

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

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 28th day of December 2023.

Davillier Law Group, LLC

/s/ Jonathan D. Lewis
Daniel E. Davillier La. No. 23022
Charles F. Zimmer II (T.A.) La. No. 26759
Jonathan D. Lewis, La. No. 37207
935 Gravier Street, Suite 1702
New Orleans, LA 70112
Phone: (504) 582-6998
Fax: (504) 582-6985
ddavillier@davillierlawgroup.com
czimmer@davillierlawgroup.com

*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 28th day of December 2023.

/s/ Jonathan D. Lewis

CITY OF NEW ORLEANS

DEPARTMENT OF POLICE

P.O. BOX 51480
New Orleans, Louisiana 70151

"to protect and to serve"



LATOYA CANTRELL
MAYOR

ANNE E. KIRKPATRICK
SUPERINTENDENT

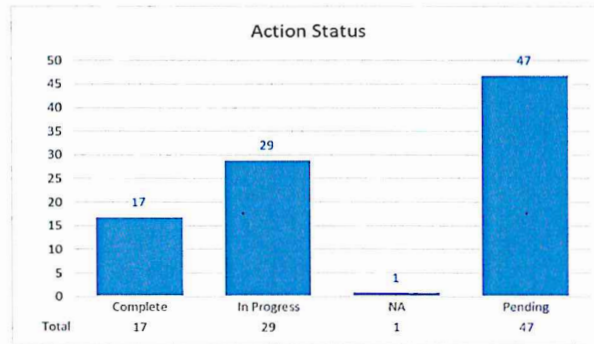
Honorable Susie Morgan
United States District Court
(Eastern District)
500 Poydras Street C336
New Orleans, LA 70112

December 28, 2023

Dear Judge Morgan,

Please allow this document to serve as an update on the New Orleans Police Department's progress in complying with the Court's order dated November 2, 2023.

The status of the tasks identified by the department in order to comply with the order are as follows:



The details for each task are attached to this filing. We look forward to working toward completing the identified tasks as we move into the new year.

Sincerely,

Anne E. Kirkpatrick
Superintendent of Police
New Orleans Police Department

EAK/NLG/nlg



CD #	Remedial Plan	Owner	Actions	Action Status	Last completed task	Current action / task	Next Step	Notes	
306	Revise/re-energize the Serious Discipline Review Board (SDRB)	NG	OCDM to give feedback on proposed changes	Complete	Held SDRB on November 9 and 29th - awaiting feedback	None		The recommendation by OCDM was centered around NOPD employees facing discipline and the impact it may have on family members	
		NG	NOPD to draft policy changes and submit them to OCDM/DOJ	Complete	Sent to OCDM DOJ 11/16	Implemented 12/7 via GO 1176			
		NG	OCDM/DOJ to approve policy changes and return to NOPD	Complete	Approved by OCDM 11/30- DOJ 11/20				
		NG	NOPD to implement policy changes	Complete		Implemented 12/17 via General order 1176			
		KS	NOPD to hold first SDRB on 11/9/23 following the UOFRB	Complete	SDRB WAS HELD ON 11/9 - OCDM Scott Huntsberry attended	OCDM Scott Huntsberry provided feedback	Discuss logistical and confidentiality challenges if any exist with OCDM	The recommendation by OCDM was centered around NOPD employees facing discipline and the impact it may have on family members	
		KS	NOPD to keep OCDM/Court apprised of SDRB schedules, agendas, and outcomes	Complete	SDRB email/calendar invite for 11/29/23 sent to OCDM on 11/22/23 by Sgt. LaShawn Rondono. SDRB held on 11/29/2023. OCDM Robert Mcneilly was present. Additionally, OCDM is apprised of the results of the most recent SDRB at their weekly meetings with PIB.	Next SDRB is scheduled for January 11, 2024 following the next UOFRB	Review by OCDM	SDRB is scheduled following UOFRB	
	Ensure Executive Protection (EP) unit is effectively supervised	LD	NOPD to assign a full-time Sgt to EP	Complete	Sgt. Jaque transferred to EP unit 8/18/23	Jaque retired / Sgt. Love temp supervisor	NA	Personnel transfer # 19-2023	
		LD	NOPD to move EP to Chief of Ops	Complete	EP Unit transferred to Chief Dupree 8/18/23	NA	NA	Personnel transfer # 19-2023	
		NG	All parties to develop EP SOP	Complete	Approved 11/20	Effective Dec. 17			
		NG	All parties to develop EP policy, 46.6	Complete	Approved 11/20	Effective Dec. 17 - Gen. Ord 1178			
		LD / MW	NOPD to train EP on policies and SOP	In Progress		Dupree developing training plan on Policy / SOP	Sgt. Brewer - Jones tasked with conducting training class	All members have had formal EP training in outside schools	
	Revise NOPD assignment/reassignment policies	NG	NOPD to draft policy changes and submit them to OCDM/DOJ	In Progress	PSAB revisiting existing policy	Currently being written / revised		Part of bigger displ. policy revisions (Ch. 52.1 et. al.)	
		NG	OCDM/DOJ to approve policy changes and return to NOPD	Pending					
		NG	NOPD to implement policy changes	Pending					
		NG	NOPD to revise NOPD's assignment/reassignment forms (pending)	Pending					
313	Draft/Enhance policies related to reviewing supervisors' roles in misconduct	NG	See actions for 306 re SDRB	NA					
	Ensure supervisors have access to OPSE and NOPD shift information	NG	OCDM to advise whether the current system suffices	In Progress	Information shared by PSAB on current system is under review by OCDM	Memo prepared 12/15 details current system of accountability	Awaiting feedback from OCDM regarding 2023 steps taken to ensure accountability	Memo shared with OCDM and OIPM	
		NG	OCDM to review NOPD's request for shift data enhancements	In Progress	11/9 meeting with Fiance / N.O. Homeland security / OCDM / OPSE	Finance provided timeline for OPSE / ADP system alignment / Finance committed to researching costs of integration	Complete ADP upgrade (June 2024) prior to starting system integration	Estimated completion Late 2024-early 2025 see Dec. 15 memo for details	
Enhance Academy training re supervisory use of Insight and escalating concerns	MW	NOPD to develop the training	In progress	Outline of learning materials developed by PSAB	Lesson plan being crafted				
	MW	OCDM to assist with developing a system for measuring the training	Pending						
399	Ensure current revisions to 52.1 ensure proper complaint intake based on allegations	NG	OCDM to review current revisions to 52.1	In Progress	Awaiting DOJ approval / pending discussion scheduled for 11/28	DOJ / OCDM agree to framework for 52.1, needs CD modifications	CD modifications for 403 / 416		
		NG	NOPD to implement OCDM's suggestions for 52.1	In Progress	Incorporated all OCDM suggestions	Awaiting CD modifications and ancillary chapters			
	PIB and PSAB to retrain intake personnel on complaint classifications	MW	PIB to train intake personnel on complaint classifications	Pending		Need to identify current training gaps / needs	Development of lesson plan / training mod		
		MW	PSAB to train intake personnel on complaint classifications	Pending		Awaiting 52.1 implementation to do all retraining at the same time.			
	Conduct admin and criminal investigations concurrently	NG	OCDM to approve revisions to 52.1 that require superintendent's authorization to delay admin investigation when criminal investigation is in progress	In Progress	Awaiting DOJ approval / pending discussion scheduled for 11/28	DOJ / OCDM agree to framework for 52.1, needs CD modifications		Chapter is approved contingent upon CD modifications	
		NG	NOPD to implement revisions to 52.1	Pending					
		KS	PIB to draft SOP for conducting concurrently investigations	In Progress	Discussion with City Attorneys regarding "POBR" R.S. 20 2531 and Garrity vs. New Jersey to be scheduled. Additionally, on about 10/17/2023 PIB executive staff met to discuss logistical and manpower issues related to concurrent investigations.	In keeping with the fair and equitable selection process, PIB conducted 20 interviews of potential candidates over several days.	Additional Captain slated to go to PIB in January 2024 to ensure concurrent investigations can remain firewalled.	Additional staffing will be needed to conduct concurrent investigations, KSA process is pending.	
		KS	OCDM to review SOP	Pending					
	Create system for outsourcing integrity investigations	KS	PIB to implement SOP	Pending					
		NG	OCDM to review the proposed guidance in the revisions to 52.1	In Progress	Awaiting DOJ approval / pending discussion scheduled for 11/28	DOJ / OCDM agree to framework for 52.1, needs CD modifications		Currently outsourced three cases	
		KS	NOPD to implement the revised 52.1	Pending	Awaiting DOJ approval / pending discussion scheduled for 11/28	DOJ / OCDM agree to framework for 52.1, needs CD modifications			
	Ensure the PIB conflict policy is addressed	SL	NOPD to seek funding sources for outsourcing	Complete		\$15K for 2023 / RFP for 2024		Three currently outsourced	
NG		OCDM to review revisions to 52.1 for this purpose	In Progress	Done	DOJ / OCDM agree to framework for 52.1, needs CD modifications		Awaiting CD modifications and ancillary chapters		
Clarify the 16 35 rule	NG	NOPD to implement revised 52.1	Pending						
	ER	City Attorney to draft CD amendment	In Progress			Draft being revised			
	NG	OCDM/DOJ to review amendment	Pending						
		ER	Court to amend CD	Pending					

		NG	NOPD to update secondary employment and overtime policies to align with amendment	Pending				
		NG	NOPD to implement policy changes	Pending				
	Ensure PSAB Misconduct Investigations protocol covers 399	NG	PSAB to ensure protocol covers proper intake classification	In Progress		DOJ / OCDM agree to framework for 52.1, needs CD modifications		
		NG	PSAB to ensure protocol covers whether criminal investigations are outsourced when appropriate	Pending			Not related to 399, not in CD but will be in 52.1 after revisions	
		NG	OCDM to review/approve updated protocol	Pending				
		NG	PSAB to conduct audit with new protocol	Pending				
403	Clarify timeliness requirements regarding integrity investigations and the imposition of discipline	ER	City Attorney's Office to draft CD modifications	In Progress				
		ER	OCDM/DOJ to review CD amendment	Pending				
		ER	Court to amend CD	Pending				
		NG	NOPD to align policies with CD Amendment	Pending				
		NG	NOPD to implement policy changes	Pending				
		Measure and report timeliness compliance	NG	NOPD to create system for tracking integrity investigation timeliness	In Progress	Attempting to determine how to measure timeliness automatically, may require manually review		
			NG	NOPD to create system for publicly reporting integrity investigation timeliness	Pending			
		NG/ KS	NOPD to update misconduct investigation audit protocol based on clarifications to CD 403.	Pending				
	Audit whether admin and criminal investigation are conducted concurrently	NG / KS	PSAB to ensure protocol covers whether criminal and admin investigations are conducted concurrently	In Progress	Awaiting OCDM final approval	Is within new 52.1	Awaiting CD modifications and ancillary chapters	
409/419	Ensure integrity investigation records are secure until their release has been authorized	NG	OCDM to review revisions to 52.1 for this purpose	In Progress	NOPD sent most recent set of proposed revisions 10/19/23	DOJ / OCDM agree to framework for 52.1, needs CD modifications	Awaiting CD modifications and ancillary chapters	
		NG	DOJ to review revisions to 52.1 for this purpose	Pending				
		NG	NOPD to implement revisions to 52.1	Pending				
411	Ensure OCDM is notified about criminal investigations	KS	PIB to draft guidance	In progress	PIB has implemented weekly notification to OCDM Scot Huntsberry regarding any and all Serious Misconduct Investigations via excel spreadsheet and email.			
		KS	OCDM to review guidance	Pending				
		KS	NOPD to implement guidance	Pending				
		NG / ER	PSAB or counsel to draft general order or directive clarifying DOJ and OCDM access to information	Pending			Para 471-473	
		NG / ER	Superintendent to issue clarifying instructions (general order or directive) to command staff regarding DOJ and OCDM access to information	Pending				
		KS	PIB to hold regular meetings with OCDM regarding criminal investigations	complete	Next meeting scheduled for 12/27/2023 via Webex with OCDM (Huntsberry)	Occurring on Fridays with OCDM / Sanchez		
		KS	PIB to share IAPro data on criminal investigations monthly	Complete	This information is produced in conjunction with the SDRB Weekly List. Last produced on 11/22/23.	Provided on Weekly-Basis		
413	Enhance training for PIB investigators on circumstantial evidence	KS / MW	PIB to review existing training and recommend enhancements prior to 2024	In Progress	regarding Misconduct Investigation Lesson			
		KS / MW	PIB to coordinate enhancements with OCDM	Pending				
		KS / MW	OCDM to approve enhancements	Pending				
	Advise all city employees about the coverage of the CD	DT	Seek opinion from City Attorney regarding advising all city employees about the coverage of the CD	Pending				
414	Ensure policy sufficiently covers application of the preponderance of evidence standard	NG	OCDM to review revisions to 52.1 for this purpose	In Progress	NOPD sent most recent set of proposed revisions 10/19/23	DOJ / OCDM agree to framework for 52.1, needs CD modifications	Awaiting CD modifications and ancillary chapters	
		NG	NOPD to implement revisions to 52.1	Pending				
	Ensure training on applying the preponderance of evidence standard is sufficient	KS	PIB to revise lesson plan to cover application of the standard to be ready for 2024 supervisor in-service	In Progress	Lt. Kenny Temple to meet with Duane Johnson regarding Misconduct Investigation Lesson Plan.			
415	Enhance tracking of disciplinary investigation dispositions	KS	PIB to work with OCDM to understand the enhancements envisioned by OCDM	In Progress	Will discuss at PIB and OCDM weekly meetings			
		KS	PIB QAU to implement enhancements	Pending	Will discuss at PIB and OCDM weekly meetings			
		KS	PIB personnel to seek additional info on this matter at the IAPro training at the end of October	Complete	PIB personnel attended an IAPro conference in the end of October for the purpose of enhancing 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	In Progress	NOPD sent most recent set of proposed revisions 10/19/23	DOJ / OCDM agree to framework for 52.1, needs CD modifications	Awaiting CD modifications and ancillary chapters
	Provide OCDM with periodic disposition reports	NG	NOPD to implement revisions to 52.1	Pending				
		KS	PIB to get specifics from OCDM	In Progress	Will discuss at PIB and OCDM weekly meetings			
	Update misconduct investigations protocol accordingly	KS / NG	PIB/PSAB to develop system for giving OCDM the info	Pending				
		NG / ER	PSAB to update audit protocol to cover whether the investigation disposition is one of the four allowed and that the disposition used is appropriate	In Progress	Awaiting OCDM final approval			
416	Clarify the CD paragraph	NG	Douglas and Gernon to draft modification	Complete			en re 416 only	
		ER	City Attorney's Office to include modification drafted by Douglass and Gernon	Pending				
420	Provide OCDM with more timeline info	KS	QAU to give OCDM monthly reports on the timelines of cases closed in the previous month	In Progress				
		NG / KS	OCDM, PIB, PSAB to review monthly timeline reports and identify data gaps	Pending				
		Clarify Citizen vs. Rank Initiated	NG	OCDM to review revisions to 52.1 for this purpose	In Progress	NOPD sent most recent set of proposed revisions 10/19/23	DOJ / OCDM agree to framework for 52.1, needs CD modifications	Awaiting CD modifications and ancillary chapters
		NG	NOPD to implement revisions to 52.1	Pending				

454	Clarify what is sent to OCDM when	KS	PIB to work with OCDM to establish guidelines for 454 eligible complaints	In Progress	Extracted from CD Paragraph 454		
		KS	PIB to put 454 guidelines into SOP	Pending			
	Send all 454 complaints to OCDM	KS	PIB to send all active criminal investigations to OCDM	Complete	10/13/2023 sent criminal investigations to OCDM	Weekly Spreadsheet is sent to OCDM (Huntsberry) regarding CD 454	
		KS	PIB to develop system for transmitting info to OCDM	Complete	Coordinated with OCDM and established a protocol to transmit information regarding criminal investigations as well 454 violations to OCDM	CD 454 Spreadsheet is updated with additional information when applicable and provided to OCDM. PIB communicates with OCDM with Webex or Zoom meetings when needed.	
	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 protocol	NG	PSAB to update misconduct investigations audit protocol to ensure it covers 454	In Progress	Awaiting OCDM final approval	DOJ / OCDM agree to framework for 52.1, needs CD modifications	Awaiting CD modifications and ancillary chapters
	470/472	Ensure OCDM/DOJ receive requesting info	NG / ER	Gernon to draft language for Superintendent's memo	Pending		
AK			Superintendent to send memo to command staff	Pending		Para 471-473	