

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

UNITED STATES OF AMERICA

CIVIL ACTION

VERSUS

NO. 12-1924

CITY OF NEW ORLEANS

SECTION: “E” (2)

ORDER

The Court set a status conference in this matter on May 17, 2023 at 2:00 p.m. CST¹ to allow the Monitor to present to the Court regarding the status of implementation of the Consent Decree and the Monitor’s current observations, findings, and recommendations in accordance with paragraph 463, including the Monitor’s First Quarterly Report for 2023 and the Monitor’s Public Integrity Bureau Report, which dealt in part with the investigation into Officer Jeffrey Vappie.²

Shortly thereafter, the Monitor provided the City the Monitor’s final report focusing solely on PIB’s investigation into Officer Jeffrey Vappie (“PIB Vappie Investigation Report”). The PIB Vappie Investigation Report has not yet been published.³

The City expressed its concern about publishing PIB’s report on the Vappie investigation and the Monitor’s PIB Vappie Investigation Report before the discipline imposed on Officer Vappie was finalized. The NOPD conveyed to the Monitor, who conveyed to the Court, that discipline would be imposed on Officer Vappie on May 25, 2023, and reviewed and finalized by the Interim Superintendent on or before June 5, 2023, thereby clearing the way for discussion of PIB’s report and the Monitor’s report on Officer Vappie shortly thereafter. Not wanting to interfere with the Vappie investigation,

¹ R. Doc. 693.

² R. Doc. 694.

³ The PIB Vappie Investigation Report will be published on June 15, 2023.

but cognizant of the Consent Decree obligation that discipline be imposed within 30 days of the conclusion of an administrative investigation (in this case PIB concluded the Vappie investigation on March 10, 2023), the Monitoring Team, on behalf of the Court, proposed to the City and the Department of Justice a revised status conference date of June 7, 2023. In exchange, the City agreed to complete the Vappie disciplinary process by June 5, 2023. Relying on this representation, the Court delayed the status conference at which the PIB report on Officer Vappie and the Monitor's PIB Vappie Investigation Report would be discussed until June 7, 2023 at 2:00 p.m. CST.⁴

On Thursday June 1, 2023, the City filed an Ex Parte Motion to Continue Status Conference⁵ to an unspecified future date claiming that, notwithstanding the City's representation that Vappie's disciplinary process would be finalized on or before June 5, 2023, Officer Vappie's disciplinary process in fact would not be complete by that date. Because the ex parte motion contradicted the City's prior representation that the Vappie discipline would be finalized before the status conference on June 7, 2023, the Court held a telephone status conference with the parties on June 2, 2023 to discuss the issue. At the status conference, the City again represented the NOPD would not finalize Officer Vappie's discipline by June 5, 2023.

On June 5, 2023 the City filed an Ex Parte Motion for Leave to File Proposed Order⁶ confirming that the disciplinary process regarding Officer Vappie will be completed by June 15, 2023. The City proposed that the status conference be held on that date but the Court is not able to comply with that suggestion.

⁴ R. **Doc. 701**. The Order included the following: The presentation of Section VII. A of the Monitor's PIB Report and the Monitor's PIB Vappie Investigation Report will be on Wednesday June 7, 2023 at 2:00 p.m. CST.

⁵ R. **Doc. 701**.

⁶ R. **Doc. 711**.

IT IS ORDERED that the City's Ex Parte Motion to Continue Status Conference⁷ and the City's Ex Parte Motion for Leave to File Proposed Order⁸ are **GRANTED** in part. The public hearing scheduled for Wednesday, June 7, at 2:00 p.m. is **CONTINUED** until **Wednesday, June 21, 2023 at 2:00 p.m. CST.**⁹

IT IS FURTHER ORDERED that the parties file written responses to the PIB Vappie Investigation Report on or before June 15, 2023.

If either party wishes to make a presentation at the status conference on June 21, 2023 on Section VII. A of the Monitor's PIB Report or the Monitor's PIB Vappie Investigation Report, that party must send a letter to the Court's efile address on or before **June 15, 2023**, including who the party proposes will make the presentation, on what topics, and how long the party anticipates the presentation will last.

New Orleans, Louisiana, this 6th day of June, 2023.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

⁷ R. **Doc. 708.**

⁸ R. **Doc. 711.**

⁹ Based on the City's confirmation that the disciplinary process regarding Officer Vappie will be completed by June 15, 2023, the Department of Justice has represented to the Monitor that it has no objection to the continuance of the status conference.