

MINUTE ENTRY
MORGAN, J.
August 18, 2016

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

**UNITED STATES OF AMERICA,
Plaintiff**

CIVIL ACTION

VERSUS

No. 12-1924

**CITY OF NEW ORLEANS,
Defendant**

SECTION "E"

On Thursday, August 18, 2016, the United States District Court for the Eastern District of Louisiana, Judge Susie Morgan presiding, held the seventh in a series of public hearings focusing on the New Orleans Police Department's progress under the Consent Decree entered in this matter. In attendance were counsel for the United States, counsel for the City of New Orleans, four members of the Consent Decree Monitoring Team, NOPD leadership, and multiple members of the NOPD Special Victim's Section ("SVS"), including representatives from the SVS Sex Crimes Unit, Child Abuse Unit, and Domestic Violence Unit. Additionally, due to the focus of this particular hearing, also in attendance were Ed Quatrevaux, the New Orleans Inspector General; Howard Schwartz, the Assistant Inspector General for Investigations; Ms. Tania Tetlow, law professor at Tulane and chair of the Mayor's advisory committee on the reform of NOPD's response to sexual assaults; Ms. Mary Claire Landry, Executive Director of the New Orleans Family Justice Center; and Ms. Amanda Tonkovich with the New Orleans Sexual Assault Response Team ("SART").

Following an introduction by Judge Morgan, the Court heard from lead monitor Jonathan Aronie, who provided a brief summary of NOPD's progress to date.

Monitor

Mr. Aronie began by recognizing the NOPD's "great progress" in meeting its obligations under the Consent Decree. Among other successes, Mr. Aronie identified the Department's robust Body Worn Camera ("BWC") program, its Crisis Intervention Team ("CIT"), the publication of more than 40 revised and approved policies, an effective Use of Force Review Board, a "cutting edge proactive policy to foster the voluntary release of critical incident body-worn camera recordings," a significantly improved Force Investigative Team ("FIT") and Public Integrity Bureau administrative investigative team,

and a “remarkable turnaround with respect to sexual assault and domestic violence investigations.” Mr. Aronie also recognized other areas that showed great promise, but still were in their infancy, including a new approach to using data to enhance police management efficiency, effectiveness, transparency, and accountability; a nation-leading police peer intervention program called *EPIC*, for Ethical Policing Is Courageous; a soon-to-be-implemented early warning system called *Insight*; and a recent partnership between the NOPD Police Academy and the New Orleans Innocence Project to co-teach investigation techniques to detectives.

Mr. Aronie also recognized the high level of cooperation and commitment the Monitoring Team continues to receive from NOPD leadership. According to Mr. Aronie, “The past two years have seen significant progress by the police department precisely for this reason. . . . Superintendent Harrison, Chief Noel, Chief Westbrook, Chief Thomas, and countless other leaders in the Police Department continue to impress the Monitoring Team with their commitment to achieving full and sustained compliance with the Consent Decree.” Following Mr. Aronie’s report, the Court echoed the praise of the leadership of the Department “all the way from the top to the bottom.”

Among those areas that continue to require the attention of NOPD and the Monitoring Team, Mr. Aronie included community oriented policing, the Academy, and supervision. But even in these areas, Mr. Aronie recognized the Department’s acknowledgment of the gaps and its ongoing efforts to remedy them.

Sexual Assault / Domestic Violence

Following Mr. Aronie’s opening comments, the Court heard from the Police Department regarding the progress it has made responding to the Consent Decree’s requirements dealing with sexual assault and domestic violence investigations, both of which fall within Section 9 of the Consent Decree titled “Policing Free of Gender Bias.” Among other things, Section 9 of the Consent Decree focuses on responding to and investigating reports of sexual assault and domestic violence professionally, effectively, and in a manner free of gender-based bias; appropriately classifying reports of sexual assault and domestic violence; collaborating closely with the District Attorney’s office and community partners in applying a victim-centered approach at every stage of its response.

Commander Doug Eckert, leader of the NOPD’s Criminal Investigations Division, made the initial presentation for the Department. After introducing his leadership team, Commander Eckert introduced the many officers, detectives, and civilians making up the sexual assault, child abuse, elder abuse, and domestic violence units within the Special Victims Section (“SVS”). Following the introductions, Commander Eckert explained the structure of the SVS and highlighted the sizeable caseload the group handles with limited personnel. For example, Commander Eckert explained the Department currently responds to approximately 13,000 domestic violence calls each year.

Commander Eckert also discussed the New Orleans Inspector General’s November 2014 Report highlighting glaring inadequacies in the Department’s handling of sexual assault and domestic violence cases. Commander Eckert acknowledged the Department’s prior failings and explained the work undertaken to respond to the IG’s Report and to bring the

SVS along the path toward full compliance with the Consent Decree. Commander Eckert described the progress SVS has made this way: “The Consent Decree calls for the NOPD to respond to sexual assault and domestic violence incidents with a victim-centered approach in a manner free of gender bias. And I really believe that, while there was a problem at one point, I think we are so past that now. We are treating people as individuals, [treating] each case on its own merit, and treating people fairly.” Commander Eckert shared with the Court his goal of bringing his unit into “total compliance with the Consent Decree by the end of the year.”

Commander Eckert next turned the lectern over to the leader of the Section’s Domestic Violence Unit, Sergeant Rick Pari. Sgt. Pari explained the benefits of the Unit’s co-location in the New Orleans Family Justice Center, and of the strong partnership that has developed between the NOPD and the Family Justice Center over the years. Sgt. Pari explained how the NOPD incorporates the resources of the FJC in its “street level” work by, among other things, handing out Family Justice Center literature to victims to make them aware of the services available to them – a practice that did not occur in the past.

Sgt. Pari also explained the importance of the comprehensive domestic violence policy developed in partnerships with the Orleans Parish District Attorney’s office, the Mayor’s Task Force, and several advocacy groups, including the Family Justice Center. Sgt. Pari’s pride in the resulting policy was obvious: “Our policy is second to none” The Monitoring Team and the U.S. Department of Justice, both of which reviewed and approved the final policy, previously have reported it is an excellent product.

Sgt. Pari next discussed the *Blueprint for Safety*, a project initiated by the City in October 2014 with funding from the U.S. Department of Justice, Office on Violence Against Women. The *Blueprint for Safety* introduced a coordinated criminal justice response to domestic violence cases from 911 calls through probation and parole. Sgt. Pari explained some of the significant benefits the *Blueprint for Safety* has had on the citizens of New Orleans, and on the Police Department.

Following Sgt. Pari’s comments, Commander Eckert walked the Court through the efforts and accomplishments of the Special Victim’s Section’s Sex Crimes Unit. Among other things, Commander Eckert highlighted the close working relationship between the NOPD and the New Orleans Sexual Assault Response Team (“SART”), the Department’s improved processes for handling sexual assault reporting and investigations, and a vastly enhanced protocol for processing sexual assault kits. Commander Eckert also discussed some of the Department’s staffing changes that have materially contributed to better police responses for survivors, including more detectives, additional civilian investigators, and the engagement of in-house social workers.

Commander Eckert ended his comments by acknowledging the invaluable assistance SVS has received from the Family Justice Center, the New Orleans Inspector General, the advocacy groups, and the Consent Decree Monitoring Team.

Following the Department’s SA/DV presentation, the Court heard from Monitoring Team member Chief Mary Ann Viverette. Chief Viverette is a former police chief who focuses on sexual assault and domestic violence issues for the Monitoring Team. Chief Viverette

began her presentation by describing the problems initially identified by the Department of Justice and confirmed by the Monitoring Team following the Team's appointment in August 2013. Chief Viverette also described the slow start the Department had between August 2013 and March 2015. The appointment of Commander Eckert over the SVS in March 2015, however, according to Chief Viverette, marked a turning point in the Department's compliance efforts. Chief Viverette re-emphasized the high degree of cooperation and support the Department receives from the advocacy groups, including the Family Justice Center, the Sexual Assault Response Team, and the Mayor's Committee. Chief Viverette also highlighted the instrumental role the Inspector General played in helping the Section move forward.

Chief Viverette described her process for monitoring SVS progress, including reviewing policies, observing and evaluating training, reviewing BWC camera footage, and conducting regular on-site audits. Chief Viverette echoed the IG's finding that both the Sex Crimes Unit and the Domestic Violence Unit had made a "remarkable turnaround" over the past two years.

One area Chief Viverette identified as needing additional attention is the response of NOPD's patrol officers to sexual assault and domestic violence calls for service. While the Monitoring Team has seen significant improvement over the past 2-3 years, and has been extremely impressed in particular with the improvements of the SVS detectives, the Monitoring Team's audits still identify more room for growth with respect to patrol officers. Specifically, the Monitoring Team's last audit identified 35% of patrol officer responses leaving room for improvement. A portion of these, according to Chief Viverette, were the result of the Department's inability to make it to the call in enough time to meet with the complainant, a problem the Department's new call-back procedures will help alleviate.

Chief Viverette concluded her remarks by reiterating what was a clear theme of the hearing: "So in conclusion, we have seen improvement since I've been reviewing and monitoring over the last three years in both the sexual assault area and domestic violence. I can't say enough about the current leadership and the supervision in both units. They're committed, they're effective, and they deal with things seriously and quickly when I ask them to do so."

The United States Department of Justice next offered the Court its view of the current state of SVS compliance. After reiterating the positive comments made by the earlier speakers, lead counsel Emily Gunston asked the Court to consider the impact these improvements have had on countless individuals' lives: "When we first came into the department, we did our investigation and we found this wasn't being handled well; that . . . meant women were being discriminated against; it meant women were living in fear, living in terror; dangerous criminals were being left on the street; let alone the effect it has on somebody to feel like nobody cares that this is happening to me and nobody is going to do anything about it."

Ms. Gunston went on to contrast the past with the Department's recent improvements: "When this is done well, as the New Orleans Police Department is doing now, it can be hard to measure the effect that you're having on people's lives. It's hard to know how

many women are no longer living in terror or no longer being victimized. But one thing that we can look at and I want to focus on [is] the increase in reporting. That is an extraordinary number that is a real testament to the work that you've done."

Ms. Gunston went on further to "commend the police department [for its] real openness to learning." "The police departments who are insular," she explained, "are having problems, and world-class police departments have this kind of open-mindedness." "[T]he work that you've done here gives me confidence that that kind of work can be done in the rest of the police department as well."

Ms. Gunston concluded as follows: "What you have now are policies that are a model for the rest of the nation – and NOPD is not the only police department that was having this problem. Lots of departments are having this problem. And when they come to us now and they say, 'How do we fix this,' one of the things we can say to them is, 'You know what? You-all should go look and see what the New Orleans Police Department is doing because they have some of the best policies in the nation on this.'"

In addition to hearing from the Parties and the Monitoring Team, the Court also heard from several stakeholders.

Professor Tania Tetlow spoke first and described the committee the Mayor established to reform the police department's SVS. After praising the work the Department had done to meet the Mayor's direction and the Consent Decree's obligations, Professor Tetlow described the achievements that she has seen so far. "I think the greatest measure of the results have been the trust shown by victims in the increase in reporting which has been an increase of 83 percent of reporting in 2015 of sexual assaults and a projected increase of 78 percent in 2016. That's . . . the greatest sign of trust from the community."

Notably, as the Department of Justice explained later in the hearing, these numbers do not reflect an increase in sexual assault, but rather an increase in victims' willingness to report sexual assault. According to the Department of Justice, "one of the ways we know that -- one of the ways we knew there was a problem -- is that the numbers [of reported sex crimes] didn't make sense relative to the rest of the crime rate. And as those numbers go up and they make more sense, what that reflects is an increase in reporting, not an uptick in the crime. What that means is that people -- mostly women -- who at one point thought, 'No one is going to help me, and I need to try to deal with this on my own,' now are saying to themselves, 'I'm going to go to the New Orleans Police Department, and the people there are going to help.'"

Professor Tetlow concluded her remarks with the following praise for NOPD's accomplishments in this area: "So this has been an extraordinary accomplishment that I can't tell you how impressed I've been by NOPD, by the City. Everything we've done, we've worked together with them. They never tell us no. The chief works closely in partnership with all of the advocate community in ways that he really sees this as the work we do together."

The New Orleans Office of the Inspector General next addressed the Court. Howard Schwartz, Assistant Inspector General for Investigations, presented the IG's remarks. Mr.

Schwartz walked the Court through the “really disturbing” problems his office identified during its 2014 audit and investigation. Mr. Schwartz explained that walking through the negative history was important in order to contrast that history with how much the Department has changed in the past two years.

Mr. Schwartz emphasized that the Department took full responsibility for the problems identified by the IG, and initiated an immediate action plan to fix them. “From the inception, . . . when we told Chief Harrison of what we had found, from day one, Chief Harrison and his staff, including Chief Westbrook and her staff, [were] unbelievably professional. [We had] fantastic cooperation from day one.” Mr. Schwartz went on to illustrate the importance of the Department’s response by noting “this is the first time I can say the police department has taken complete responsibility for their actions and that is the reason for this transformation.” Mr. Schwartz reemphasized the remarkable turnaround he has seen, and concluded his remarks by thanking the men and women of the SVS units.

The Court next heard from Ms. Mary Clare Landry of the New Orleans Family Justice Center, who described the strong partnership between the NOPD SVS and the Center. Ms. Landry also praised a number of other groups involved in the NODP SVS transformation. In Ms. Landry’s view, the NOPD’s success in this area has been due to an “integrated response.” “It’s not one nonprofit; it’s not one public entity; it’s not one governmental structure,” she explained. “It’s all of us looking at what is creating the crime in our community and what is creating so much of the violence and the poverty in our community.” Ms. Landry added, “I can say without equivocation that the progress that we have seen finally over these last two years has been amazing and I’m probably the only person in the City that thanks God for the Consent Decree because I know it’s been painful and I know it’s been difficult and it’s created a lot of challenges, but I think it has brought the reform and the oversight and the accountability that survivors have needed in this community.”

Finally, the Court heard from Ms. Amanda Tonkovich, with the New Orleans Sexual Assault Response Team (“SART”). Ms. Tonkovich began by describing her recollections of the prior state of NOPD’s sexual assault response. She then contrasted this with the far different state of affairs she has seen over the past year. Ms. Tonkovich commented on the improved policies, improved training, improved leadership, and a strong cooperative spirit among the NOPD and its many partners, including SART. Ms. Tonkovich concluded her remarks with the following observation: “[N]ow we can really confidently say that when a police [officer] comes -- when someone from the sex crimes unit comes, the Domestic Violence Unit, they are trauma-informed. They understand how victims act in trauma and they’re going to have a compassionate initial response and interview; and I don’t have to worry anymore that we’re going to have to protect survivors from a law enforcement response or butt heads.”

Following Ms. Tonkovich’s comments, the Court thanked NOPD, the Department of Justice, the Monitoring Team, the Inspector General, and the advocacy groups for their collective hard work and their high level of cooperation. The Court concluded with the following comment to the police officers and their colleagues in attendance: “I hope all of you go home and tell your families what happened here today and how proud that I,

and the Monitoring Team, and the Department of Justice, and all these community advocates are of what you-all do. I wish they all could have been here to hear it so we're counting on you to go home and tell them about what happened."

The hearing then was adjourned. The next public hearing is scheduled for November 17, 2016 at 1:30 pm Central Time. The courtroom and topic will be announced in advance of the hearing on the Court's, the Monitoring Team's, and NOPD's web sites.

New Orleans, Louisiana, this 29th day of August, 2016.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

JS10 (2:02)