UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA, Plaintiff,

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

V.

JUDGE SUSIE MORGAN

CITY OF NEW ORLEANS, Defendant. MAG. DONNA PHILLIPS CURRAULT

MONTHLY REPORT OF NOPD ON THE REMEDIAL ACTION PLAN

Now Into Court, comes Defendant, the City of New Orleans and its New Orleans Police Department ("NOPD"), who, in compliance with the Court's Order of November 2, 2023 (R. Doc. 756), submit the report attached hereto as Exhibit 1, on the NOPD's progress on its Remedial Action Plan.

Respectfully submitted, this 1st day of December 2023.

Davillier Law Group, LLC

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Counsel of Record for the City of New Orleans and the 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 $1^{\rm st}$ day of December 2023.

/s/ Charles F. Zimmer II

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MAYOR

DEPARTMENT OF POLICE

P.O. BOX 51480 New Orleans, Louisiana 70151

"to protect and to serve"



ANNE E. KIRKPATRICK SUPERINTENDENT

December 1, 2023

Honorable Susie Morgan United States District Court (Eastern District) 500 Poydras Street C336 New Orleans, LA 70112

Dear Judge Morgan,

Thank you for giving the New Orleans Police Department the opportunity to update the court on the progress we have made in implementing the remedial measures we committed to in our October 30, 2023, letter. Our team identified ninety- five tasks in our remedial action plan. As you review the attached document you may note several remedial measures are contingent upon others being completed. For instance, we cannot train on a policy update until it is approved by all parties and implemented by the department. In other instances, we are still working with the monitoring team to craft an appropriate response such as the need to create a new way of tracking disciplinary investigation dispositions. It is our belief the use of the attached tracker will assist us in identifying next steps as well as areas we need to put more focus on. This tracker was shared with the Federal Monitoring Team for their awareness prior to being filed today.

Sincerely,

Anne Kirkpatrick

Superintendent of Police

New Orleans Police Department

AEK/NLG/nlg

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306	Revise/re-energize the Serious Discipline	NG	OCDM to give feedback on proposed changes	In Progress	Held SDRB on November 9 - awaiting feedback	Awaiting feedback		Notes
	Review Board (SDRB)	SN	NOPD to draft policy changes and submit them to OCDM/DOI	In Progress	Sent to OCDM DOI 11/16		Awaiting OCDM approval	
		S N	OCDM/DOI to approve policy changes and return to NOPD	Pending		Awaiting OCDM approval		
		SN	NOPD to implement policy changes	Pending				
		য	NOPD to hold first SDRB on 11/9/23 following the UOFRB	Pending	SDRB WAS HELD ON 11/9 - OCDM Scott Huntsberry attended	OCDM Scott Huntsberry provided feedback	Discuss logistical and confidentality challenges if any exist with OCDM	The recommendation by OCDM was centered around NOPD employees facing discipline and the impact it may have an family members
		ম	NOPD to keep OCDM/Court apprised of SDR8 schedules, agendas, and outcomes	in Progress				
	Ensure Executive Protection (EP) unit is effectively supervised	9	NOPD to assign a full-time Sgt to EP	Complete	Sgt. Jaque transferred to EP unit 8/18/23	_	NA	Personnel transfer # 19-2023
		9	NOPD to move EP to Chief of Ops	Complete	EP Unit transferred to Chief Dupree 8/18/23	NA	NA	Personnel transfer # 19-2023
		SN	All parties to develop EP SOP	In Progress	DOJ approval	Awaiting OCDM permission to	Dissimination of policies	
		NG LD / MW	All parties to develop EP policy, 46.6 NOPD to train EP on policies and 50P	In Progress Pending	piqi	П	Piqi	All members have had formal EP training in outside
	Revise NOPD assignment/reassignment policies		NOPD to draft policy changes and submit them to OCDM/DOJ	In Progress	PSAB revisiting existing policy			schools
		S S	es and return to NOPD	Pending	Anna Surrey Surrey			
		SN	NOPD to implement policy changes	Pending				
313	Draft/Enhance policies related to reviewing	S S	NOPD to revise NOPD's assignment/reassignment forms (pending)	Pending				
9	supervisors' roles in misconduct	2	See actions for soon resound	S.				
	Ensure supervisors have access to OPSE and NOPD shift information	SN	OCDM to advise whether the current system suffices	In Progress	information shared by PSAB on current system is under review by OCDM			
		NG	ements	Pending	11/9 meeting with Flance / JT/ OCDM / OPSE			
	Enhance Academy training re supervisory use of	WW Y	NOPD to develop the training	Pending				
399	Ensure current revisions to 52.1 ensure proper	NG		In Progress	cent set of proposed	Awaiting DOJ approval / pending		
	complaint intake based on allegations					discussion scheduled for 11/28		
		NG	NOPD to implement OCDM's suggestions for 52.1	In Progress	Incorporated all OCDM suggestions	_		
	PIB and PSAB to retrain intake personnel on complaint classifications	AW.		Pending			Development of lesson plan / training mod	
		WW		Pending		Awaiting 52.1 approval to do all retraining at the same time.		
	Conduct admin and criminal investigations concurrently	NG	dent's authorization to progress	In Progress	NOPD sent most recent set of proposed revisions 10/19/23	Awaiting DOJ approval / pending discussion scheduled for 11/28		
		NG NG	NOPD to Implement revisions to 52.1	Pending				
		2	ria to diat sur lor conducting concurrently investigations:	n Progress	Discussion with Gry Attorneys regarding "POBR RS. 202531 and Garitry us. New Jersey to be scheduled. Additionally, on about 10/31/2023 PIB executive staff met to discuss logistical and manpower issues related to	PIB submitted a KSA to address the manpower issues associated with concurrent investigations. PIB received 20 resumes and will begin conducting interviews in		
		ম	OCDM to review SOP	Pending	Constant Con			
	Create system for outsourcing Integrity		PIB to implement SOP OCDM to review the proposed guidance in the revisions to 52.1	Pending In Progress	T	Awaiting DOI approval / pending		Cirrently cutcoursed at least one (noccibly two) races
	investigations	2	7.75 m s			Awaring Dou approval / pending discussion scheduled for 11/28		Lurrently outsourced at least one (possibly two) cases.
		য	NOPD to Implement the revised 52.1	Pending	Awaiting DOJ approval / pending discussion scheduled for 11/28	Next meeting to discuss is Dec. 6		
		75		Pending		Funding was piggybacked on existing law contract		
	Ensure the PIB conflict policy is addressed	S S	OCDM to review revisions to 52.1 for this purpose NOPD to implement revised 52.1	In Progress	Done	Awaiting DOJ review		
	Clarify the 16:35 rule	æ		In Progress				
		ER R		Pending				
		SN S	les to align with	Pending				
	NG Ensure PSAB Misconduct Investigations protocol NG	S NG	NOPD to Implement policy changes PSAB to ensure protocol covers proper intake classification	Pending In Progress		Awaiting 52.1 approval to		
	covers 399					Implement.		

		שט	PSAB to ensure protocol covers whether criminal investigations are outsourced when Pending appropriate	Pending			Not related to 399, not in CD but will be in 52.1 after revisions
		SN SN	OCDM to review/approve updated protocol	Pending			
403		88	City Attorney's Office to draft CD modifications	In Progress			
}	integrity investigations and the imposition of	;		200			
				Pending			
				Pending			
		ט ט	NOPD to implement policy changes	Pending			
	Measure and report timeliness compliance			8	Attempting to determine how to measure		
					timeliness automatically, may require manually		
		S S	NOPD to create system for publicly reporting integrity investigation timeliness	Pending			
		NG/KS	o update misconduct investigation audit protocol based on clarifications to	Pending			
	iminal investigation	NG / KS	LU 403. PSAB to ensure protocol covers whether criminal and admin investigations are	In Progress	Awaiting OCDM final approval	Is within new 52.1	
000,000	are conducted concurrently	9	conducted concurrently	ĺ			
409/419	Ensure integrity investigation records are secure ING until their release has been authorized	DN e	OCDM to review revisions to 52.1 for this purpose	In Progress	NOPD sent most recent set of proposed revisions 10/19/23		
		NG NG	DOI to review revisions to 52.1 for this purpose	Pending			
411	Ensure OCDM is notified about criminal	S		In Progress			
	Investigations	SX.	OCDM to review guidance	Pending			
			6	Pending			
			PSAB or counsel to draft general order or directive clarifying DOJ and OCDM access to Pending Information	Pending			
		NG / ER	lent to issue clarifying instructions (general order or directive) to	Pending			
		S	stigations	In Progress		Occuring on Fridays with OCDM /	
		2				Sanchez	
		S	PIB to share IAFro data on criminal investigations monthly	Pending	This information is produced inconjunction with the SDRB Weekly List, Last produced on 11/22/23.	Provided on Weekly-Basis	
413	investigators on	KS / WW	PIB to review existing training and recommend enhancements prior to 2024	In Progress	Temple to meet with Duane Johnson		
	circumstantial evidence	KS/MW	PIB to coordinate enhancements with OCDM	Pending			
	Advise all city employees about the coverage of	ы	Seek opinion from City Attorney regarding advising all city employees about the	Pending			
414	Ensure policy sufficiently covers application of	NG	OCDM to review revisions to 52.1 for this purpose	In Progress		Awaiting 52.1 approval by DOJ	
	the preponderance of evidence standard				revisions 10/19/23		
		KS KS	NOPD to implement revisions to 52.1 PIB to revise lesson plan to cover application of the standard to be ready for 2024	Pending	It. Kenny Temple to meet with Duane Johnson		
	, 1	1		In Progress	regarding Misconduct Investigation Lesson Plan.		
415	Enhance tracking of disciplinary investigation dispositions	ম	PIB to work with OCDM to understand the enhancements envisioned by OCDM	Pending	Will discuss at PIB and OCDM weekly meetings		
		ম	PIB QAU to Implement enhancements		Mill discuss to be and OCOM, which		
		S	PIB personnel to seek additional info on this matter at the IAPro training at the end		Will discuss at PIB and OCDM Weekly meetings		
				Complete	PIB personnel attended an IAPro conference in the end of October for the purpose of enhanding QAU's ability to utilize and appreciate the functionality of IAPro.		
	Provide guidance on violations investigated but not included in the initial complaint	NG	OCDM to review revisions to 52.1 for this purpose	*	NOPD sent most recent set of proposed revisions 10/19/23		
	Described Of The Color of the State of the S	SN S	NOPD to Implement revisions to 52.1	Pending			
	בימות בימות אונו לפוניתור מוצלים ובלים ובלים ו	2		Pending	Will discuss at PIB and OCDM weekly meetings		
		KS/NG	\neg				
	Update misconduct investigations protocol accordingly		PSAB to update audit protocol to cover whether the investigation disposition is one of the four allowed and that the disposition used is appropriate	D Progress	Awaiting OCDM final approval	×	
416	Clarify the CD paragraph	NG		Complete			
			Douglass and Gernon	Pending			
420	Provide OCDM with more timeline info	SX	OAU to give OCDM monthly reports on the timelines of cases closed in the previous in month	In Progress			
		NG / KS	rts and identify data gaps	Pending			
	Clarify Citizen vs. Rank Initiated			In Progress	NOPD sent most recent set of proposed revisions 10/19/23		
454	Clarify what is sent to OCDM when	NG	NOPD to implement revisions to 52.1 PIR to work with OCDM to establish anidalines for ACA aliable complaints	Pending	September of Comments ACA		
5			engine complaints	Pending	Extracted It of the Paragraph 454		
	Send all 454 complaints to OCDM		PIB to send all active criminal investigations to OCDM	n Progress	10/13/2023 sent criminal investigations to OCDM		

		KS	PIB to develop system for transmitting info to OCDM		Coordinated with OCDM and established a			
					protocol to transmit information regarding			
		_			criminal investigations as well 454 violations to			
				In Progress	ОСДМ			
	Provide guidance to command staff re 454		NG / ER Gernon and City Attorney to craft language	Pending				
		AK	Superintendent to issue memo with guidance	Pending				
	Enhance PIB intake form re 454	NG	PSAB to work with OCDM to determine needed enhancements	Pending				
		NG	PIB to update Intake form	Pending				
	Include 454 in misconduct investigations	NG	PSAB to update misconduct investigations audit protocol to ensure it covers 454		Awaiting OCDM final approval			
	protocol			In Progress	ANA ANA			
470/472	470/472 Ensure OCDM/DOJ receive requesting info	NG / ER	NG / ER Gernon to draft language for Superintendent's memo	Pending		3	-	
		AK	Superintendent to send memo to command staff	Pending				