter to the Court, attached here as Ex. 1.

⁷⁵ See, e.g., Ex. 2, 11/14/22 entry by David L. Douglass ("Call with Judge Morgan and Mr. Aronie regarding Vappie investigation issues."), 11/14/22 entry by Jonathan S. Aronie ("Prepare for and meet with Judge Morgan regarding Vappie investigation (1.4); meet with NOPD personnel regarding same (0.4)"), 12/30/22 Jonathan S. Aronie; 01/09/23 Jonathan S. Aronie; 01/12/23 Scott Huntsberry, and 03/14/23 Jonathan S. Aronie.

⁷⁶ See, e.g., Monitor time entry summary regarding Vappie at Ex. 2, at 01/12/23, 01/19/23, and 03/15/23.

⁷⁷ Attachment C to the Monitor's June 5, 2023, letter to the Court, attached here as Ex. 1.

flatly untrue.⁷⁸ The lead investigator noted the highly questionable conduct of the Monitor's team in pushing for a specific political outcome, and their refusal to comply seems to be the source of the Monitor's attack.

Further troubling is that the Monitor cites the PIB investigation memorandum to support the charge that the PIB investigators did not *actually* conduct this investigation because their report does not address that claim. This is misleading, as the lead investigator's sworn statement makes clear.⁷⁹ After ten years of monitoring PIB investigations, the Monitor must be aware of how PIB writes its disciplinary investigation reports. PIB does **not** detail all the allegations it considered but ultimately determined were unsupported by the evidence.⁸⁰ In other words, PIB does not write its investigation reports to appease the unique interest of the Monitor, the City Council, or the media.

PIB investigates and prepares its reports according to NOPD policy – policy approved by the DOJ and the Monitor.⁸¹ This method has never been challenged by the Monitor or DOJ until now. The Monitor effectively criticizes the investigators for not treating the investigation of Officer Vappie differently than every other “time card misconduct” case – *i.e.*, as an “investigation of the Mayor.”⁸² As the lead

⁷⁸ Affidavit of Captain Kendrick Allen, at Ex. 3.

⁷⁹ Affidavit of Captain Kendrick Allen, at Ex. 3.

⁸⁰ Affidavit of Captain Kendrick Allen, at Ex. 3.

⁸¹ New Orleans Police Department Operations Manual Chapter: 52.1.1 and 52.1.2 at <https://nola.gov/nopd/policies>.

⁸² Attachment A to the Monitor's June 5, 2023, letter to the Court, attached here as Ex. 1.

PIB investigator testified, PIB does not investigate mayors.⁸³ And neither does the court-appointed Monitor.

As to the merits of the claim, the investigators found that the conduct alleged did not merit a criminal investigation based on a lack of evidence.⁸⁴ Similar allegations have *always* been investigated as violations of duty and/or violations of the 16.58 hour rule. In the professional opinion of the PIB investigators, Officer Vappie could not be charged with payroll fraud for allegedly not devoting his time to his duty in the unique context of executive protection.⁸⁵ This is presumably why the Monitoring team suggested finding a violation of the nepotism rules even if it would not withstand appeal.⁸⁶

B. Executive Protection is a Unique Detail

Important in this discussion, and critical to the PIB investigators, was understanding what EP members do while their “Protectee” works. If the Mayor were at City Hall, an EP team member would wait nearby until the Mayor needed to travel. If the Mayor was in a restaurant, the EP member would be at a nearby table waiting. It is expected, according to the expert witnesses and past EP team members, for EP details officers to spend significant periods of time waiting.⁸⁷ *Just waiting*. The expert witnesses and other EP team members made absolutely clear that the duties of an EP team member include work that would otherwise not

⁸³ Affidavit of Captain Kendrick Allen, at Ex. 3.

⁸⁴ Affidavit of Captain Kendrick Allen, at Ex. 3.

⁸⁵ Affidavit of Captain Kendrick Allen, at Ex. 3.

⁸⁶ Affidavit of Captain Kendrick Allen, at Ex. 3.

⁸⁷ Attachment D to the Monitor’s June 5, 2023, letter to the Court, attached here as Ex. 1.

qualify as police work. “If [*sic*] Mayor goes to the movies, you go to the movies.”⁸⁸ “[T]he Mayor may ask an executive protection team member to water plants which was not against the law.”⁸⁹ Or, as a retired EP team member explained, “you do what the Mmayor tells you to do Period.”⁹⁰

Therefore, the PIB investigators were faced with the fact that Officer Vappie could still be doing the same job function while in the Mayor’s residence – as he testified he was and as no witness contradicted.⁹¹ Again, **it was deemed unprofessional for Officer Vappie to do the job this way**, but this alone is not nepotism or payroll fraud as the Monitor wanted PIB to find.⁹²

It is critical for the public to understand that Office Vappie was found to have violated his professional obligations as a result of the PIB investigation and is subject to the discipline mandated by NOPD policy. The PIB investigators, the Three-Captain Disciplinary Panel and the Superintendent all found that he did not do his job in compliance with NOPD standards. But Officer Vappie cannot be subjected to a different process or receive different discipline than any other NOPD officer simply because he is on a mayor’s EP team. PIB did its job with integrity.

⁸⁸ Attachment D to the Monitor’s June 5, 2023, letter to the Court, at CDM035 attached here as Ex. 1.

⁸⁹ Attachment D to the Monitor’s June 5, 2023, letter to the Court, at CDM034 attached here as Ex. 1.

⁹⁰ Attachment D to the Monitor’s June 5, 2023, letter to the Court, at CDM034 attached here as Ex. 1.

⁹¹ Affidavit of Captain Kendrick Allen, at Ex. 3.

⁹² Affidavit of Captain Kendrick Allen, at Ex. 3.

C. Potential for Payroll Fraud

The Monitor wanted a payroll fraud finding and bemoans a lack of investigative effort to find it. The lack of a nepotism trigger is addressed above. A different trigger for a payroll fraud claim could have come from the time Officer Vappie spent at HANO meetings. Officer Vappie attended HANO Board meetings on multiple occasions. On two occasions he was off the NOPD clock. On two other occasions he was paid as “on-duty” while at the HANO meetings.⁹³ This created the potential for payroll fraud as HANO Board members receive a \$75 payment for their time. If Officer Vappie was paid twice for his time – by NOPD and HANO – the investigators would have considered the payroll fraud charge in that light.⁹⁴

But Officer Vappie did **not** get paid the \$75 fee paid to the other Board members. Therefore, he did not engage in double billing or payroll fraud as NOPD has historically applied that charge.⁹⁵ Again, this is not a novel allegation against an NOPD officer, and NOPD has a long history of classifying this allegation as a violation of the 16.58-hour rule and/or dedication of time to duty. The Monitor has never objected to this classification in any prior case known to PIB staff. The allegation of failing to devote his entire time to his duty was sustained based on these two meetings because he was not providing executive protection, although still “on call” according to his testimony.⁹⁶

⁹³ Attachment D to the Monitor’s June 5, 2023, letter to the Court, at CDM034 attached here as Ex. 1.

⁹⁴ Affidavit of Captain Kendrick Allen, at Ex. 3.

⁹⁵ *Id.*

⁹⁶ Attachment D to the Monitor’s June 5, 2023, letter to the Court, at CDM052-53 attached here as Ex. 1.

This is a distinction of importance to past high-profile double-billing cases where payroll fraud claims were recommended by the PIB investigators. In the Secondary Employment Detail pay cases, for example, some officers were alleged to have been billing two sources at the same time – NOPD and a detail employer – and some had evidence of an intent to overbill. Here, Officer Vappie overbilled on two occasions but did not double bill or show a pattern or intent to fraudulently bill.⁹⁷

His violation was treated the same as every case of overbilling for work hours by an NOPD officer. This is a disciplinary action PIB deals with very routinely and Officer Vappie was treated the same as every officer before him. The Monitor cries for a payroll fraud charge in this particular case, but why?

D. Serious Misconduct Complaint Investigations

This leads to the next meritless attack by the Monitor. The Monitor charges PIB with neglecting its duties because it did not designate the allegations against Officer Vappie as allegations of serious misconduct pursuant to Consent Decree paragraph 454, thus giving the Monitor even greater power. This hyperbolic statement is inaccurate.

The Consent Decree was put in place to deal with serious misconduct, including the unwarranted use of force, discriminatory policing, and alleged systemic abuses of suspects' constitutional rights.⁹⁸ The charges against Officer Vappie are serious, as are all charges investigated by PIB. They are not, however, of the nature NOPD has **ever** treated as a “serious misconduct complaint” as used by

⁹⁷ Affidavit of Captain Kendrick Allen, at Ex. 3.

⁹⁸ See Section III Consent Decree Scope and Content above.

Paragraph 454. Neither the Monitor nor DOJ has ever challenged PIB's treatment of "time card misconduct" as failing to meet this definition.

Again, perspective is critical on this point. The Executive Protection detail is a unique detail inside of NOPD. EP team members do not ordinarily make arrests, conduct investigations, or do traditional police work regarding the constitutional rights of detainees. EP is not mentioned in the Consent Decree as it is not a role that ordinarily involves the protection of the constitutional rights of citizens. As explained above, the allegations against Officer Vappie would never be treated as a "serious misconduct complaint" if it were not for the Monitor's extraordinary interest in pursuing "an investigation of serious allegations involving Mayor Cantrell."⁹⁹ That is not a basis to subject Officer Vappie to a criminal investigation for payroll fraud pursuant to the policies and practices of PIB.

E. Preponderance of the Evidence Requires Evidence, Not Speculation or Innuendo.

Despite repeated efforts from the Monitoring team to pressure the PIB investigators into reaching a unique conclusion for Officer Vappie, there was not sufficient *evidence* that Officer Vappie was not performing his duties while in the Mayor's apartment to support – by a preponderance of evidence – that he was engaged in payroll fraud. It may look bad. It may be unprofessional. And it was a violation of his training in EP to be in the Mayor's apartment for extended periods.

⁹⁹ Attachment E to the Monitor's June 5, 2023, letter to the Court, at CDM076 attached here as Ex. 1.

But there was no *evidence* that he was not performing his unique EP duty at any time other than while at two HANO meetings (as detailed above).

A preponderance of evidence means the **evidence** in favor outweighs the evidence against.¹⁰⁰ Here there was no evidence of Officer Vappie not serving as EP while in the apartment because EP can mean doing nothing, or nearly anything, while in close proximity to the Protectee. There is **no NOPD policy** that prohibits EP detail members from being in the residence of the Protectee.¹⁰¹ There is speculation of what Officer Vappie was doing, and the Monitor is unusually focused on the speculation it calls circumstantial *evidence*. Mr. Aronie fueled such speculation during the investigation with his erroneous conspiracy theory about reinstating Officer Vappie to the Mayors EP team.

But there was no evidence of policy violations. The NOPD nepotism policy was not violated by the evidence presented.¹⁰² A filing by Officer Vappie's wife alleging infidelity in a divorce pleading is not sufficient evidence. The Mayor going out at night after Officer Vappie left is not evidence that he was not on duty while he was there. Watering plants fits into the broad traditional roles of EP duties, even if not traditional police work. In short, being in the apartment is not evidence of what Officer Vappie was doing there, and without more evidence, the findings

¹⁰⁰ See *Slidell v. Temple*, 246 La. 137, 144, 164 So.2d 276, 278 (1964) (“By a preponderance of evidence is meant, simply, evidence which is of greater weight, or more convincing, than that which is offered in opposition to it.”)

¹⁰¹ Attachment D to the Monitor's June 5, 2023, letter to the Court, at CDM036 attached here as Ex. 1.

¹⁰² Affidavit of Captain Kendrick Allen, at Ex. 3.

sought by the Monitor could not be supported.¹⁰³ The PIB investigators faithfully refused the *suggestion* that they make such a finding without support and let the issue be corrected on appeal.¹⁰⁴ And as explained previously, PIB does not issue search warrants for an officer's private phones in administrative investigations.¹⁰⁵ The rules cannot be changed for Officer Vappie.

Officer Vappie's conduct looked unprofessional to the disciplinary judges, and thus looked bad for NOPD and the Mayor. The PIB investigators and the Three-Captain Panel recommended the Superintendent sustain the professionalism charges and she did. But that does not equate to payroll fraud as historically applied by NOPD, even if the case involves a member of the Mayor's security detail.

VI. CONCLUSION

Officer Vappie was entitled to, and received, the exact same investigation of claims against him as every other officer under the modern Consent Decree-PIB. He is now subject to the same discipline. (*Officer Vappie's appeal rights have not been exhausted as of this filing.*) Contrary to the Monitor's attack, payroll fraud was investigated. The PIB investigators did not mischaracterize the scope of the investigation. What the Monitor refuses to accept is that there was insufficient evidence – not suspicion or speculation – that Officer Vappie engaged in nepotism or payroll fraud. This fact cannot be changed simply because the Monitor sought a specific political result from the outset.

¹⁰³ Affidavit of Captain Kendrick Allen, at Ex. 3.

¹⁰⁴ Affidavit of Captain Kendrick Allen, at Ex. 3.

¹⁰⁵ See NOPD PIB response to PIB Report R. [Doc. 695-4](#).

The Monitor's team directly pressured the PIB investigators to reach a sustained finding despite a lack of evidence to support that finding.¹⁰⁶ It is beyond alarming that the Monitoring team paid to evaluate the integrity of PIB investigations sought to undermine that very quality. The PIB investigators refused to bow to this pressure, which is a testament to PIB.¹⁰⁷ But this revelation will cast a dark shadow over all future Monitor involvement with the NOPD.

Respectfully submitted, this 15th day of June 2023.

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New Orleans Police Department***

CERTIFICATE OF SERVICE

I certify that I have served a copy of the above and foregoing pleading via Notice of Electronic filing using this Court's CM/ECF system to counsel of record participating in the CM/ECF system on this 15th day of June 2023.

/s/ Charles F. Zimmer II

¹⁰⁶ Affidavit of Captain Kendrick Allen, at Ex. 3.

¹⁰⁷ Affidavit of Captain Kendrick Allen, at Ex. 3.



5 June 2023

ADVANCE COPY FOR PARTIES' STATUS CONFERENCE PREP

Dear Judge Morgan:

This report focuses on the New Orleans Police Department's investigation into allegations against Officer Jeffrey Vappie. As you know, in early November 2022, local New Orleans TV station Fox8 ran a series of stories involving Mayor Latoya Cantrell's executive protection team. The story raised a number of questions regarding the operation of that team as well as the actions and inactions of Officer Vappie. PIB opened an investigation into the allegations raised in the story on November 9, 2022.

Following PIB's investigation, the Monitoring Team, per Consent Decree paragraph 454, submitted a detailed analysis to PIB commending the investigators for the quality of their underlying investigation, but pointing out a number of critical shortcomings in the investigation analysis and report. The NOPD's response to the Monitoring Team's analysis raises serious concerns that we believe require the Court's immediate attention.

Background

As noted above, following the early November 2022 Fox8 stories involving Mayor Latoya Cantrell's executive protection team, PIB opened an investigation on November 9, 2022 into multiple allegations against Officer Jeffrey Vappie. Immediately thereafter, on November 10, 2022, the New Orleans City Council requested that the Office of the Consent Decree Monitor and the Office of the Independent Monitor conduct their own independent investigations into the Vappie allegations, citing "significant concerns about the apparent conflict of interest with the New Orleans Police Department being allowed to, again, investigate serious allegations involving Mayor Cantrell."¹ The Monitoring Team responded to the City Council on November 11 explaining that it lacked the authority to conduct an investigation, but that it would monitor PIB's investigation of Officer Vappie closely to ensure it was effective, efficient, and without bias.²

Consistent with its response to the City Council and its obligations under the Consent Decree to closely monitor significant misconduct investigations,³ the Monitoring Team met with Deputy Chief Keith Sanchez and PIB's investigators Captain Kendrick Allen and Lieutenant Lawrence Jones on an almost weekly basis over the course of PIB's investigation. While we were not involved in the day-to-day affairs of the investigation (the Consent Decree makes clear

¹ The City Council letter is attached to this Report as Attachment A.

² The Monitoring Team's response to City Council is attached to this Report as Attachment B.

³ See, e.g., Consent Decree paragraphs 377, 444, 454, 455.



the Monitoring Team has no role in running the NOPD⁴), the PIB team was open with us regarding their strategy and the status of their activities. We appreciate the cooperation we received from PIB prior to the preparation of the PIB investigation report.

On February 17, 2023, prior to the conclusion of PIB's investigation, the Monitoring Team sent an "immediate action notice" to Deputy Chief Sanchez alerting him to several issues we believed the NOPD should address right away.⁵ Rather than waiting until the conclusion of PIB's investigation, we brought these matters to PIB's attention at that time to ensure NOPD would take immediate steps to correct the concerns we identified. Our opinions and recommendations related only to larger policy/process issues that were unrelated to the then-still-forthcoming substantive findings of the PIB Vappie investigation team.

PIB completed its investigation into the actions/inactions of Officer Vappie on March 10, 2023, and submitted the final investigation report to Deputy Chief Sanchez the same day. Deputy Chief Sanchez reviewed and concurred with the investigators' findings on March 16, 2023. Despite multiple requests from the Monitoring Team and the IPM for a copy of PIB's investigative report, NOPD refused to share it with the Monitoring Team until April 3, 2023.

Per Consent Decree paragraph 454, and the specific request of the New Orleans City Council, we analyzed PIB's investigative report and prepared a series of recommendations, which we shared with Interim Superintendent Woodfork on April 7, 2023. Per Consent Decree paragraph 454, the Interim Superintendent was required either to accept our recommendations or to prepare a written response as to why she did not accept our recommendations.

Because the Monitoring Team had not heard back from the Interim Superintendent by April 13, we wrote to her again asking about the status of NOPD's response. Deputy Chief Sanchez responded that we would receive a formal response by April 18.

On April 18, NOPD requested additional time to respond due to the death of an officer. The Monitoring Team, of course, acceded to the request. NOPD committed to respond by April 20.

The Monitoring Team didn't receive a response from NOPD on the 20th, 21st, 22nd, or 23rd. The NOPD finally responded to our analysis on April 24. The response, however, was wholly inadequate in that it (a) ignored the requirements of Consent Decree paragraph 454, (b) mischaracterized the scope of the investigation regarding payroll fraud, and (c) ignored almost all of the Monitoring Team's substantive recommendations. We have attached the Monitoring Team's analysis and NOPD's response to this report as Attachments E and F.

⁴ Consent Decree paragraph 445.

⁵ The Monitoring Team's recommendations are attached to this Report as Attachment C.



As noted above, the City's actions here raise serious concerns that we believe require the Court's immediate attention.

Summary Of Concerns

The following paragraphs summarize the Monitoring Team's concerns regarding the NOPD's response to our analysis of the PIB investigation into the actions and inactions of Officer Jeffrey Vappie.

1. The City Is In Violation Of Consent Decree Paragraph 454

Paragraph 454 of the Consent Decree provides as follows:

City and NOPD shall provide each investigation of a serious use of force or use of force that is the subject of a misconduct investigation, and each investigation report of a serious misconduct complaint investigation (i.e., criminal misconduct; unreasonable use of force; discriminatory policing; false arrest or planting evidence; **untruthfulness/false statements**; unlawful search; retaliation; sexual misconduct; domestic violence; and **theft**), to the Monitor before closing the investigation or communicating the recommended disposition to the subject of the investigation or review. The Monitor shall review each serious use of force investigation and each serious misconduct complaint investigation and recommend for further investigation any use of force or misconduct complaint investigations that the Monitor determines to be incomplete or for which the findings are not supported by a preponderance of the evidence. The Monitor shall provide written instructions for completing any investigation determined to be incomplete or inadequately supported by the evidence. The Superintendent shall determine whether the additional investigation or modification recommended by the Monitor should be carried out. Where the Superintendent determines not to order the recommended additional investigation or modification, the Superintendent will set out the reasons for this determination in writing. The Monitor shall provide recommendations so that any further investigation or modification can be concluded within the timeframes mandated by state law. The Monitor shall coordinate with the IPM in conducting these use of force and misconduct investigation reviews.

Consent Decree paragraph 454 (emphasis added). Pursuant to its authority under the Consent Decree, including this paragraph, the Monitoring Team requested access to the PIB investigation report on multiple occasions during weekly status calls with the PIB and the IPM. The IPM made



similar requests during these weekly calls. PIB responded it would not share a copy of the investigation report.

After multiple requests and a suggestion by the Monitoring Team that the matter be taken to Judge Morgan for resolution, PIB ultimately did turn over its investigation report on April 3, 2023. Such a late production, however, conflicts with paragraph 454 of the Consent Decree, and, more importantly, prejudices the ability of PIB to remedy material errors in its investigative report in a timely fashion. Nonetheless, as noted above, the Monitoring Team performed and shared its detailed analysis of the PIB report with NOPD on April 7, 2023.

In its April 24th response to the Monitoring Team's analysis of the PIB investigation, the NOPD failed to provide a substantive response to the Monitoring Team's recommendations, arguing it had no legal obligation to do so. According to NOPD, paragraph 454 of the Consent Decree does not apply here because, in NOPD's view, PIB's investigation into the actions/inactions of Officer Vappie was not a "serious misconduct complaint investigation." NOPD Response at 2. NOPD's view not only is wrong, it reflects a cavalier attitude toward PIB's obligations and the importance of officer accountability.

The facts tell a far different story from the one PIB now is sharing regarding the nature of the Vappie investigation.

From the very first weekly meeting with PIB, the Monitoring Team and the IPM stressed the importance of the scope of the Vappie investigation. The Monitoring Team and IPM emphasized that it was critical that PIB investigate *all allegations*, including the 16.58 hour violation allegation, the professionalism violation allegation, the conflict of interest violation allegation, the nepotism violation allegation, and, importantly, the payroll fraud allegation. This issue was discussed on multiple zoom meetings with PIB, and in each meeting PIB assured the Monitoring Team and the IPM that its investigation would cover all of these allegations.⁶

Following several status meetings, PIB shared its draft investigation plan with the Monitoring Team and the IPM on December 5, 2022. In its draft plan, PIB wrote that it was investigating Officer Vappie for

16.35, devoting entire time to duty, ethics, moral conduct, nepotism and employee conflicts.

Email from Captain Kendrick Allen (12/5/22). The Monitoring Team responded to Captain Allen noting that the investigation plan was missing the payroll fraud allegation, an issue, as noted,

⁶ It is worth noting here that paragraph 399 of the Consent Decree requires NOPD to employ a classification protocol for all complaints that is "allegation-based rather than anticipated outcome-based." If, in light of the scope of the allegations against Officer Vappie and the representations made to the Monitoring Team and the IPM regarding the scope of the investigation, NOPD failed to classify the investigation as involving "serious misconduct," the Department likely violated paragraph 399 as well.



discussed in multiple prior status meetings. The Monitoring Team recommended updating the investigation plan to more explicitly reflect what PIB confirmed orally, *i.e.*, that PIB's investigation would cover

Potential policy violations, working hours beyond mandatory ceilings (e.g., the 16.35 hour rule) (Chapter 13.15), devoting entire time to duty (Chapter 26.2.1), ***billing for time not worked*** (Chapter ??), ethics, professional conduct (Rule 3), moral conduct (Rule 2), nepotism and employee conflicts (Chapter 13.38).

Email from Jonathan Aronie to Captain Kendrick Allen (12/5/22) (emphasis added).

In the same email, the Monitoring Team specifically requested PIB be more specific that it was investigating the payroll fraud issue (*i.e.*, charging for time not worked). *Id.* PIB assured the Monitoring Team and IPM in the next weekly zoom status meeting that it would be fully investigating the payroll fraud allegation against Officer Vappie.

On December 8, the Monitoring Team shared with NOPD an email from community member Dr. Skip Gallagher to Judge Morgan. Email from Anne Perry to Keith Sanchez (12/8/23). Dr. Gallagher has been instrumental in raising a number of issues regarding NOPD payroll fraud with the NOPD, the IPM, the OIG, and the Monitoring Team. In his note to Judge Morgan, Dr. Gallagher reiterated his prior concerns about the pervasiveness of NOPD payroll fraud. Email from Skip Gallagher to Judge Morgan (11/14/22). Among other things, Dr. Gallagher emphasized the following:

As can be seen in recent Lee Zurik pieces, ***payroll fraud is alive and well and extends into the upper ranks of the NOPD as well as the Mayor's own security detail.*** As I have mentioned to the OIG, the IPM, the Mayor, the City Council, Jonathan Aronie and to the NOPD itself, an independent audit of the NOPD must be conducted. The response to this request has been deafening in its silence. The result is that I am the only person examining these payroll fraud allegations and must initiate each investigation through a direct request or by providing the press with the relevant records.

Id. In sharing Dr. Gallagher's concerns with PIB, the Monitoring Team noted that Dr. Gallagher's findings "may be helpful re the ongoing Vappie investigation. Some also might go beyond Vappie. The material that goes beyond Vappie I assume you will treat as a new public complaint/allegation." Email from Jonathan Aronie to Deputy Chief Keith Sanchez (12/8/22).⁷

⁷ It is not clear at this time whether PIB opened the additional investigations recommended by the Monitoring Team. Similarly, it also is not clear at this time whether PIB opened an investigation into allegations raised by Fox8 that Officer Vappie flew first class and stayed in upgraded hotel suites while traveling on City



On January 5, 2023, the Monitoring Team again reminded PIB of its multiple commitments to investigate all aspects of the allegations against Officer Vappie, including the payroll fraud allegation. In an email from the Monitoring Team to PIB, the Monitoring Team wrote the following:

Thank you for making time for the rescheduled tag-up call this Friday. To help you prepare for the call, here are the issues I'd like to make sure we discuss [sic]. Other members of the OCDM and IPM teams may have more, and are welcome to share them as well.

* * *

-PIB's current thinking re:

-Potential time card fraud (FQ Apartment, Hano Board, Travel)

- Potential personal relationship conflict
- Potential other conflict (e.g., significant increase in overtime following start of relationship)
- Potential violation of travel rules (upgraded hotels, etc.)
- Potential 16.35 violations
- Potential professionalism violations

* * *

Email from Jonathan Aronie to Deputy Chief Sanchez (1/5/23) (emphasis added). Each allegation under investigation was discussed on the ensuing phone call, and PIB reconfirmed, once again, it was investigating every issue, including potential payroll fraud.

In short, it was clear from the beginning of the PIB investigation that a fundamental issue under investigation was whether Officer Vappie committed payroll fraud – that is, whether he lied about his time at work and whether he wrongly charged the City for time not worked. *PIB agreed with this understanding of scope from the very beginning of the investigation.*

At its core, an investigation into payroll fraud is an investigation into a “serious misconduct complaint,” which the Consent Decree defines to include an “untruthfulness/false statements” or a “theft” investigation. (CD at 454) Billing the City for time not worked is inherently a false statement; indeed, if done knowingly, it is likely a criminal false statement.

business. The Monitoring Team recommended PIB question Officer Vappie regarding his travel in an email dated December 28, 2022. Specifically, the Monitoring Team recommended including the following question: “How did you travel when you traveled with the Mayor? First class? Upgraded hotel rooms?” Email from Jonathan Aronie to Captain Allen, Deputy Chief Sanchez, *et al.* (12/28/22). Per Consent Decree paragraph 390, which requires NOPD to “accept all misconduct complaints, including anonymous and third-party complaints, for review and investigation,” the Monitoring Team is requesting data from NOPD to determine whether PIB opened investigations into these matters, and, if not, why not.



NOPD's position that such an investigation does not constitute a serious misconduct complaint investigation is simply wrong and, quite frankly, defies common sense.⁸

The fact that PIB declined to include a meaningful discussion of the payroll fraud matter in its investigation report (despite (a) its multiple commitments to the Monitoring Team and the IPM that its investigation would fully cover the alleged payroll fraud issues and (b) the investigators clearly questioning Vappie and other witnesses during hours of testimony about the payroll fraud allegation⁹), does not change the fact that the investigation was undertaken to investigate payroll fraud. It is wholly disingenuous to argue PIB's investigation wasn't "serious" simply because PIB failed to discuss in its final report a critical issue it committed to fully investigate.¹⁰

Because the Vappie investigation clearly does constitute a serious misconduct complaint investigation in that it clearly involves allegations of truthfulness, false statements, and theft, NOPD had an obligation to comply with paragraph 454 of the Consent Decree. Specifically, that means the Monitoring Team was authorized to:

- Review the serious misconduct complaint investigation.
- Recommend for further investigation areas the Monitoring Team determined to be incomplete or for which the findings are not supported by a preponderance of the evidence.
- Provide written instructions to the NOPD for completing those portions of the investigation the Monitoring Team found incomplete or inadequately supported by the evidence.

Consent Decree paragraph 454. Subsequent to these steps, the Consent Decree requires that "the Superintendent shall determine whether the additional investigation or modification recommended by the Monitor should be carried out. Where the Superintendent determines not to order the recommended additional investigation or modification, the Superintendent will set out the reasons for this determination in writing." *Id.*

⁸ Under Louisiana law, public payroll fraud under La. R.S. 14:138 is considered a type of theft. *See, e.g., State v. Fruge*, 251 La. 283 (1967).

⁹ The recordings of the PIB witness interviews, subsequently made available to the media through an inadvertent City disclosure, make clear PIB questioned Officer Vappie and other witnesses about the payroll fraud matter and about the truthfulness of Officer Vappie's various assertions.

¹⁰ It is worth also remembering that PIB decided to conduct the Vappie investigation on its own rather than referring it out to a different bureau, something it would have done had the matter been non-serious. Paragraph 63 of NOPD Policy 52.1.1 provides that "the investigation of an alleged administrative violation involving serious misconduct shall be completed by PIB . . ." and that "the investigation of other alleged administrative violations may be assigned by the PIB Deputy Superintendent or his/her designee to another bureau . . ."



The NOPD's response to the Monitoring Team's analysis ignores this clear Consent Decree process. By doing so, NOPD also defeated the Monitoring Team's ability to comply with the City Council's request that the Monitoring Team closely monitor PIB's investigation and puts the integrity of its Vappie investigation at risk.¹¹

2. The City Is In Violation Of Consent Decree Paragraphs 470 and 472

Paragraph 470 of the Consent Decree explicitly provides "the Monitor shall have access to all necessary individuals, facilities, **and documents**, which shall include access to Agreement related trainings, meetings, and reviews, such as critical incident reviews, use of force review boards, and disciplinary hearings." Consent Decree ¶470 (emphasis added). Likewise, Paragraph 472 explicitly requires the City to ensure that the Monitoring Team has "**full and direct access to City and NOPD documents** that the Monitoring reasonably deems necessary to carry out the duties assigned to the Monitor" Consent Decree ¶472 (emphasis added). These are clear statements regarding the Monitoring Team's unfettered right to the documents it needs to get its job done.

As noted above, the Monitoring Team and the IPM requested the Officer Vappie investigation report from PIB on multiple occasions during their weekly status meetings. PIB rejected these requests. NOPD ultimately closed its investigation of Officer Vappie on March 10, 2023, and presented Officer Vappie with a verbal notice of disposition at that time. *See* PIB Investigation Report at 29.¹²

On March 27, 2023, the Monitoring Team again asked for a copy of PIB's report, this time by email:

Separately, please let me know the status of the Vappie investigation. Has the final report been prepared/submitted for approval? I'm going to want to see all iterations of the report (i.e.,

¹¹ Further to the integrity of the investigation, the Monitoring Team's analysis of PIB's investigation raised several concerns about PIB's failure to take appropriate steps to protect the confidentiality of investigation materials. Among other things, we questioned PIB's decision to share interview recordings with another City office, its failure to password protect the USB drive on which interview recordings were stored, and its decision to allow PIB work to be conducted outside PIB. Consent Decree paragraph 409 clearly requires "all misconduct investigation interview recordings shall be stored and maintained in a secure location within PIB." Similarly, paragraph 419 requires that "all investigation reports and related documentation and evidence shall be securely maintained in a central and accessible location" NOPD's handling of the interview recordings runs afoul of these clear provisions.

¹² NOPD's closure of its investigation without looking into the actions/inactions of Officer Vappie's chain of command (i.e., his supervisors) further prejudices the Department's ability to hold those supervisors accountable for their potential failure to provide close and effective supervision to officers working on the Executive Protection team. Consent Decree paragraph 306 makes clear that "NOPD supervisors shall be held accountable for providing the close and effective supervision necessary to direct and guide officers."



all drafts submitted to you or any other supervisor for review/comment).

Email from Jonathan Aronie to Keith Sanchez (3/27/23). PIB responded by phone that NOPD would not be sharing the report as requested. This refusal prompted the Monitoring Team to reiterate its request to PIB by email:

Keith,

Thanks for the time on the Vappie call this morning. It was very informative.

Thanks also for confirming you will be responding to my earlier email and the several outstanding requests very soon.

Regarding my request for copies of all iterations of the Vappie investigation report, please let me know when I will be receiving those. Please keep in mind that paragraph 470 of the CD makes clear:

The Monitor shall have access to all necessary individuals, facilities, and documents, which shall include access to Agreement related trainings, meetings, and reviews, such as critical incident reviews, use of force review boards, and disciplinary hearings.

Further, paragraph 472 provides as follows:

City and NOPD shall ensure that the Monitor has full and direct access to all City and NOPD documents and data that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement, except any documents or data protected by the attorney-client privilege....

Fortunately, we never had had to press these issues because, until now, we have been provided timely access to all documents and data we requested. If NOPD has made a decision to change the level of cooperation we have historically received, I need to know that immediately so we can discuss it with Judge Morgan.

Thanks.

Be well and be safe.

-Jonathan



Email from Jonathan Aronie to Keith Sanchez (3/27/23).

Two days later, on March 29th, still not having received the investigation report, the Monitoring Team reminded PIB of its paragraph 454 obligations:

Keith,

Per your earlier request for the CD provisions relating to documents requested by the Monitoring Team, you probably want to ensure Michelle is aware of this one as well.

-Jonathan

454. City and NOPD shall provide each investigation of a serious use of force or use of force that is the subject of a misconduct investigation, and each investigation report of a serious misconduct complaint investigation (i.e., criminal misconduct; unreasonable use of force; discriminatory policing; false arrest or planting evidence; untruthfulness/false statements; unlawful search; retaliation; sexual misconduct; domestic violence; and theft), to the Monitor before closing the investigation or communicating the recommended disposition to the subject of the investigation or review. The Monitor shall review each serious use of force investigation and each serious misconduct complaint investigation and recommend for further investigation any use of force or misconduct complaint investigations that the Monitor determines to be incomplete or for which the findings are not supported by a preponderance of the evidence. The Monitor shall provide written instructions for completing any investigation determined to be incomplete or inadequately supported by the evidence. The Superintendent shall determine whether the additional investigation or modification recommended by the Monitor should be carried out. Where the Superintendent determines not to order the recommended additional investigation or modification, the Superintendent will set out the reasons for this determination in writing. The Monitor shall provide recommendations so that any further investigation or modification can be concluded within the timeframes mandated by state law. The Monitor shall coordinate with the IPM in conducting these use of force and misconduct investigation reviews.

Email from Jonathan Aronie to Keith Sanchez (3/29/23).



Still not having received the investigation report on March 31st, the Monitoring Team again wrote to PIB:

Keith-

Have you sent me the report(s)? I do not see it/them in my inbox.

Jonathan

Email from Jonathan Aronie to Keith Sanchez (3/31/23). In a follow-up phone call, Deputy Chief Sanchez explained he was working to obtain permission to share the requested report.

The Monitoring Team still had not received the PIB investigation report by April 3rd, and again wrote to PIB for a status update:

Keith,

You said I'd have the documents last week. I still do not have them. I need them and am entitled to them. Shall I call Michelle directly, or will you have them to me this morning?

-Jonathan

Email from Jonathan Aronie to Keith Sanchez (4/3/23). On the same day, the lead monitor, Jonathan Aronie, wrote to and called Interim Superintendent Woodfork, explaining that the Monitoring Team had no choice but to bring the matter to the attention of Judge Morgan. Following that conversation, Interim Superintendent Woodfork agreed to provide the investigation report. The Monitoring Team immediately reached back out to Deputy Chief Sanchez:

Keith,

Michelle just informed me she okayed you sharing the Vappie report with me. Please ensure I receive all iterations of the Report if there are more than one. Please have it/them to me by noon. Thank you.

-Jonathan

Email from Jonathan Aronie to Keith Sanchez (4/3/23).



Later the same day, NOPD finally shared with the Monitoring Team a copy of the final PIB report we initially requested in mid-March.¹³ Sadly, it took multiple meetings, phone calls, and emails, and a threat to take the matter to Court, to get what the Monitoring Team clearly is entitled to. As sadly, by the time NOPD shared the investigation report with us, it was long after the completion of the PIB investigation, which, according to NOPD, was concluded on March 10 and signed by the Deputy Chief and for the Interim Superintendent (by the Deputy Chief) on March 16th.

NOPD does not disagree it refused to share the PIB report with the Monitoring Team. Indeed, NOPD concedes the point:

We disagree with the Monitoring Team’s analysis that PIB violated the Consent Decree by refusing to share a copy of the PIB report with the Monitoring Team when requested.

PIB Response to Monitoring Team Analysis at 1 (4/24/23). While PIB agrees it refused to share a properly requested, non-privileged document with the Monitoring Team, NOPD argues its refusal is excused because, in its view that, per Consent Decree paragraph 454, payroll fraud does not constitute a serious misconduct complaint. *Id.* This argument, however, not only is wrong, it is irrelevant. The clear language of paragraphs 470 and 472 gives the Monitoring Team “full and direct access to City and NOPD documents that the Monitoring reasonably deems necessary to carry out the duties assigned to the Monitor.” Regardless of how the City wants to read paragraph 454 (and, as discussed above, it reads it very wrongly), there can be no serious dispute regarding the clarity of paragraphs 470 and 472.

3. NOPD Failed To Correctly Apply The Preponderance Of The Evidence Standard In Its Investigation Of Officer Vappie

As noted in the Monitoring Team’s analysis of PIB’s investigative report, administrative investigation findings must be made using the “preponderance of the evidence” standard. No one disputes this. NOPD Policy 51.1.2 aligns with the Consent Decree by requiring that misconduct investigators “reach a conclusion supported by the preponderance of the evidence and prepare a written recommendation” NOPD Policy 26.2 likewise aligns with the Consent Decree and defines the preponderance of the evidence standard as follows:

Preponderance of the evidence—Such evidence that when considered and compared with that opposed to it has more convincing force and produces in one’s mind the belief that what is sought to be proven is more likely true than not true.

¹³ To date, PIB still has not shared any other iterations of the investigation report as requested by the Monitoring Team.



NOPD Policy 26.2; *see also* NOPD Policy 51.1.2. To use more commonplace terminology, the preponderance of the evidence standard is a greater-than-50% standard, or a more-likely-than-not standard. In contrast, criminal investigations apply a different standard – beyond a reasonable doubt. The administrative preponderance of the evidence standard places a far lower burden on the investigating agency.

In the Monitoring Team’s analysis of PIB’s investigative report, we criticized PIB’s failure properly to apply and document the investigators’ use of the preponderance of the evidence standard. The details of our assessment are set forth in the attached analysis shared with PIB and will not be repeated here. Suffice it to say, while NOPD did reach a reasonable conclusion in sustaining multiple counts against Officer Vappie, it did not describe the standard it applied accurately.

This is a critical error not only because it violates the Consent Decree and NOPD policy, but because it leaves PIB’s investigation open to attack by the subject of the investigation (i.e., Officer Vappie). In response to our concerns, PIB responded with nothing more than the following:

Although the governing standard for administrative investigations is a preponderance of the evidence, PIB does not approach investigations with an intention to make the facts fit. We investigate the complaint by following the lead of the facts wherever they lead and when the trail of the facts ends, we begin the conclusion of the investigation.

NOPD Response to Monitoring Team at 2. To the extent this response is coherent at all, it is wholly non-responsive as it totally misses the point raised in the Monitoring Team’s analysis.

In its analysis, the Monitoring Team noted multiple places where the PIB report misapplied and misstated the preponderance of the evidence standard. Our concerns have nothing to do with when or how to conclude an investigation. Our concerns refer only to the misapplication of the proper legal standard. NOPD ignores these concerns, and its refusal to engage in a meaningful discussion almost certainly will haunt PIB if Officer Vappie appeals his ultimate discipline.¹⁴

4. PIB Review Process

The PIB investigation report shared with the Monitoring Team has two signature lines – one for the Deputy Chief of PIB and one for the Superintendent of Police. Both lines have a

¹⁴ Even more fundamentally, NOPD’s refusal to abide by the Consent Decree renders it more likely PIB will fail to hold Officer Vappie and, potentially, his supervisors, accountable for their actions and inactions. The misconduct section of the Consent Decree is designed to ensure NOPD holds officers and supervisors accountable for policy violations. *See* Consent Decree Section XVII.



signature indicating both individuals reviewed and concurred with the information in the report. According to NOPD’s response to the Monitoring Team’s analysis, however, the Interim Superintendent never actually reviewed the report and the Deputy Chief signed on her behalf wrongly indicating that she concurred in the findings. NOPD describes this as a practice “loosely described in old policies” and “subject to various interpretations.” PIB Response at 3. NOPD goes on to say it is “reviewing to determine its utility at this stage.” *Id.*

NOPD does not indicate in what “old policies” this practice is “loosely described.” NOPD’s current policy, however, as well as the Consent Decree itself, make clear the Superintendent herself is required to sign the investigation report.

Consent Decree paragraph 416 provides as follows:

416. The PIB commander shall accept the investigator’s recommended disposition **and the Superintendent shall approve the disposition**, unless the disposition is unsupported by a preponderance of the evidence or additional investigation is necessary to reach a reliable finding. Where the disposition is unsupported by a preponderance of the evidence, the PIB Commander may correct the disposition or order additional investigation, as necessary.

Consent Decree ¶416 (emphasis added). This clear statement is consistent with NOPD’s misconduct investigation policy 52.1.1, paragraph 105 of which states the following:

105. The report shall conclude with the following format for each person in the investigator's chain of command, **up to and including the Superintendent of Police**:

CONCUR I DO NOT CONCUR Date: _____

[rank and name of person in chain of command]
[title and/or place of assignment]

The date alongside each signature will be the date the reviewer signed the document, not the date appearing at the top of the report.

NOPD Policy 52.1.1 at §105 (emphasis added).

The “up to and including” language is clear. But even if it were not clear, paragraph 136 of the same policy makes the same point:



136. Once the Deputy of Superintendent of PIB has approved the disposition of an investigation conducted by PIB, **the investigation disposition shall be transmitted to the Superintendent of Police for review and final approval.** For those investigations conducted by a bureau other than PIB, the Deputy Superintendent of PIB's review concludes the investigation.

Id. at §136 (emphasis added). Nothing in Policy 52.1.1 is unclear. And even if there were, as NOPD suggests, "old policies" "subject to various interpretations" that "loosely describe" NOPD's current practice of the superintendent not reviewing and signing PIB reports, such policies clearly have been superseded by the Department's current policy, which was reviewed and approved by the Monitoring Team and the DOJ.

In any event, it is unclear to the Monitoring Team what possible utility there could be in a deputy chief signing an official document – one which will become a key exhibit in any legal action relating to the investigation – for a superintendent who never has reviewed the document and, according to NOPD, never gave her authorization to sign on her behalf.¹⁵ Nonetheless, we are pleased PIB is reviewing its purportedly historic practice to determine its continued "utility."

5. Failure to Consider or Document Circumstantial Evidence

As spelled out in the Monitoring Team's attached analysis, the PIB investigation report fails to consider a wealth of circumstantial evidence relating to the many hours Officer Vappie spent in the Upper Pontalba apartment both on and off duty. Among other things, we noted in our analysis that

The Consent Decree mandates that "in each investigation, NOPD shall consider all relevant evidence, *including circumstantial, direct, and physical evidence*, as appropriate, and make credibility determinations based upon that evidence. . . .

Monitoring Team Analysis at 7. Paragraph 26 of NOPD policy 52.1.2 contains the same requirement:

In each investigation, the investigator shall consider all relevant evidence, *including circumstantial, direct, and physical evidence*,

¹⁵ We note in this regard that NOPD's response to the Monitoring Team's analysis was signed by Deputy Chief Keith Sanchez "for" Interim Superintendent Woodfork. In light of NOPD's position that a deputy can sign "for" a superior without the superior ever seeing, concurring with, or even knowing about that which is signed, it is unclear whether the Interim Superintendent ever even saw NOPD's response – let alone understood her obligation to respond to it per Consent Decree paragraph 454.



as appropriate, and make credibility determinations based upon that evidence. . . .

Policy 52.1.2 (emphasis added).

In our analysis, the Monitoring Team criticized the PIB investigation report for failing to consider the significant circumstantial evidence regarding the time Officer Vappie spent in the Upper Pontalba apartment and its relation to the payroll fraud allegation. The Monitoring Team described it this way:

While PIB admittedly did not have visibility into what was going on in that apartment — i.e., whether Officer Vappie was there in service of his executive protection function or was there for more social reasons — there is much circumstantial evidence that suggests Officer Vappie was *not* present in furtherance of his executive protective duties. ***This circumstantial evidence should have been included in the PIB report since it all is relevant to NOPD’s application of the Preponderance of the Evidence standard.***

Monitoring Team analysis at 8 (emphasis added). To highlight the importance of abiding by NOPD policy and considering all circumstantial evidence, the Monitoring Team noted that a proper analysis would have considered and documented the following:

- Officer Vappie spent many hours in the City’s Upper Pontalba apartment.
- Officer Vappie was the only officer among the executive protection team who spent any time in the Upper Pontalba apartment. All other officers stayed outside the apartment while protecting the Mayor. Had the time in the Upper Pontalba apartment truly been work time, other officers presumably would have taken their turn doing the same.
- Officer Vappie changed clothes, used the shower, and undertook various non-security tasks (*e.g.*, watering plants) while in the apartment with and without the Mayor.
- Officer Vappie spent time in the Upper Pontalba apartment both on and off duty.
- Even when Officer Vappie left the Upper Pontalba apartment late at night after spending several hours in the apartment, the Mayor often walked alone to her car in the French Quarter without any security, strongly suggesting Officer Vappie was not spending time in the apartment because of any credible threat to the Mayor’s safety. If there had been a credible threat to the Mayor’s safety, (a) other officers would have rotated through the in-apartment assignment and (b) the



executive protection team would not have allowed the Mayor to walk to and from the apartment alone.

- The news story about the time Officer Vappie spent in the Upper Pontalba apartment led to a prompt divorce filing from Officer's Vappie wife, an unlikely reaction to an actual, transparent executive protection detail.
- No officer spent time inside the Mayor's residence, which would have been the case had there been a credible threat to the Mayor's safety.
- Multiple other members of the Mayor's Executive Protection team testified during the PIB investigation to the unprofessional nature of Officer Vappie's actions, which, they felt, brought discredit to the NOPD.

Monitoring Team analysis at 8-9.

Our analysis explained that while these facts do not *prove* beyond the shadow of a doubt Officer Vappie was not working while in the Upper Pontalba apartment, "they demonstrate *by a preponderance of the evidence* that Officer Vappie was not working while in the apartment. Yet he was billing the City of New Orleans for much of his time there." In other words, the circumstantial evidence strongly suggests that Officer Vappie may have been involved in payroll fraud. Our findings are spelled out in more detail in the attached analysis.

Not only did PIB's investigation report ignore this circumstantial evidence, NOPD's response to the Monitoring Team's analysis similarly ignores the Monitoring Team's concerns. NOPD's actions here not only fail to comport with the requirements of the Consent Decree, they again put the integrity of their underlying investigation at risk.

6. PIB Failed To Respond To Multiple Other Shortcomings Identified By The Monitoring Team

In addition to the items summarized above, the Monitoring Team identified a number of other shortcomings in its analysis of PIB's investigation report. These include a failure on the part of PIB to aggressively pursue interviews with all material witnesses, including the Mayor, the former superintendent, and Consulting Chief of Operations¹⁶ Fausto Pichardo;¹⁷ a failure

¹⁶ We used the title "Consulting Chief of Operations" for Mr. Pichardo because the Mayor of New Orleans has used it publicly. The Monitoring Team, however, has not seen that title on NOPD organizational charts and does not know what role Mr. Pichardo plays within the Department. In any event, the Consent Decree makes clear it is "binding upon all Parties hereto, by and through their **officials, agents, employees, and successors.**" Consent Decree at ¶8 (emphasis added).

¹⁷ The Mayor, former Superintendent Ferguson, and Consulting Chief of Operations Pichardo all refused to be interviewed by the PIB. As noted in the analysis we shared with PIB, these refusals suggest a lack of understanding of or respect for NOPD's accountability systems.



properly to assess the credibility of witnesses; a failure to take adequate steps to protect the confidentiality of its investigation; and a failure to cooperate with the New Orleans Office of Inspector General. PIB ignored all of these concerns in its response to the Monitoring Team. Pursuant to paragraph 454 of the Consent Decree, NOPD should be required to either accept the Monitoring Team's recommendation to remedy the flaws in its investigation or should be required to explain in writing why it is rejecting those recommendations. Failure to do so not only violates the Consent Decree, but, as noted above, it also puts the integrity of the investigation at risk and makes it more likely any discipline imposed will be appealed successfully.

* * *

It is difficult to understand the City's position with regard to the Monitoring Team's analysis. The purpose of paragraph 454 is to help improve the quality and integrity of PIB's investigations. Each of the Monitoring Team's recommendations would benefit the NOPD and, by extension, its officers and the community. As things stand now, two professional investigators, Captain Kendrick Allen and Lieutenant Lawrence Jones, will have spent months conducting an important investigation only to see their hard work potentially overturned by the Civil Service Commission or an appeals court. Either the NOPD is hoping for that result, it has a remarkable blind spot regarding the quality of its final investigation report, or it stubbornly is avoiding taking any recommendation of the Monitoring Team. In any case, the NOPD's position is unfortunate and flies in the face of the letter and spirit of the Consent Decree.

Regardless of the NOPD's inexplicable position regarding the Monitoring Team's recommendations, we remain ready and willing to engage with PIB in a meaningful way to remedy the shortcomings of and improve the quality of the PIB report to the extent time still is available to do so. Until that happens, however, and without taking away from what we have said was a serious effort on the part of the investigators to conduct a professional investigation, we remain extremely concerned with the way NOPD has approached this matter.

Thank you Your Honor for the opportunity to submit this report to the Court. As is our common practice, we shared a draft of this report with the parties for comment on Monday, May 1, 2023. DOJ responded with comments on May 8, 2023. NOPD chose not to submit comments, although, as noted above, NOPD previously submitted a response to the Monitoring Team's analysis of the Vappie investigation. The Monitoring Team considered and incorporated, where appropriate, the feedback received from the parties into this final report.



Should the Court have additional questions for the Monitoring Team, we will be happy to answer them.

Respectfully submitted,

Jonathan S. Aronie
Consent Decree Monitor
Partner, Sheppard Mullin LLP

CC:
City Attorney Donesia Turner
DOJ Counsel Jonas Geissler
Superintendent Michelle Woodfork
Deputy Superintendent Keith Sanchez
Deputy Monitor David Douglass
Independent Police Monitor Stella Cziment



Attachments



Attachment A

City Council Letter to Monitoring Team



City of New Orleans

November 10, 2022

Judge Susie Morgan
500 Poydras Street
Room C322
New Orleans, LA 70130

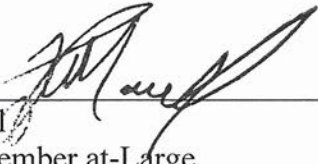
Jonathan Aronie
2099 Pennsylvania Avenue, NW
Suite 100
Washington, DC 20006-6801

Dear Judge Morgan & Mr. Aronie:


We are writing to express our significant concerns about the apparent conflict of interest with the New Orleans Police Department being allowed to, again, investigate serious allegations involving Mayor Cantrell. The NOPD cannot be allowed to handle this matter fully and internally because of the inherent conflict of interest.

By this letter, we formally request that immediate steps be taken to appoint the Consent Decree Monitor, in partnership with Office of the Independent Police Monitor to take the lead on this investigation. We believe swift action is required to cure apparent conflicts of interest and preserve the integrity of the investigations of the Mayor.

Regards,



JP Morrell
Councilmember at-Large
Governmental Affairs Committee Chair



Joseph I. Giarrusso, III
Councilmember District A
Budget Committee Chair

CC:
Stella Cziment, Independent Police Monitor

CDM022



Attachment B

Monitoring Team's Response To City Council

NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA



202.747.1902 direct
jaronie@sheppardmullin.com

November 11, 2022

File Number: 37PA-191555

JP Morrell, Councilmember at-Large
Joseph I. Giarrusso, III, Councilmember District A
City Hall
1300 Perdido St.
New Orleans, LA 70112

Dear Sirs:

This letter confirms receipt of your request that the Consent Decree Monitoring Team and the IPM jointly investigate matters relating to alleged time card misconduct involving the Mayor's NOPD security detail. As you know, the Monitoring Team does not investigate specific matters. Likewise, at the moment, the IPM is not staffed to investigate specific matters. Nonetheless, we understand your belief that matters relating to high-ranking officials within the police department or the City require extra diligence to ensure there is no real or perceived pressure on the investigators. Accordingly, we have conferred with the IPM, and agreed we both will work closely with the New Orleans Police Department Public Integrity Bureau to ensure their investigation of NOPD's role in this matter is effective, efficient, and without bias. The U.S. District Court has agreed that this is wholly consistent with our role of monitoring and providing technical assistance to the New Orleans Police Department. We believe this approach will address your concerns and ensure that our role is well within the scope of the Consent Decree and that the IPM's role is met within its current resources.

Thank you for your confidence in us.

Jonathan S. Aronie
For SHEPPARD MULLIN RICHTER & HAMPTON LLP*
2099 PENNSYLVANIA AVE., N.W., SUITE 100
WASHINGTON, DC 20006

CC: HONORABLE SUSIE MORGAN (VIA ELECTRONIC MAIL)
DAVID L. DOUGLASS, ESQ. (VIA ELECTRONIC MAIL)
TIMOTHY MYGATT, U.S. DEPARTMENT OF JUSTICE (VIA ELECTRONIC MAIL)
DONESIA D. TURNER, CITY OF NEW ORLEANS (VIA ELECTRONIC MAIL)



Attachment C

Monitoring Team's 2/17/23 Immediate Action Notice to PIB



February 17, 2023

Dear Mr. Sanchez,

In early November 2022, local TV station Fox 8 began a series of stories involving the Mayor's security detail. The story raised a number of questions regarding the operation of that detail as well as the actions of a particular member, Officer Jeffrey Vappie. On November 10, the New Orleans City Council requested that the Office of the Consent Decree Monitor and the Office of the Independent Monitor conduct an independent investigation of the matter, citing "significant concerns about the apparent conflict of interest with the New Orleans Police Department being allowed to, again, investigate serious allegations involving Mayor Cantrell."

The Monitoring Team responded to the City Council on November 11 explaining that it lacked the authority to conduct investigations, but that it would monitor PIB's investigation of Officer Vappie closely to ensure it was effective, efficient, and without bias. As we understand it, PIB opened an investigation into the allegations in late November or early December 2022.

As you know, over the course of PIB's investigation, the Monitoring Team has met with your investigators, Captain Kendrick Allen and Lieutenant Lawrence Jones, on a weekly basis. While we have not been involved in the day-to-day affairs of the investigation, your team has been open with us regarding their strategy and the status of their activities. We appreciate the cooperation your team has shown us throughout this matter.

While we know the Vappie investigation has not yet concluded, the Monitoring Team has become aware of several issues that we believe the NOPD should address right away. Rather than waiting until the conclusion of PIB's investigation, we are bringing these matters to your attention at this time to ensure NOPD considers taking immediate steps to correct the concerns we identified. Importantly, we offer no opinions or recommendations regarding the Vappie investigation itself at this time. Our opinions and recommendations relate only to larger policy/process issues that are unrelated to the forthcoming substantive findings of the Vappie PIB investigation team.

Should you have any questions regarding these recommendations, do not hesitate to reach out to us.

Thank you for your continued cooperation in this matter.

Respectfully,

Jonathan Aronie
Consent Decree Monitor

CDM026



Interim Recommendations Based On Vappie Investigation

1. **Supervision.** As you are aware, the NOPD officers assigned to the Executive Protection detail receive little if any oversight from NOPD supervisors. This appears to have been the case for years. The members of the detail indicated their belief that their only supervisor was the Mayor herself. While the Mayor seemingly is responsible for assignments and schedules, there is no indication the Mayor played any role in supervision beyond that. ***NOPD should take immediate action to ensure the members of the Executive Protection detail receive the “close and effective supervision” required by the Consent Decree.***
2. **Policy.** Currently, no written policy guides the operation of the Executive Protection detail or the actions of the officers assigned to that detail. Likewise, no written document (policy or otherwise) sets out the standards and protocols with which members of the Executive Protection team are expected to comply. The lack of written guidance almost certainly will impact PIB’s investigation of Officer Vappie. ***NOPD should take immediate action to develop clear policies and procedures governing the operation of Executive Protection detail and the officers assigned to that detail.*** As required by the Consent Decree, such policies and procedures should “define terms clearly, comply with applicable law and the requirements of the Consent Decree, and comport with best practices.”
3. **Performance Evaluations.** The Consent Decree requires that “officers who police effectively and ethically are recognized through the performance evaluation process, and that officers who lead effectively and ethically are identified and receive appropriate consideration for promotion” and that “poor performance or policing that otherwise undermines public safety and community trust is reflected in officer evaluations so that NOPD can identify and effectively respond.” Without any meaningful NOPD supervision, it is unclear to us who, if anyone, evaluates the performance of members of the Executive Protection detail. ***NOPD should take immediate action to ensure members of the Executive Protection detail are evaluated in the same manner as other NOPD officers.***
4. **Efficiency.** We understand that members of the Executive Protection team get paid for a full shift whether or not the Mayor is in town. It is unclear, however, what work they are performing while the Mayor is not in town beyond occasional administrative tasks like cleaning the Mayor’s car and catching up on Departmental paperwork. At a time when NOPD has vocally complained about its lack of officers — and used the lack of officers to explain its inability to comply with various Consent Decree obligations — it would seem to be quite inefficient to have multiple days when 1-2 additional officers are available to perform patrol work, but they are not performing patrol work. ***NOPD should consider identifying meaningful tasks members of the Executive Protection team can perform while the Mayor is out of town to contribute to the Department’s well-publicized efforts to combat its lack of personnel.***



5. **Legal Conflicts.** The City Attorney provides “legal advice to the Mayor, the City Council, and other city offices, departments, and boards,” including the NOPD. While this joint representation normally creates no conflict, when the Mayor is or may be a material witness in a PIB investigation, the risk of a real or perceived conflict is significant. Indeed, this occurred in the Vappie investigation when the City Attorney visited PIB to monitor the second interview of Officer Vappie. Situations like this can create the perception that City Hall is attempting to intimidate interviewees or investigators, or otherwise interfere in a PIB investigation. Such perception may be avoided when the Mayor is or may be a witness by (i) the imposition of a formal wall to block the exchange of information between the Mayor’s office/City Attorney’s Office and PIB and (ii) engaging outside counsel to support PIB throughout the investigation. The Office of the Independent Monitor made this suggestion in a thoughtful public letter to the City Council on February 9, 2023. The Monitoring Team agrees with the IPM’s concerns. ***NOPD should consider engaging outside counsel to advise PIB on matters when the City Attorney’s representation of the City, Mayor’s Office, and PIB could create a real or apparent conflict of interest.***

6. **Reassignment Of Officers Under Investigation.** We understand, pursuant to Policy 13.1, the Superintendent has the discretion to administratively reassign officers during certain PIB investigations. In this case, Officer Vappie had been moved out of the Executive Protection detail pending the PIB investigation, which was a sensible decision considering the nature of the allegations, the public profile of the investigation, and the likelihood that the Mayor would be a material witness in the investigation. Outgoing Superintendent Ferguson, however, hours before his retirement, directed the return of Officer Vappie to the Mayor’s security detail. While this order, fortunately, was reversed by a deputy chief and the City Attorney, the order itself created at the very least the appearance of interference in a PIB investigation. ***NOPD should consider revising its policy to prohibit officers reassigned due to a PIB investigation from being assigned back to their units until the conclusion of the PIB investigation without the express approval of the PIB Deputy Chief.***

7. **PIB Investigators.** During the course of the PIB investigation, the two investigators assigned to the Vappie investigation were moved out of PIB. The lead investigator, Lawrence Jones, was promoted to lieutenant and moved to the district patrol. The PIB Captain, Kendrick Allen, was assigned to command a district. Without at all suggesting these two promotions were not warranted, NOPD should have considered detailing both individuals back to PIB until the completion of the Vappie investigation. While Superintendent Woodfork assured the Monitoring Team both officers would be given adequate time to complete their investigation, as a practical matter, this is difficult to accomplish in practice. PIB readily concedes it lacks adequate personnel to perform aspects of its investigation in the best of times (*e.g.*, reviewing videos and documents). Adding a full time job to Allen’s and Jones’s schedules on top of their PIB jobs virtually guarantees both jobs will be compromised to some extent. ***NOPD should consider adopting a policy of detailing promoted officers back to PIB for limited timeframes when necessary to complete significant pending investigations.***



8. **Initial Investigation Letters.** At the outset of the investigation, PIB alerted Officer Vappie it had opened an administrative investigation initiated by a public complaint. The letter advised Officer Vappie that PIB would focus on an alleged violation of the 16.35 hour rule *as well as other matters*. PIB was aware at that time, however, of several other potential violations by Officer Vappie as a result of the Fox 8 coverage, including potential violations of NOPD's professionalism, conflict, and time charging rules. While PIB represented to the Monitoring Team that the general "other matters" language was all that was required to put Officer Vappie on notice of the allegations against him, the limited wording of the initial letter created avoidable problems during the Vappie interview. ***NOPD should consider the pros and cons of including a more complete description of the conduct under investigation in its initial letters to investigation subjects.***



Attachment D
PIB Investigation Report

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Brief Synopsis

On Wednesday, November 9, 2022, Sergeant Lawrence Jones reviewed a media request from WVUE a local news station indicating that Senior Police Officer Jeffery Vappie may have violated NOPD policy. The request indicated Officer Vappie may have violated policy when on several occasions while assigned to the City of New Orleans Mayor Executive Protection team he work more than 16 Hours and 35 minutes with in a 24-hour period. The request also indicated Officer Vappie may have neglected his duty when he attended a Board meeting with the City of New Orleans Housing Authority while on duty. The request also indicated that Officer Vappie may have spent numerous hours with his Protectee at the Upper Pontalba Apartments both on duty and off duty. The media request will be attached to this investigation as **(EXHIBIT D)**

Allegations

Based on the information provided, Sergeant Lawrence Jones initiated a departmental FDI on Senior Police Officer Jeffery Vappie on Wednesday, November 9, 2022, for potential violations of, **Rule 4 Performance of Duty: Paragraph 4 Neglect of Duty C6 Failing to comply with instructions. oral or written from any authoritative source to wit: N.O.P.D. Chapter 22.08 Police Secondary Employment Paragraph 32 which states: No member, including Reserve officers, shall work more than more than 16 hours and 35 minutes (16.58 hours) within a 24-hour period.**

INVESTIGATION

This Administrative Investigation was assigned to Captain Kendrick Allen and Sergeant Lawrence Jones of the Public Integrity Bureau on Friday, November 11, 2022, by Deputy Chief Keith Sanchez, bureau chief of the New Orleans Police Department Public Integrity Bureau. For the purpose of this investigation Captain Kendrick Allen will be identified as Captain Allen and Sergeant Lawrence Jones will be identified as Lieutenant Jones.

Captain Allen and Lieutenant Jones began this investigation when on Wednesday, November 9, 2022, approximately 1:00p.m., Lieutenant Jones contacted Senior Police Officer Jeffery Vappie and requested that he relocate to the Public Integrity Bureau, located at 1340 Poydras Street, Suite 1900. Officer Vappie later arrived at the Public Integrity Bureau and he was placed on Administrative Re-assignment. Officer Jeffery Vappie was released from reassignment on Wednesday, December 21, 2022, 4:00pm. **(EXHIBIT E)**

Investigating Officer's Initials: KA CDM032

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Captain Allen realize that more time would be needed to conduct a thorough, fair and impartial investigation. Therefore, on Thursday, November 17, 2022, in accordance with Civil Service Rule IX, Section 1:4 for the City of New Orleans Captain Kendrick Allen petitioned Ms. Amy Trepagner, the personnel Director of the Department of Civil Service. Captain Allen respectfully requested an extension of time so Captain Allen could conduct a thorough investigation (EXHIBIT F). On Tuesday, November 22, 2022, Captain Kendrick Allen's extension request was presented to Civil Service Hearing examiner Jay Ginsberg, by PIB Sergeant Omar Garcia. The hearing was conducted at 1340 Poydras Street Suite 900. At the conclusion of the hearing, Examiner Ginsberg granted Captain Allen's request for an extension and allowed an additional 60 days to complete the administrative investigation of Senior Police Officer Jeffery Vappie (EXHIBIT G).

To complete a thorough investigation, Captain Allen and Lieutenant Jones thought it would be best to obtain a historical information relative to previous officers assigned to the Executive Protection Detail. Lieutenant Jones was aware from previous job knowledge of the assignment that Senior Police Office Kristy Johnson-Stokes and retired Sergeant Wondell Smith were recently assigned to the Executive Protection team. Therefore, on Tuesday, November 29, 2022, Lieutenant Lawrence Jones contacted former members of the Mayor's executive protection team, New Orleans Police Senior Police Officer Kristy Johnson–Stokes now assigned to the New Orleans Police Department Investigative Services Division / Intelligence Unit and New Orleans Police Retired Sergeant Wondell Smith. Lieutenant Jones requested an interview of both officers to obtain any investigative knowledge they could provide to the investigation. Both, Officer Kristy Johnson-Stokes and Retired Sergeant Wondell Smith agreed to be interviewed. Officer Johnson-Stokes interview was set for Monday, December 5, 2022 at 11:30am and Retired Sergeant Wondell Smith was scheduled for Tuesday, December 6, 2022 at 10:00a.m.

Captain Allen and Lieutenant Jones met with Senior Police Officer Kristy Johnson-Stokes on Monday, December 5, 2022 at 12:00p.m., the interview was conducted at 3925 North I-10 service Road, Suite 212, Metairie, Louisiana 70002.

Lieutenant Jones commenced the audio-recorded interview (EXHIBIT H) by advising Officer Johnson-Stokes of her rights as outlined in the Police Officers Bill of Rights, Louisiana Revised Statue 40:2531. Lieutenant Jones informed Officer Johnson-Stokes she was only being interviewed as a witness relative to a New Orleans Police Officer being accused of potential violations of Rule 4 Performance of Duty: Paragraph 4 Neglect of Duty C6 Failing to comply with instructions, oral or written from any authoritative source to wit: N.O.P.D. Chapter 22.08 Police Secondary Employment Paragraph 32 which states: No member, including Reserve officers, shall work more than more than 16 hours and 35 minutes (16.58 hours) within a 24-hour period.

Investigating Officer's Initials: K AEDM033

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Lieutenant Jones then advised Officer Johnson-Stokes of New Orleans Police Department Chapter 52.1.1 requires all New Orleans Police Department employees to answer questions in official inquiries and refusal to comply will result in termination.

Additionally, employees are to be truthful at all times in their spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to the scope of their employment and operations of the Department. Failure to comply will result in termination. Officer Johnson-Stokes indicated she understood her rights and began her statement at 12:06p.m. Officer Johnson-Stokes stated the following:

Statement of Officer Kristy Johnson-Stokes (Witness)

Kristy Johnson Stokes...NOPD OFFICER...was trained and assigned to the mayor's office/security detail under retired Sergeant Wondell Smith for Mayor Landrieu part time until Mayor Cantrell's 1st term for 3yrs. The team working schedule was 12hr days except on Wednesday when they would work an eight (8) hour day. On special events, the entire team would be scheduled to work. Some of the responsibilities for the team was transporting the daughter to and from school, practice or whatever is in the daughter's schedule. After Sergeant. Smith's transfer out of the executive protection team, the mayor did not assign another supervisor and Sergeant. Lane (worked in Headquarters) entered the protective team's time but was not assigned to the unit. Via Mayor Cantrell she'll sometimes say, "If I need you, I'll call you." Orders came from the mayor after Sergeant. Smith left. Sometimes the mayor gave instructions to Officer Martinez or Orleans Parish Sheriff Deputy Charles Ellis. If a day exceeded 12hrs, the protection team would stay as long as the mayor was conducting business. Officer Johnson-Stokes stated, no one had keys to the mayor's residence, but they did know where an extra key to the apartment (Upper Pontalba) was located. The executive protection team would receive an email from the mayor's assistant giving them the schedule for the next working day. Via Officer Johnson-Stokes the Mayor may ask an executive protection team member to water plants which was not against the law. At times there would be a gap in the mayor's schedule that would be filled in with things like going to lunch, in the office, or church. On the schedule would be dinner parties, city events, or anything other business involving the city. Via Officer Johnson-Stokes during her time in executive protection, they didn't have keys, nor would they be inside of the Upper Pontalba apartment, nor did they travel, however, the team would occasionally, do some walk/run with the mayor. Officer Johnson-Stokes concluded her statement at 1:02p.m. Senior Police Officer Kristy Johnson-Stokes transferred to the Intelligence Section of the New Orleans Police department on May 23, 2021. A transcribed copy of Officer Kristy Johnson-Stokes statement will be attached to this investigation as **(EXHIBIT I)**

Investigating Officer's Initials: KA CDM034

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On Tuesday, December 6, 2022, approximately 10:00a.m., Captain Allen and Lieutenant Jones met with Retired Sergeant Wondell Smith. The interview was conducted in the 4700 Block of Lennox Street inside of Retired Sergeant Smith's residence. Note: To maintain the integrity of retired Sergeant's Smith residence, the residence location will not be listed in this investigation, at Sergeant Smith's request. After advising Retired Sergeant Smith of the nature of the investigation, Sergeant Smith advised he wishes to continue and began his taped recorded statement at 10:11a.m., (EXHIBIT J). Retired Sergeant Wondell Smith stated the following;

Statement of Retired Sergeant Wondell Smith (Witness)

Sergeant Smith advised he was a 35-year veteran of the New Orleans Police Department. He began his career in the 5th District; 6th District, Mounted for 10 years and three (3) years in the academy. After the academy he transferred to the Mayor's office where he served 18 years in Executive Protection. Sergeant Smith stated he served under Mayor Nagin, Landrieu and the first term of Mayor Latoya Cantrell. Sergeant Smith stated he was promoted to the rank of Sergeant in 2004 while serving under Mayor Nagin and remained as the Executive Protection Supervisor until he was transferred to Intelligence 2021.

Lieutenant Jones inquired from Sergeant Smith if he could provide insight on his job duties as Executive Protection through his time of service. Sergeant Smith responded, for the most part, it transcends. Your responsibilities are to the mayor and to the mayor's immediate family. Sergeant Smith stated, they normally work in teams of two and get the itinerary the day before either by email or text. Often Sergeant Smith would direct someone to conduct an advance review of the location, the Mayor would be visiting the following day. The itinerary received the previous day would discuss pick up location, which is normally the Mayor's residence. The Protection team members would leave their take home vehicle at the pickup location and drive the Mayor's assigned SUV for the work day. Once the Protectee is ready they would go to office or the first appointment. Once the Mayor has gone through the entire schedule, at that point it becomes family time. Sergeant Smith was very clear the Executive Protection team works at the Mayor's discretion. "If Mayor goes to the movies, you got to go to the movies."

Sergeant Smith indicated he serve under the current administration with team members, Kristy Johnson-Stoke, Louis Martinez and Orleans Parish Criminal Sheriff Charles Ellis. Sergeant Smith stated although he was the supervisor "You do what the mayor tells you to do Period." Sergeant Smith explained that all Executive Protection members goes through Executive Protection training, either before assignment or immediately after assigned. Each Mayor would meet with the perspective candidate and the final decision was the mayor's decision. Captain Allen inquired from Sergeant Smith if he considered the mayor to be a part of his Chain of command. Sergeant Smith stated, "Absolutely, the Superintendent takes orders from the Mayor and so did I."

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Lieutenant Jones inquired from Sergeant Smith if he could describe how he interacted with the Protectee. Sergeant Smith responded, always professional. During each mayor he served, he and all team members were always professional. Lieutenant Jones then inquired from Sergeant Smith if he ever served with Officer Jeffery Vappie. Sergeant Smith responded, "Yes he worked part time with Mayor Nagin." At no time doing the appointment with Mayor Nagin did he ever observe Officer Vappie to be unprofessional.

Captain Allen inquired from Sergeant Smith if he had a key to the Mayors Personal residence or the Upper Potable Apartment. Sergeant Smith responded, "No" to the personal residence, as to the Apartment nobody had a personal key, the key was kept in the car in the glove box. Lieutenant Jones then inquired from Sergeant Smith, if there was ever a moment he had to go to the apartment alone. Sergeant Smith responded, "No, you only went to that apartment like and this is like for everybody, for all the previous mayors, we went – you know you're going there Christmas, for the Christmas caroling in Jackson Square. You know you're going their New Year's Eve. You know you're going there because that's, uh, Sugar Bowl and New Year, bring in the new year, dropping the ball and all that in the French Quarter. And you might go to it during some other special event, but it's always a gathering of people coming and going." never going just hanging out.

As it relates to the payroll for the Executive protection team. Sergeant Smith stated he would enter the time and often Sergeant Tokishiba Lane would call and inquire. But, he would never discuss the Mayor's itinerary with Sergeant Lane, so she would just approve the time. Sergeant Lane was not assigned to Executive Protection, she was a Supervisor in the Investigative Services Bureau, so Sergeant Smith indicated he did not give her reasons for the hours. Sergeant Smith described the schedule as a four day (12) hour work day. Lieutenant Jones inquired from Sergeant Smith if he had any SOP's or Department Regulations associated with executive Protection. Sergeant Smith responded, "No," he normally just worked out any problems he had. Retired Sergeant Wondell Smith concluded his statement at 11:20a.m. A transcribed copy of Sergeant Smith's statement will be attached to this investigation as **(EXHIBIT K)**.

On Thursday, December 8, 2022, Lieutenant Lawrence Jones also contacted New Orleans Police Department retired Sergeant Todd Henry. Sergeant Henry Served as a member of the former New Orleans Police Superintendent Richard Pennington's executive protection team. Lieutenant Jones was aware of this appointment because of previous Job knowledge. After informing Sergeant Henry of the nature of the call and a request to interview him relative to his historical expert knowledge as it pertains to executive protection Sergeant Henry immediately agreed and requested an appointment time. Lieutenant Jones informed retired Sergeant Henry the interview will be conducted on Monday, December 12, 2022, at 1:00p.m. The interview location will be the New Orleans Police Department Public Integrity Bureau's office located at 1340 Poydras Street Suite 1900.

Investigating Officer's Initials: KA^{CDM036}

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Captain Allen and Lieutenant Jones met with retired Sergeant Todd Henry on Monday, December 12, 2022, at 1:00p.m., at the Public Integrity Bureau's office located at 1340 Poydras Street Suite 1900. Sergeant Henry provided a detailed recorded interview relative to his knowledge and training as a former Executive Protection member. **(EXHIBIT L)**. Retired Sergeant Henry began his statement at 1:21p.m. and stated the following;

Statement of Retired Sergeant Todd Henry (Witness)

Retired Sergeant Henry informed the Lieutenant Jones, he was 35-year veteran of the New Orleans Police department. Prior to retirement, he served as the Executive Protection for former Superintendent Richard Pennington. Sergeant Henry explained that he never served as the Mayor's executive protection, but he attended executive protection training. As to the duties, Sergeant Henry explained he would meet the Chief at his residence or he may tell Sergeant Henry to just meet him at Head Quarters. Often the Chief would drive himself to the Office then Sergeant Henry would drive throughout the day. Sergeant Henry explained he worked for the Superintendent's office for approximately four (4) years. Sergeant Henry explained he took several trips out of state with the Superintendent during his tenure as Executive Protection.

Sergeant Henry was asked if he was following the story involving Officer Vappie and his thoughts. Sergeant Henry responded, "That's a bad move on his part. You know, you can't, you know you're not supposed to get involved or go beyond the scope of your duties. Hey, if you got a team and you're the only one have a key, you're the only one going in, that's a problem. That is a problem. Because you're different from the rest of the guys; the number from the news story, the number of trips you take compared to the other guys, that -- looking from the outside, that looks that's more than you being security. You know, you seem to be favored over everybody else, you know, and that's -- you can't do that. You know." Retired Sergeant Todd Henry concluded his statement at 1:50p.m. A transcribed copy of Sergeant Henry's statement will be attached to this investigation as **(EXHIBIT M)**.

At the conclusion of the interviews of Officer Kristy Johnson-Stokes, Retired Sergeant Wondell Smith and Retired Sergeant Todd Henry it was clear that instruction to members of the Executive Protection detail are often delivered by text via the city issued cell or email. It was necessary for Captain Allen and Lieutenant Jones to gain access to Officer Vappie work issued cell phone and City Emails. The review will provide evidentiary value in the event instructions are received allowing Officer Vappie to attend HANO meetings while at work and any instructions he may have received as it relates to his time spent in the Upper Pontalba Apartments both on duty and off duty.

Investigating Officer's Initials: ICA^{CDM037}

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Furthermore, Lieutenant Jones and Captain Allen also wished to obtain the video surveillance video located near the Pontalba to corroborate the claims indicated in the WVUE media request. For this reason, Lieutenant Lawrence Jones instructed members of the Public Integrity Bureau Special Investigation Section to obtain the following;

1. Obtain access to Officer Vappie city emails associated with email address Jvappie@nola.gov, from March 1, 2022, to November 30, 2022, the dates Officer Vappie was assigned to the Executive Protection team. This task was accomplished on December 12, 2022. **(EXHIBIT N)**.
2. Officer Vappie work issue Cell Phone **5042698509**. This task was accomplished on December 12, 2022, at 7:12p.m., SIS members met with Officer Vappie at his reassignment location and retrieved his department cell. It should also be noted; Officer Vappie does not have Fourth Amendment protection as it relates to the city issued cell phone. The phone was later released to the New Orleans Police Department Digital Forensic Unit for analysis. Once complete the analysis will be provided to Lieutenant Jones for review. The analysis will be attached to this investigation as **(EXHIBIT O)**.
3. Complete a Public Records request to the French Market Corporation to obtain the video surveillance of the camera located on the light pole on St. Peter Street, in Jackson Square Pedestrian Mall outside of the Upper Pontalba apartment. The Public Records request will be attached to this investigation as **(EXHIBIT P)**. The Public records request was granted and the video was provided. The date range of the video was July 30, 2022, to November 17, 2022. The video surveillance will be attached to this investigation as **(EXHIBIT Q)**.

To also corroborate the inferences that Officer Vappie may have neglected his duty when he attended a HANO board meeting while on duty. Lieutenant Jones queried the Housing Authority of New Orleans official website "hano.org" and obtained historical data relative to "HANO" Board meetings from the March, 2022 to December 2022. The information obtained consisted of meeting minutes, meeting agenda and an audio recording of the meeting. The HANO information obtained from the HANO website will be attached to this investigative report as **(EXHIBIT R)**. Note: The analysis information obtained will be discussed at a later portion of the investigative report.

Captain Allen and Lieutenant Jones continued to obtain expert background information as it pertains to Executive Protection. The investigators sought to obtain Education and Training information from experts who previously trained New Orleans Police Members for executive protection. Mr. John Douglass of the Falcon Group Tactical out of the State of Mississippi and Captain Dewight Robinette of the Louisiana State Police were chosen by the investigators because both previously trained members of the NOPD Executive Protection team.

Investigating Officer's Initials: ICA ^{GDM038}

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This information was firsthand knowledge to Lieutenant Jones, because officer he recently supervised attended the training of Mr. John Douglass and Captain Dewight Robinette was identified by retired Sergeant Wondell Smith as previously training NOPD Officers.

On Wednesday December 14, 2022, Lieutenant Lawrence Jones contacted both Mr. John Douglass and Captain Robinette. Lieutenant Jones informed both of the nature of the call then requested an interview relative to the investigation. Mr. Douglass and Captain Robinette both agreed to be interviewed and appointments were set. Mr. John Douglass interview was set for Friday, December 16, 2022 at 10:00a.m. and Captain Robinette interview was set for Wednesday, December 21, 2022 at 1:30p.m. Due to the fact both members were located outside of the jurisdiction of Orleans Parish they were interviewed via telephone at their request.

On Friday, December 16, 2022, at 10:00a.m., Lieutenant Lawrence Jones contacted Mr. Douglass via telephone for the interview. Mr. Douglass was using telephone number 662-883-0025 and Lieutenant Jones and Captain Allen was using telephone number 504-421-8333. Mr. Douglass began his taped recorded telephone interview at 10:08 a.m. **(EXHIBIT T)** and stated the following to the investigators;

Statement of Mr. John Douglass (Training Expert)

Mr. Douglass stated he is a law enforcement officer in the state of Mississippi, for over 25 years probably somewhere closer to 27 years. Mr. Douglass further stated over the course of his career, he served as a patrol officer, an investigator, a narcotics agent, a SWAT team member and a protection agent for the State of Mississippi. Mr. Douglass further stated over the last 10 years, he oversees protection of at least two circuit judges.

Mr. Douglass stated he is a practitioner in protective service operations, better known as, or otherwise known as Dignitary Protection. Mr. Douglass stated he was trained at the Federal Law Enforcement Training Academy in Glencoe, Georgia. Mr. Douglass further explained he is a certified law enforcement instructor for the state of Mississippi for several years and has developed training curriculum in many different subjects, most of being, tactical firearms training and Basic SWAT training for law enforcement officers. Mr. Douglass has also developed the basic protective service operations training program for the State of Mississippi. The Program was submitted to the Board of Law Enforcement Minimum Standards for the State of Mississippi and it was upheld and granted status of a POST certification for the state of Mississippi which is reciprocal throughout the United States. Mr. Douglass went on to say he is contracted by a private company through the state of Mississippi called Falcon Group Tactical. Through the Falcon Group Tactical Mr. Douglass indicated he has trained many officers from the New Orleans Police Department. Note: Lieutenant Jones was aware that recently members of the New Orleans Police Department attended Training thru the Falcon Group.

Investigating Officer's Initials: ICA^{CDM039}

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Lieutenant Jones inquired from Mr. Douglass if he could discuss his training curriculum. Mr. Douglass stated they often discussed academic definition or a description of how a dignitary protection agent should interact with a **Protectee**, also known as a **Principal**. The communication and interaction between the two or any member of the protection detail should be kept on a **PROFESSIONAL LEVEL ONLY**.

Mr. Douglass went on to discuss the training provided by the Falcon Group also covers, escorting and eating with the principal. Mr. Douglass stated at no point should a Protection member sit with the principal unless invited and even then they position themselves with the Protectee safety in mind. Mr. Douglass further stated he believes all Executive Protection units should have a supervisor embedded in the group. The supervisor would have the authority to ensure the Protectee request align with the departments rules and regulation. The supervisor would also monitor the other members of the unit and replace them if need be. Mr. Douglass concluded his statement at 10:32a.m. A transcribe copy of Mr. John Douglass statement will be attached to this report as **(EXHIBIT U)**

On Wednesday, December 21, 2022, at 1:30p.m., Lieutenant Lawrence Jones contacted Captain Dewight Robinette via telephone for the interview. Captain Robinette was using telephone number 225-379-2029 and Lieutenant Jones and Captain Allen was using telephone number 504-421-8333. Captain Robinette began his taped recorded telephone interview at 1:36 p.m. **(EXHIBIT V)** and stated the following to the investigators;

Statement of Louisiana State Police Captain Dewight Robinette (Training Expert)

Captain Robinette stated he is currently the commander over the Governor's protection team and that is protective services for Louisiana State Police. Captain Robinette is a 27 years veteran of the Louisiana State Police with 16 of the years serving in Executive Protection. Captain Robinette stated he started Executive Protection as a Trooper and worked his way to commander of the Unit, serving under Governor Jindal and Edwards. Captain Robinette further stated he is currently the President of the National Governor's Security Association.

Captain Robinette further explained in 2014, he was in charge of operations for protective services; which entailed overseeing the daily operations of all teams, the Governor's mansion, facilitate all travel, daily movements, scheduling and all of the positions within protective services. Captain Robinette also oversaw Governor Jindal's presidential campaign in 2015.

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Captain Robinette further explained he trained many members of the New Orleans Police Department Executive Protection unit, while serving as the operations Lieutenant. The last training class he could recall was February 11-14, 2019. Captain Robinette stated many NOPD members along with other agencies attended. During the training protection, officers are taught to not only protect the Protectee well-being, but to also protect them from any embarrassment, whether it's your actions or the Protectee actions that may cause them embarrassment. Captain Robinette also explained, your attire should blend in and not overshadow your Protectee. All conversations should remain professional and limited to "Good Morning" not good morning and how was your day. The executive protection officer should gain the trust of the Protectee, but never cross the line of being unprofessional. Captain Robinette explained having a supervisor in the unit is intricate with helping to curve unprofessional behavior from either the Protectee or the team members. Captain Robinette further explained it is common for the protection team members to exercise with the Protectee, to include running, biking, walking or weight lifting. For the purpose of the Governor, it was always two Executive Protection personnel. Captain Robinette further explained as it relates to the primary living quarters of the Protectee. The team only goes there if it is a security issue.

Lieutenant Jones inquired from Captain Robinette insight on working hours for his Protection team. Captain Robinette explained all of the Louisiana State Police Executive Protection members work 12-hour days, which they normally exceed. Captain Robinette explained they follow the moto, "We wake them up and we put them to bed." The Captain also indicated they have a responsibility to the Protectee family members. Captain Robinette further explained all members of the Louisiana State Police Executive Protection team are hand selected. They take into account the persons work ethic, personality background and an interview process. Previous supervisors interviewed and a review of their internal affairs record is reviewed.

Captain Robinette explained all protection teams' whether it is federal, state or local are consistent and do the same duties. Those duties are to protect a particular dignitary. Your focus and main goal is to provide cover for that principal, regardless to whether or not you run a one-man detail or multiple man detail.

Captain Robinette concluded his statement with, **"You never do anything – and we preach this: don't do anything that's immoral, illegal or unethical. Those three things can get you in jail, fired or hurt, or get your Protectee in trouble and that's my, that's my, uh, my policy. That is what I preach all the time and I've preached it to a lot of people. And when we teach that class, we always say that: don't ever do anything that's illegal, immoral or unethical."** Captain Dewight Robinette concluded his telephone statement at 2:25p.m. A transcribe copy of Captain Dewight Robinette statement will be attached to this report as **(EXHIBIT W)**.

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After interviewing both training experts Captain Dewight Robinette and John Douglass, Lieutenant Jones and Captain Allen then wished to interview current members of the Executive Protection team. Therefore, Lieutenant Lawrence Jones contacted New Orleans Police Department Senior Police Officer Louis Martinez. Lieutenant Jones requested to interview Officer Martinez relative to his knowledge of this investigation. Officer Martinez informed Lieutenant Jones that he would be willing to provide a statement then requested a date and time to be interviewed. Lieutenant Jones advised Officer Martinez the interview would take place at the Public Integrity Bureau's office located at 1340 Poydras Street, Suite 1900. An appointment was set to interview Officer Louis Martinez on Tuesday, December 27, 2022 at 11:00a.m.

Lieutenant Jones and Captain Allen met with Officer Martinez on Tuesday, December 27, 2022 at 11:05a.m., at the Public Integrity Bureau's office, interview room number one. Prior to the interview, Captain Kendrick Allen presented Officer Louis Martinez with New Orleans Police Department Internal Investigation Rights and Responsibilities of Employees Under Investigation and Notification to Appear and Render a Statement Form. Both Captain Allen and Officer Martinez signed and dated the form, with a duplicated copy to be included with the internal investigation (EXHIBIT X).

Lieutenant Jones inquired from Officer Martinez if he had a reasonable time to summon an Attorney or Representative. Officer Martinez responded, "Yes," then informed Lieutenant Jones that he would continue the interview without an Attorney or representative present.

Lieutenant Jones commenced the audio and video-recorded interview (EXHIBIT Y) by advising Officer Martinez of his rights as outlined in the Police Officers Bill of Rights, Louisiana Revised Statute 40:2531. Lieutenant Jones advised Officer Martinez he would be interviewed as a witness. Lieutenant Jones then advised Officer Martinez of New Orleans Police Department Chapter 52.1.1 requires all New Orleans Police Department employees to answer questions in official inquiries and refusal to comply will result in termination. Additionally, employees are to be truthful at all times in their spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to the scope of their employment and operations of the Department. Failure to comply will result in termination. Officer Martinez indicated he understood his rights and began his statement at 11:16a.m. Officer Martinez stated the following:

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Statement of Officer Louise Martinez (Witness)

Officer Martinez explained to the investigators prior to joining the Executive Protection team he had several assignments throughout his 34 year NOPD Career. Officer Martinez explained that he served under Mayor Ray Nagin then again with his present assignment under Mayor Latoya Cantrell. Officer Martinez continued to explain he attended Executive Protection training with the Gretna Police Department, the Louisiana State Police and he attended training seminars with United States State Department in Virginia.

Lieutenant Jones inquired about his duties as an Executive Protection Officer. Officer Martinez stated, Executive Protection members are assigned to the Mayor and the Mayor's family. On occasion he the Mayor may request that the members pick up her family members and other family. Officer Martinez explained that both Mayor's he served under would normally request team members to pick up and transport family. When asked by Lieutenant Jones, how are members chosen for the Executive Protection team. Officer Martinez explained, the current members would make recommendations then the selected officers would be interviewed by the Mayor, who makes the final selection. Officer Martinez explained it was this way during both Administration he served, Mayor Nagin and Cantrell.

Lieutenant Jones then inquired about supervisors assigned to the team. Officer Martinez explained Sergeant Wondell Smith was the on team Supervisor prior to his transfer, however no Sergeant is currently assigned to the unit. Officer Martinez also explained, Sergeant Tokishibia Lane-Hart only responsibility was to enter payroll and ensure the members were scheduled for annual in-service training. Sergeant Lane had no responsibility to the day to day operations of the team. Officer Martinez then stated, ultimately the Mayor is the Supervisor.

Officer Martinez then explained the schedule the unit operated. Officer Martinez explained the scheduled was adopted by Sergeant Wondell Smith when he was the supervisor. Sergeant Smith adopted the State Trooper scheduled which required 12 Hour Shifts. The unit operated in Teams, he and Deputy Charles Ellis and Officer Vappie and Robert Monlyn were partners. The teams work 12-hour shifts Friday, Saturday, Sunday, Monday, 8-hours shift on Tuesday and off on Wednesday and every other weekend, unless special events or unusual circumstances like furlough, training etc.

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Lieutenant Jones then inquired from Officer Martinez if he traveled when the Protectee would travel out of town. Officer Martinez explained that he did not travel because of an illness. Martinez then explained the Protection team did not travel until Officer Vappie joined the team. Officer Martinez explained that he initially inquired from the Protectee if the team needed to travel and the answer were "NO." Officer Martinez stated, Officer Vappie mentioned to him that he suggested to the Protectee that the Executive Protection team travels with her.

Officer Martinez then explained that he started to notice Officer Vappie unprofessional behavior with the Protectee. Officer Martinez explained how Officer Vappie would sit at the table with the Protectee. Officer Martinez stated, "I found it strange, uh, when I'm waiting for him to get a parking spot to go in, I go in the restaurant; he's sitting, sitting with his back to the door, which we don't do by ourselves. The mayor was sitting at the table, sitting at the table and I just looked at him and I, I said, it just didn't look right. I'm, I'm working for you and I'm sitting down having dinner with you. This didn't look right. We always have a table off to the side, it just didn't look right and I told him again. I said, man, you know you're not following protocol." Martinez stated, he approached Officer Vappie and stated to him "There's a line that you, you don't cross it. And I asked him did he crossed it; did he cross it and he said no. I took him at his word." Lieutenant Jones inquired from Officer Martinez if he ever told a supervisor about Officer Vappie's unprofessional behavior. Officer Martinez stated, "No, I made it known to him that I didn't approve of what he was doing.

Lieutenant Jones then inquired from Officer Martinez, what was his relationship like with the current Protectee. Officer Martinez explained, "You don't have a relationship with uh, the mayor. it is the mayor's office and then there's the mayor and your executive protection, you don't have a relationship with the mayor period."

Officer Martinez went on to say he was disappointed about what he was hearing about Vappie being in the Upper Pontalba Apartment abnormal hours. Officer Martinez also stated, "Um, I was surprised. Like I said, I was hurt. I don't know. I don't get hurt but, uh, I was, when I asked him did he cross the line and he said no, I was concerned about if he was telling me the truth. Watching him walk in, coming out all hours of the night, uh, that, that's the only thing that bothered me. You know, we all are grown men. We have common sense and you know, you can only speculate what, what happened because, you know, you don't really know what happened. But we're grown men and women, so Hum, I cannot see, they go in there with workout clothes. They come out dressed in your work attire. They spend 5 hours a day, I mean, that's strange. It was, it was strange to me." Senior Police Officer Louis Martinez concluded his statement at 12:40p.m. A transcribed copy of Officer Martinez's statement will be attached to this investigation as (EXHIBIT Z).

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After interviewing Officer Martinez, Lieutenant Jones individually contacted Senior Police Officer Robert Monlyn and OPCSO Deputy Charles Ellis, both are members of the current Executive Protection team. Lieutenant Jones informed both of the nature of the call then requested an interview relative to the investigation. Officer Robert Monlyn and Deputy Charles Ellis both agreed to be interviewed and appointments were set. Officer Monlyn interview was set for Wednesday, December 28, 2022 at 10:30a.m. and Deputy Ellis interview was set for Wednesday, December 28, 2022 at 3:00p.m.

Lieutenant Jones and Captain Allen met with Officer Robert Monlyn on Wednesday, December 28, 2022 at 10:35a.m., at the Public Integrity Bureau's office interview room number one. Prior to the interview, Captain Kendrick Allen presented Officer Robert Monlyn with New Orleans Police Department Internal Investigation Rights and Responsibilities of Employees Under Investigation and Notification to Appear and Render a Statement Form. Both Captain Allen and Officer Monlyn signed and dated the form, with a duplicated copy to be included with the internal investigation (**EXHIBIT AA**).

Lieutenant Jones inquired from Officer Monlyn if he had a reasonable time to summon an Attorney or Representative. Officer Monlyn responded, "Yes," then informed Lieutenant Jones that he would continue the interview without an Attorney or representative present.

Lieutenant Jones commenced the audio and video recorded interview (**EXHIBIT BB**) by advising Officer Monlyn of his rights as outlined in the Police Officers Bill of Rights, Louisiana Revised Statute 40:2531. Lieutenant Jones advised Officer Monlyn he was only being interviewed as a witness. Lieutenant Jones then advised Officer Monlyn of New Orleans Police Department Chapter 52.1.1 requires all New Orleans Police Department employees to answer questions in official inquiries and refusal to comply will result in termination. Additionally, employees are to be truthful at all times in their spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to the scope of their employment and operations of the Department. Failure to comply will result in termination. Officer Monlyn indicated he understood his rights and began his statement at 10:42a.m. Officer Monlyn stated the following:

Statement of Officer Robert Monlyn (Witness)

Senior Police Officer Robert Monlyn is a 25-year veteran of the New Orleans Police Department. Officer Monlyn explained that he previously worked Executive Protection for former Mayor Mitch Landrieu on a part time basis, prior to joining the current team in June 2020. Officer Monlyn explained that once he arrived to the team he had no ranking supervisor and he considered Officer Louis Martinez as the senior person to be his supervisor. As far as payroll all payroll was sent to Sergeant Tokishiba Lane-Hart for entry. As to the Protectee, the schedule came via email from Katrina Simmons the Protectee scheduler.

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Officer Monlyn explained he attended Executive Protection training with the Louisiana State Police. Officer Monlyn also provided a description of the work schedule and the hours the team members work. Lieutenant Jones inquired about the team's schedule from Officer Monlyn. Officer Monlyn informed Lieutenant Jones the team work four 12 hour days and are off every other weekend. Monlyn also confirmed that his partner was Officer Jeffery Vappie. Officer Monlyn also confirmed that he and Officer Vappie would do most of the traveling with the Protectee.

Officer Monlyn then explained to investigators that occasionally he would accompany the Protectee and Officer Vappie when the Protectee wanted to exercise. Monlyn further stated they would often exercise at Audubon Park or Napoleon Avenue and once completed the Protectee would return to her residence and he and Officer Vappie would leave.

Lieutenant Jones inquired from Officer Monlyn if he had any keys to the Protectee personal home or the Pontalba Apartment. Officer Monlyn responded "No." Lieutenant Jones inquired if he knew if Officer Vappie had keys to either the house or the apartment. Officer Monlyn responded, "I don't know." Officer Monlyn continued to inform the investigators he first visited the Pontalba apartment for a New Year's Eve party for the 300 Year Anniversary. Officer Monlyn then explained when he and Officer Vappie would drop the Protectee off at the Pontalba, he would stay with the car and Officer Vappie would escort the Protectee to the apartment. Officer Monlyn stated he would often park in the Police Zone near the Cathedral or Chartres street. Once Officer Vappie would return they would leave, retrieve their take home vehicle and remain on call available to return if they were summoned by the Protectee. Officer Monlyn stated the longest he recalls waiting for Officer Vappie to return was about 20 minutes.

Officer Monlyn was then asked "Talk to me about the relationship that you recognize when y'all were together in the car, with him and the Protectee." Officer Monlyn responded, "It really, honestly, bruh, I didn't, I didn't see anything."

Lieutenant Jones inquired from Officer Monlyn if he had any conversations with any of his other team members about the relationship with Vappie and the Mayor? Officer Monlyn responded, "Yeah, well, I would say, uh, I want to say, uh, so this is, this, this was one of the things that was, that came forward and I don't know if it was uh, if it was Louis or Charles. But I know somebody mentioned, uh, like, him, they were like, man, we see, you know, Jeffrey always got his hand out, you know, reaching for her. But she says, y'all leave him alone. I, that's what he's supposed to do. He's a man. I'm a female. I need help getting out the car. So, I think it was Louis. Louis would joke about that all the time. Yeah, you know, I gotta do like Jeffrey do it, put my hand out. But I mean, it was fun and games. She would, we would all laugh it off."

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Officer Monlyn went on to say, "So, when it came, when it came up, like, she would laugh about it, too. It's like, no, you know, I got a dress on. I'm stepping out of a, a tall vehicle; I need help getting down. You know, so, we kind of all started doing that. But, so, I mean, for us, it was just, you know, it just was no separation from a man or a woman. If it's, you know, we're here. You get out the car, you get out the car. Now, we protected you once you get out. We're not worrying about, you know, grabbing your hand and stuff like that." Lieutenant Jones then inquired from Officer Monlyn if that's what you were trained to do? Officer Monlyn responded, "No."

At the conclusion of the interview Lieutenant Jones inquired from Officer Monlyn, "Is there anything I did not ask you, that you think is important?" Officer Monlyn responded, "I mean, so it, it's a bad look. That's definitely not a professional look. I mean anything that, anything that happened, uh, had to be done when I wasn't, when I wasn't there. And I think that's the, that's the thing that is probably what's confusing you now." Senior Police Officer Robert Monlyn concluded his statement at 12:19p.m. A transcribed copy of Officer Monlyn's statement will be attached to this investigation as (EXHIBIT CC).

On Wednesday, December 28, 2022, at 3:00p.m. Captain Allen and Lieutenant Jones met with OPCSO Deputy Charles Ellis at the Public Integrity Bureau's office located at 1340 Poydras Street Suite 1900. Deputy Ellis provided a detailed recorded interview relative to his knowledge of the investigation involving Officer Jeffery Vappie (EXHIBIT DD). Deputy Ellis began his statement at 3:08p.m. and stated the following;

Statement of OPCSO Deputy Charles Ellis (Witness)

Deputy Charles Ellis explained that he is member of the Orleans Parrish Criminal Sheriff office and detailed to the Mayor's Office executive Protection detail. Deputy Ellis explained that he was the Mayor's security when she served on the City Council then transferred with her to the Mayor's Office after the election. In all, Deputy Ellis have served as Executive Protection for Latoya Cantrell for more than 10 years, City Council and Mayor's Office combined). Deputy Ellis also discussed he attended Executive Protection training with the Gretna Police Department along with other trainings periodically. Lieutenant Jones inquired about the team's schedule from Deputy Ellis. Deputy Ellis informed Lieutenant Jones the team work four 12 hour days and are off every other weekend.

Deputy Ellis description of Executive Protection Duties mirrored the duties identified by Officer Martinez. Deputy Ellis further confirmed that all schedules and itinerary were sent by the Mayor's scheduler Kertrina Simmons either by text or email.

As it relates to traveling, Deputy Ellis explained the travelling started when Officer Vappie arrived and suggested to the Protectee that the team should travel, however, Deputy Ellis never traveled even after obtaining a Passport and new luggage.

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Deputy Ellis further stated he noticed Officer Vappie became overly charismatic with the Protectee. The Deputy provided an example and stated, "We are at -- she go to eat dinner; one of her favorite places is Houston's and protocol is, you do not sit with the principal at the table. Because if you're sitting with your principal at the table, who's watching your back." Deputy Ellis stated he noticed that and brought it to Officer Vappie's attention. According to Ellis, Vappie responded, "Yeah, I see how that, that, that could look."

Deputy Ellis then stated, "After seeing a couple of incidents, uh, I told him, I said, 'hey, man,' I said, 'look,' I said, 'I don't know what's going on, but that what you're doing is inappropriate. You've been to executive protection school,' you know. I say, 'now from a security standpoint,' I said, 'you're not only putting yourself in danger, but you're putting the mayor in danger' because you can't see behind you if there's somebody wants to do her harm." Again, according to deputy Ellis Vappie responded, "Oh, yeah, man, I understand how it look." Deputy Ellis explained he noticed the unprofessional behavior with Officer Vappie four or five times.

Deputy Ellis explained that he and the other members of the team talked with Officer Vappie as a whole, but he never told any NOPD or Orleans Parish Criminal Sheriff Office supervisor. As it relates to the HANO Board Deputy Ellis stated, "It was just dropped on us." At the conclusion of the interview Lieutenant Jones inquired from Deputy Ellis if believed Officer Vappie were unprofessional, Deputy Ellis responded "Yeah. Absolutely." Deputy Charles Ellis concluded his statement at 3:52p.m. A transcribed copy of Deputy Ellis' statement will be attached to this investigation as **(EXHIBIT EE)**.

After interviewing the other members of the Executive Protection team, it was clear to Captain Allen and Lieutenant Jones, that the members felt Officer Vappie actions were inappropriate and brought discredit to the team. Deputy Ellis in fact indicated he personally spoke with Officer Vappie about his unprofessional behavior and requested that Officer Vappie stop. According to Deputy Ellis he personally witnessed Officer Vappie inappropriate behavior 4 or 5 times. As to Officer Louis Martinez, Officer Martinez stated he inquired from Officer Vappie if he crossed the line, Officer Vappie stated 'No,' Officer Martinez stated, "I took him at his word."

On Tuesday, January, 3, 2022, approximately 2:00p.m., Captain Kendrick Allen contacted Senior Police Officer Jeffery Vappie and requested an Administrative interview relative to the investigation involving Executive Protection. Officer Vappie informed Captain Allen that he would be willing to provide a statement then requested a date and time to be interviewed. Captain Allen advised Officer Vappie the interview will be conducted at the Public Integrity Bureau's office located at 1340 Poydras Street, Suite 1900. An appointment was set to interview Officer Vappie on Monday, January 9, 2023, at 2:00p.m.

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Captain Allen and Lieutenant Jones met with Officer Vappie on Monday, January 9, 2023, at 2:00p.m., at the Public Integrity Bureau's Office interview room number one. Prior to the interview, Lieutenant Lawrence Jones presented Officer Jeffery Vappie with New Orleans Police Department Internal Investigation Rights and Responsibilities of Employees Under Investigation and Notification to Appear and Render a Statement Form. Both Lieutenant Jones and Officer Vappie signed and dated the form, with a duplicated copy to be included with the internal investigation **(EXHIBIT FF)**.

Lieutenant Jones inquired from Officer Vappie if he had a reasonable time to summon an Attorney or Representative. Officer Vappie responded, "Yes," then informed Lieutenant Jones that Attorney Nicholas Linder and Brandon Villavaso would be present for his statement as his Attorney and representative.

Lieutenant Jones commenced the audio and video recorded interview **(EXHIBIT GG)** by advising Officer Vappie of his rights as outlined in the Police Officers Bill of Rights, Louisiana Revised Statute 40:2531. Lieutenant Jones advised Officer Vappie he was being accused of potential violations of Rule 4 Performance of Duty: Paragraph 4 Neglect of Duty C6 Failing to comply with instructions. oral or written from any authoritative source to wit: N.O.P.D. Chapter 22.08 Police Secondary Employment Paragraph 32 which states: No member, including Reserve officers, shall work more than more than 16 hours and 35 minutes (16.58 hours) within a 24-hour period. Lieutenant Jones then advised Officer Vappie of New Orleans Police Department Chapter 52.1.1 requires all New Orleans Police Department employees to answer questions in official inquiries and refusal to comply will result in termination.

Additionally, employees are to be truthful at all times in their spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to the scope of their employment and operations of the Department. Failure to comply will result in termination. Officer Vappie indicated he understood his rights and began his statement at 2:14p.m. Officer Vappie stated the following:

Statement of Officer Jeffery Vappie (Accused)

On January 9, 2023 the investigators meet with Officer Jeffery Vappie for an interview. Investigators learned that Officer Vappie is a 25-year veteran of the New Orleans Police Department and have served in several prestigious units such as Homicide, Intelligence and Assets Forfeiture. Vappie, during former Mayor Ray Nagin's second term in office was assigned to his executive protection team by former NOPD Superintendent Warren Riley. During his time there, Officer Vappie received training from the Black Cats Executive Protection Agency sponsored by the Gretna Police Department and further training from Louisiana State Police executive protection team.

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While working Mayor Nagins detail, the team would work twelve (12) hour shifts, just like now, and would travel with the mayor on business related trips. Vappie relayed that some of his duties include taking care of maintenance on the mayor's city vehicle and doing advance site security as it relates to the mayor's upcoming events. Vappie also stated that if Mayor Nagin was out of town that you would still work your twelve-hour shift. It was also revealed to investigators that the executive protection team would often pick up and drop Mayor Nagin, and his family, off at the city owned Pontalba Apartment. Officer Vappie stated that during the Nagin administration, that Sergeant Wondell Smith was the supervisor of the unit.

After Mayor Landrieu was sworn in, Officer Vappie went back to Asset Forfeiture until May of 2021 when he was assigned to Mayor Cantrell's executive protection team by then NOPD Superintendent Shaun Ferguson. During this time with the Executive Protection team, the schedule and the hours worked were the same as with Mayor Nagin. Investigators learned that during this second assignment with the EP team, Sergeant Wondell Smith had been removed from the team. Investigators asked Vappie who was the supervisor, without hesitation Vappie responded "THE BOSS". When investigators asked for clarification, Vappie stated that he was referring to Mayor Cantrell. During this tour with the EP team Vappie stated that he would receive an email or text, to city phone, with the mayor's schedule and assignments for the next day. Vappie also stated that he would email his time to Sergeant Tokishiba Lane-Hart to be entered into ADP, however, he would not check for accuracy. Officer Vappie and Monlyn would accompany the mayor on travel trips because Officers Martinez was too sick to, and Deputy Ellis did not want to. Vappie also stated that travel with Mayor Cantrell started after she received two threats made on her life. Note: The investigators were unable to verify the Threats discussed by Officer Vappie. Vappie also stated that the mayor appointed him to the HANO Board and she wanted him to attend the meetings. Officer Vappie explained while at the meeting he was not performing the duty of an Executive Protection member. Vappie also indicated that the Protectee was never present at the HANO Board meetings.

Investigators questioned Vappie about his time at the Pontalba apartment. Vappie stated that he would exercise with the mayor some mornings before work and some evenings off the clock. Vappie stated that if he would exercise before duty with the mayor that he would take a shower in the Pontalba and change into business attire to start his shift. Vappie further explained that he was the only member of the Executive Protection team that would work out with the Protectee. Occasionally Officer Monlyn would be present when they worked out in Audubon Park, but he would drive the vehicle. Officer Vappie also indicated Officer Monlyn was not present when he worked out with the Protectee before work I the morning. vi Investigators also learned that several times Officer Vappie would sit at the table with the mayor and have dinner at restaurants, which is a violation of his Executive Protection Training. Investigators learned that September 1, 2022 that Officer Vappie was assigned to the Police Consultant Fausto Pichardo by Mayor Cantrell. Officer Jeffery Vappie concluded his statement at 5:13p.m. A transcribed copy of Officer Vappie's statement will be attached to this investigation as **(EXHIBIT HH)**.

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Captain Kendrick Allen contacted New Orleans Police Department Sergeant Tokishiba Lane-Hart. Captain Allen requested to interview Sergeant Lane-Hart relative to her knowledge of this investigation. Sergeant Lane-Hart informed Captain Allen that she would be willing to provide a statement then requested a date and time to be interviewed. Captain Allen advised Sergeant Lane-Hart the interview will be conducted at Police Head Quarters MSB Office located at 715 S. Broad Street, 4th floor. An appointment was set to interview Sergeant Lane-Hart on Thursday, January 19, 2023 at 11:00a.m.

Captain Allen met with Sergeant Lane-Hart on Thursday, January 19, 2023 at 11:00a.m., at Police Head Quarters MSB Office located at 715 S. Broad Street, 4th floor. Prior to the interview, Captain Kendrick Allen presented Sergeant Lane-Hart with New Orleans Police Department Internal Investigation Rights and Responsibilities of Employees Under Investigation and Notification to Appear and Render a Statement Form. Both Captain Allen and Sergeant Lane-Hart signed and dated the form, with a duplicated copy to be included with the internal investigation **(EXHIBIT II)**.

Captain Allen inquired from Sergeant Lane-Hart if she had a reasonable time to summon an Attorney or Representative. Sergeant Lane-Hart responded, "Yes," then informed Captain Allen that, Captain Michael Glasser would be present for the interview as her representative present.

Captain Allen commenced the audio and video recorded interview **(EXHIBIT JJ)** by advising Sergeant Lane-Hart of her rights as outlined in the Police Officers Bill of Rights, Louisiana Revised Statute 40:2531. Captain Allen advised Sergeant Lane-Hart she was only being interviewed as a witness. Captain Allen then advised Sergeant Lane-Hart of New Orleans Police Department Chapter 52.1.1 requires all New Orleans Police Department employees to answer questions in official inquiries and refusal to comply will result in termination. Additionally, employees are to be truthful at all times in their spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to the scope of their employment and operations of the Department. Failure to comply will result in termination. Sergeant Lane-Hart indicated she understood her rights and began her statement at 11:07a.m. Sergeant Lane-Hart Martinez stated the following:

Statement of Sergeant Tokishiba Lane-Hart (Supervisor)

On Thursday, January 19, 2023, at 11:07am Captain Kendrick Allen interviewed Sergeant Lane-Hart with her representative Captain Michael Glasser present. Before the interview started, Captain Allen read into record the Police Officer Bill of rights and confirmed that Sergeant Lane-Hart understood her rights. During this interview, Sergeant Lane expressed that her job duties as it relates to the Mayor's Executive Protection Team was only administrative and limited to her entering their payroll and assuring that they completed all mandated training.

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Sergeant Lane was very direct in answering that she received the Executive Protection Team member's payroll time by email and sometimes text messages but was not privy to the mayor's schedule nor did she communicate with the mayor's scheduler. Sergeant Lane-Hart stated that she also enters the time from officers assigned to the City Attorney's Office as well as the City Council Chambers. However, she can go to where those officers are assigned to conduct checks on those officers, which she did occasionally. Also, related to the officers in the City Attorney Office and the Council Chambers, she has a civilian point of contact unlike the situation with the Mayors Executive Protection Team. Sergeant Lane-Hart also stated that she has no input into who goes to executive protection and she only find out that a new member of the team has been added when she's contacted by the new officer for payroll entry. Sergeant Tokishiba Lane-Hart concluded her statement at 11:21a.m. A transcribed copy of Sergeant Lane-Hart's statement will be attached to this investigation as **(EXHIBIT KK)**.

On Wednesday, February 8, 2023, Officer Jeffery Vappie returned to the Public Integrity Bureau for a follow-up interview with Lieutenant Jones and Captain Allen. The follow-up interview was conducted in interview #1 of the Public Integrity Bureaus Office. Prior to the interview, Captain Kendrick Allen presented Officer Jeffery Vappie with New Orleans Police Department Internal Investigation Rights and Responsibilities of Employees Under Investigation and Notification to Appear and Render a Statement Form. Both Captain Allen and Officer Vappie signed and dated the form, with a duplicated copy to be included with the internal investigation **(EXHIBIT FF)**.

Captain Allen inquired from Officer Vappie if he had a reasonable time to summon an Attorney or Representative. Officer Vappie responded, "Yes," then informed Captain that Attorney Nicholas Linder and Brandon Villavaso would be present for his statement as his Attorney and representative. Captain Allen commenced the audio and video recorded interview **(EXHIBIT GG)**

Follow-up Statement of Officer Jeffery Vappie (Accused)

Officer Vappie explained during the follow-up statement that he was assigned to the Consultant Chief by the Protectee. Officer Vappie stated his task was to make sure he got "To/from throughout the department and around the city to investigate things that he needed to investigate; to do his consulting".

Lieutenant Jones inquired from Officer Vappie if he can discuss the HANO Board and his appointment to the Board. Officer Vappie stated, "Okay. So, the reason I was at that HANO board meeting is because I was appointed commissioner by the mayor, and the mayor gave me permission while I was working executive protection to be there at that, to be there at the, uh, the meeting. But at no time, if the mayor was to call at any time, while I'm on that board, on that panel, that I could not or would be prevented from leaving to go take care of my police duties."

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So, it was, it was no issue. I was not being paid. So, uh, yeah, I had the city phone; on call. If I was to get a call, because I'm still on call, I went to that, I went to uh, the HANO board meeting was called, but I'm still on call; I'm still available if needed, I would go. I didn't see the issue. That's it. That's my answer."

Prior to the conclusion of Officer Vappie supplemental statement, Captain Allen presented him and his attorney with a copy of NOPD Chapter 13.38, *Nepotism and Employment Conflicts*. Captain Allen then read to Officer Vappie the definition of Personal Relationship per the Chapter. "Okay. Personal Relationships, including Marriage, Co-habitation, Dating or any other Romantic or Intimate Relationships beyond Mere Friendship. All right. You understand, the definition?" Officer Vappie informed the investigators his relationship with his Protectee, Mayor Latoya Cantrell was only "Professional". The audio taped statement will be attached to this investigation as **(EXHIBIT GG)**. A transcribed copy of Officer Vappie continued statement will be attached to this investigation as **(EXHIBIT HH)**.

Analysis Review

At the conclusion of the interviews of the Executive Protection team members and Sergeant Lane-Hart, Lieutenant Lawrence Jones began to conduct a review of the previously obtained evidence. Lieutenant Jones began the analysis review with the material obtain from the Housing Authority of New Orleans. To conduct this thorough review Lieutenant Jones obtained a copy of Officer Jeffery Vappie Employee ID#08913 ADP (Payroll) records from January 1, 2022 to December 31, 2022. The payroll records will be attached to this investigation as **(EXHIBIT LL)**.

Per the HANO website it was determined that Officer Jeffery Vappie joined the HANO Board in March of 2022. The March meeting was held on **March 29, 2022, at 4:00p.m.** According to the agenda the meeting was an in-person meeting held at the Helen W. Lang Memorial Boardroom, building "B", located at 4100 Touro Street, New Orleans, LA 70122. Per the agenda the 3rd item was "ROLL CALL." The roll call is where the names of the present board members is called to determine if a quorum is present.

The roll call was captured via the recording also obtained from the HANO website. At the 1 minute and 33 seconds mark, you could hear the name Jeffery Vappie called, in response you hear Jeffery Vappie respond "PRESENT", indicating he is present at the meeting. Again, the meeting began at 4:00p.m., 1 minute and 33 seconds into the meeting Officer Jeffery Vappie responds "PRESENT". A review of Officer Vappie payroll records for March 29, 2022, indicated that Officer Vappie was on duty from 8am – 8pm. Officer Vappie was assigned to the Executive Protection Unit and his responsibility was to perform protection of his Protectee the Mayor of New Orleans. During Officer Vappie interview on Monday, January 9, 2023, Officer Vappie stated, he was appointed to the non-paid volunteer Board by Mayor Latoya Cantrell, however, Mayor Cantrell was never present at any of the board meetings.

Investigating Officer's Initials: KACDM053

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Officer Vappie also indicated during his interview that he was not performing Executive Protection duties while at the HANO Board Meeting. According to NOPD Policy Rule 4: Performance of Duty, paragraph 3; devoting entire time to duty, officers shall not engage in activities or personal business which would cause them to neglect or be inattentive to duty. Clearly Officer Vappie was not attentive to his duty as an Executive Protection member when he attended the HANO Board meeting at 4:00p.m., while still on duty until 8:00p.m.

According to the HANO obtained records, the **April Board Meeting was cancelled**. The May meeting was held on **May 24, 2022, at 4:00p.m.** and the June Board meeting was held on **June 28, 2022, at 4:00p.m.** According to the Roll Call Audio Officer Vappie was present for both meetings. The May and June meeting was also held at Helen W. Lang Memorial Boardroom, building "B", located at 4100 Touro Street, New Orleans, LA 70122. A review of Officer Vappie payroll records for May 24, 2022 and June 28, 2022, Officer Vappie was listed as "SICK" and not on duty. Officer Vappie presence at the meetings while "SICK" did not violate any NOPD policy. Reason, according to NOPD Policy Chapter 22.4 Title Sick Leave, Paragraph 13, employees are not required to remain confined to a specific location while sick. The **July 26, 2022**, Board meeting again according to the HANO records Officer Vappie was present at the meeting, but his NOPD payroll records indicate Officer Vappie was OFF DUTY.

The August 30, 2022, HANO Board meeting, started at 4:04p.m. and ended at 5:44p.m. Although, at the August meeting Officer Vappie is not heard on the audio acknowledging present. The meeting minutes indicate that Officer Vappie was present at the meeting, as seen below with ATTACHMENT "1". The minutes also indicate that Officer Vappie made and 2nd a Motion on two separate Resolutions during the meeting, as seen below with ATTACHMENT "2". A review of Officer Vappie NOPD Payroll records for August 30, 2022, indicates that Officer Vappie was on Duty from 8:00am to 9:00pm. Again, Officer Vappie was not attentive to his duty as an Executive Protection member when he attended the HANO Board meeting at 4:04p.m. to 5:44pm, while still on duty until 9:00p.m.

CDM054

Investigating Officer's Initials: KA

ATTACHMENT "1"

HOUSING AUTHORITY OF NEW ORLEANS
MINUTES OF THE BOARD OF COMMISSIONERS
REGULAR MEETING
AUGUST 30, 2022

The Board of Commissioners of the Housing Authority of New Orleans met in Regular Session in the Helen W. Long Meyersall Board Room of the Authority located at 4100 Toussaint Street, Building 11 in the City of New Orleans, Louisiana 70122 at 4:00p.m., on the 30th day of July, 2022.

PRESENT

Earla Heath, HANO Executive Director
Dorcas Alexander, HANO General Counsel

Ronald A. Jones, Section B Representative Kim Jones
W.D. Johnson, Community United for Change Shelia Jones
Dorcas Jones, National Rights Assembly (Shera) Jones

I. STATEMENT BY GENERAL COUNSEL

B. CALL TO ORDER

The Board of Commissioners Regular Meeting was called to order by the President, commencing at 4:04 pm.

III. ROLL CALL

PRESENT

President Johnson
Commissioner Barros
Commissioner Jeter
Commissioner Hanson
Commissioner Payer
Commissioner McPherson
Commissioner Vignone

ABSENT

Van T. Taylor, Board
Commissioner Johnson

A quorum was present.

ATTACHMENT "2"

MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS FOR AUGUST 30, 2022

IV. NEW BUSINESS

Item(s) for Approval

REORGANIZATION

Resolution No. 2022-17 – Disposition of Financial Transition Authority – Presented by Tracy Jackson, Acting Deputy Director of Administrative/General Services

Action: To Approve Resolution No. 2022-17 – Approval for Disposition of Financial Transition Authority

MOTION BY: Commissioner Hanson
SECOND BY: Commissioner Vignone
DISCUSSION: None
DETERMINATION: All in favor; none opposed

Motion passed. Resolution No. 2022-17 is approved.

Resolution No. 2022-19 – Approval to Amend Resolution No. 2022-05 to Discontinue Support Services for the On-Cat HVAC Services – Presented by Winger Webb, Director of Asset Management

Motion: To Approve Resolution No. 2022-19 – Approval to Amend Resolution No. 2022-05 to Discontinue Support Services for On-Cat HVAC Services

MOTION BY: Council Member Vignone
SECOND BY: Commissioner Payer
DISCUSSION: None
DETERMINATION: All in favor; none opposed

Motion passed. Resolution No. 2022-19 is approved.

X. PUBLIC COMMENTS

Public Comment(s)

- Kim Jones
- W.D. Johnson
- Dorcas Jones
- Kim Jones
- Grae A. Smith
- Gloria Smith

- Board of Commissioners Comment(s)
- Sharon Jones

XI. ANNOUNCEMENTS AND REMINDERS

- No Announcements or Reminders

The September 20, 2022, Board meeting officer Vappie again was not heard on the roll call audio and the minutes indicate he was not present. The October 25, 2022, Board meeting, Officer Vappie was present for the meeting which began at 4:03p.m., according to the minutes. Officer Vappie payroll records indicate his shift ended at 4:00p.m. on October 25, 2022. According to the HANO website, no meeting information was posted for November 2022 and the December 2022 meeting was cancelled.

Lieutenant Jones analysis review of Officer Jeffery Vappie and the HANO Board meetings indicated that on two separate occasions, March 29, 2022 and August 30, 2022, Officer Jeffery Vappie attended a HANO Board meeting while still on duty with the New Orleans Police Department.

Lieutenant Jones also reviewed Officer Vappie ADP payroll for 16 hours and 35 minutes' violation. The review covers the time frame of May 1, 2021 through December 31, 2022. Lieutenant Jones observed on four (4) different occasion during the review time period where Officer Vappie payroll exceeded 16 hours and 35minutes in single day. The dates were Friday, November 5, 2021 (Attachment 3), Monday, January 10, 2022 (Attachment 4), August 29, 2022, (Attachment 5) and September 28, 2022 (Attachment 6).

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Attachment 3 is a depiction of Officer Vappie ADP time card for the week of October 31, 2021 to November 6, 2021. As you can see, on November 5, 2021, it appears that Officer Vappie worked for 20 hours. The time card was entered by NOPD Sergeant Tokishiba Lane, and the remarks indicate that Officer Vappie was on an out of town Trip with the Mayor at a Climate Control Summit. According to the ADP records for Officer Vappie and the other Executive Protection team members (Martinez and Monlyn), Officer Vappie was the only Executive Protection traveling. The investigator located no evidence that Officer Vappie was not acting in his official capacity as an Executive Protection member.

(Attachment 3)

Date	Pay Code A...	In	Transfer	Out	In	Transfer	Out	S...	Daily	Period
Sun 10/31		7:00AM	POL-0127609HM...	3:25PM	3:25PM	UNSCHEDULED	11:00PM	W	16.00	16.00
Mon 11/01		8:00AM	POL-0127609HM...	4:35PM	4:35PM	UNSCHEDULED	10:00PM	W	14.00	30.00
Tue 11/02		8:00AM	POL-0127609HM...	4:35PM	4:35PM	UNSCHEDULED	11:00PM	W	15.00	45.00
Wed 11/03		8:00AM	POL-0127609HM...	4:35PM	4:35PM	UNSCHEDULED	11:00PM	W	15.00	60.00
Thu 11/04		8:00AM	POL-0127609HM...	4:35PM	4:35PM	UNSCHEDULED	10:00PM	W	14.00	74.00
Fri 11/05		8:00AM	POL-0127609HM...	7:55AM	7:55AM	UNSCHEDULED	11:00PM	W	20.00	94.00
Sat 11/06										94.00

Attachment 4 and 4A is a depiction of Officer Vappie and Robert Monlyn's ADP time card for the week of January 9, 2022 to January September 15, 2022. As you can see, on January 10, 2022, it appears that Officer Vappie worked for 19 hours. The time card was entered by NOPD Sergeant Tokishiba Lane, and the remarks indicate that Officer Vappie worked the Mayor's Inauguration Celebration. Officer Vappie time mirrored his partner Officer Robert Monlyn's time for January 10, 2022. The investigator located no evidence that Officer Vappie or Monlyn was not acting in their official capacity as an Executive Protection member.

(Attachment 4)

(Attachment 4A)

Date	Pay Code A...	In	Transfer	Out	In	Transfer	Out	S...	Daily	Period
Jan 09		7:00AM	POL-0127609HM...	3:25PM	3:25PM	UNSCHEDULED	11:00PM	W	16.00	16.00
Jan 10		8:00AM	POL-0127609HM...	4:35PM	4:35PM	UNSCHEDULED	10:00PM	W	14.00	30.00
Jan 11		8:00AM	POL-0127609HM...	4:35PM	4:35PM	UNSCHEDULED	11:00PM	W	15.00	45.00
Jan 12		8:00AM	POL-0127609HM...	4:35PM	4:35PM	UNSCHEDULED	11:00PM	W	15.00	60.00
Jan 13		8:00AM	POL-0127609HM...	4:35PM	4:35PM	UNSCHEDULED	10:00PM	W	14.00	74.00
Jan 14		8:00AM	POL-0127609HM...	7:55AM	7:55AM	UNSCHEDULED	11:00PM	W	20.00	94.00
Jan 15										119.00

CDM056

Investigating Officer's Initials: KA

(Attachment 6)

Date	Pay Code	Amount	In	Transfer	Out	In	Transfer	Out	Schedule	Daily	Period
Sep 25	WkH	7.00								7.00	7.00
Mon 9 26			8:00AM	POL-012760PHM	4:35PM	4:35PM	SHIFT UNSCHEDULED	8:00PM	8:00AM..	19.00	19.00
Tue 9 27			7:00AM	POL-012760PHM	3:35PM	3:35PM	SHIFT UNSCHEDULED	8:00PM	7:00AM..	32.00	32.00
Wed 9 28			4:00AM	POL-012760PHM	12:35PM	12:35PM	SHIFT UNSCHEDULED	10:00PM	4:00AM..	50.00	50.00
Thu 9 29			6:00AM	POL-012760PHM	2:35PM	2:35PM	SHIFT UNSCHEDULED	10:00PM	6:00AM..	86.00	86.00
Fri 9 30			6:00AM	POL-012760PHM	2:35PM	2:35PM	SHIFT UNSCHEDULED	10:00PM	6:00AM..	103.00	103.00
Sat 10 01			5:00AM	SHIFT UNSCHEDULED	1:35PM	1:35PM	SHIFT UNSCHEDULED	8:00PM		15.00	87.00
Sun 10 02											87.00
Mon 10 03			7:00AM	POL-012760PHM	3:35PM	3:35PM	SHIFT UNSCHEDULED	7:00PM	7:00AM..	109.00	109.00
Tue 10 04			8:00AM	POL-012760PHM	4:35PM	4:35PM	SHIFT UNSCHEDULED	8:00PM	8:00AM..	121.00	121.00
Wed 10 05			8:00AM	POL-012760PHM	4:35PM	4:35PM	SHIFT UNSCHEDULED	8:00PM	8:00AM..	133.00	133.00
Thu 10 06			8:00AM	POL-012760PHM	4:35PM	4:35PM	SHIFT UNSCHEDULED	8:00PM	8:00AM..	145.00	145.00
Fri 10 07			8:00AM	POL-012760PHM	4:35PM	4:35PM	SHIFT UNSCHEDULED	8:00PM	8:00AM..	157.00	157.00
Sat 10 08											157.00

Lieutenant Jones further reviewed the surveillance video obtained from the French Market Corporation of the camera located on the light pole on St. Peter Street, in Jackson Square Pedestrian Mall, outside of the Upper Pontalba apartment. The investigator reviewed a representative sample of the video. The dates included January 21, 2022, August 23, 2022, August 30, 2022, April 9th and 10th 2022 and various dates in September and October of 2022. Lieutenant Jones observed on several occasions Officer Vappie entering the Pontalba apartment, both on duty and not on duty. Lieutenant Jones noticed that Officer Vappie was at times clad in a suit and other times in "Exercise Clothing." The video further depicted Officer Vappie at the residence with his Protectee various hours of the day and night both on and off duty.

During Officer Vappie interview with Captain Allen and Lieutenant Jones, Officer Vappie indicated his Protectee requested to work out and he volunteered to do so. Officer Vappie further explained he was the only member of the Executive Protection team to work out with the Protectee and most of the work out occurred prior to work in morning. Officer Vappie explained after working out he would return to the Upper Potable Apartment with the Protectee, take a shower, change clothes then go to work.

Officer Vappie emails Jvappie@nola.gov, from March 1, 2022, to November 30, 2022 (**EXHIBIT N**) and the telephone **5042698509** analysis (**EXHIBIT O**) were also reviewed by Lieutenant Jones. The emails confirmed that Kertrina Simmons would email the Protectee itinerary to the staff. No further evidentiary value was located in the telephone analysis or the emails. The Executive Protection Training certificates for Officers Jeffery Vappie, Louis Martinez and Robert Monlyn will be attached to this investigation as (**EXHIBIT S**)

Investigating Officer's Initials: KT

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On Friday, March 10, 2023, at 4:03p.m. Captain Kendrick Allen presented Officer Vappie with a verbal Notice of Disposition, which signifies the conclusion of his investigation. The notification was verbal because Officer Vappie was out of state and unable to meet with Captain Allen. Therefore, Captain Allen provided Officer Vappie with a verbal notification and will allow Officer Vappie to sign the notification upon his return. Captain Allen informed Officer Vappie of the disposition and completion of the investigation. Officer Vappie acknowledged he understood the disposition was **SUSTAINED** and the investigation under Public Integrity Bureau tracking number **2022-0513-R** was officially concluded (**EXHIBIT NN**).

On Tuesday, March 14, 2023, at approximately 1:30pm, Captain Kendrick Allen and Lieutenant Lawrence Jones met with Senior Police Officer Jeffery Vappie and presented him with a detail (181) page copy of his transcribed statement he provided to Captain Kendrick Allen and Lieutenant Jones on Monday, January 9, 2023 and Wednesday, February 8, 2023. Officer Vappie reviewed the transcribed statements and affixed his initials to each page then signed, dated and printed his signature on the last page. (**EXHIBIT HH**). Note: The transcriptions were completed by Ms. Elise Triplett. Officer Vappie signed his transcriptions upon his return to the City of New Orleans, after he received his verbal notification on Friday, March 10, 2023.

Witnesses

1. **Officer Kristy Johnson-Stokes. Emp.ID#14237, kijohnson@nola.gov, Intelligence Unit.**
2. **Retired Sergeant Wondell Smith.**
3. **Retired Sergeant Todd Henry.**
4. **Mr. John Douglass (Training Expert).**
5. **Louisiana State Police Captain Dewight Robinette (Training Expert).**
6. **Officer Louise Martinez. Emp.ID 6236, lmartinez@nola.gov, Mayor Office**
7. **Officer Robert Monlyn. Emp.ID 06111, Rmonlyn@nola.gov, Mayor Office**
8. **OPCSO Deputy Charles Ellis.**
9. **Sergeant Tokishiba Lane-Hart. Emp.ID 7609, tlane@nola.gov, SID**

Investigating Officer's Initials: KA CDM059

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Credibility Assessment

Senior Police Officer Kristy Johnson-Stokes- Officer Johnson-Stokes was deemed to be credible. Officer Johnson-Stokes provided the investigators with valuable knowledge and insight into the duties of an Executive Protection member.

Retired Sergeant Wondell Smith- Retired Sergeant Smith was deemed to be credible. Sergeant Smith provided the investigators with valuable knowledge and insight into the duties of an Executive Protection member. Sergeant Smith provided historical knowledge that was crucial to the investigation after serving as one of the New Orleans Police Department longest serving Executive Protection officer, prior to retirement.

Retired Sergeant Todd Henry- Retired Sergeant Henry was deemed to be credible. Like Sergeant Smith, Retired Sergeant Henry also served as a former member of the Executive Protection staff for former Superintendent Richard Pennington. Sergeant Henry provided a historical insight into the duties of an Executive Protection member.

Mr. John Douglass (Training Expert) - John Douglass was deemed to be credible. Mr. Douglass is a Law Enforcement Officer from the State of Mississippi and an Executive Protection Instructor for Falcon Group Tactical. Mr. Douglass trained Executive Protection Officers from the New Orleans Police Department and was able to provide an insight of the expert training to the investigators.

LSP Captain Dewight Robinette (Training Expert) - Captain Dewight Robinette was deemed to be credible. Captain Robinette is a member of the Louisiana State Police and an Executive Protection Expert and Commander of the State Police Executive Protection Team. Captain Robinette trained Executive Protection Officers from the New Orleans Police Department and was able to provide an insight of the expert training to the investigators.

Officer Louis Martinez (Witness) - Officer Louis Martinez was deemed creditable, because Lieutenant Jones as unable to locate any evidence in this investigation that proved otherwise.

OPCSO Deputy Charles Ellis (Witness) - Deputy Charles Ellis was deemed creditable, because Lieutenant Jones as unable to locate any evidence in this investigation that proved otherwise.

Sergeant Tokishiba Lane-Hart (Witness)- Sergeant Lane-Hart was deemed creditable, because Lieutenant Jones as unable to locate any evidence in this investigation that proved otherwise.

Officer Robert Monlyn (Witness) - Officer Robert Monlyn was deemed creditable, because Lieutenant Jones as unable to locate any evidence in this investigation that proved otherwise.

Investigating Officer's Initials: KA
CDM060

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Senior Police Officer Jeffery Vappie – After comparing Officer Vappie administrative statement with the evidence reviewed during this investigation, the investigators were unable to confidently assess his credibility. During his interview Officer Vappie seemed confused about his work schedule rotation, antagonistic regarding his tactical positioning while dining with his Protectee and unable to articulate some of his duties when he was not with the Protectee. However, the investigator does not have any evidence that Officer Vappie made any attempt to willfully misled or was untruthful in any statement that was given during this administrative investigation. During the interview, related to the 16:35 overage, Officer Vappie stated several times that “It’s always been that way” when dealing with overtime. However, the investigators observed when Sergeant Wondell Smith was embedded in the executive protection team he would move the teams time to adjust for the Protectee schedule, if a late event occurred. This in fact is not a blemish on Officer Vappie credibility but rather a paradigm shift in how the executive protection team time was managed after a removal of a supervisor and the lack of a policy governing this unit.

Summary

On Tuesday, November 8, 2022, approximately 7:00p.m., Public Integrity Bureau Sergeant Lawrence Jones was contacted by Public Integrity Bureau Deputy Chief Keith Sanchez. Deputy Chief Sanchez informed Sergeant Jones that a media request was sent to the Public Integrity Bureau relative to New Orleans Police Department Senior Police Officer Jeffery Vappie assigned to the Investigative Services Bureau, Executive Protection. Deputy Chief Sanchez forwarded the request to Sergeant Lawrence Jones for review.

On Wednesday, November 9, 2022, Sergeant Lawrence Jones reviewed the request and learned that Senior Police Officer Jeffery Vappie was accused of working more than 16 Hours and 35 minutes within a 24-hour period. The request indicated Officer Vappie may have violated this rule when on several occasions while assigned to the Executive Protection Section he may have violated this NOPD policy.

This Administrative Investigation was assigned to Captain Kendrick Allen and Lieutenant Lawrence Jones of the Public Integrity Bureau on Wednesday, November 9, 2022, by Deputy Chief Keith Sanchez, bureau chief of the New Orleans Police Department Public Integrity Bureau.

To complete a thorough investigation, Captain Allen and Lieutenant Jones thought it would be best to obtain a historical information relative to officers assigned to the Executive Protection Detail. Therefore, on Tuesday, November 29, 2022, Lieutenant Lawrence Jones identified and contacted former members of the Mayor’s executive protection team, New Orleans Police Senior Police Officer Kristy Johnson–Stokes now assigned to the New Orleans Police Department Investigative Services Division / Intelligence Unit and New Orleans Police Retired Sergeants Wondell Smith and Todd Henry.

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Officer Kristy Johnson-Stokes, Retired Sergeant Wondell Smith and Retired Sergeant Todd Henry, explained the mission of the Executive Protection team are to the mayor and to the mayor's immediate family. The team members normally work in teams of two and the itinerary is received the day before either by email or text. Sergeant Smith explained he would direct someone to conduct an advance review of the location they would visit the following day. As to pick up, the itinerary received the previous day would discuss pick up, which is normally the Mayor's residence. The Protection team members would leave their take home vehicle at the pickup location and drive the Mayor's assigned SUV for the work day. Once the Protectee is ready they would go to the office or the first appointment. Once the Mayor has gone through the entire schedule, at that point it becomes family time. Sergeant Smith was very clear the Executive Protection team works at the Mayor's discretion. "If Mayor goes to the movies, you got to go to the movies." Sergeant Smith explained he as the Supervisor would direct, instruct and give assignments as the team supervisor. However, he was clear the ultimate authority was the Mayor.

Captain Allen and Lieutenant Jones continued to obtain expert background information as it pertains to Executive Protection. The investigators sought to obtain Education and Training information from experts who previously trained New Orleans Police Members for executive protection. Mr. John Douglass of the Falcon Group Tactical out of the State of Mississippi and Captain Dewight Robinette of the Louisiana State Police were chosen by the investigators because both previously trained members of the NOPD Executive Protection team.

During the interview of Mr. John Douglass, he explained the communication and interaction between the Protectee and any member of the protection detail should be kept on a **PROFESSIONAL LEVEL ONLY**. Mr. Douglass went on to discuss the training provided by the Falcon Group also covers, escorting and eating with the principal. Mr. Douglass stated at no point should a Protection member sit with the principal unless invited and even then they position themselves with the Protectee safety in mind. Mr. Douglass further stated he believes all Executive Protection units should have a supervisor embedded in the group. The supervisor would have the authority to ensure the Protectee request align with the departments rules and regulation. The supervisor would also monitor the other members of the unit and replace them if need be.

During the interview of Captain Robinette, he explained he trained many NOPD members along with other agencies. During the training protection, officers are taught to not only protect the Protectee well-being, but to also protect them from any embarrassment, whether it's your actions or the Protectee actions that may cause them embarrassment. Captain Robinette also explained, your attire should blend in and not overshadow your Protectee. All conversations should remain professional and limited to "Good Morning" not good morning and how was your day.

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The executive protection officer should gain the trust of the Protectee, but never cross the line of being unprofessional. Captain Robinette explained having a supervisor in the unit is intricate with helping to curve unprofessional behavior from either the Protectee or the team members. Captain Robinette further explained it is common for the protection team members to exercise with the Protectee, to include running, biking, walking or weight lifting. Captain Robinette further explained as it relates to the primary living quarters of the Protectee. The team only goes there if it is a security issue.

Captain Robinette explained all protection teams' weather it is federal, state or local are consistent and do the same duties. Those duties are to protect a particular dignitary. Your focus and main goal is to provide cover for that principal, regardless to whether or not you run a one-man detail or multiple man detail.

Captain Robinette concluded his statement with, **"You never do anything – and we preach this: don't do anything that's immoral, illegal or unethical. Those three things can get you in jail, fired or hurt, or get your Protectee in trouble and that's my, that's my, uh, my policy. That is what I preach all the time and I've preached it to a lot of people. And when we teach that class, we always say that: don't ever do anything that's illegal, immoral or unethical."**

Captain Allen and Lieutenant Jones also interviewed the current members of the Executive protection team, Officer Louise Martinez, Robert Monlyn and OPSO Deputy Charles Ellis. During the interview of Senior Police Officer Louis Martinez, he explained Sergeant Wondell Smith was the on team Supervisor prior to his transfer, however no Sergeant is currently assigned to the unit. Officer Martinez also explained, Sergeant Tokishiba Lane only responsibility was to enter payroll and ensure the members were scheduled for annual in-service training. Sergeant Lane had no responsibility to the day to day operations of the team. Officer Martinez then stated, ultimately the Mayor is the Supervisor.

Lieutenant Jones then inquired from Officer Martinez, what was his relationship with the current Protectee. Officer Martinez explained, **"You don't have a relationship with uh, the mayor. it is the mayor's office and then there's the mayor and your executive protection, you don't have a relationship with the mayor period."** Officer Martinez then explained that he started to notice Officer Vappie unprofessional behavior with the Protectee. Officer Martinez explained how Officer Vappie would sit at the table with the Protectee. Officer Martinez stated, **"I found it strange, uh, when I'm waiting for him to get a parking spot to go in, I go in the restaurant; he's sitting, sitting with his back to the door, which we don't do by ourselves. The mayor was sitting at the table, sitting at the table and I just looked at him and I, I said, it just didn't look right. I'm, I'm working for you and I'm sitting down having dinner with you. This didn't look right. We always have a table off to the side, it just didn't look right and I told him again. I said, man, you know you're not following protocol."**

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Martinez stated, he approached Officer Vappie and stated to him **“There’s a line that you, you don’t cross it. And I asked him did he crossed it; did he cross it and he said no. I took him at his word.”** Lieutenant Jones inquired from Officer Martinez if he ever told a supervisor about Officer Vappie’s unprofessional behavior. Officer Martinez stated, “No, I made it known to him that I didn’t approve of what he was doing.

After interviewing the other members of the Executive Protection team, it was clear to Captain Allen and Lieutenant Jones, that the members felt Officer Vappie actions were inappropriate and brought discredit to the team. Deputy Ellis in fact indicated he personally spoke with Officer Vappie about his unprofessional behavior and requested that Officer Vappie stop. According to Deputy Ellis he personally witnessed Officer Vappie inappropriate behavior 4 or 5 times. As to Officer Louis Martinez, Officer Martinez stated he inquired from Officer Vappie if he crossed the line, Officer Vappie stated ‘No,’ Officer Martinez stated, “I took him at his word.”

The investigators found it necessary to gain access to Officer Vappie work issued cell phone **5042698509** and City Emails **Jvappie@nola.gov**. The review will provide evidentiary value in the event instructions are received allowing Officer Vappie to attend HANO meetings while at work and any instructions he may have received as it relates to his time spent in the Upper Pontalba Apartments both on duty and off duty. No emails were located with those instructions.

Members of the Public Integrity Bureau also completed a Public Records request to the French Market Corporation to obtain the video surveillance of the camera located on the light pole on St. Peter Street, in Jackson Square Pedestrian Mall outside of the Upper Pontalba apartment. The date range of the video was July 30, 2022, to November 17, 2022.

To also corroborate the inferences that Officer Vappie may have neglected his duty when he attended a HANO board meeting while on duty. Lieutenant Jones queried the Housing Authority of New Orleans official website “hano.org” and obtained historical data relative to “HANO” Board meetings from the March, 2022 to December 2022. The information obtained consisted of meeting minutes, meeting agenda and an audio recording of the meeting. Lieutenant Jones analysis review of Officer Jeffery Vappie and the HANO Board meetings indicated that on two separate occasions, **March 29, 2022 and August 30, 2022**, Officer Jeffery Vappie attended a HANO Board meeting while still on duty with the New Orleans Police Department.

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Lieutenant Jones reviewed the surveillance video obtained from the French Market Corporation of the camera located on the light pole on St. Peter Street, in Jackson Square Pedestrian Mall, outside of the Upper Pontalba apartment. The investigator reviewed a representative sample of the video. The dates included January 21, 2022, August 23, 2022, August 30, 2022, April 9th and 10th 2022 and various dates in September and October of 2022. Lieutenant Jones observed on several occasions Officer Vappie entering the Pontalba apartment, both on duty and not on duty. Lieutenant Jones noticed that Officer Vappie was at times clad in a suit and other times in "Exercise Clothing." The video further depicted Officer Vappie at the residence with his Protectee various hours of the day and night both on and off duty.

During Officer Vappie interview with Captain Allen and Lieutenant Jones, Officer Vappie indicated his Protectee requested to work out and he volunteered to do so. Officer Vappie further explained he was the only member of the Executive Protection team to work out with the Protectee and most of the work out occurred prior to work in the morning. Officer Vappie explained after working out he would return to the Upper Potable Apartment with the Protectee, take a shower, change clothes then go to work.

The telephone analysis and Officer Vappie emails were also reviewed by Lieutenant Jones. The emails confirmed that Kertrina Simmons would email the Protectee itinerary to the staff. No further evidentiary value was located in the telephone analysis or the emails.

Lieutenant Jones also reviewed Officer Vappie ADP time card for the week of September 26, 2022, to October 8, 2022. On September 28, 2022, it appears that Officer Vappie worked for 18 hours. The time card remarks indicated Officer Vappie was assigned to the Consultant Chief Fausto B. Pichardo and not his normal Executive Protection assignment.

Therefore, on January 25, 2023, Captain Kendrick Allen emailed Consultant Chief Pichardo and requested an interview relative to his knowledge of Officer Vappie possibly violating NOPD police relative to 16 hour and 35 minutes within a 24-hour period. On Wednesday, January 25, 2022, Consultant Chief responded, "**Respectfully, there is nothing that I can contribute to aid this investigation.**" Officer Vappie indicated in his statement he was assigned to the consultant chief by the Protectee.

The investigators were unable to locate any substantial evidence that proved Officer Vappie and the Protectee relationship was more than mere friendship, the investigators believed that Officer Vappie actions brought discredit to the New Orleans Police Department. The fact that Officer Vappie spent numerous hours alone with the Protectee outside of his regular tour of duty goes against the training and ethics of an Executive Protection member. So much so, that Deputy Charles Ellis and Officer Louis Martinez, brought his behavior to his attention and requested that he stop.

Investigating Officer's Initials: KA GDM065

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In fact, Officer Louis Martinez went a step further and asked Officer Vappie **if his relationship with the Protectee was more than Friendship, "Vappie" stated, it was not. Louis Martinez explained to the investigators that he took Vappie at his word so he did nothing further.** Officer Vappie unprofessional behavior with his Protectee caused a major embarrassment to the New Orleans Police Department and discredits the hard work the other members of the Executive Protection team display.

It's the belief of the investigators that the Police Departments failure to have a Supervisor embedded into the Executive Protection team contributed to the behavior of Officer Jeffery Vappie. Not having a Policy specifically for Executive Protection failed to provide a management guide to the members of the team to follow. A dedicated supervisor would give the team members the necessary support when the requests of the Protectee don't align with the Rules, Regulations, Morals and Standards of the New Orleans Police Department. It would also provide a dedicated support network in place; when an issue arises the team members would have a direct contact to confidently turn to. This task should not be the reasonability of the Protectee, but to an immediate supervisor or members of the Officer Chain of Command, Lieutenant, Captain, Deputy Chief or Superintendent. Furthermore, the supervisor will be able to monitor the officer's payroll, actions and delegate tasks based on the current workload. Ultimately, a supervisor will prevent a member of the team from becoming overloaded and ensure each member is contributing equally. If an employee has to be accountable to a supervisor, they are more likely to take ownership and as a result, the team member would self-monitor their behavior or be reminded by a supervisor and if need be properly disciplined.

Based upon this administrative investigation, Captain Kendrick Allen and Lieutenant Lawrence Jones concluded beyond a preponderance of evidence that Senior Police Officer Jeffery Vappie did violate rules and regulations of the New Orleans Police Department.

Training, Tactical, and/or Policy Recommendations

As it relates to training, it is the belief of this investigator that Senior Police Officer Vappie need to be reminded to adhere to all rules and regulations. Along with obeying all City, State and Federal Laws. It is also recommended that a Department Policy and Unit Operating Procedures are created to govern the Executive Protection team members, along with their duties and responsibilities. In addition to a direct supervisor whose sole responsibility is equivalent to retired Sergeant Wondell Smith.

Investigating Officer's Initials: 149 ^{GDM066}

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Disciplinary Recommendations

Senior Police Officer Jeffery Vappie

Rule 4: Performance of Duty: Paragraph 2: Instructions from an authoritative source; to wit N.O.P.D. Chapter 22.08 Police Secondary Employment Paragraph 32.....**SUSTAINED**

No member, including Reserve officers, shall work more than 16 hours and 35 minutes (16.58 hours) within a 24-hour period. (The 24-period begins the first time the member reports for either regular duty or police secondary employment.) These hours are cumulative and include normal scheduled work hours, overtime, court time, off-duty police secondary employment, or outside employment

Captain Kendrick Allen proved beyond a preponderance of evidence that Senior Police Officer Jeffery Vappie violated this rule when on, on September 28, 2022, Officer Vappie worked for 18 hours within a 24 hour period. The remarks indicate that Officer Vappie was assigned to the Consultant Chief Fausto B. Pichardo and not his normal Executive Protection assignment.

OTHER SUSTAINED VIOLATIONS

Rule 3: Professional Conduct, Paragraph 1: Professionalism..... SUSTAINED

Employees shall conduct themselves in a professional manner with the utmost concern for the dignity of the individual with whom they are interacting. Employees shall not unnecessarily inconvenience or demean any individual or otherwise act in a manner which brings discredit to the employee or the New Orleans Police Department.

Senior Police Officer Vappie may have violated this rule when Officer Vappie spent numerous hours alone with the Protectee outside of his regular tour of duty goes against the training and ethics of an Executive Protection member. So much so, that Deputy Charles Ellis and Louis Martinez, brought his behavior to his attention and requested that he stop.

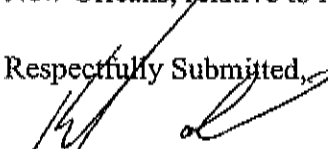
Rule 4: Performance of Duty, Paragraph 3: Devoting Entire Time to Duty..... SUSTAINED

Employees shall not read, play games, watch television/movies, or otherwise engage in entertainment while on duty, except as may be required in the performance of duty, or by authority of their respective Bureau Chief. They shall not engage in activities or personal business which would cause them to neglect or be inattentive to duty.

Senior Police Officer Vappie was not attentive to his duty as an Executive Protection member when he attended the HANO Board Meeting on two separate occasions, March 29, 2022 and August 30, 2022, while still on duty with the New Orleans Police Department.

Senior Police Officer Jeffery Vappie may also have violated Rule IX of the Civil Service Rules for the City of New Orleans, relative to Maintaining Standards of Service.

Respectfully Submitted,



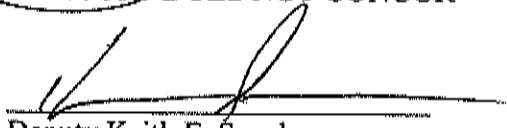
Captain Kendrick Allen
Public Integrity Bureau

Date: 3-10-2023

Investigating Officer's Initials: KA ^{GDM067}

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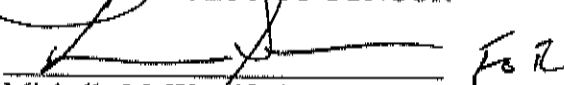
CONCUR / ~~DOES NOT CONCUR~~



Deputy Keith E. Sanchez
Public Integrity Bureau

Date: 3/14/23

CONCUR / ~~DOES NOT CONCUR~~



Michelle M. Woodfork
Superintendent of Police

Date: 3/16/23

Investigating Officer's Initials: KA CDM068

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EXHIBITS

- 1. Exhibit "A"** - P.I.B. Case Investigation Transmittal, Control Tracking Number 2022-0513-R.
- 2. Exhibit "B"** - Initiation of a Formal Disciplinary Investigation Form Control Tracking Number 2022-0513-R, three (3) pages, original.
- 3. Exhibit "C"** - P.I.B. Initial Intake Form (230) for Commendation, Complaint, or Documentation of Minor Violation, three (3) pages, original.
- 4. Exhibit "D"** - Media request sent by WVUE three (3) pages photocopied.
- 5. Exhibit "E"** - Officer Jeffery Vappie reassignment notification dated Wednesday, November 9, 2022.
- 6. Exhibit "F"** - Extension Request sent by Captain Kendrick Allen, dated Thursday, November 17, 2022.
- 7. Exhibit "G"** - Extension request granted by Examiner Ginsberg. Dated Tuesday, November 22, 2022.
- 8. Exhibit "H"** - CD containing Senior Police Officer Kristy Johnson-Stokes Audio Recorded statement.
- 9. Exhibit "I"** - A transcribed copy of Officer Kristy Johnson-Stokes statement completed by Ms. Elise Triplitt. 43 pages photocopied.
- 10. Exhibit "J"** - CD containing Retired Sergeant Wondell Smith Audio recorded statement.
- 11. Exhibit "K"** - A transcribed copy of Retired Sergeant Wondell Smith statement completed by Ms. Elise Triplitt. 56 pages photocopied.
- 12. Exhibit "L"** - CD containing Retired Sergeant Todd Henry Audio recorded statement.
- 13. Exhibit "M"** - A transcribed copy of Retired Sergeant Todd Henry statement. Completed by Ms. Elise Triplitt. 20 pages photocopied.

Investigating Officer's Initials: KA^{CDM069}

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- 14.Exhibit "N"** – One external hard drive containing emails of Senior Police Officer Jeffery Vappie, from March 1, 2022 to November 30, 2022.
- 15.Exhibit "O"** - One external hard drive containing Senior Police Officer Jeffery Vappie Cell phone analysis completed by NOPD Digital Forensic Unit.
- 16.Exhibit "P"** - Public records request sent to the French Market Corporation. One page Photocopied.
- 17.Exhibit "Q"** - One external Hard drive containing the surveillance video obtained from the French Market Corporation of the camera located on the light pole on St. Peter Street, in Jackson Square Pedestrian Mall outside of the Upper Pontalba apartment. Dated July 30, 2022 to November 17, 2022.
- 18.Exhibit "R"** - One external Hard drive containing HANO Board meetings obtained from the HANO.ORG website, dated March 2022 to December 2022. The information obtained consisted of meeting minutes, meeting agenda and an audio recording of the meeting.
- 19.Exhibit "S"** - Executive Protection Training certificates for Senior Police Officer Jeffery Vappie, Robert Monlyn and Louis Martinez. Five (5) pages photocopied.
- 20.Exhibit "T"** - CD containing Mr. John Douglass Audio recorded statement.
- 21.Exhibit "U"** – A transcribed copy of Mr. John Douglass statement. Completed by Ms. Elise Triplitt. 15 pages photocopied.
- 22.Exhibit "V"** - CD containing Louisiana State Police Captain Dewight Robinette Audio recorded statement.
- 23.Exhibit "W"** – A transcribed copy of Captain Dewight Robinette statement. Completed by Ms. Elise Triplitt. 34 pages photocopied.
- 24.Exhibit "X"** – Notice of NOPD Internal Disciplinary Investigation Rights and Responsibilities of Employee Under Investigation and Notification to Appear to Render a statement form for Senior Police Officer Louis Martinez. one (1) Page, original.
- 25.Exhibit "Y"** - CD containing Senior Police Officer Louis Martinez Audio recorded statement.
- 26.Exhibit "Z"** – A transcribed copy of Senior Police Officer Louis Martinez statement. Completed by Ms. Elise Triplitt. 59 pages photocopied.

Investigating Officer's Initials: KA CDM070

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- 27.Exhibit "AA"** – Notice of NOPD Internal Disciplinary Investigation Rights and Responsibilities of Employee Under Investigation and Notification to Appear to Render a statement form for Senior Police Officer Robert Monlyn. one (1) Page, original.
- 28.Exhibit "BB"** - CD containing Senior Police Officer Robert Monlyn Audio recorded statement.
- 29.Exhibit "CC"** – A transcribed copy of Senior Police Officer Robert Monlyn statement. Completed by Ms. Elise Triplitt. 67 pages photocopied.
- 30.Exhibit "DD"** - CD containing Deputy Charles Ellis Audio recorded statement.
- 31.Exhibit "EE"** – A transcribed copy of Deputy Charles Ellis statement. Completed by Ms. Elise Triplitt. 39 pages photocopied.
- 32.Exhibit "FF"** – Notice of NOPD Internal Disciplinary Investigation Rights and Responsibilities of Employee Under Investigation and Notification to Appear to Render a statement form for Senior Police Officer Jeffery Vappie. one (2) Pages, original.
- 33.Exhibit "GG"** - CD containing Senior Police Officer Jeffery Vappie Audio recorded statement. Dated Monday, January 9, 2023 and Wednesday, February 8, 2023.
- 34.Exhibit "HH"** – A transcribed copy of Senior Police Officer Jeffery Vappie statement. For Monday, January 9, 2023 and Wednesday, February 8, 2023, both were Completed by Ms. Elise Triplitt. 181 pages photocopied.
- 35.Exhibit "II"** – Notice of NOPD Internal Disciplinary Investigation Rights and Responsibilities of Employee Under Investigation and Notification to Appear to Render a statement form for Sergeant Tokishiba Lane-Hart. One (1) Page, original.
- 36.Exhibit "JJ"** - CD containing Sergeant Tokishiba Lane-Hart Audio recorded statement.
- 37.Exhibit "KK"** – A transcribed copy of Sergeant Tokishiba Lane-Hart statement. Completed by Ms. Elise Triplitt. 10 pages photocopied.
- 38.Exhibit "LL"** – Officer Jeffery Vappie ADP (Payroll) records from January 1, 2022 to December 31, 2022. 10 pages photocopied.

Investigating Officer's Initials: KA^{CDM071}

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39.Exhibit "MM" – Email sent to Consultant Chief Fausto B. Pichardo by Captain Kendrick and response from Chief Pichardo. Dated January 25, 2023. One (1) page photocopied.

40.Exhibit "NN" - Notice to the Accused of Completed Investigation and Notice of Disciplinary Hearing (form 308) issued to Senior Police Officer Jeffery Vappie One (1) page original.

Investigating Officer's Initials: KA CDM072



Attachment E

Monitoring Team Analysis of PIB Report



Confidential

Monitoring Team Analysis of PIB Investigation of Officer Jeffrey Vappie

April 7, 2023



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I. Introduction

In early November 2022, local New Orleans TV station Fox8 ran a series of stories involving the Mayor Latoya Cantrell's executive protection detail. The story raised a number of questions regarding the operation of that detail as well as the actions of a particular member, Officer Jeffrey Vappie. PIB opened an investigation into the allegations raised in the story on November 9, 2022.

On November 10, 2022, the New Orleans City Council requested that the Office of the Consent Decree Monitor and the Office of the Independent Monitor conduct their own independent investigation into the Vappie allegations, citing "significant concerns about the apparent conflict of interest with the New Orleans Police Department being allowed to, again, investigate serious allegations involving Mayor Cantrell."¹ The Monitoring Team responded to the City Council on November 11 explaining that it lacked the authority to conduct investigations, but that it would monitor PIB's investigation of Officer Vappie closely to ensure it was effective, efficient, and without bias.²

Consistent with its response to the City Council and its obligations under the Consent Decree to closely monitor significant misconduct investigations,³ the Monitoring Team met with Deputy Chief Keith Sanchez and PIB's investigators Captain Kendrick Allen and Lieutenant Lawrence Jones on an almost weekly basis over the course of PIB's investigation. While we were not involved in the day-to-day affairs of the investigation (the Consent Decree makes clear the Monitoring Team has no role in running the NOPD⁴), the PIB team seemingly was open with us regarding their strategy and the status of their activities. We appreciate the cooperation we received from PIB throughout this matter.

On February 17, 2023, prior to the conclusion of the investigation, the Monitoring Team sent an "immediate action notice" to Deputy Chief Sanchez alerting him to several issues we believed the NOPD should address right away. Rather than waiting until the conclusion of PIB's investigation, we brought these matters to PIB's attention at that time to ensure NOPD would take immediate steps to correct the concerns we identified. Our opinions and recommendations related only to larger policy/process issues that were unrelated to the then-still-forthcoming substantive findings of the PIB

¹ The City Council letter is attached to this Report as Exhibit A.

² The Monitoring Team's response to City Council is attached to this Report as Exhibit B.

³ See, e.g., Consent Decree paragraphs 377, 444, 454, 455.

⁴ Consent Decree paragraph 445.

Monitoring Team Review of Vappie Investigation Report

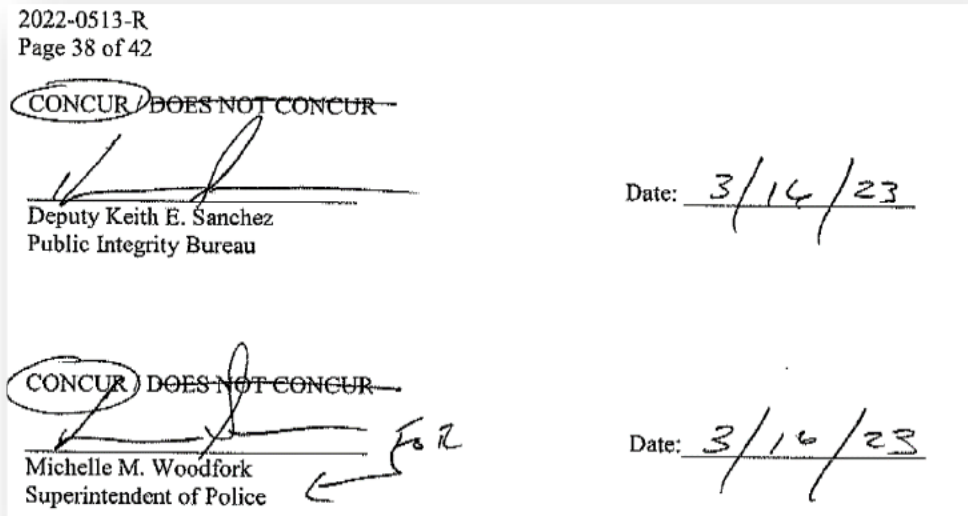
April 7, 2023

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Vappie investigation team. We have incorporated those earlier recommendations into this Report.

PIB completed its investigation into the actions/inactions of Officer Vappie on March 10, 2023, and submitted the investigation report to Deputy Chief Sanchez the same day. Deputy Chief Sanchez and Interim Chief Michelle Woodfork reviewed and concurred with the investigators' findings on March 16, 2023, as reflected in the signature block of the PIB report, copied here:



NOPD, however, refused to share a copy of its investigation report with the Monitoring Team until April 3, 2023.

The Consent Decree requires NOPD to provide every serious misconduct complaint investigation "to the Monitor before closing the investigation or communicating the recommended disposition to the subject of the investigation or review." CD at 454. This was not done here despite the Monitoring Team making numerous requests for access to the investigators' report. This is a violation of the Consent Decree that impacts the Monitor's obligations to review "each serious misconduct complaint investigation and recommend for further investigation any . . . misconduct complaint investigations that the Monitor determines to be incomplete or for which the findings are not supported by a preponderance of the evidence." *Id.* Further, the Consent Decree directs the Monitoring Team to "provide written instructions for completing any investigation determined to be incomplete or inadequately supported by the evidence." *Id.* By withholding the investigation from the Monitoring Team until well after communicating the disposition of the investigation with the subject, NOPD thwarted the Monitoring Team's ability to meet its obligations under the Consent Decree.



Nonetheless, the Monitoring Team has performed a careful review of the PIB report shared with us on April 3, and provides the recommendations set out in this Report as contemplated by the Consent Decree.

II. Analysis of Investigation

NOPD opened its investigation into Officer Vappie on November 9, 2022 and concluded its investigation on March 10, 2023. PIB sustained multiple allegations against Officer Vappie, including violations of the 16.58 hour work day limitation, violations of NOPD’s professionalism rules, and violation of NOPD’s rules requiring officers to devote their entire time on duty to their actual NOPD duties. PIB’s specific findings and recommendations are shown here:

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Disciplinary Recommendations

Senior Police Officer Jeffery Vappie

Rule 4: Performance of Duty: Paragraph 2: Instructions from an authoritative source; to wit N.O.P.D. Chapter 22.08 Police Secondary Employment Paragraph 32.....**SUSTAINED**

No member, including Reserve officers, shall work more than 16 hours and 35 minutes (16.58 hours) within a 24-hour period. (The 24-period begins the first time the member reports for either regular duty or police secondary employment.) These hours are cumulative and include normal scheduled work hours, overtime, court time, off-duty police secondary employment, or outside employment

Captain Kendrick Allen proved beyond a preponderance of evidence that Senior Police Officer Jeffery Vappie violated this rule when on, on September 28, 2022, Officer Vappie worked for 18 hours within a 24 hour period. The remarks indicate that Officer Vappie was assigned to the Consultant Chief Fausto B. Pichardo and not his normal Executive Protection assignment.

Monitoring Team Review of Vappie Investigation Report

April 7, 2023

Page 6



OTHER SUSTAINED VIOLATIONS

Rule 3: Professional Conduct, Paragraph 1: Professionalism..... SUSTAINED

Employees shall conduct themselves in a professional manner with the utmost concern for the dignity of the individual with whom they are interacting. Employees shall not unnecessarily inconvenience or demean any individual or otherwise act in a manner which brings discredit to the employee or the New Orleans Police Department.

Senior Police Officer Vappie may have violated this rule when Officer Vappie spent numerous hours alone with the Protectee outside of his regular tour of duty goes against the training and ethics of an Executive Protection member. So much so, that Deputy Charles Ellis and Louis Martinez, brought his behavior to his attention and requested that he stop.

Rule 4: Performance of Duty, Paragraph 3: Devoting Entire Time to Duty..... SUSTAINED

Employees shall not read, play games, watch television/movies, or otherwise engage in entertainment while on duty, except as may be required in the performance of duty, or by authority of their respective Bureau Chief. They shall not engage in activities or personal business which would cause them to neglect or be inattentive to duty.

Senior Police Officer Vappie was not attentive to his duty as an Executive Protection member when he attended the HANO Board Meeting on two separate occasions, March 29, 2022 and August 30, 2022, while still on duty with the New Orleans Police Department.

Senior Police Officer Jeffery Vappie may also have violated Rule IX of the Civil Service Rules for the City of New Orleans, relative to Maintaining Standards of Service.

Respectfully Submitted,

Captain Kendrick Allen
Public Integrity Bureau

Date: 3-10-2023

Investigating Officer's Initials: KA

As will be discussed below, the Monitoring Team finds these conclusions to be reasonable based upon the facts available to PIB.

The Monitoring Team met regularly with the lead PIB investigators, the Deputy Chief of PIB, and the IPM throughout the PIB investigation. While we were not given access to PIB's report until April 3, 2023, which is a serious violation of the Consent Decree, we otherwise did receive meaningful cooperation from the PIB team.

Overall, we are satisfied that PIB's investigation into the actions and inactions of Officer Vappie met the requirements of the Consent Decree. Captain Allen and Lieutenant Jones took their jobs seriously and pursued the investigation with diligence and integrity. The Monitoring Team reviewed all witness and subject interviews conducted by PIB and can confirm the seriousness of the questions asked by the investigators, their lack of bias, and the appropriate scope of the questions.



We did not see any evidence of “pulling punches” in the interviews. The questions were well thought out, relevant, and meaningful.⁵

Additionally, PIB performed well, particularly in the absence of policies governing the Mayor’s executive protection detail. The absence of policies makes administrative investigations much harder. The absence of policies here almost certainly negatively impacted material elements of the Vappie investigation. Nonetheless, PIB appropriately considered the lack of policies and properly incorporated that fact into its decision-making process.

While PIB’s investigation was reasonable and meaningful, the Monitoring Team does have some concerns, all of which we expressed previously to PIB. These concerns are outlined in the subsections below.

A. PIB Failed To Include An Analysis Of The Circumstantial Evidence Supporting Its Professionalism Finding.

The Consent Decree mandates that all investigative findings in a misconduct investigation be supported using the “preponderance of the evidence standard.”⁶ Further, the Consent Decree mandates that “in each investigation, NOPD shall consider all relevant evidence, *including circumstantial, direct, and physical evidence*, as appropriate, and make credibility determinations based upon that evidence.”⁷ There is much to unpack in these requirements.

- First, it is important to note NOPD has an obligation to consider direct *and circumstantial* evidence in its administrative investigations.
- Second, because facts are often not clear in an investigation, NOPD must make credibility determinations based upon the direct and circumstantial evidence available to it. In doing so, NOPD must not credit an officer’s account of the events simply because he/she is an officer.
- Third, NOPD must apply a “preponderance of the evidence” standard. This means, to sustain a complaint, the NOPD need not have uncontroverted

⁵ We note that we are unable to opine on the quality of PIB’s data analysis (e.g., its review of emails, Officer Vappie’s phone, and video evidence from the French Quarter security cameras) as we were not given detailed insight into the scope of these reviews. We do note, however, that notwithstanding the diligence of Captain Allen and Lieutenant Jones, it is likely PIB lacked the time and resources to conduct fully in-depth reviews of these sources.

⁶ Consent Decree paragraph 414.

⁷ Consent Decree paragraph 413 (emphasis added).



evidence. Rather, NOPD simply must determine whether the events complained of are more likely than not (i.e., 51%) to have occurred.⁸

While investigators understandably like concrete facts, uncontroverted allegations, and evidence beyond a reasonable doubt, such is not the requirement for sustaining a complaint in an administrative investigation.

Here, the PIB investigators did a good job applying the Preponderance of the Evidence standard and, in our view, came to the correct conclusion regarding the allegations sustained. However, PIB incorporated incorrect and confusing language in its investigation report and missed an important opportunity to explain the basis for its findings by not including an analysis of how it applied the Preponderance of the Evidence standard to the facts before it, especially in the area of the significant time Officer Vappie spent in the Upper Pontalba apartment during work and non-work hours. This gap in the investigation report will make it harder for NOPD to defend its position should Officer Vappie appeal the discipline imposed.

While PIB admittedly did not have visibility into what was going on in that apartment – i.e., whether Officer Vappie was there in service of his executive protection function or was there for more social reasons – there is much circumstantial evidence that suggests Officer Vappie was *not* present in furtherance of his executive protective duties. This circumstantial evidence should have been included in the PIB report since it all is relevant to NOPD's application of the Preponderance of the Evidence standard. For example, a robust Preponderance of the Evidence analysis would have noted and documented the following:

- Officer Vappie spent many hours in the City's Upper Pontalba apartment.⁹
- Officer Vappie was the only officer among the executive protection detail who spent any time in the Upper Pontalba apartment. All other officers stayed outside the apartment while protecting the Mayor. Had the time in the Upper Pontalba apartment truly been work time, other officers presumably would have taken their turn doing the same.

⁸ We note that in the Disciplinary Recommendation section of its report, PIB uses the phrase "proved beyond a preponderance of evidence." The proper phrase is "by a preponderance of the evidence." Incorporating the word "beyond" creates needless confusion since that word most often is used in connection with a criminal finding of "beyond a reasonable doubt," which is a wholly different standard of proof.

⁹ According to information made public by Fox8 news, Officer Vappie spent at least 112 hours in the Upper Pontalba apartment during the period analysis by the station.



- Officer Vappie changed clothes, used the shower, and undertook various non-security tasks (e.g., watering plants) while in the apartment with or without the Mayor.
- Officer Vappie spent time in the Upper Pontalba apartment both on and off duty.
- Even when Officer Vappie left the Upper Pontalba apartment late at night after spending several hours in the apartment, the Mayor often walked alone to her car in the French Quarter without any security, strongly suggesting Officer Vappie was not spending time in the apartment because of any credible threat to the Mayor's safety. If there had been a credible threat to the Mayor's safety, (a) other officers would have rotated through the in-apartment assignment and (b) the executive protection team would not have allowed the Mayor to walk to and from the apartment alone.
- The news story about the time Officer Vappie spent in the Upper Pontalba apartment led to a prompt divorce filing from Officer's Vappie wife, an unlikely reaction to an actual, transparent executive protection detail.
- No officer spent time inside the Mayor's residence, which would have been the case had there been a credible threat to the Mayor's safety.
- Multiple other members of the Mayor's Executive Protection detail testified during the PIB investigation to the unprofessional nature of Officer Vappie's actions, which, they felt, brought discredit to the NOPD.

While these facts do not *prove* beyond the shadow of a doubt Officer Vappie was not working while in the Upper Pontalba apartment, they demonstrate *by a preponderance of the evidence* that Officer Vappie was not working while in the apartment. Yet he was billing the City of New Orleans for much of his time there.

The only evidence refuting this circumstantial evidence is Officer Vappie's own statement in his PIB interview that his relationship with the Mayor was professional and, while in the apartment, he was working and stayed in the common areas (although he couldn't describe what those common areas were). But Officer Vappie's own statement is the only evidence in support of Officer Vappie's position. The one other witness who could have corroborated Officer Vappie's statement, the Mayor, refused to be interviewed by PIB. Indeed, the Mayor's unwillingness to meet with PIB for an interview is further circumstantial evidence that Officer Vappie was not working while in the Upper Pontalba apartment.



The circumstantial evidence here not only paints a compelling picture in support of PIB's finding that Officer Vappie acted unprofessionally with regard to his time in the Upper Pontalba apartment, it also strongly suggests Officer Vappie's statements regarding what he was doing in the apartment were not credible. As noted above, it is PIB's obligation to assess the credibility of witness and officer statements.¹⁰ It is inappropriate for PIB to accept an officer's account of a situation in the face of more credible circumstantial evidence, especially where the officer has an incentive (i.e., preservation of his job) to not be fully transparent regarding the facts.

Here, PIB found every witness to be credible except Officer Vappie. With regard to Officer Vappie, PIB found that, "After comparing Officer Vappie's administrative statement with the evidence reviewed during this investigation, the investigators were unable to confidently assess his credibility." PIB Report at 31. The Monitoring Team submits that a more robust analysis of the circumstantial evidence available to PIB would have supported a stronger statement regarding Officer Vappie's lack of credibility in several of his interview statements.¹¹

We find that the circumstantial evidence available to PIB strongly suggests some manner of a social relationship between Officer Vappie and the Mayor which led to unprofessional actions by Officer Vappie – actions that the other witnesses agreed were unprofessional, not within protocol, and not consistent with executive protection. While PIB came to the correct conclusion regarding the disposition of the professionalism allegation (i.e., Sustained), PIB should have done a better job analyzing *and documenting* the circumstantial evidence supporting its conclusions.

B. PIB Created Needless Ambiguity When It Used "May Have Violated" Language In The Context Of Sustaining The Rule 3 Violation.

PIB's use of the phrase "may have violated this rule" in the context of sustaining the Rule 3 professional violation was a mistake. There is no room for a "may have violated" finding in a PIB investigation. PIB either finds a violation by a preponderance of the evidence (i.e., by 51%), or finds no violation by a preponderance of the evidence. We read PIB's "may have violated" language as ambiguous and likely to be challenged on appeal by the subject of the investigation.

PIB did not create any such confusion regarding its other findings. with regard to its Rule 4 sustain involving the 16.58 hours violation, PIB concluded Officer violated

¹⁰ See, e.g., Consent Decree paragraph 413.

¹¹ Assessing credibility is not always an easy task. But the complexity of the analysis does not relieve NOPD of the obligation to make the assessment. Saying "we were unable to assess his credibility" is simply another way of saying we did not do what is required of us with regard to credibility assessments.

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NOPD's rules by a preponderance of the evidence. PIB did not equivocate. Likewise, in sustaining the other Rule 4 violation, devoting entire time to duty, PIB found that Officer Vappie "was not attentive to duty." There is no reason PIB should have used weaker language from the Rule 3 violation involving professionalism.¹²

As discussed above, the Monitoring Team sees significant circumstantial evidence that Officer Vappie acted unprofessionally while spending extensive hours in the Upper Pontalba apartment and while dining with the Mayor with his back to the door of the restaurant. We see no reason for ambiguous "may have violated" language in this context. PIB should state it found a violation by a preponderance of the evidence just as it did with the other two violations.

C. PIB Failed To Aggressively Pursue All Potential Material Witnesses.

At the outset of the investigation, PIB identified the witnesses it intended to interview. Neither the Mayor (the only witness beyond Vappie himself who could confirm whether Vappie was working while in the Upper Pontalba apartment), the former Superintendent, nor various supervisors in Vappie's chain of command were included in PIB's initial investigation plan. The Monitoring Team raised this issue and PIB agreed to request an interview from Chief Ferguson and the Mayor. Unfortunately, both declined to be interviewed. These refusals reflect a lack of respect for the NOPD PIB process, and made it harder for PIB to get its job done.

Further, PIB did not attempt to interview the several officers in Vappie's chain of command. The Monitoring Team believes it is critical to interview supervisors – up to and including the cognizant deputy chief – in cases like this. What supervisors knew and didn't know, what they approved and didn't approve, and what steps they took, if any, to provide close and effective supervision are important components of a robust administrative investigation. PIB missed this opportunity here.

Finally, with regard to the sustained 16.58 hour violation relating to the time Officer Vappie was assigned to consultant Fausto Pichardo (and not to the Mayor's executive protection detail), we commend NOPD for attempting to interview Mr. Pichardo. In response to this effort, however, Mr. Pichardo refused to participate in the PIB process, informing PIB "there is nothing that I can contribute to aid this investigation." PIB should not have rolled over so easily in the face of this unprofessional refusal. According to statements made by the Mayor, Mr. Pichardo is serving as the NOPD's Consulting Chief of Operations.¹³ Presumably, he must abide by NOPD's rules and

¹² PIB also used vague language with regard to its finding that Officer Jeffrey Vappie "may also have violated Rule IX of the Civil Service Rules for the City of New Orleans." Here again, PIB should have found a violation or not by a preponderance of the evidence.

¹³ While the Mayor has used the title "Consulting Chief of Operations" to describe Mr. Pichardo, we note that that title does not appear in any of NOPD's organizational charts. The Monitoring Team



procedures, and comply with the directions of his NOPD supervisors. Had NOPD directed Mr. Pichardo to meet with PIB, presumably he would have done so. But there appears to have been no real effort to make that happen.

The quality of PIB investigations hinges on the willingness of material witnesses to participate in the PIB process. Every officer requested to participate, whether current or former, did so. In contrast, retired Chief Ferguson, the Mayor, and NOPD's Consulting Chief of Operations refused to do so. NOPD should have explored whether it had other tools available to it to convince these individuals to participate in such an important process.

D. PIB Failed To Take Advantage Of Opportunities To Cooperate With The New Orleans Office Of The Inspector General.

The New Orleans Inspector General reached out to NOPD and PIB on numerous occasions offering to support PIB's investigation. Apparently, the IG is conducting its own investigation into broader issues regarding the French Quarter apartment, and, in the course of that investigation, has reviewed hundreds of hours of video showing the time Officer Vappie spent in the Upper Pontalba apartment while on duty and off duty. PIB, however, failed to accept the IG's offer of assistance. In the Monitoring Team's view this was a mistake. The New Orleans IG has resources – forensic, data analysis, and personnel – NOPD simply does not have.

E. PIB Failed To Take Adequate Steps To Protect The Confidentiality Of Its Investigation.

At the outset of the Vappie investigation, the Monitoring Team and the IPM advised PIB to implement additional protections to ensure the confidentiality of its investigation. Because of public and media focus on the investigation and the fact that the Mayor, their boss, likely would be a material witness in the investigation, we felt extra precautions were necessary to protect the integrity of the investigation and avoid any appearance of impropriety. Among other things, the Monitoring Team and the IPM advised PIB to establish a small circle of individuals authorized to have access to investigation materials, and to preclude all others from such access. PIB agreed on the importance of confidentiality and agreed that only a small circle within PIB would have access to investigation materials.

PIB failed to take the necessary steps to implement the protections it promised.

has asked NOPD numerous times what role Mr. Pichardo is playing and what his responsibilities he has within the NOPD, but has never received a consistent answer.



- First, it appears PIB shared a copy of all witness interview audio recordings with the City Attorney's Office. While we recognize the City Attorney represents PIB and the City and, at some point, may have a need to review those recordings (e.g., as part of a Civil Service appeal), requesting those recordings prior to the conclusion of the investigation created a risk of an inadvertent breach as well as an appearance of impropriety.¹⁴
- Second, the audio recordings shared with the City Attorney apparently were shared on a non-password protected USB drive, increasing the risk and consequence of an inadvertent disclosure.
- Third, NOPD reassigned the two PIB investigators into the districts during the investigation, which meant they were working on highly confidential matters from their district offices rather than from the protected confines of PIB. This decision created an additional risk of an inadvertent breach of confidentiality.

The confidentiality of PIB investigations is critical for many reasons, including ensuring the integrity of the investigation itself, avoiding improper pressure on the investigation team and the witnesses, and avoiding the risk that information from an administrative investigation could contaminate a parallel or subsequent criminal investigation. It is too early to know whether the failure to ensure the confidentiality of the Vappie investigation will lead to these problems.

F. PIB Violated The Consent Decree By Refusing To Share A Copy Of The PIB Report With The Monitoring Team When Requested.

Well before the conclusion of the PIB investigation, the Monitoring Team (and the IPM) requested a copy of the near-final PIB investigation report. NOPD rejected the Monitoring Team's request. The Monitoring Team repeated its request multiple times over the course of the following weeks, to no avail.

The failure to share drafts of the PIB report with the Monitoring Team violates the clear terms of the Consent Decree, paragraph 454 of which provides as follows:

454. City and NOPD shall provide each investigation of a serious use of force or use of force that is the subject of a misconduct investigation, and each investigation report of a serious misconduct complaint investigation (i.e., criminal misconduct; unreasonable use of force; discriminatory policing; false arrest or planting evidence;

¹⁴ The City Attorney's Office has acknowledged an inadvertent public disclosure of all PIB interview recordings in the Vappie matter.



untruthfulness/false statements; unlawful search; retaliation; sexual misconduct; domestic violence; and theft), to the Monitor before closing the investigation or communicating the recommended disposition to the subject of the investigation or review. The Monitor shall review each serious use of force investigation and each serious misconduct complaint investigation and recommend for further investigation any use of force or misconduct complaint investigations that the Monitor determines to be incomplete or for which the findings are not supported by a preponderance of the evidence. The Monitor shall provide written instructions for completing any investigation determined to be incomplete or inadequately supported by the evidence. The Superintendent shall determine whether the additional investigation or modification recommended by the Monitor should be carried out. Where the Superintendent determines not to order the recommended additional investigation or modification, the Superintendent will set out the reasons for this determination in writing. The Monitor shall provide recommendations so that any further investigation or modification can be concluded within the timeframes mandated by state law. The Monitor shall coordinate with the IPM in conducting these use of force and misconduct investigation reviews.

It is unclear why NOPD refused to share its report with the Monitoring Team when it was required by the Consent Decree to do so. This is the first time over the course of the Consent Decree NOPD has withheld information from the Monitoring Team.

Ultimately, after multiple requests and a threat to take the matter to Judge Morgan, PIB did turn over its report on April 3, 2023. Such a late production, however, made it much harder for the Monitoring Team to fulfill its obligations under paragraph 454 of the Consent Decree.

G. PIB Failed To Make An Effort To Secure Officer Vappie's Personal Cell Phone.

Soon after the launch of the Vappie investigation, it became clear Officer Vappie may have been communicating with the Mayor or the Mayor's staff via cell phone. Consequently, PIB secured Officer Vappie's work phone. However, a forensic analysis of the work phone failed to turn up relevant texts, emails, or voicemails. Yet, clearly, considering the extensive hours Officer Vappie spent in the Upper Pontalba

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apartment both on and off the clock, Officer Vappie and the Mayor's office must have been corresponding somehow. The most likely vehicle for such frequent communications, if not Officer Vappie's work phone, must be Officer Vappie's personal cell phone. The evidence on his personal phone (e.g., texts, locations, voicemails, etc.) could have been relevant to support or rebut Officer Vappie's testimony regarding what he was doing while spending so many hours in the Upper Pontalba apartment both on and off the clock.

While PIB did appropriately secure Officer Vappie's work phone, it chose not even to request Officer Vappie's personal phone. In the view of the Monitoring Team, this was a mistake. While the law is not perfectly clear in this area, the prevailing legal view seems to be a police agency can secure an officer's personal phone where it is reasonable to do so. We submit that, while not without room for an opposing view, NOPD did have adequate reason to do so here. Witnesses confirmed the Mayor's office did communicate with officers on the executive protection detail using cell phones. Since PIB did not find communications regarding the time spent in the Upper Pontalba apartment on Vappie's work phone, it stands to reason such communications must have come via Officer Vappie's personal phone. Consequently, reviewing the content of that phone could have supported Officer Vappie's statement that he was working while in the Upper Pontalba apartment. It also could have countered Officer Vappie's statement. Either way, the information on the personal phone would have been relevant to PIB's investigation.

H. Conclusion

The shortcomings noted above are substantive and material. NOPD should take immediate action to implement a corrective action plan to (a) fix what it can within the timeframe available for the Vappie investigation, and (b) ensure no recurrence of these shortcomings in future investigations. Notwithstanding these shortcomings and opportunities for improvement, however, we reiterate our finding that the PIB investigators did a good job in their investigation of Officer Vappie. Their decision to sustain multiple allegations against Officer Vappie was reasonable and supported by the facts. We commend Captain Allen and Lieutenant Jones for undertaking a quality investigation in a high pressure situation. We also commend Deputy Chief Sanchez for taking this matter seriously.

One final recommendation is worth mentioning here. The NOPD Discipline Review Board should seriously consider "mitigating up" the discipline imposed on Officer Vappie considering the significant circumstantial evidence demonstrating his lack of professionalism stemming from his time in the Upper Pontalba apartment during working and non-working hours, and his meals with the Mayor with his back to the door during working hours.

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The PIB discipline matrix¹⁵ gives NOPD the opportunity to increase discipline beyond the matrix where aggravating circumstances are present. NOPD's Discipline Policy 26.2.1 describes aggravating circumstances as "conditions or events that increase the seriousness of misconduct and may increase the degree of penalty. Aggravating circumstances may be considered at a penalty hearing to deviate from the recommended or presumptive punishment. For example, if an offense carries a penalty range of one to three days' suspension, a hearing officer may choose to impose a three-day suspension in light of aggravating circumstances."

Moreover, NOPD policy 26.2 makes clear "Discipline shall be based upon the nature of the violation, *with consideration of aggravating and mitigating circumstances*, rather than the identity of the accused or his or her status within the NOPD." Further, Chapter 26.2.1 provides that the penalty hearing officer must recommend the presumptive penalty *unless aggravating or mitigating circumstances exist and are specifically articulated in the hearing record*.

In the discussion above, we set out the Monitoring Team's view regarding how PIB should have better documented the circumstantial evidence relating to Officer Vappie's lack of professionalism. While we agree with PIB's decision to sustain on the professionalism count, we see an appropriate use of that same extensive circumstantial evidence to deviate upward from the presumptive discipline set out in the matrix.

III. Policy Recommendations

On February 17, 2023, prior to the conclusion of the investigation, the Monitoring Team sent an "immediate action notice" to the Deputy Chief of PIB alerting him to several policy and structural issues we believe the NOPD should address right away. Rather than waiting until the conclusion of PIB's investigation, we brought these matters to PIB's attention at that time to ensure NOPD could take immediate steps to correct the concerns we identified. We made clear to PIB we were offering no opinions or recommendations regarding the Vappie investigation itself since we had not seen the investigation report yet. Our opinions and recommendations related only to larger policy/process issues that are not tied to the substantive findings of the Vappie PIB investigation team.

The Monitoring Team recommended the following actions based on our review of the early stages of the PIB investigation into the actions/inactions of Officer Vappie, and reiterates those recommendations here since we have not yet heard back from PIB on our February 17 letter:

¹⁵ Consent Decree paragraph 422 requires NOPD's use of a discipline matrix.



- **Supervision.** The NOPD officers assigned to the Executive Protection detail receive little if any oversight from NOPD supervisors. This appears to have been the case for years. The members of the detail indicated their belief that their only supervisor was the Mayor herself. While the Mayor seemingly is responsible for assignments and schedules, there is no indication the Mayor played any role in supervision beyond that. NOPD should take immediate action to ensure the members of the Executive Protection detail receive the “close and effective supervision” required by the Consent Decree.¹⁶
- **Policy.** No written policy guides the operation of the Executive Protection detail or the actions of the officers assigned to that detail. Likewise, no written document (policy or otherwise) sets out the standards and protocols with which members of the Executive Protection team are expected to comply. The lack of written guidance almost certainly hindered PIB’s investigation of Officer Vappie. NOPD should take immediate action to develop clear policies and procedures governing the operation of Executive Protection detail and the officers assigned to that detail. As required by the Consent Decree, such policies and procedures should “define terms clearly, comply with applicable law and the requirements of the Consent Decree, and comport with best practices.”¹⁷
- **Performance Evaluations.** The Consent Decree requires that “officers who police effectively and ethically are recognized through the performance evaluation process, and that officers who lead effectively and ethically are identified and receive appropriate consideration for promotion” and that “poor performance or policing that otherwise undermines public safety and community trust is reflected in officer evaluations so that NOPD can identify and effectively respond.”¹⁸ Without any meaningful NOPD supervision, it is unclear to us who, if anyone, evaluates the performance of members of the Executive Protection detail. NOPD should take immediate action to ensure members of the Executive Protection detail are evaluated in the same manner as other NOPD officers.
- **Efficiency.** We understand that members of the Executive Protection team are paid for a full shift whether or not the Mayor is in town. It is unclear, however, what work they are performing while the Mayor is not in town beyond occasional administrative tasks like cleaning the Mayor’s car and catching up on Departmental paperwork. At a time when NOPD has vocally complained about its lack of officers – and used the lack of officers to explain its inability to

¹⁶ See Consent Decree section XV for a discussion of “close and effective” supervision.

¹⁷ See Consent Decree section II.A.

¹⁸ Consent Decree section XIV sets out the requirements regarding Performance Evaluations.



comply with various Consent Decree obligations – it is quite inefficient to have multiple days when 1-2 additional officers are available to perform patrol work, but they are not performing patrol work. NOPD should consider identifying meaningful tasks members of the Executive Protection team can perform while the Mayor is out of town to contribute to the Department's well-publicized efforts to combat its lack of personnel.

- **Legal Conflicts.** The City Attorney provides “legal advice to the Mayor, the City Council, and other city offices, departments, and boards,” including the NOPD.¹⁹ While this joint representation normally creates no conflict, when the Mayor is or may be a material witness in a PIB investigation, the risk of a real or perceived conflict is significant. Indeed, this occurred in the Vappie investigation when the City Attorney visited PIB to monitor the second interview of Officer Vappie. Situations like this can create the perception that City Hall is attempting to intimidate interviewees or investigators, or otherwise interfere in a PIB investigation. Such perception may be avoided when the Mayor is or may be a witness by (i) the imposition of a formal wall to block the exchange of information between the Mayor's office/City Attorney's Office and PIB and (ii) engaging outside counsel to support PIB throughout the investigation. The Office of the Independent Police Monitor made this suggestion in a thoughtful public letter to the City Council on February 9, 2023. The Monitoring Team agrees with the IPM's concerns. NOPD should consider engaging outside counsel to advise PIB on matters when the City Attorney's representation of the City, Mayor's Office, and PIB could create a real or apparent conflict of interest.
- **Reassignment Of Officers Under Investigation.** We understand, pursuant to Policy 13.1, the Superintendent has the discretion to administratively reassign officers during certain PIB investigations. In this case, Officer Vappie had been moved out of the Executive Protection detail pending the PIB investigation, which was a sensible decision considering the nature of the allegations, the public profile of the investigation, and the likelihood that the Mayor would be a material witness in the investigation. Outgoing Superintendent Ferguson, however, hours before his retirement, inexplicably directed the return of Officer Vappie to the Mayor's security detail. While this order, fortunately, was reversed by a deputy chief and the City Attorney, the order itself created at the very least the appearance of interference in a PIB investigation. NOPD should consider revising its policy to prohibit officers reassigned due to a PIB investigation from being assigned back to their previous units until the

¹⁹ See www.nola.gov/city-attorney.



conclusion of the PIB investigation without the express approval of the PIB Deputy Chief.

- **PIB Investigators.** During the course of the PIB investigation, the two investigators assigned to the Vappie investigation were moved out of PIB. The lead investigator, Lawrence Jones, was promoted to lieutenant and moved to a district patrol unit. The PIB Captain, Kendrick Allen, was assigned to command a district. Without at all suggesting these two promotions were not warranted, NOPD should have considered detailing both individuals back to PIB until the completion of the Vappie investigation. While Superintendent Woodfork assured the Monitoring Team both officers would be given adequate time to complete their investigation, as a practical matter, this is difficult to accomplish in practice. PIB readily concedes it lacks adequate personnel to perform aspects of its investigations in the best of times (e.g., reviewing videos and documents). Adding a full time job to Allen's and Jones's schedules on top of their PIB jobs virtually guaranteed both jobs would be compromised to some extent. NOPD should consider adopting a policy of detailing promoted officers back to PIB for limited timeframes when necessary to complete significant pending investigations.
- **Initial Investigation Letters.** At the outset of the investigation, PIB alerted Officer Vappie it had opened an administrative investigation initiated by a public complaint. The letter advised Officer Vappie that PIB would focus on an alleged violation of the 16.58 hour rule as well as other matters. PIB was aware at that time, however, of several other potential violations by Officer Vappie as a result of the Fox 8 coverage, including potential violations of NOPD's professionalism, conflict, and time charging rules. While PIB represented to the Monitoring Team that the general "other matters" language was all that was required to put Officer Vappie on notice of the allegations against him, the limited wording of the initial letter created avoidable problems during the Vappie interview. NOPD should consider the pros and cons of including a more complete description of the conduct under investigation in its initial letters to investigation subjects.

The Monitoring Team believes these recommendations are critical to ensure compliance with the Consent Decree and to ensure the sustainability of the many reforms NOPD has made over the years. While we are aware that the NOPD has taken steps to implement some of these recommendations, PIB has not yet responded to our February 2023 letter outlining these recommendations so we are not in a position to opine on the meaningfulness of NOPD's corrective actions at this time.



IV. Conclusion

The Vappie investigation was a stressful one for PIB. The City Council made clear it would be reviewing the matter closely. The media made clear they would be reviewing the matter closely. And the Monitoring Team and the IPM made clear they would be reviewing the matter closely. Notwithstanding the stress likely caused by so much oversight, PIB undertook its investigation professionally and with integrity. While the Monitoring Team takes issue with some aspects of the investigation report, as noted in this Report, overall, we find that PIB did a good job with the underlying investigation. Investigators Allen and Jones took the matter seriously, comported themselves professionally, and showed no signs of being influenced by outside pressures. We commend PIB for its investigative work. We are hopeful, however, that the opportunities for improvement outlined in this Report will be taken seriously by PIB and NOPD and will be implemented promptly.

To that end, pursuant to Consent Decree paragraph 454, the NOPD Superintendent now must determine whether or not to order the recommendations set out in this Report. Should the Superintendent decide not to order the Monitoring Team's recommendations, she must "set out the reasons for this determination in writing."

As always, the Monitoring Team will make itself available to discuss any element of this Report or the remedial measures NOPD plans to take in response thereto.



Attachment F

NOPD Response to Monitoring Team Analysis

CITY OF NEW ORLEANS



LaToya Cantrell
MAYOR

DEPARTMENT OF POLICE

715 South Broad Street
New Orleans, LA 70119

"to protect and to serve"



Michelle M. Woodfork
SUPERINTENDENT

April 24, 2023

Mr. Jonathan Aronie
Consent Decree Monitor (NOPD)
Leader, Governmental Practice
Sheppard Mullin Richter & Hampton LLP
2099 Pennsylvania Avenue, NW, Suite 100
Washington, DC 20006

Re: Officer Jeffery Vappie

Dear Mr. Aronie,

The Officer Jeffery Vappie administrative investigation has drawn an uncanny amount of attention and has become a polarizing jewel for many factions. However, the Public Integrity Bureau (PIB) has not wavered from its goal to fairly and thoroughly investigate misconduct allegations made against employees of the New Orleans Police Department. PIB's overall mission is consistent with the express language of the opening paragraph of section XVII of the Amended and Restated Consent Decree ("Consent Decree") that ensures "all allegations of officer misconduct are received and are fully and fairly investigated". From the moment the allegation was received and assigned, without question, Captain Kendrick Allen and Lieutenant Lawrence Jones fully, thoroughly, and fairly investigated the allegations of misconduct against Officer Vappie. We agree with your assessment that PIB undertook its investigation professionally and with integrity and we further join you in commending the investigators and PIB for a good job.

The highly public nature of the complaint and its subsequent investigation has drawn unprecedented interest, as you stated, from the City Council, the media, the Monitoring Team and the OIPM. This level of review and scrutiny has been fruitful in several ways. First, it allows casual observers an opportunity to learn of the high quality, expertise, and performance of the men and women of the New Orleans Police Department. It specifically showcases the skills and professionalism of the investigators and the completeness of investigations conducted within the Public Integrity Bureau. This is noteworthy and these efforts are worthy of applause.

Second, the numerous monitoring reviews have presented concerned parties with another reason and opportunity to review, with specificity, the tenets of the Consent Decree. We disagree with the Monitoring Team Analysis that PIB violated the Consent Decree by refusing to share a copy of the PIB report with the Monitoring Team when requested. The plain language of Paragraph 454 of the Consent Decree states that "City and NOPD shall provide each investigation of a serious use of force or use of force that is the subject of a misconduct investigation, and each investigation report of a serious misconduct complaint investigation (i.e., criminal misconduct; unreasonable use of force; discriminatory policing; false arrest or planting evidence; untruthfulness/false statements; unlawful search; retaliation; sexual misconduct; domestic violence; and theft), to the Monitor before closing the investigation or communicating the recommended disposition to the subject of the investigation or review".

"an equal opportunity employer"

Here, under the most liberal reading and interpretation, the Consent Decree would not describe the Officer Vappie investigation as one that entitles the Monitor to the investigation before its completion. It would not identify the investigation as a use of force investigation or a serious misconduct complaint investigation. More precisely, the investigation: 1) did not involve a serious use of force; 2) did not involve use of force that is the subject of a misconduct investigation; and 3) was not a serious misconduct complaint investigation further enumerated and clarified as “criminal misconduct; unreasonable use of force; discriminatory policing; false arrest or planting evidence; untruthfulness/false statements; unlawful search; retaliation; sexual misconduct; domestic violence; and theft”. Under the Consent Decree only these three specific types of investigations trigger the requirement of NOPD to provide the Monitor the investigation prior to its conclusion.

No allegation of misconduct, by Officer Vappie, was described, suggested, hinted at or articulated as conduct that requires the release of the investigation pursuant to Paragraph 454. The Monitor is expressly granted limited power and authority to “review each serious use of force investigation and each serious misconduct complaint allegation and recommend for further investigation...”. At its request, the Monitor is not eligible to receive each, every, and all investigations, no matter the stage of the investigation. Therefore, we vehemently disagree with the suggestion that the Public Integrity Bureau violated the Consent Decree by refusing to share a copy of the PIB report with the Monitoring Team.

Third, the NOPD has the occasion to educate and clarify the role of the Public Integrity Bureau. As you know, the PIB is critical to the overall success of the New Orleans Police Department. It is important to note that PIB is not a prosecutorial or disciplinary agency, but it is a fact-finding bureau. Although the governing standard for administrative investigations is a preponderance of the evidence, PIB does not approach investigations with an intention to make the facts fit. We investigate the complaint by following the lead of the facts wherever they lead and when the trail of the facts ends, we begin the conclusion of the investigation.

While we appreciate your suggestion that the investigators should have obtained the Officer’s personal cell phone for further research and investigation. However, we find no legal, fair, or reasonable basis for doing so. Under my administration, we hold constitutional policing as an ongoing and unwavering standard. As we understand it, the Fourth Amendment prohibits warrantless searches of places or seizures of persons or objects where there is a reasonable expectation of privacy. The courts, as you know, apply a test that basically weighs and balances the public interest against the intrusion of privacy.

Here, the initial complaint alleged that the officer may have violated the 16.35-hour rule. Based on an investigation and review of the officer’s timesheets and payroll records it was determined that the Officer violated the NOPD policy. The information that could have been discovered in Officer Vappie’s cellphone was discovered early in the investigation and through other means. Applying the balance test under the facts of the Officer Vappie administrative investigation, to take his personal cellphone reeks of a constitutional violation making this issue ripe for an appeal.

Furthermore, the ramifications of taking an officer's personal cellphone as part of an administrative investigation would deplete and flatten the morale of the entire NOPD. This type of rogue and violative action is not the direction in which I am leading and intend to lead the bureau.

Lastly, it presents opportunities for the New Orleans Police Department to consider ways to improve and make appropriate adjustments. We recognize that NOPD must create new policies and procedures to ensure that our employees' behavior reflects the professional and accountability standards of the NOPD. We are working to upgrade the protocols within the Executive Protection team. We are establishing procedures that incorporate this specialized unit within a clearly defined and delineated chain of command for supervision and accountability. This includes the placement of an immediate supervisor within the EP team.

Through this process we have also recognized the need to adjust our current documents and forms to more clearly reflect our operating procedures. In other words, we have an opportunity to make our documents less confusing and commensurate with our actual protocols. One such example is in the penalty recommendation document wherein the investigators submit their recommendations to their chain of command. These recommendations allow for the investigators' Platoon Commanders, District Captains, and their respective Deputy Superintendent to review the investigation and acknowledge their opinion by circling either "concur" or "does not concur" and then signing their signature above their name.

This recommendation form/document allows for two final signatures, the Deputy Superintendent of the Public Integrity Bureau and the Superintendent of Police. As a matter-of-sequence, the Deputy Superintendent signs in their official capacity, and then signs "for" the Superintendent. While this practice is loosely described in old policies and is subject to various interpretations, we are reviewing to determine its utility at this stage. However, in the Officer Vappie investigation, this process was continued.

By way of clarity, Superintendent Michelle M. Woodfork did not review this investigation, nor did she sign acknowledging that she did at this phase. Perhaps because the practice is commonplace it seems obvious that the signature for the Deputy Superintendent of PIB and the signature for the Superintendent of Police are the same. Additionally, the word "for" after the Deputy Superintendent's signature with an arrow pointing to the Superintendent's name should have been a clear identifier that the Deputy Superintendent was in fact signing for the Superintendent.

As previously described, Deputy Superintendent Keith A. Sanchez signed his name in his official capacity on the recommendations and as customary Deputy Superintendent Keith A. Sanchez signed for Superintendent Michele M. Woodfork. This customary policy has been in place for many years, and it presents an opportunity to evaluate the reason it has been done this way or should it continue. I would welcome any recommendation or approach you have considered over

the years to change this since it was the practice ever since the Monitoring Team has been convened.

Under my administration, I intend to work in partnership with those who seek to help the New Orleans Police Department improve and operate at its maximum capacity. I appreciate your level of insight and your willingness to separate your strongly held opinions of what could have been done and yet fairly grade our investigators and the PIB on what they did. As stated before, I agree with the Monitoring Team Analysis that PIB did a good job with this investigation. Although we have created new policies, procedures, and protocols to address the issues that we both discovered through this investigation, I look forward to reviewing further your recommendations and seeing how we may utilize them best.

Very truly yours,

MICHELLE M. WOODFORK
Superintendent of Police



By: Keith Sanchez, Deputy Superintendent
Public Integrity Bureau

INVOICES RE: VAPPIE / PIB

FOR PROFESSIONAL SERVICES THROUGH NOVEMBER 30, 2022

11/10/22 Prepare for and meet with NOPD regarding City Ordinances (1.0); prepare for and participate in public meeting at East New Orleans Regional Library (2.5); meet with Mr. Douglass and Dr. Burns regarding same (0.4); meet with IPM regarding same (0.3); meet with OIG regarding NOPD/Mayor investigation (0.3); review notes and other materials en route to DC (0.8); meet with IPM regarding City Ordinance (0.4); attend to Morrell ordinance regarding IPM (0.4); review data from Ms. Trepagnier (0.2).
Jonathan S. Aronie 6.30 hrs. \$ 516.59/hr.

11/11/22 Meet with community stakeholder (0.4); attend to Vappie investigation (0.4); respond to City Council request to investigate Vappie matter (0.4); correspond with Mr. Helou regarding Use of Force data (0.2); correspond with Judge Morgan regarding City Council investigation request (0.3).
Jonathan S. Aronie 1.70 hrs. \$ 516.59/hr.

11/13/22 Review follow-up news report regarding Officer Vappie.
David L. Douglass .30 hrs. \$ 516.60/hr.

11/13/22 Draft cover letter to preliminary PIB findings (0.5); correspond with Judge Morgan regarding Vappie (0.2).
Jonathan S. Aronie .70 hrs. \$ 516.59/hr.

11/14/22 Call with Judge Morgan and Mr. Aronie regarding Vappie investigation issues.
David L. Douglass 1.40 hrs. \$ 516.59/hr.

11/14/22 Prepare for and meet with Judge Morgan regarding Vappie investigation (1.4); meet with NOPD personnel regarding same (0.4); review policies and rules regarding potential violations (0.7); prepare for meeting with City Council regarding IPM (0.3); coordinate meeting with PIB and IPM (0.3).
Jonathan S. Aronie 3.10 hrs. \$ 516.59/hr.

11/15/22 Prepare for and participate in video conference with Councilmember Morrell (0.5); prepare for and meet with PIB and IPM regarding Vappie investigation (1.2); attend to use of force event (0.2).
Jonathan S. Aronie 1.90 hrs. \$ 516.59/hr.

11/16/22 Work on IPM ordinance (0.5); review NOPD news coverage (0.4); attend to Vappie Investigation (0.4).
Jonathan S. Aronie 1.30 hrs. \$ 516.59/hr.

11/17/22 Prepare for and meet with DOJ and Monitoring Team (1.0); prepare technical assistance memo to PIB regarding Vappie investigation (0.8); correspond with Deputy Chief regarding new PIB investigations (0.2); meet with City official regarding ongoing news stories regarding NOPD executive protection detail (0.4); review local news regarding NOPD matters (0.3); review and revise draft IPM ordinance (0.5); confer

with Mr. Douglass regarding same (0.2)
Jonathan S. Aronie 3.40 hrs. \$ 516.59/hr.

FOR PROFESSIONAL SERVICES THROUGH DECEMBER 31, 2022

12/01/22 Telephone conferences with key individuals relating to Vappie investigation.
Jonathan S. Aronie .40 hrs. \$ 516.60/hr.

12/02/22 Confer with IPM and team members regarding Vappie investigation monitoring plan.
David L. Douglass .60 hrs. \$ 516.58/hr.

12/02/22 Review information regarding IG investigation concerning Vappie issue and
communicate with Judge Morgan regarding same.
David L. Douglass .60 hrs. \$ 516.58/hr.

12/02/22 Participate in call with Mr. Douglass, Ms. Perry, and Independent Monitor Team
regarding overseeing the ongoing Vappie investigation (0.7); continue drafting Annual
Report (1.4).
Nikole R. Snyder 2.10 hrs. \$ 425.43/hr.

12/05/22 Attend Investigation Coordination Zoom meeting concerning PIB's Vappie
investigation; review investigation documents; develop investigation tracking
document.
Scott Huntsberry 1.40 hrs. \$ 200.00/hr.

12/05/22 Prepare for and participate in PIB briefing regarding Vappie investigation (1.0);
prepare for and meet with Mr. Douglass and Judge Morgan regarding various compliance
matters (0.8); review and comment on Vappie investigations plan (0.6); review PIB
draft interview outline (0.3); meet with Agent Huntsberry and Ms. Perry regarding PIB
investigation (0.4).
Jonathan S. Aronie 3.10 hrs. \$ 516.59/hr.

12/07/22 Meet with Captain Allen of NOPD PIB at his office to discuss Vappie investigation
status and next steps.
Scott Huntsberry 1.10 hrs. \$ 200.00/hr.

12/09/22 Follow-up regarding Vappie investigation.
David L. Douglass .30 hrs. \$ 516.60/hr.

12/09/22 Review materials regarding PIB and prepare task and timeline list for Vappie
investigation; send same to Agent Huntsberry for review.
Anne B. Perry 3.30 hrs. \$ 516.59/hr.

12/12/22 Attend investigation status update meeting with Mr. Aronie and Ms. Perry concerning
NOPD PIB Vappie investigation.
Scott Huntsberry 1.00 hrs. \$ 200.00/hr.

12/12/22 Participate in weekly status call regarding Vappie investigation; update draft work plan/timeline; telephone conference with Ms. Viverette regarding PIB.
Anne B. Perry 1.70 hrs. \$ 516.59/hr.

12/12/22 Prepare for and participate in weekly call with PIB regarding Vappie (1.0); meet with Ms. Perry regarding same (0.3); meet with Mr. Douglass and Judge Morgan regarding court hearing and related compliance matters (0.7); meet with IG regarding NOPD investigation matters (0.3); attend to Claus matter (0.2); correspond with Dr. Burns regarding “in the green” carveouts and promises (0.2); correspond with Mr. Douglass regarding co-responder opportunities (0.2).
Jonathan S. Aronie 2.90 hrs. \$ 516.59/hr.

12/12/22 Attend meeting with NOPD on Vappie investigation update.
Nikole R. Snyder 1.00 hrs. \$ 425.43/hr.

12/13/22 Attend Vappie Investigation Status meeting with Captain Allen.
Scott Huntsberry .40 hrs. \$ 200.00/hr.

12/15/22 Correspond with NOPD PIB regarding Vappie investigation.
Jonathan S. Aronie .30 hrs. \$ 516.60/hr.

12/16/22 Prepare for and attend monitoring team retreat with Judge Morgan (2.0); meet with various stakeholders regarding police leadership (0.4); review letter from OIG regarding NOPD (0.2); correspond with PIB regarding Vappie investigation (0.2).
Jonathan S. Aronie 2.80 hrs. \$ 516.59/hr.

12/19/22 Attend Vappie Investigation strategy and coordination meeting with NOPD PIB personnel, representative of IPM, Mr. Aronie, and Ms. Perry.
Scott Huntsberry 1.00 hrs. \$ 200.00/hr.

12/19/22 Prepare for and meet with Judge Morgan regarding personnel, leadership, consultants, and related monitoring tasks (0.5); prepare for and meet with PIB regarding Vappie investigation (0.8); meet with IG regarding same (0.4); draft letter to Deputy Chief Sanchez regarding same (0.5); conduct research regarding obstruction of internal affairs investigation (0.4).
Jonathan S. Aronie 2.60 hrs. \$ 516.59/hr.

12/20/22 Attend NOPD Vappie investigation update meeting with Sgt. Jones.
Scott Huntsberry .40 hrs. \$ 200.00/hr.

12/21/22 Receive update from Ms. Perry regarding Vappie investigation.
David L. Douglass .20 hrs. \$ 516.60/hr.

12/21/22 Review NOPD updates; confer with Mr. Douglas regarding status of Mr. Vappie investigation.
Anne B. Perry .80 hrs. \$ 516.59/hr.

12/22/22 Review NOPD updates; confer with Agent Huntsberry regarding status of Mr. Vappie investigation.
Anne B. Perry .20 hrs. \$ 516.60/hr.

12/22/22 Attend to outgoing Chief Ferguson's decision to reinstate Officer Vappie to the Mayor's executive security detail in the middle of multiple investigations into Vappie's behavior (3.0); prepare for and meet with Judge Morgan et al. regarding APR and related efforts to reduce officer burden to ensure NOPD compliance with Paragraph 12 (1.0); prepare for and attend Monitor Retreat with Judge Morgan (1.5); meet with community stakeholder regarding NOPD leadership change (0.5).

Jonathan S. Aronie 6.00 hrs. \$ 516.59/hr.

12/23/22 Conduct telephone call with Captain Allen concerning status of PIB's Vappie investigation.

Scott Huntsberry .40 hrs. \$ 200.00/hr.

12/23/22 Review NOPD updates; confer with Agent Huntsberry regarding status of Mr. Vappie investigation.

Anne B. Perry .70 hrs. \$ 516.59/hr.

12/27/22 Receive telephone call from Captain Allen concerning PIB's Vappie Investigation progress.

Scott Huntsberry .30 hrs. \$ 200.00/hr.

12/28/22 Attend update/status meeting with PIB personnel, IPM personnel, Mr. Aronie, and Ms. Perry concerning Vappie investigation.

Scott Huntsberry .80 hrs. \$ 200.00/hr.

12/28/22 Review interview questions and email; correspondence regarding same; prepare for and participate in weekly update call regarding Vappie investigation.

Anne B. Perry 1.60 hrs. \$ 516.59/hr.

12/28/22 Prepare for and meet with PIB regarding Vappie (1.0); meet with Agent Huntsberry regarding same (0.3); review PIB interview of executive protection officer (1.4); correspond with PIB regarding ongoing investigation (0.2); meet with community stakeholder regarding NOPD leadership (0.4); meet with NOPD deputy chief regarding ongoing compliance matters (0.4); meet with NOPD captain regarding ongoing compliance matters (0.4); review materials regarding recent officer accidental discharge (0.2); prepare additional interview questions for PIB investigators (0.4); correspond with Officer Allen regarding same (0.2); meet with Deputy Chief Sanchez regarding ongoing Vappie investigation (0.3).

Jonathan S. Aronie 5.30 hrs. \$ 516.59/hr.

12/29/22 Attend Zoom update and planning meeting with Captain Allen regarding PIB's Vappie investigation.

Scott Huntsberry .70 hrs. \$ 200.00/hr.

12/29/22 Prepare for and meet with Monitoring Team regarding 2023 monitoring plans (0.7); draft email to Chief Sanchez regarding additional recommendations for Vappie investigation (0.4); meet with key City leaders regarding national search for new Superintendent (0.4); meet with NOPD leaders regarding changes in NOPD leadership structure (0.5); review Vappie witness interviews (0.4).

Jonathan S. Aronie 2.40 hrs. \$ 516.59/hr.

12/30/22 Meet with City Council members regarding questions about national superintendent search (0.3); correspond with Chief Sanchez regarding Vappie investigation (0.3); prepare for and meet with Judge Morgan regarding new NOPD [leadership](#), Fausto's role at NOPD, and Vappie investigation (0.4); review and suggest revisions to correspondence with Chief Gernon (0.3).

Jonathan S. Aronie 1.30 hrs. \$ 516.59/hr.

12/31/22 Review PIB interviews regarding Vappie.

Jonathan S. Aronie 1.00 hrs. \$ 516.59/hr.

FOR PROFESSIONAL SERVICES THROUGH JANUARY 31, 2023

01/03/23 Vappie investigation - Email correspondence and review materials.

Anne B. Perry .20 hrs. \$ 516.60/hr.

01/03/23 Review witness interview recordings regarding Vappie investigation (1.0); review materials regarding recruitment and retention (0.4); correspond with Judge Morgan regarding same (0.1); meet with Chief Sanchez regarding cancellation of weekly meeting (0.2); meet with member of Ethics Board regarding various NOPD compliance matters (0.7).

Jonathan S. Aronie 2.40 hrs. \$ 516.59/hr.

01/04/23 Prepare for and meet with Chief Woodfork and new leadership team (1.0); meet with City Council member regarding CD status (0.4); prepare for and meet with Chief Sanchez regarding reassignment of Vappie investigators (0.3); meet with IPM regarding same (0.4); meet with IG regarding same (0.4); meet with Mr. Douglass regarding meeting with Chief Woodfork (0.4); correspond with Chief Sanchez regarding Vappie (0.2); correspond with Chief Woodfork regarding Vappie (0.1); review Monlyn and Johnson witness interviews (2.0).

Jonathan S. Aronie 5.20 hrs. \$ 516.59/hr.

01/05/23 Conduct telephone call with Commander Allen concerning Vappie investigation status. Scott Huntsberry .30 hrs. \$ 215.00/hr.

01/05/23 Compose email to Mr. Aronie concerning upcoming subject interview of Officer Vappie by PIB.

Scott Huntsberry .20 hrs. \$ 215.00/hr.

01/05/23 Prepare for and meet with NAACP president regarding [NOPD leadership](#) (0.5); attend to Vappie investigation oversight (0.3); prepare questions for PIB regarding Vappie investigation (0.4).

Jonathan S. Aronie 1.20 hrs. \$ 516.59/hr.

01/06/23 Participate in conference call with investigative team regarding status and next steps in Vappie investigation.

Anne B. Perry 1.10 hrs. \$ 516.59/hr.

01/06/23 Prepare for and participate in video call with PIB regarding status of Vappie investigation (0.9); prepare for and meet with DOJ (0.5).

Jonathan S. Aronie 1.40 hrs. \$ 516.59/hr.

01/08/23 Develop list of interview questions for Jeffrey Vappie.

Scott Huntsberry .90 hrs. \$ 215.00/hr.

01/09/23 Attend meeting with Capt Allen and Lt. Jones at PIB Office concerning Vappie Investigation; observe Vappie interview at PIB office.

Scott Huntsberry 4.20 hrs. \$ 215.00/hr.

01/09/23 Email correspondence regarding status and next steps in Vappie investigation (0.3); confer with Mr. Aronie regarding updates and status of Vappie investigation (0.2).

Anne B. Perry .50 hrs. \$ 516.60/hr.

01/09/23 Prepare for and participate in meeting with Judge Morgan and NOPD interim superintendent (1.4); prepare for and participate in meeting with monitoring team in advance of meetings with parties (2.0); meet with Mr. Huntsberry regarding Vappie interview (0.3); telephone conference with Chief Gernon regarding PSAB OPSE audits (0.4); meet with Mr. Douglass regarding same (0.2); correspond with judge Morgan regarding same (0.4); correspond with Judge Morgan regarding Vappie investigation (0.2); meet with member of Business Council and NOLA Coalition regarding community feedback regarding NOPD chief search (0.7); draft email to PIB chief regarding detailing reassigned investigators back to PIB (0.4).

Jonathan S. Aronie 6.00 hrs. \$ 516.59/hr.

01/10/23 Prepare for and participate in (via Zoom) meeting with Monitoring Team and DOJ (2.5); prepare for and participate in weekly PIB briefing regarding Vappie investigation (0.7); meet with Mr. Huntsberry regarding same (0.3); prepare for and participate in meeting with Monitoring Team, DOJ, and NOPD (2.5).

Jonathan S. Aronie 6.00 hrs. \$ 516.59/hr.

01/12/23 Attend Vappie Investigation meeting with Judge Morgan.

Scott Huntsberry .90 hrs. \$ 215.00/hr.

01/12/23 Prepare for and participate in all-hands status conference (2.0); prepare for and participate in video conference regarding Vappie investigation and related matters (0.7); meet with Judge Morgan (0.5); meet with Mr. Huntsberry regarding Vappie investigation (0.3); correspond with DOJ regarding task forces (0.2); correspond with DOJ regarding Vappie investigation (0.2).

Jonathan S. Aronie 3.70 hrs. \$ 516.59/hr.

01/13/23 Correspond regarding vehicle pursuit issues (0.3); attend to monitoring of Vappie investigation (1.0).

Jonathan S. Aronie 1.30 hrs. \$ 516.59/hr.

01/15/23 Review Vappie interview.

Jonathan S. Aronie 3.00 hrs. \$ 516.59/hr.

01/16/23 Attend to Vappie investigation monitoring.
Jonathan S. Aronie .40 hrs. \$ 516.60/hr.

01/17/23 Prepare for and participate in weekly Vappie investigation call.
Jonathan S. Aronie 1.00 hrs. \$ 516.59/hr.

01/18/23 Email Ms. Perry requesting Vappie Investigation update.
Scott Huntsberry .10 hrs. \$ 215.00/hr.

01/18/23 Prepare for and meet with Judge Morgan regarding follow-up to onsite meetings and path forward (1.0); review coverage of City Council meeting regarding potential implications on Consent Decree (0.4); correspond with Chief Woodfork regarding outside agencies policing during Mardi Gras (0.2); review media statements from Chief Woodfork regarding application of the Consent Decree to outside agencies (0.2); correspond with Judge Morgan and Mr. Douglass regarding same (0.2); review amended Vappie divorce filing regarding implications for PIB investigation (0.3); correspond with Chief Sanchez regarding same (0.1).
Jonathan S. Aronie 2.40 hrs. \$ 516.59/hr.

01/19/23 Correspond with Chief Sanchez regarding movement of Vappie follow-up interview (0.2); meet with DOJ regarding Vappie investigation (0.4); review materials regarding recent uses of force (0.7).
Jonathan S. Aronie 1.30 hrs. \$ 516.59/hr.

01/23/23 Attend Vappie investigation Status and Planning meeting with Mr. Aronie and Ms. Perry with members of NOPD PIB unit.
Scott Huntsberry 1.50 hrs. \$ 215.00/hr.

01/23/23 Participate in meeting with PIB investigators (1.4); draft questions for follow-up interview with Mr. Vappie (0.5).
Anne B. Perry 1.90 hrs. \$ 516.59/hr.

01/23/23 Prepare for and participate in video conference with NOPD and IPM regarding Vappie investigation (1.0); prepare for and meet with Judge Morgan and Mr. Douglass regarding annual report (1.4).
Jonathan S. Aronie 2.40 hrs. \$ 516.59/hr.

01/23/23 Participate in Vappie investigation call with OCDM, NOPD, and IPM (1.4); draft potential questions for Vappie interview (0.3).
Nikole R. Snyder 1.70 hrs. \$ 425.43/hr.

01/24/23 Finalize list of interview questions for Vappie's second interview and email same to Mr. Aronie and Ms. Perry for review.
Scott Huntsberry .30 hrs. \$ 215.00/hr.

01/24/23 Review updates to questions for follow-up interview with Mr. Vappie (0.4); confer with Messrs. Aronie and Huntsberry regarding questions for follow-up interview with Mr. Vappie (0.2).

Anne B. Perry .60 hrs. \$ 516.58/hr.

01/24/23 Meet with Mr. Douglass regarding annual report (0.3); review proposed questions for Vappie investigation (0.4).

Jonathan S. Aronie .70 hrs. \$ 516.59/hr.

01/25/23 Email correspondence regarding questions for follow-up interview with Mr. Vappie.

Anne B. Perry .10 hrs. \$ 516.60/hr.

01/31/23 Attend Vappie Investigation Status/Coordination meeting with IPM & PIB representatives, Mr. Aronie, and Ms. Perry.

Scott Huntsberry .50 hrs. \$ 215.00/hr.

01/31/23 Prepare for and participate in meeting with Judge Morgan and parties regarding Recruitment (1.0); prepare for and participate in weekly Vappie Investigation check in meeting (0.7); attend to National Testing issue (0.3); prepare for and meet with DOJ regarding ongoing compliance matters (0.4).

Jonathan S. Aronie 2.40 hrs. \$ 516.59/hr.

FOR PROFESSIONAL SERVICES THROUGH FEBRUARY 28, 2023

02/01/23 Review first interview of Mr. Vappie (2.9); confer with Mr. Aronie regarding same (0.1).

Anne B. Perry 3.00 hrs. \$ 516.59/hr.

02/02/23 Attend Vappie Investigation update meeting with Lt. Jones.

Scott Huntsberry .30 hrs. \$ 215.00/hr.

02/03/23 Prepare for and meet with NOPD officer regarding current state of NOPD compliance (0.4); correspond with Ms. Turner regarding 88-page consultant report (0.1); correspond with Judge Morgan and Mr. Douglass regarding same (0.2); correspond with Mr. Sanchez regarding postponement of Vappie interview (0.2); meet with Judge Morgan regarding ongoing compliance matters (0.3).

Jonathan S. Aronie 1.20 hrs. \$ 516.59/hr.

02/06/23 Attend Vappie Investigation Status Meeting with Mr. Aronie and Ms. Perry.

Scott Huntsberry 1.00 hrs. \$ 215.00/hr.

02/06/23 Participate in Vappie status meeting; review articles regarding same.

Anne B. Perry 1.60 hrs. \$ 516.59/hr.

02/06/23 Review and revise documents relating to NOPD compliance (0.8); prepare for and participate in weekly check-in regarding Vappie investigation (0.7); meet with IPM regarding same (0.4).

Jonathan S. Aronie 1.90 hrs. \$ 516.59/hr.

02/06/23 Update OCDM 2023 schedule (0.7); continue drafting Supervision Checklist (0.5); participate in Vappie investigation update call (0.4); review Consent Decree dashboard to get updates on current compliance status (0.5).

Nikole R. Snyder 2.10 hrs. \$ 425.43/hr.

02/08/23 Prepare for and participate in meeting with DOJ and NOPD regarding current state of compliance tracker (1.7); prepare for and participate in meeting with Judge Morgan regarding PIB (0.5); meet with IPM regarding PIB (0.3); meet with Chief Sanchez regarding City Attorney attending Vappie interview (0.2).

Jonathan S. Aronie 2.70 hrs. \$ 516.59/hr.

02/14/23 Attend Vappie Investigation meeting with Ms. Perry, PIB, and OIPM personnel. Scott Huntsberry 1.00 hrs. \$ 215.00/hr.

02/15/23 Correspond with Dean Landrieu regarding public meeting (0.1); draft letter to PIB regarding Vappie investigation immediate action items (1.5); review NOPD response to draft annual report; review nepotism policy (0.5); meet with Mr. Huntsberry regarding forthcoming PIB review based on recent renewed allegations regarding PIB deficiencies and misconduct (0.5).

Jonathan S. Aronie 2.60 hrs. \$ 516.59/hr.

02/17/23 Prepare for and meet with PSAB regarding new policies (0.8); finalize PIB Vappie recommendations and forward to NOPD (1.0); prepare for public meeting (0.4); prepare for virtual court hearing (0.3); prepare for and meet with Judge Morgan regarding PIB recommendations (0.7).

Jonathan S. Aronie 3.20 hrs. \$ 516.59/hr.

02/23/23 Prepare for and participate in check-in call with PIB regarding Vappie interview (0.6); finalize Annual Report (1.8); confirm incorporation of all relevant and accurate comments from NOPD (0.5); meet with Judge Morgan regarding various compliance matters (0.5); correspond with Judge Morgan regarding Request for Admission responses (0.3); correspond with Judge Morgan regarding police chief search process (0.1); telephone conference with DA's office regarding NOPD probable cause for gun arrests (0.4); review media coverage regarding same (0.3); review correspondence from City Attorney regarding PIB conflict (0.3).

Jonathan S. Aronie 4.80 hrs. \$ 516.59/hr.

FOR PROFESSIONAL SERVICES THROUGH MARCH 31, 2023

03/06/23 Prepare for and participate in weekly call with PIB regarding Vappie investigation (0.5); correspond with Chief Bowman regarding overlapping CD paragraphs (0.2); review correspondence from Monitoring Team regarding ongoing compliance projects (0.4); Meet with Mr. Douglass regarding ongoing NOPD monitoring matters, including Consent Decree status tracker (0.4); review media coverage regarding NOPD IT system (0.3); correspond with DOJ regarding overlapping CD requirements (0.3); draft email to Chief Gernon regarding same (0.4); meet with Mr. Douglass and Judge Morgan regarding Mr. Pichardo (0.3); prepare correspondence to Chief Woodfork regarding

same (0.4); review and revise same (0.3); correspond with DOJ regarding PBL time requirements (0.2); correspond with Dean Landrieu regarding public proceeding (0.2). Jonathan S. Aronie 3.90 hrs. \$ 516.59/hr.

03/07/23 Prepare for and conduct Public Meeting (2.0); prepare outline regarding same (1.0); meet with Mr. Douglass regarding same (0.2); meet with Judge Morgan regarding same (0.2); correspond with City official regarding Vappie transfer issue (0.2); prepare for and meet with CM Moreno and Judge Morgan regarding NOPD compliance and related Consent Decree matters (0.8); participate in zoom rehearsal for public meeting (0.5); prepare for and meet with Chief Murphy and DOJ regarding NOPD PBL request (0.5); prepare for and meet with Judge Morgan regarding NOPD personnel matters, national chief search, supervision, and other Consent Decree matters (0.7); review questions from community members in advance of public meeting (0.2); draft letter to City Attorney regarding Mr. Pichardo documents (0.4); telephone conference with AUSA Carter regarding US Attorney's Office quarterly meetings and request regarding NOPD consultants (0.3); review IACP contract regarding national chief search (0.3); finalize email regarding overlapping Consent Decree obligations and correspond with Chief Gernon regarding same (0.3); correspond with Chief Gernon regarding GOA report (0.1); prepare for and meet with Monitoring Team regarding ongoing compliance projects (0.8).

Jonathan S. Aronie 8.50 hrs. \$ 516.59/hr.

03/13/23 Attend Vappie Investigation update meeting.
Scott Huntsberry .80 hrs. \$ 215.00/hr.

03/13/23 Prepare for and participate in weekly Vappie tag up call (0.4); meet with IPM regarding meeting with citizen in possession of PIB recordings (0.4); attend to Academy compliance matters (0.3); correspond with VIP regarding Vappie investigation (0.2). Jonathan S. Aronie 1.30 hrs. \$ 516.59/hr.

03/14/23 Review notice regarding leak of interviews from Vappie investigation.
Anne B. Perry .20 hrs. \$ 516.60/hr.

03/14/23 Correspond with PIB chief regarding NOPD failure to attend weekly roundup call (0.2); meet with member of Ethics Board regarding various compliance matters (0.4); correspond with PIB chief regarding Vappie recordings disclosure (0.2); correspond with Judge Morgan regarding same (0.2); correspond with PIB Chief regarding interview with Mayor (0.2). Jonathan S. Aronie 1.20 hrs. \$ 516.59/hr.

03/15/23 Prepare for and participate in NOPD Tracker meeting (1.0); prepare for and participate in telephone conference with City Attorney and IPM regarding inadvertent release of Vappie investigation data (0.5); prepare for and meet with Dean Landrieu regarding USDC proceeding at Loyola (0.4); correspond with Mr. Allen regarding Vappie investigation (0.2); correspond with USAO and DOJ regarding Vappie release (0.3). Jonathan S. Aronie 2.40 hrs. \$ 516.59/hr.

03/16/23 Review reports of allegedly leaked Vappie investigation and follow-up regarding same.
David L. Douglass 1.30 hrs. \$ 516.59/hr.

03/17/23 Review media report regarding leaked Vappie Investigation and follow-up with Judge Morgan regarding media report that the Monitor did not return a request for comment.
David L. Douglass .80 hrs. \$ 516.59/hr.

03/20/23 Confer with Ms. Perry regarding status of Vappie investigation.
David L. Douglass .30 hrs. \$ 516.60/hr.

03/20/23 Confer with Judge Morgan regarding Vappie investigation.
David L. Douglass .20 hrs. \$ 516.60/hr.

03/20/23 Confer regarding weekly updates; review fallout from inadvertent release of investigation interviews; confer with Mr. Douglass regarding Vappie investigation and follow up needed for same.
Anne B. Perry .80 hrs. \$ 516.59/hr.

03/27/23 Prepare for and attend Vappie video call with Chief Sanchez et al. (0.7); meet with IPM regarding same (0.2); meet with Ms. Perry regarding same (0.2); meet with Mr. Douglass regarding same (0.2); meet with Mr. Douglass regarding Loyola Proceeding (0.2); review Consent Decree and correspond with Chief Sanchez regarding NOPD delay in providing documents required by the Consent Decree (0.6); meet with Mr. Douglass regarding same (0.1); meet with Mr. Douglass regarding meeting with Chief Woodfork (0.1).
Jonathan S. Aronie \$ 516.59/hr.

03/30/23 Review document regarding new approach to compliance tracker (0.4); correspond with Mr. Douglass regarding same (0.2); continue working on analysis of PIB investigation of Officer Vappie (1.5); correspond with Chief Woodfork regarding interview statement that she was unaware of NOPD's compliance efforts from April to August of 2022 (0.3).
Jonathan S. Aronie 2.40 hrs. \$ 516.59/hr.

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

**UNITED STATES OF AMERICA,
Plaintiff,**

V.

**CITY OF NEW ORLEANS,
Defendant.**

**CIVIL ACTION NO.
2:12-CV-01924-SM-DPC**

JUDGE SUSIE MORGAN

**MAG. DONNA PHILLIPS
CURRAULT**

Affidavit of Captain Kendrick C. Allen

**STATE OF LOUISIANA
PARISH OF ORLEANS**

BEFORE ME, the undersigned Notary Public, duly qualified and commissioned in and for the aforementioned Parish and State, personally came and appeared Kendrick C. Allen who, after first being duly sworn, declared that:

1. I was the lead investigator on the Officer Vappie investigation for the NOPD's Public Integrity Bureau, called PIB. I have conducted many PIB investigations. Those investigations include many investigations of alleged violations of the 16:35-hour rule and other overtime and billing cases.

2. I was joined in the investigation by Lt. Lawrence Jones who has extensive experience conducting PIB investigations at NOPD.

3. We supplied all evidence related to this specific case to the monitoring team, including approximately two terabytes of data placed on a hard drive and taken out of the PIB offices. All interviews, audio and video, were turned over to the

Affidavit of Captain Kendrick C. Allen

monitoring team immediately after the interview was conducted. License Plate Reader data and city phone data was also given to the monitoring team.

4. As a result of the many meetings I had with the monitoring team, I was were very concerned that there was a specific outcome to the investigation that was wanted for political reasons by the monitoring team. The pressure applied by certain monitor team members made it clear that this case was about the Mayor of New Orleans to them. PIB has no authority to investigate the mayor of New Orleans. PIB investigated Officer Vappie, who is a member of the NOPD.

5. The Vappie case was the first case I am aware of in which weekly meetings were held with the monitoring team as the case was being investigated. While the narrative was that they were there as just monitors, the team did have a lot of input and even produced questions that were later asked to Officer Vappie and other members of the executive protection team.

6. Also, the monitoring team had real time access to all the evidence for this specific case. At the onset of this investigation, PIB was advised by the monitoring team to place a "firewall" between the Superintendent of Police, City Attorney, Mayor's officer and PIB. This request was specifically usual, being that the Superintendent of Police is PIB's boss and the City Attorney's office is who PIB uses for legal advice on cases.

7. In this specific case, the investigation started as possible 16:35 working hour violation. During the investigation two more violations were found by the investigators and we explained how we found them, and evidence was provided

Affidavit of Captain Kendrick C. Allen

to support the disposition of sustained. Other than the original charge in a formal disciplinary investigation, it would not be common to give details on charges that the investigators find have not proven or charged the accused officer of.

8. To be clear, at no time was Officer Vappie under investigation for payroll Fraud. If the investigators had any evidence of it, then we would have had to produce a criminal investigation and follow PIB procedure for a criminal investigation. Because there was no evidence of payroll fraud, the investigators did not speak to it in their report and recommendations.

9. Lt. Jones and I considered the claims of payroll fraud as pushed by the monitors from early on in the investigation. In several meetings between Chief Sanchez, Lt. Jones, and I, we reviewed the evidence and determined that we did not reach a threshold for a criminal fraud case.

10. We assessed the evidence on several occasions during this investigation and never found any evidence of misrepresentation or a suppression of truth made with the intent to obtain an unjust advantage. Nor did we find that Officer Vappie received any payment for HANO while on the time clock for NOPD. In essence we did not find any evidence that would from a legal standpoint make this a criminal investigation.

11. During our weekly meetings with the monitoring team, there were certain comments made that were biased in nature towards the investigation by members of monitoring team.

Affidavit of Captain Kendrick C. Allen

12. During the investigation of Officer Vappie, the monitoring team specifically suggested that I and Lt. Jones, the other investigator, sustain the findings against Officer Vappie regarding nepotism and just let the Civil Service commission overturn the sustain disposition on appeal.

13. It was my understanding that the nepotism charge would open the door for payroll fraud as it would mean Officer Vappie was not working while on duty.

14. These comments were, and still are, very concerning because it is my goal, and the goal of PIB to conduct unbiased and accurate investigations at all times. It goes against everything I understood about NOPD policy to sustain findings despite a lack of evidence.

15. After the investigation was complete, and before the Pre-Disciplinary Hearing, an email was provided by Officer Vappie that showed that all overtime for the executive protection team was authorized by the Superintendent of Police. This email was communicated by former Deputy Chief Paul M. Noel. This excused deviations from the 16:35-hour rule by Officer Vappie or any executive protection team member.

16. As an investigator I had to differentiate speculation and opinions from evidence. According to his interview, Officer Vappie did nothing more or less than what he does waiting for the mayor at city hall. No other witness contradicted this testimony. No physical evidence contradicted this testimony. While some may interpret the time Officer Vappie spent at the Mayor's apartment as odd for police

Affidavit of Captain Kendrick C. Allen

work, Officer Vappie's job description on that particular detail is to serve the protection needs of the Mayor or others at her discretion. The expert testimony revealed this can include things like watering plants that otherwise would not be considered performance of an officer's duties.

17. It was NOPD professionalism standards that Officer Vappie violated by allowing the performance of his duties to make NOPD and his protectee look bad. That charge was sustained by our investigation.

18. During the course of this investigation, we never found any direct or physical evidence to collaborate that a personal relationship exists between the Mayor and Officer Vappie. NOPD Policy Chapter 13.38 NEPOTISM AND EMPLOYMENT CONFLICTS states that a Personal Relationship Includes marriage, cohabitation, dating or any other romantic or intimate relationship beyond mere friendship.

19. This definition of a personal relationship is important because this is the definition that the New Orleans Police Department, Department of Justice, and the Consent Decree Monitoring team has agreed upon. Officer Vappie in his interview described the relationship between the two as professional and we found no direct or physical evidence to refute that statement. Because of these factors or non-factors there was no violation of NOPD Policy Chapter 13.38 NEPOTISM AND EMPLOYMENT CONFLICTS.

20. We also found that all travel and hotel accommodations for the executive protection team, including Officer Vappie, was arranged by the Mayor's

Affidavit of Captain Kendrick C. Allen

scheduler and the city's travel office. At no time did the executive protection team, or Officer Vappie, choose where they would sit on a plane or the hotel in which they would sleep.

21. As is the normal policy during PIB investigations, I informed Officer Vappie's Bureau Chief that Officer Vappie would be taken off of reassignment during the administrative investigation. Only the Bureau Chief or Superintendent direct where any individual officer is assigned. This was done pursuant to the normal and routine PIB process and nothing to do with Officer Vappie individually.

Further, the affiant says not.



Kendrick C. Allen

SWORN TO AND SUBSCRIBED
BEFORE ME THE UNDERSIGNED
NOTARY PUBLIC THIS 14th DAY OF
JUNE 2023.



Notary Public

JONATHAN D. LEWIS
NOTARY PUBLIC
STATE OF LOUISIANA
Bar No. 37207
My Commission is for Life

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA,
Plaintiff,

V.

CITY OF NEW ORLEANS,
Defendant.

CIVIL ACTION NO.
2:12-CV-01924-SM-DPC

JUDGE SUSIE MORGAN

MAG. DONNA PHILLIPS
CURRAULT

Affidavit of Michelle M. Woodfork

STATE OF LOUISIANA
PARISH OF ORLEANS

BEFORE ME, the undersigned Notary Public, duly qualified and commissioned in and for the aforementioned Parish and State, personally came and appeared Michelle M. Woodfork, who, after first being duly sworn, declared that:

1. I am the Superintendent of Police for the New Orleans Police Department.
2. I have reviewed the video of Jonathan Aronie conducting a public meeting by zoom located at <https://www.sheppardmullin.com/multimedia-464> at the 1:12:52 – 1:13:47 mark.
3. I have also seen Mr. Aronie’s letter to Keith Sanchez of February 17, 2023, which is included as Attachment C to the Monitor’s June 5, 2023, letter to Judge Morgan. Mr. Aronie states that, “Outgoing Superintendent Ferguson, however, hours before his retirement, directed the return of Officer Vappie to the Mayor’s security detail. While this order, fortunately, was reversed by a deputy

chief and the City Attorney, the order itself created at the very least the appearance of interference in a PIB investigation.”

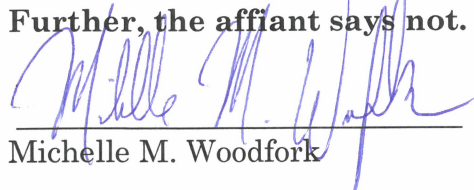
4. There was no order to reassign Officer Vappie to Executive Protection during my tenure. I am not aware of an order preceding my tenure.

5. To the contrary, former Superintendent Ferguson informed me just prior to his retirement that, per NOPD policy, Officer Vappie needed to be reassigned and that he should not be reassigned to Executive Protection.

6. I never planned or instructed that Officer Vappie be reassigned to Executive Protection.

7. I am unaware of where Mr. Aronie got this misinformation or why he stated it as a fact to the public and the Court during a pending disciplinary investigation of Officer Vappie.

Further, the affiant says not.



Michelle M. Woodfork

**SWORN TO AND SUBSCRIBED
BEFORE ME THE UNDERSIGNED
NOTARY PUBLIC THIS 14th DAY OF
JUNE 2023.**



Notary Public

**JONATHAN D. LEWIS
NOTARY PUBLIC
STATE OF LOUISIANA
Bar No. 37207
My Commission is for Life**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA,
Plaintiff,

V.

CITY OF NEW ORLEANS,
Defendant.

CIVIL ACTION NO.
2:12-CV-01924-SM-DPC

JUDGE SUSIE MORGAN

MAG. DONNA PHILLIPS
CURRAULT

Affidavit of Shaun D. Ferguson

STATE OF LOUISIANA
PARISH OF ORLEANS

BEFORE ME, the undersigned Notary Public, duly qualified and commissioned in and for the aforementioned Parish and State, personally came and appeared Shaun D. Ferguson who, after first being duly sworn, declared that:

1. I served with the NOPD for 24 years. I was the Superintendent of the New Orleans Police Department from January of 2019 until December of 2022, when I retired.

2. I have reviewed the video of Jonathan Aronie conducting a public meeting by zoom located at <https://www.sheppardmullin.com/multimedia-464> at the 1:12:52 – 1:13:47 mark. I have also seen Mr. Aronie's letter to Keith Sanchez of February 17, 2023, which is included as Attachment A. Mr. Aronie alleges I undertook to reassign Officer Vappie to the Mayor's security team during the PIB investigation of his work on that same detail.

3. These public statements are untrue.

4. In December of 2022 Officer Vappie needed to be reassigned pursuant to the NOPD standing policy that officers in administrative disciplinary proceedings be reassigned back to regular duty.

5. I called the FBI and confirmed there was no open investigation of Officer Vappie.

6. I confirmed with PIB that its investigation was proceeding as administrative and not criminal.

7. I was not instructed or encouraged to reassign Mr. Vappie to the Mayor's executive protection team by anyone. I never ordered that Officer Vappie be reassigned to Executive Protection during the PIB investigation, nor was I going to do that. Mr. Aronie's public statements to the contrary are untrue.

8. Officer Vappie needed to be reassigned, but he was not going back to the Mayor's security detail. I informed my successor, Interim Superintendent Woodfork of this issue and made clear that my suggestion was that he not be reassigned to Executive Protection, although the final decision on personnel is up to the Superintendent.

9. I did not discuss this issue with Interim Superintendent Woodfork after my retirement.

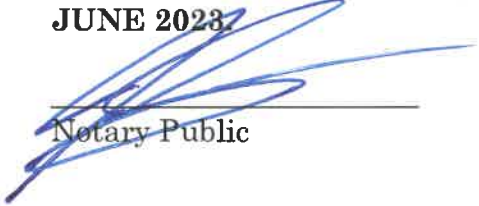
[continues on following page]

Further, the affiant says not.



Shaun D. Ferguson

**SWORN TO AND SUBSCRIBED
BEFORE ME THE UNDERSIGNED
NOTARY PUBLIC THIS 14th DAY OF
JUNE 2023.**



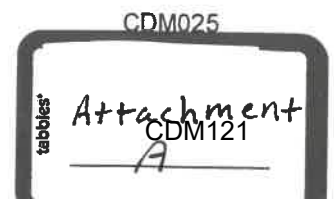
Notary Public

JONATHAN D. LEWIS
NOTARY PUBLIC
STATE OF LOUISIANA
Bar No. 37207
My Commission is for Life



Attachment C

Monitoring Team's 2/17/23 Immediate Action Notice to PIB





February 17, 2023

Dear Mr. Sanchez,

In early November 2022, local TV station Fox 8 began a series of stories involving the Mayor's security detail. The story raised a number of questions regarding the operation of that detail as well as the actions of a particular member, Officer Jeffrey Vappie. On November 10, the New Orleans City Council requested that the Office of the Consent Decree Monitor and the Office of the Independent Monitor conduct an independent investigation of the matter, citing "significant concerns about the apparent conflict of interest with the New Orleans Police Department being allowed to, again, investigate serious allegations involving Mayor Cantrell."

The Monitoring Team responded to the City Council on November 11 explaining that it lacked the authority to conduct investigations, but that it would monitor PIB's investigation of Officer Vappie closely to ensure it was effective, efficient, and without bias. As we understand it, PIB opened an investigation into the allegations in late November or early December 2022.

As you know, over the course of PIB's investigation, the Monitoring Team has met with your investigators, Captain Kendrick Allen and Lieutenant Lawrence Jones, on a weekly basis. While we have not been involved in the day-to-day affairs of the investigation, your team has been open with us regarding their strategy and the status of their activities. We appreciate the cooperation your team has shown us throughout this matter.

While we know the Vappie investigation has not yet concluded, the Monitoring Team has become aware of several issues that we believe the NOPD should address right away. Rather than waiting until the conclusion of PIB's investigation, we are bringing these matters to your attention at this time to ensure NOPD considers taking immediate steps to correct the concerns we identified. Importantly, we offer no opinions or recommendations regarding the Vappie investigation itself at this time. Our opinions and recommendations relate only to larger policy/process issues that are unrelated to the forthcoming substantive findings of the Vappie PIB investigation team.

Should you have any questions regarding these recommendations, do not hesitate to reach out to us.

Thank you for your continued cooperation in this matter.

Respectfully,

Jonathan Aronie
Consent Decree Monitor

CDM026

CDM122



Interim Recommendations Based On Vappie Investigation

1. **Supervision.** As you are aware, the NOPD officers assigned to the Executive Protection detail receive little if any oversight from NOPD supervisors. This appears to have been the case for years. The members of the detail indicated their belief that their only supervisor was the Mayor herself. While the Mayor seemingly is responsible for assignments and schedules, there is no indication the Mayor played any role in supervision beyond that. ***NOPD should take immediate action to ensure the members of the Executive Protection detail receive the “close and effective supervision” required by the Consent Decree.***
2. **Policy.** Currently, no written policy guides the operation of the Executive Protection detail or the actions of the officers assigned to that detail. Likewise, no written document (policy or otherwise) sets out the standards and protocols with which members of the Executive Protection team are expected to comply. The lack of written guidance almost certainly will impact PIB’s investigation of Officer Vappie. ***NOPD should take immediate action to develop clear policies and procedures governing the operation of Executive Protection detail and the officers assigned to that detail.*** As required by the Consent Decree, such policies and procedures should “define terms clearly, comply with applicable law and the requirements of the Consent Decree, and comport with best practices.”
3. **Performance Evaluations.** The Consent Decree requires that “officers who police effectively and ethically are recognized through the performance evaluation process, and that officers who lead effectively and ethically are identified and receive appropriate consideration for promotion” and that “poor performance or policing that otherwise undermines public safety and community trust is reflected in officer evaluations so that NOPD can identify and effectively respond.” Without any meaningful NOPD supervision, it is unclear to us who, if anyone, evaluates the performance of members of the Executive Protection detail. ***NOPD should take immediate action to ensure members of the Executive Protection detail are evaluated in the same manner as other NOPD officers.***
4. **Efficiency.** We understand that members of the Executive Protection team get paid for a full shift whether or not the Mayor is in town. It is unclear, however, what work they are performing while the Mayor is not in town beyond occasional administrative tasks like cleaning the Mayor’s car and catching up on Departmental paperwork. At a time when NOPD has vocally complained about its lack of officers — and used the lack of officers to explain its inability to comply with various Consent Decree obligations — it would seem to be quite inefficient to have multiple days when 1-2 additional officers are available to perform patrol work, but they are not performing patrol work. ***NOPD should consider identifying meaningful tasks members of the Executive Protection team can perform while the Mayor is out of town to contribute to the Department’s well-publicized efforts to combat its lack of personnel.***

CDM027

CDM123



5. **Legal Conflicts.** The City Attorney provides “legal advice to the Mayor, the City Council, and other city offices, departments, and boards,” including the NOPD. While this joint representation normally creates no conflict, when the Mayor is or may be a material witness in a PIB investigation, the risk of a real or perceived conflict is significant. Indeed, this occurred in the Vappie investigation when the City Attorney visited PIB to monitor the second interview of Officer Vappie. Situations like this can create the perception that City Hall is attempting to intimidate interviewees or investigators, or otherwise interfere in a PIB investigation. Such perception may be avoided when the Mayor is or may be a witness by (i) the imposition of a formal wall to block the exchange of information between the Mayor’s office/City Attorney’s Office and PIB and (ii) engaging outside counsel to support PIB throughout the investigation. The Office of the Independent Monitor made this suggestion in a thoughtful public letter to the City Council on February 9, 2023. The Monitoring Team agrees with the IPM’s concerns. ***NOPD should consider engaging outside counsel to advise PIB on matters when the City Attorney’s representation of the City, Mayor’s Office, and PIB could create a real or apparent conflict of interest.***

6. **Reassignment Of Officers Under Investigation.** We understand, pursuant to Policy 13.1, the Superintendent has the discretion to administratively reassign officers during certain PIB investigations. In this case, Officer Vappie had been moved out of the Executive Protection detail pending the PIB investigation, which was a sensible decision considering the nature of the allegations, the public profile of the investigation, and the likelihood that the Mayor would be a material witness in the investigation. Outgoing Superintendent Ferguson, however, hours before his retirement, directed the return of Officer Vappie to the Mayor’s security detail. While this order, fortunately, was reversed by a deputy chief and the City Attorney, the order itself created at the very least the appearance of interference in a PIB investigation. ***NOPD should consider revising its policy to prohibit officers reassigned due to a PIB investigation from being assigned back to their units until the conclusion of the PIB investigation without the express approval of the PIB Deputy Chief.***

7. **PIB Investigators.** During the course of the PIB investigation, the two investigators assigned to the Vappie investigation were moved out of PIB. The lead investigator, Lawrence Jones, was promoted to lieutenant and moved to the district patrol. The PIB Captain, Kendrick Allen, was assigned to command a district. Without at all suggesting these two promotions were not warranted, NOPD should have considered detailing both individuals back to PIB until the completion of the Vappie investigation. While Superintendent Woodfork assured the Monitoring Team both officers would be given adequate time to complete their investigation, as a practical matter, this is difficult to accomplish in practice. PIB readily concedes it lacks adequate personnel to perform aspects of its investigation in the best of times (e.g., reviewing videos and documents). Adding a full time job to Allen’s and Jones’s schedules on top of their PIB jobs virtually guarantees both jobs will be compromised to some extent. ***NOPD should consider adopting a policy of detailing promoted officers back to PIB for limited timeframes when necessary to complete significant pending investigations.***

CDM028

CDM124



8. **Initial Investigation Letters.** At the outset of the investigation, PIB alerted Officer Vappie it had opened an administrative investigation initiated by a public complaint. The letter advised Officer Vappie that PIB would focus on an alleged violation of the 16.35 hour rule *as well as other matters*. PIB was aware at that time, however, of several other potential violations by Officer Vappie as a result of the Fox 8 coverage, including potential violations of NOPD's professionalism, conflict, and time charging rules. While PIB represented to the Monitoring Team that the general "other matters" language was all that was required to put Officer Vappie on notice of the allegations against him, the limited wording of the initial letter created avoidable problems during the Vappie interview. ***NOPD should consider the pros and cons of including a more complete description of the conduct under investigation in its initial letters to investigation subjects.***

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

**UNITED STATES OF AMERICA,
Plaintiff,**

V.

**CITY OF NEW ORLEANS,
Defendant.**

**CIVIL ACTION NO.
2:12-CV-01924-SM-DPC**

JUDGE SUSIE MORGAN

**MAG. DONNA PHILLIPS
CURRAULT**

Affidavit of Donesia D. Turner

**STATE OF LOUISIANA
PARISH OF ORLEANS**

BEFORE ME, the undersigned Notary Public, duly qualified and commissioned in and for the aforementioned Parish and State, personally came and appeared Donesia D. Turner who, after first being duly sworn, declared that:

1. I am the City Attorney for the City of New Orleans.
2. Jonathan Aronie, the court-appointed Consent Decree Monitor, wrote to Keith Sanchez on February 17, 2023. The letter is included as Attachment C to the Monitor's June 5, 2023, letter to Judge Morgan regarding the investigation of Officer Jeffrey Vappie by the NOPD Public Integrity Bureau.
3. At the third page of the letter, at paragraph 5, Mr. Aronie reports multiple facts that directly relate to my role as City Attorney for the City of New Orleans.
4. Mr. Aronie states that, "Outgoing Superintendent Ferguson, however, hours before his retirement, directed the return of Officer Vappie to the Mayor's security detail. While this order, fortunately, was reversed by a deputy chief and the

City Attorney, the order itself created at the very least the appearance of interference in a PIB investigation.” This public statement mirrors a public statement made Mr. Aronie during public meetings earlier this year which caused news reports to repeat this allegation.

5. I am unaware of any order, formal or informal, by NOPD, directing that Officer Vappie be reassigned to Executive Protection.

6. As such, there was no such order for me to “reverse”. To this day I have not seen any evidence such an order, instruction, or plan by former Superintendent Ferguson existed.

7. I am aware Officer Vappie needed to be reassigned according to NOPD policy, but to my knowledge there was never any effort, plan or instruction to return him to Executive Protection.

Further, the affiant says not.

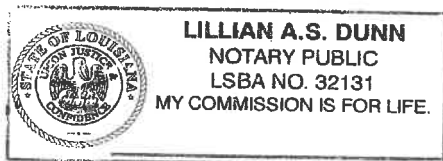


DONESIA D. TURNER

**SWORN TO AND SUBSCRIBED
BEFORE ME THE UNDERSIGNED
NOTARY PUBLIC THIS 9th DAY OF
JUNE 2023.**



NOTARY PUBLIC



DISCIPLINARY HEARING DISPOSITION

 Superintendent Bureau Commander Bureau Commander's Committee Commander

To: Superintendent Michelle Woodfork

Date: 05/25/2023

From: Captain Preston Bax

PIB Control #: 2022-0513-R

On Thursday, May 25, 2023, a Disciplinary Hearing was held on the above referenced PIB case 2022-0513-R. As the Hearing Officer, I reviewed the charge(s) against SPO Jeffery Vappie, Employee # 008913, assigned to the ISB/SID. After consideration of the evidence presented, it is my opinion that the charge(s) should be classified as follows:

Check if additional sustained violation(s) (ASV)

<u>RULE NUMBER & NAME</u>	<u>A</u>	<u>DISPOSITION</u>
Rule 4: Performance of Duty; Paragraph 2: Instructions from an authoritative source; to wit NOPD Chapter 22.08 Police Secondary Employment; Paragraph 32	<input type="checkbox"/>	EXONERATED
Rule 3: Professional Conduct; Paragraph 1: Professionalism	<input type="checkbox"/>	SUSTAINED
Rule 4: Performance of Duty; Paragraph 3: Devoting Entire Time to Duty	<input type="checkbox"/>	SUSTAINED
Rule IX, Section 1, Paragraph 1.1, of the city Civil Service Rule relative to Maintaining Standards of Service	<input type="checkbox"/>	SUSTAINED

As a result, it is my recommendation that SPO Jeffery Vappie should be disciplined as follows:

<u>RULE NUMBER & NAME</u>	<u>A</u>	<u>PENALTY/CATEGORY</u>
Rule 4: Performance of Duty; Paragraph 2: Instructions from an authoritative source; to wit NOPD Chapter 22.08 Police Secondary Employment; Paragraph 32	<input type="checkbox"/>	No Penalty 105 Attached
Rule 3: Professional Conduct; Paragraph 1: Professionalism	<input type="checkbox"/>	Level A /1 st Offense O-R-1 Letter of Reprimand
Rule 4: Performance of Duty; Paragraph 3: Devoting Entire Time to Duty		Level A /1 st Offense O-R-1 Letter of Reprimand
Rule IX, Section 1, Paragraph 1.1, of the city Civil Service Rule relative to Maintaining Standards of Service		NO PENALTY


2022-0513-R / Jeffery Vappie

Comments (optional):

If an additional sustained violation(s) is recommended, a 105 articulating how the additional violation(s) was determined shall be attached, and made a part of this form.


If the recommended penalty deviates from the presumptive penalty, a 105 articulating the reasons for the deviation shall be attached, and made a part of this form.

Signature of Hearing Officer:



Captain Preston Bax


Date: 05/25/23



~~Concur / Do Not Concur~~

Date: 5-25-2023

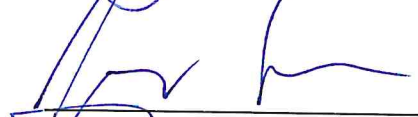
Captain Precious Banks



Concur / ~~Do Not Concur~~

Date: 5-25-2023


Captain Michael Glasser



Concur / ~~Do Not Concur~~

Date: 6-8-23

Deputy Superintendent Ryan Lubrano



Concur / ~~Do Not Concur~~

Date: 6/14/2023

**Michelle Woodfork
Superintendent of Police**

INSTRUCTIONS: The Hearing Officer shall be responsible for forwarding to PIB, via the appropriate chain of command, both the original Hearing Notification and the original Hearing Disposition forms, along with the entire investigative report.
Original – PIB investigative report file

Redacted
Redacted
Redacted

From: Michelle M. Woodfork <mmwoodfork@nola.gov>

Sent: Wednesday, January 11, 2023 10:41 PM

To: Jonathan Aronie <JAronie@sheppardmullin.com>

Cc: Hans Ganthier <hganthier@nola.gov>; Keith A. Sanchez <kasanchez@nola.gov>; Donesia D. Turner <Donesia.Turner@nola.gov>; Stephanie M. Landry <stmlandry@nola.gov>; Raven Batiste <rbatiste@nola.gov>

Subject: Re: OCDM re PIB

Good evening,

Per our conversation, Lt. Lawrence Jones and Captain Kendrick Allen will be afforded ample time to complete the aforementioned investigation. I know and I am confident the investigation will be completed thoroughly and timely. Mr. Aronie, going forward, please direct any request or suggestions concerning personnel changes or the detail of my command staff or essential personnel, directly to me. Chief Deputy Ganthier nor any of the deputy chiefs have the authority to make those decisions. I would hope that you understand and will respect my request. As I stated previously, both Captain Allen and Lt. Jones will be afforded an ample amount of time and resources to thoroughly and efficiently complete the investigation into

Officer Vappie. I along with Deputy Chief Sanchez are personally monitoring their progress and if an issue(s) arise that I deem to be a hindrance to either investigator, I will immediately intervene to ensure the investigation is not impacted. If you have any questions or further concerns, please feel free to contact me directly.

Michelle M. Woodfork
Superintendent of Police
New Orleans Police Department
715 S. Broad St.
New Orleans, La. 70119
504-658-5757 (office)
504-252-8269 (cellular)
<https://joinnopd.org/home/>

From: Michelle M. Woodfork <mmwoodfork@nola.gov>
Sent: Wednesday, January 11, 2023 10:08 PM
To: Hans Ganthier <hganthier@nola.gov>
Subject: Re: OCDM re PIB

Thank you, Chief Ganthier.

Michelle M. Woodfork
Superintendent of Police
New Orleans Police Department
715 S. Broad St.
New Orleans, La. 70119
504-658-5757 (office)
504-252-8269 (cellular)
<https://joinnopd.org/home/>

From: Hans Ganthier <hganthier@nola.gov>
Sent: Wednesday, January 11, 2023 10:05 PM
To: Michelle M. Woodfork <mmwoodfork@nola.gov>
Subject: Fwd: OCDM re PIB

Chief.

You were not included in this e Ali from Jonathan Aronie. See below.

Hans Ganthier
Chief Deputy Superintendent
Field Operations Bureau
New Orleans Police Department

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Jonathan Aronie <JAronie@sheppardmullin.com>
Sent: Tuesday, January 10, 2023 11:35:55 AM
To: Hans Ganthier <hganthier@nola.gov>
Cc: Keith A. Sanchez <kasanchez@nola.gov>; Stella Cziment <scziment@nolaipm.gov>; Anne Perry <APerry@sheppardmullin.com>
Subject: OCDM re PIB

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.

Hans,

Thank you for the email you sent regarding Kendrick and Lawrence having adequate time to complete their investigation of Jeffrey Vappie despite their recent reassignments. Despite your email, I continue to believe they will not, as a practical matter, have the time they need. Indeed, they both already are being pulled away sporadically to attend to their District duties even during our weekly check-in calls. Further, having Kendrick, Lawrence, and Keith in physically different locations is likely to harm the efficiency of the investigation.

In addition to the actual burdens and inefficiencies the reassignments will cause, I fear the reassignments also will create a significant negative *perception* that could tarnish the PIB investigation.

While I can't and don't make personnel decisions for the Department, I recommend you detail Lawrence back to PIB until the conclusion of the Vappie investigation. Frankly, I would love to see you detail both Lawrence and Kendrick back to PIB until the conclusion of the investigation, but I understand it will be more difficult to do that with Kendrick than with Lawrence.

To be clear, I am NOT requesting a permanent reassignment. I'm thrilled Lawrence and Kendrick

have been given this opportunity to move up within the Department. My request only is for a short-term detail back to PIB for the purpose of completing the Vappie investigation.

I'm happy to discuss this in more detail by phone if helpful. I'm tied up in OCDM/ DOJ/ NOPD meetings today, but will do my best to make time tomorrow.

I look forward to your thoughts.

-Jonathan

Jonathan Aronie
Consent Decree Monitor
Sheppard Mullin LLP
Washington, DC
202.747.1902 (w)
202.302.4855 (c)

Jaronie@sheppardmullin.com

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

**DEPARTMENT OF POLICE
INTEROFFICE CORRESPONDENCE**

TO: Michelle M. Woodfork **DATE:** 05/30/2023
Superintendent of Police

FROM: Captain Precious M. Banks
Public Integrity Bureau

SUBJECT: Cover Letter for PIB CTN 2022-0513-R

Superintendent Michelle M. Woodfork,

The attached formal disciplinary investigation has a formal recommended disposition for Senior Police Officer Jeffery Vappie as “**Sustained**” for the violation of **Rule 4: Performance of Duty; Paragraph 2: Instructions from an Authoritative Source; to wit NOPD Chapter 22.08 Police Secondary Employment; Paragraph 32 which states:** *No member, including Reserve officers, shall work more than 16 hours and 35 minutes (16.58 hours) within a 24-hour period. These hours are cumulative and include normal scheduled work hours, overtime, court time, off-duty police secondary employment, or outside employment. Members must have 7 hours and 25 minutes of unpaid, off-duty time within every 24-hour period.* After reviewing the attached Formal Disciplinary Investigation and the associated facts and circumstances, the panel did not concur with the Investigator’s recommended disposition.

Senior Police Officer Jeffery Vappie

In the investigation under 2022-0513-R, the investigators, Captain Kendrick Allen and Lieutenant Lawrence Jones, made the following conclusion:

Based upon the preponderance of evidence, SPO Jeffery Vappie was accused of working more than 16 hours and 35 minutes within a 24-hour period, when on several occasions while assigned to the Executive Protection Section he violated this NOPD Chapter 22.08 Police Secondary Employment. On Wednesday, November 9, 2022, Lieutenant Jones reviewed a media request from WVUE a local news station indicating that SPO Vappie may have violated NOPD policy. The request indicated SPO Vappie may have violated policy when on several occasions while assigned to the City of New Orleans Mayor Executive Protection team he worked more than 16 Hours and 35 minutes within a 24-hour period. The request also indicated SPO Vappie may have neglected his duty when he attended a Board meeting with the City of New Orleans Housing Authority while on duty. The request also indicated that SPO Vappie may have spent numerous hours with his Protectee at the Upper Pontalba Apartments both on duty and off duty.

During the investigation, Capt. Allen and Lt. Jones discovered based on all the evidence available to them on September 28, 2022, SPO Vappie worked for 18 hours within a 24-hour period, while assigned to the Consultant Chief Fausto B. Pichardo and not his normal Executive Protection assignment. The investigators documented during SPO Vappie’s administrative statement regarding the 16:35 overage, SPO Vappie stated several times that “*It’s always been that way*” when dealing with overtime. However, the investigators observed when Sergeant Wondell Smith was embedded in the executive protection team, he would move the team’s time to adjust for the Protectee’s schedule, if a late event occurred. The investigators reviewed SPO Vappie’s ADP timecard for the week of September 26, 2022, to October 8, 2022, noting on September 28,

2022, it appeared that SPO Vappie worked for 18 hours. The timecard remarks indicated SPO Vappie was assigned to the Consultant Chief Fausto B. Pichardo and not his normal Executive Protection assignment.

Assessment

After reviewing **NOPD Chapter 22.08, NOPD Chapter 13.15 Overtime Payment Request**, the completed investigation including its exhibits, and presented evidence at the Disciplinary Hearing held on May 24, 2023, this panel recommends Senior Police Officer Vappie be **EXONERATED on Rule 4: Performance of Duty; Paragraph 2: Instructions from an Authoritative Source; to wit NOPD Chapter 22.08 Police Secondary Employment; Paragraph 32.**

The panel notes the inherent challenge of having two policies that appear to address secondary employment and overtime. The panel made an in-depth analysis to reveal that **NOPD Chapter 22.08 Police Secondary Employment; Paragraph 32** mirrors, in pertinent parts, the language of **NOPD Chapter 13.15 Overtime Payment Requests; Paragraph 6** which states *“No member, including Reserve officers, shall work more than 16 hours and 35 minutes (16.58 hours) within a 24-hour period. These hours are cumulative and include normal scheduled work hours, overtime, court time, off-duty police secondary employment, or outside employment...”* The panel further considered the language of **NOPD Chapter 22.08 Police Secondary Employment** which defines Secondary Employment as *“the off-duty employment, for compensation, of any NOPD member by another individual, business, establishment, or organization where the member is performing the duties of a police officer or a function of the police department.”*

In its review, the panel determined that SPO Vappie did work beyond 16 hours and 35 minutes. At first glance, SPO Vappie working 18 hours appeared to be a violation as described in **NOPD Chapter 13.15 Overtime Payment Request** (which could have been the most appropriate violation to consider at the inception of the investigation). However, as a member of the NOPD Executive Protection overtime was expressly authorized in an email authored by former NOPD Deputy Chief Paul Noel on February 23, 2021. The email advised that *“per the Superintendent the Mayor's Security Detail can work overtime as necessary”* and it was disseminated to Capt. Joseph Waguespack Sr., Sgt. Shumeca Chadwick, Lt. Christopher Johnson, and Sgt. Tokishiba Lane. The referenced email will be attached to this correspondence.

This panel finds that there was no evidence presented or factually determined to support SPO Vappie participated in secondary employment as defined in **NOPD Chapter 22.08 Police Secondary Employment**. SPO Vappie worked for 18 hours within a 24-hour period, while he was assigned to work with NOPD Executive Protection. He was functioning in his normal and routinely assigned role in which he was permitted to work overtime.

DISPOSITION RECOMMENDATIONS

SPO Jeffery Vappie

Rule 4: Performance of Duty; Paragraph 2: Instructions from an Authoritative Source; to wit NOPD Chapter 22.08 Police Secondary Employment; Paragraph 32.....EXONERATED

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Respectfully Submitted,

Captain Precious M. Banks
Public Integrity Bureau

CONCUR/DO NOT CONCUR

Captain Preston Bax Jr. /Date

CONCUR/DO NOT CONCUR

Captain Michael Glasser/Date

CONCUR/DO NOT CONCUR

Deputy Chief Keith Sanchez/Date

CONCUR/DO NOT CONCUR

Superintendent Michelle Woodfork/Date

ADMINISTRATIVE REASSIGNMENT NOTIFICATION

DATE: November 9, 2022 P.I. B. CONTROL NO.: CTN 2022-0513-R

TO: Senior Police Officer Jeffery Vappie; Employee ID# 08913; I.S.B. / Mayor Security
(Rank, Name, & S. S. # OF REASSIGNED EMPLOYEE)

FROM: Deputy Superintendent Keith A. Sanchez - Public Integrity Bureau
(Rank & Name of Issuing Authority)

SUBJECT: Administrative Reassignment

from I.S.B / Mayor Security to F.O.B.

You are hereby notified that as of 2 : 00 am/pm, on 11 / 09 / 2022 you have been
(Time) (Date)
placed on Administrative Reassignment Status.

This action has been taken pending a departmental inquiry into the below listed alleged violation of departmental regulation, violation of law, or administrative reason. (State date, time, and location of alleged incident. Department regulations, statutes, or ordinances must be quoted by title, article, section, paragraph, and sub-paragraph as applicable.)

Officer Vappie you were identified to be involved in an Administrative investigation by the
Public Integrity Bureau. You are being placed on Administrative Re-Assignment pending
the conclusion of the investigation.

In accordance with the following complaint, it has been determined that you may have violated
Rule 4 Performance of Duty; Paragraph 4 Neglect of Duty C6 Failing to comply wit instructions,
oral or written, from any authoritative source to wit: N.O.P.D. Chapter 22.08 Police Secondary
Employment Paragraph 32 which states: No member, including Reserve officers, shall work more than
more than 16 hours and 35 minutes (16.58 hours) within a 24-hour period.

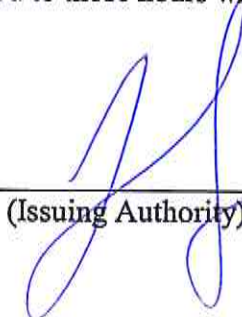
You are directed to report to F.O.B. / 715 S. Broad Street
(assignment)

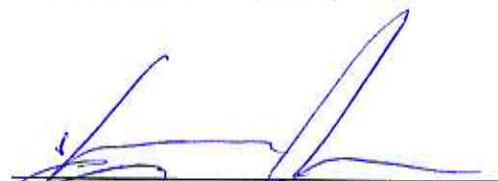
on 11 / 10 / 2022 at 7:25 : A.M. in plain clothes.
(Date) (Time)

Your privilege of working outside paid details is hereby suspended.

Your police commission is also limited to those hours when you are at work and at your actual place of assignment.


(Reassigned Employee)

 LAURENCE JONES
(Issuing Authority)


Approved / Disapproved
Superintendent of Police

RETURN TO FULL DUTY STATUS

Effective _____, at _____ am/pm, this Administrative Reassignment is hereby cancelled and you are reinstated to full regular duty. All of the restrictions placed on you during the Administrative Reassignment are removed.

You are further instructed to contact _____, of the _____, regarding reporting time to your regular assignment.

REMARKS: _____

Acknowledged: _____ Date: _____

Served by: _____

- cc: 1 - Superintendent of Police
- 1 - Public Integrity Bureau
- 1 - Reassigned employee's Bureau Commander
- 1 - Reassigned employee's Commander
- 1 - Employee Relations Unit
- 1 - Reassigned employee

ADMINISTRATIVE RE-ASSIGNMENT NOTIFICATION

RETURN TO FULL DUTY STATUS

CTN# 2022-0513-R

Effective Wednesday, December 21, 2022, at 4:00 am/pm, this Administrative Reassignment of **Senior Police Officer Jeffery Vappie** is hereby cancelled and you are reinstated to full regular duty. All of the restrictions placed on you during the Administrative Reassignment are removed. Officer Vappie you are further instructed to contact **Sergeant Tokishiba Lane**, Supervisor of the Executive Protection Section, regarding reporting time to your regular assignment.

Acknowledged: [Signature] Date: 12/21/22

Served by: SET-LAWRENCE JONG [Signature]

RETURN APPROVED BY: Capt [Signature] DATE: 12-21-22
[RANK/NAME]

REMARKS:

- cc: 1 - Superintendent of Police
- 1 - Public Integrity Bureau
- 1 - Reassigned employee's Bureau Commander
- 1 - Reassigned employee's Commander
- 1 - Employee Relations Unit
- 1 - Reassigned employee

NOPD FORM AR-1 (revised 01-04)