

Citizens for **1** Greater New Orleans

Let your voice be heard in rebuilding the Greater New Orleans area.

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August 16, 2012

The Honorable Susie Morgan
U.S. District Court for the Eastern District of Louisiana
500 Poydras, C508
New Orleans, LA 70130

RE: NOPD Consent Decree

Dear Judge Morgan:

Thank you for providing the community an opportunity to be heard prior to your approval of the final consent decree for the NOPD.

Citizens for 1 Greater New Orleans has initiated and supported good government reform measures since its inception shortly after Katrina, and has worked collaboratively with other nonprofit organizations to reform and rebuild the community over these past seven years.

Citizens for 1 Greater New Orleans has supported reform of the NOPD and the work of the Office of the Independent Police Monitor. We are all connected to one another and only through listening and working together can we rebuild a better New Orleans. Since the storm in 2005, people and organizations from across our community have come together to work for the common good on a sustained basis like never before.

Therefore, we were grateful to the United States Department of Justice for accepting the invitation of the Mayor and citizens throughout the community who called for and welcome their intervention. We believe the consent decree is a strong roadmap for reform in the NOPD. We thank the DOJ for their efforts over the last two years to conduct a thorough investigation, issue findings and negotiate this consent decree. We thank our Mayor for ushering in a new era in the history of this troubled department, and we fully support the reforms in the consent decree.

Citizens for **1** Greater New Orleans

Let your voice be heard in rebuilding the Greater New Orleans area.

Nonetheless, we are concerned that the Office of the Independent Police Monitor does not have a clearly defined and prominent role in the consent decree. Indeed, many of its functions are supplanted or duplicated by the mechanisms provided for federal oversight. Importantly, under the consent decree as currently drafted, the OIPM is not offered any access to any information or assurances that the NOPD or the federal monitor will confer and share information or access with the OIPM.

When federal oversight of the NOPD ends in five years, it will have developed and implemented a vastly improved department that operates constitutionally with respect for human rights. Without also establishing a strong permanent system for independent oversight, there is no guarantee that these reforms will continue. The OIPM is the key to sustainability of the results of the vast effort and expense, currently estimated at \$11 million per year over a five year period, contemplated by the consent decree.

Citizens for 1 fully supported the charter revision which created the Police Monitor and we want to see the office strengthened in this consent decree so that they may continue to review the NOPD's accountability measures going forward and after the consent decree ends.

We hope that you will ensure that the Police Monitor is strengthened by this agreement prior to your signature being added. We thank you for your stewardship in watching over the reforms and ensuring that they are made. Finally, we add our voices for reform and renewal for greater New Orleans in supporting a strong consent decree and the office of the Independent Police Monitor.

Respectfully,

Ruthie Frierson

Ruthie Frierson
Founder and Chairman
Citizens for 1 Greater New Orleans
384 Walnut St.
New Orleans, LA 70118

U. S. MARSHALS

The Honorable Susie Morgan
U.S. District Court for the
Eastern District of Louisiana
500 Poydras Street, C508
New Orleans, LA 70130

U. S. MARSHALS



NEW ORLEANS POLICE AND JUSTICE FOUNDATION, INC.

400 POYDRAS STREET, SUITE 2105, NEW ORLEANS, LA 70130-3239 · (504) 558-9944 · FAX (504) 558-9955

WWW.NOPJF.ORG

August 17, 2012

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Honorable Susie Morgan
U. S. District Court
Eastern District of Louisiana
500 Poydras Street
New Orleans, LA 70130

Judge Morgan:

Founded in March, 1996, the New Orleans Police and Justice Foundation has served as a liaison between the public and private sectors of the city as it strives to fulfill its overarching mission of making New Orleans a safer place to live, to work and to visit. We are the sole nonprofit organization in Orleans Parish dedicated to reforming the criminal justice system and to securing essential and vital services for our police officers.

We have reviewed the proposed Consent Decree. We find that it is designed to promote integrity and instill constitutional policing practices within the New Orleans Police Department through extensive and comprehensive training in addition to management and supervisory accountability. The Decree sets forth a solid foundation for improving the operational capacity of the New Orleans Police Department and for excellence in police performance.

Along with Superintendent Serpas, we are dedicated to instituting reforms and restoring accountability to our police force; accountability that is necessary to ensure our citizens and visitors that New Orleans is a city that puts public safety first.

The New Orleans Police and Justice Foundation stands ready to assist the City of New Orleans in implementing the reform measures promulgated by the Department of Justice in the Consent Decree.

Best regards,

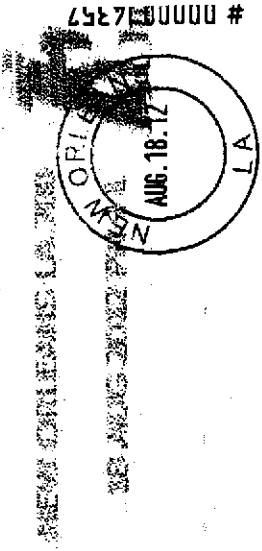
Col. (RET) Terry Ebbert
Chairman

MAKING NEW ORLEANS A SAFER PLACE
TO LIVE, TO WORK AND TO VISIT



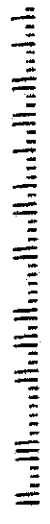
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U.S. MARSHALS



Honorable Susie Morgan
U. S. District Court
Eastern District of Louisiana
500 Poydras Street
New Orleans, LA 70130

70130337354



August 16, 2012

Robert Williams
L.S.P. # 396029
Angola, LA 70712
Cypress - 1

Susie Morgan
C-151 U.S. Court House
500 Camp Street
New Orleans, LA 70130

MS. Morgan:

MR. Williams is writing in reference of the federal consent decree, that was issued to the city of New Orleans. The purpose of the consent decree is to: "Enforce A plan of action for overhauling NOPD policies and practices." Among consent decree mandates: "New policies concerning the identification of suspects."

Moreover, MR. Williams conviction hells on an unreliable identification that was devoted to NOPD's faulty identification procedure.

Ms. Morgan, Somewhere within the consent decree, there is information that can aid MR. Williams to reveal (consent decree will be a helpful tool for the courts,) how best to scrutinize NOPD's identification procedure.

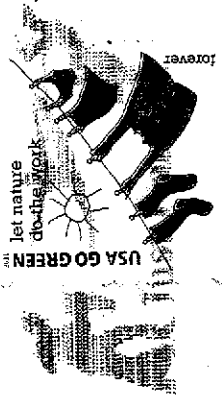
Therefore, MR. Williams is requesting that A copy of the federal "consent decree" be forward to him at your earliest convenience. To the alternative, you can forward this letter to anyone who can assist.

Thank you for whatever assistance that you deem may be necessary

Robert Williams

L.C. FILE

Robert Williams
L.S.P. # 2916029
Angola, LA 70712
Cypress - 1

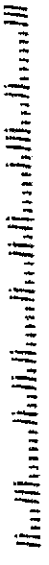


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16 AUG 2012 PM 3

Susie Morgan
C151 U.S. Court House
500 Camp Street
New Orleans, LA 70130

LESLIE MATH

7013083302



TO: U.S. DISTRICT COURT

JUDGE SUSIE MORGAN

FROM: NEIGHBORHOOD UNITY/MERGE

P.O..BOX 58 501

NEW ORLEANS, LA 70158

DEAR JUDGE MORGAN

WE, OF NEIGHBORHOOD UNITY/MERGE, HEREBY MAKE A FORMAL REQUEST TO RECOGNIZE COMMUNITY UNITED FOR CHANGE(CUC) AS A NEGOTIATING PARTNER IN THE CONSENT DECREE PROCESS. SINCE THIS GROUP WAS ONE OF THE ORIGINAL CONTRIBUTORS IN THE DEVELOPMENT AND CONTRACTING OF ITS POLICIES, WE THINK IT IS ONLY FITTING THAT THEY BE INCLUDED IN THE ONGOING PROCESS. WE ALSO FEEL THAT SUCH A REQUEST IS NECESSARY TO ENSURE THAT THE NECESSARY CHECKS AND BALANCES ARE IN PLACE, BOTH IN THE INTEREST OF JUSTICE AND ON BEHALF OF THE PUBLIC. WE SINCERELY ASK THAT YOU CONSIDER OUR REQUEST.

RESPECTFULLY,

NEIGHBORHOOD UNITY/MERGE

George Nadeau

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CIVIL ACTION

VERSUS

NUMBER: 12-1924

THE CITY OF NEW ORLEANS

SECTION: E, MAGISTRATE: 2

COMMENTS TO THE PROPOSED CONSENT JUDGMENT

MAY IT PLEASE THE COURT:

The undersigned authors of the comments submitted herein are attorneys whose practice includes representing plaintiffs in Civil Rights actions. Many of those cases have been against the City of New Orleans for actions of NOPD employees violating our clients' civil rights.

Sadly, our representation of victims of civil rights abuse has made us familiar with the practices and mindset of too many NOPD officers. Our experience completely affirms the findings and conclusions as outlined so thoroughly in the Justice Department Report.

Having reviewed the Consent Judgment, we are of like mind that the agreement does not address one serious aspect of what we believe to be a major precipitating factor in fostering the

NOPD "culture", a culture that deems it acceptable to engage in such activities as excessive force, retaliative force, and fabricated charges being filed against victims of NOPD abuse.

That factor is what we believe to be the unethical use of New Orleans City Attorneys as prosecutors in City Municipal Courts.

Today, and for decades, the City of New Orleans Law Department (City Attorney) has assigned Deputy and Assistant City Attorneys to act as prosecuting attorneys in municipal court. Like all prosecuting attorneys, they review criminal charges filed by the NOPD against alleged criminal violators, and utilize their prosecutorial discretion to either accept, modify, or dismiss the charge(s). The City of New Orleans Law Department (City Attorney) also is tasked with defending all civil actions brought against the city and the NOPD for alleged excessive force and civil rights violations. The problem as we see it is glaringly simple: the same law firm that controls which criminal charges are filed against citizens claiming abuse by the NOPD is the same law firm that represents and defends the NOPD, the City of New Orleans and its police officers from civil rights actions and claims of abuse, including excessive force and battery.

As this Honorable Court is aware, the decision in *Heck v. Humphrey*, 512 U.S. 477, 486–87, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994), and its progeny, stand for the proposition that if a civil rights plaintiff seeks damages in a § 1983 suit, the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence. If it would, the complaint must be dismissed. A plaintiff's conviction for resisting arrest would therefore, in most circumstances, eliminate any possibility that the City or its officers would be liable to a plaintiff for damages allegedly arising from battery, excessive force, or other civil rights violations. As it currently stands, the same law firm tasked with defending

the city and its employees from civil rights violations in state or federal civil courts also has the power to decide what criminal charge will be filed against the plaintiff who, if convicted of that charge, will have his or her right to recover eliminated under the *Heck v. Humphrey* decision. If that situation sounds appalling, it should.

It is both the long standing and current practice in Municipal Court for the New Orleans City Attorney's office, acting as prosecutor, to offer to drop all criminal charges (typically, where a criminal defendant has been charged by the NOPD with resisting arrest or battery on a police officer, and that defendant is claiming to be a victim of civil rights abuse) in exchange for the accused defendant signing a release relieving the city and its employees from any civil liability arising from the incident.

Louisiana Rule 8.4 (g) states:

It is professional misconduct for a lawyer to:

(g) Threaten to present criminal or disciplinary charges solely to obtain an advantage in a civil matter.

It is axiomatic that when an attorney offers to *dismiss* a criminal charge solely to obtain an advantage in a related civil matter, that rule would be violated. To be sure, this is one step beyond "threatening" to file criminal charges. They have been filed. The conversation is more, "I will prosecute you on this criminal charge unless you agree to release the officer and the city."

This issue came to our attention when a 1983 action was filed in 2009 by the undersigned counsel. In that case a municipal court charge of resisting arrest was filed against our client, but its filing came about only after our client filed a complaint to the NOPD Public Integrity Bureau alleging brutality. In the course of that litigation we deposed the then-City Attorney, and the Assistant City Attorney who had handled the filing of the late-added resisting arrest charge.

In that deposition the assistant city attorney admitted that for as long as he had been employed as a municipal court prosecutor (18 years), he had used a stamp that contained release language (*"I/We do hereby agree to release waive and dismiss any claims against the City of New Orleans N.O.P.D. and their employees"*). The stamp was used, in the prosecutor's words, *"More or less to cover myself. You know, we've got somebody that comes in that seems to be hot about the fact that they were arrested."* (See attachment, Deposition of Gerard Archer)

Not only does the City Attorney's Office control what charges are accepted and brought against a criminal defendant, that same office has a long established practice of negotiating the dismissal of pending criminal charges filed against potential civil rights plaintiffs, but only if the disgruntled citizen agrees to dismiss potential civil claims against the city and its employees.

From an NOPD culture standpoint, what could be more of an encouragement to disregard the rights of citizens than that set-up? If the NOPD officer beats you up without cause, odds are a resisting arrest charge will follow. That cause in fact relationship is considered Gospel among the criminal defense and plaintiff civil rights bar, based upon our experience. And so, if excessive force is used by an unprofessional or poorly trained officer, that officer can only feel obvious relief that his or her actions will be ratified and excused via a system that encourages the

filing of false criminal charges, and the active participation of the City Attorney's Office in negotiating a release of civil claims if it looks like the city has potential civil liability.

Moreover, the city attorney prosecutors do not fulfill their duties as prosecutors when they focus on protecting the city's purse over the pursuit of justice. The city attorneys who represent the city and officers in the defense of civil rights actions have a traditional lawyer-client relationship with their government client. The client decides on the objectives of the representation, and the lawyer pursues those objectives. Assistant City Attorneys who defend Civil Rights and negligence actions must follow the direction of the individual Officers and the City Attorney, they are required to abide by a client's decision on whether to settle a case, or whether to litigate. (Model Rule 1.2(a) states: "...A lawyer shall abide by a client's decision whether to settle a matter.")

An entirely different set of obligations governs the actions of the Assistant City Attorneys who prosecute cases in Municipal Court. Those government lawyers serve a different role, both as the lawyer and as a sort of trustee, entrusted to make decisions that are normally made by clients. (Comment 1 to Rule 3.8 of the ABA Model Rules of Professional Conduct states that prosecutors carry the "responsibility of a minister of justice and not simply that of an advocate.")

The City Attorney as prosecutor should model its behavior upon entirely different standards. In our legal tradition, the sovereign is not free to act in the manner of a private litigant, but is expected to act fairly and impartially. ¹ It is well established that the obligation of fairness (as opposed to an adherence to an obligation solely to one's client) is seen most

¹ In *Berger v. United States*, 295 U.S. 78, 88 (1935) the U.S. Supreme Court stated:

"The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done."(emphasis added)

prominently in criminal prosecutions and imputed to the actions of prosecutors. For example, Model Rule 3.8(d), requires prosecutors to make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, while defense counsel is not under a concomitant duty.

This obligation to "act fairly" is central to a prosecutor acting on the People's behalf. That obligation is an integral component of a Government Prosecutor's mission in meeting not only the goals of the office of the prosecutor (or the Law Department acting as prosecutor), but the goals of justice. (see also, Model Code Of Professional Responsibility EC 7-14 (1983)² Indeed, that "fairness" obligation is so central to a prosecutorial mission following quotation from former Solicitor General Lehmann's inscribed in the rotunda of the Justice Department building in Washington D.C. near the entrance to the Attorney General's office:

"The United States wins its point whenever Justice is done its citizens in the courts: "

Justice is not done when the municipal court prosecutors are focused on protecting the city from liability to the exclusion of following the appropriate rules of professional conduct, and engaging in activities that constitute a conflict of interest.

² " A government lawyer who has discretionary power relative to litigation should refrain from instituting or continuing litigation that is obviously unfair....A government lawyer in a civil action ... has the responsibility to seek justice and to develop a full and fair record, and he should not use his position or the economic power of the government to harass parties or to bring about unjust settlements or results.")

We think it appropriate to point out the following finding from the Justice Department investigative report of the NOPD, dated March 16, 2011. It states:

“We observed no indication that supervisors or commanders take steps necessary to ensure that officers report force, despite evidence that force is widely underreported at NOPD. Nor does NOPD conduct meaningful investigation and review of any type of force. We discuss below specific incidents and types of unreasonable force that NOPD consistently has failed to investigate. We found that the deficiencies in NOPD’s investigations of officer-involved shootings were, in some instances, so blatant and severe that the mishandling appeared intentional.”

That NOPD supervisors would allow other NOPD officers’ use of excessive force to go unreported and under-investigated is not a surprising thing. That is the culture in police departments the world over. That is why the term “Blue Wall” and “Blue Code” were coined. That an NOPD officer can file criminal charges against citizens for battery and resisting arrest, all without a meaningful review of the force used, is not a surprise given the custom and practices of the NOPD. But what is atypical behavior is the City of New Orleans’ institutionalized system wherein a victim of NOPD civil rights abuse is prosecuted by a member of the same law firm that vigorously defends the city and NOPD officer in subsequent civil actions arising from that same incident. To an NOPD officer, it would seem scant disincentive to commit civil rights violations when your employer not only retains an attorney to bring criminal charges against the victim you brutalized, but if the victim voices their anger at being

abused, that same attorney barter to dismiss criminal charges, but only if the victim releases the officer and the city from civil liability.

NOPD officers are not monsters. They are human beings who react like all human being react in similar situations. So if the worst of their bad behavior, the use of excessive force, is not condemned, why should the behavior change? If the behavior is seemingly condoned or "covered up" via the participation of a prosecutor who is a co-employee of the officer's defense attorney, it is difficult to see why their egregious behavior would cease.

Conclusion

We understand that our comments will not result in a revision of the consent judgment as currently drafted. It is our hope, however, that this one glaring problem – a City Attorney Office that continues to engage in a glaring conflict of interest with the apparent blessing of the city, the municipal court, and the community – will be addressed in some way, either through additional discussion between the City and the Department of Justice in their ongoing relationship, or by this Honorable Court by some means that we have not seen.

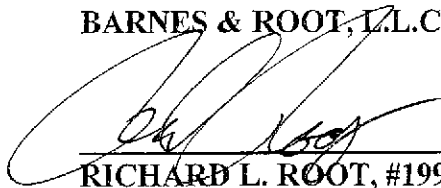
How to change this situation is a mystery. We welcome any thoughts or actions by the Court or the parties to correct this matter. But we very strongly feel that, separate and apart from the rules of conduct violation component, that so long as NOPD officers continue to benefit from this improper practice, so long as they can see first hand how actual conflict of interest problems are handled with the goal of eliminating their liability for committing civil rights violations, there will be very little impetuous for them to change their behavior. After all, why should they? The city will continue to actively work at shielding them from any legal consequences for their bad behavior. And, while the interest of the city in not having to pay civil claims for its officers

abusing citizens is self evident, the officer will see that he or she has the full force and strength of the City behind them, justifying their actions and, if needed, threatening criminal charges in exchange for a release of liability. The culture of the NOPD needs to be reformed. A change in the way municipal court prosecutions are staffed is one way to help accomplish that goal.


Finally, we wish to be clear that our goal is not to impugn the integrity of the long line of City Attorneys and Deputy and Assistant Attorneys who have followed the practices discussed above. It would be the height of unfairness to single out any individual employee in the city attorney's office, given the decades in which scores of employees have conducted the city's affairs in a similar manner.

Respectfully submitted,

BARNES & ROOT, L.L.C.



RICHARD L. ROOT, #19988



BETSY J. BARNES, #19473
631 St. Charles Ave.
New Orleans, LA 70130
(504) 568-0077 (phone)
(504) 568-0909 (fax)
mail@barnesroot.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

C/A NO. 09-0137

JUDGE: SECTION "N"

CARLOS GONZALES

VERSUS

OFFICER DARREN BRAZLEY, SGT. DAN ANDERSON,
POLICE CHIEF WARREN RILEY, NEW ORLEANS CITY
ATTORNEY PENYA MOSES-FIELDS, the NEW ORLEANS
POLICE DEPARTMENT, the CITY OF NEW ORLEANS LAW
DEPARTMENT and THE CITY OF NEW ORLEANS through
MAYOR C. RAY NAGIN, and THE GREATER NEW ORLEANS
FEDERAL CREDIT UNION

Deposition of GERARD ARCHER, 631
St. Charles Avenue, New Orleans, Louisiana
70130, taken in the offices of Barnes &
Root on November 23, 2009.

1 aware of any such practice.

2 Q You have certainly obtained releases of
3 civil liability for -- from criminal
4 defendants in previous cases?

5 MR. LAMBERT: I'm going to object to
6 the form of the question, and also that
7 he's asked and answered it.

8 THE WITNESS: Shall I answer it?

9 MR. LAMBERT: I'm objecting to the
10 form.

11 MR. ROOT: What about the form don't
12 you like?

13 MR. LAMBERT: Well, it's a hypothet, I
14 guess, and it's vague as far as what
15 exactly is, you know, a civil release,
16 what about the claims, are they existing
17 claims, future claims, you know, a
18 hypothet.

19 BY MR. ROOT:

20 Q First a yes or no. Prior to this case,
21 have you ever obtained a release of claims
22 against the City or the officers involved
23 in the criminal matter?

24 MR. LAMBERT: When you say "release,"
25 exactly what do you mean by "release"?

1 MR. ROOT: A release of civil claims,
2 a release of liability for any future
3 civil claims brought against the City or
4 the officers as a result of the
5 circumstances surrounding the criminal
6 claim.

7 THE WITNESS: Yes.

8 BY MR. ROOT:

9 Q Okay. And why is that?

10 A More or less to cover myself. You know,
11 we've got somebody that comes in that seems
12 to be hot about the fact that they were
13 arrested. You can't get the officer in.
14 I'm going to dismiss the case because I
15 can't get the officer in, and I'm going to
16 take a release simply because it's been --
17 simply because it's what I've decided to
18 do.

19 Q I will show you what we're going to mark as
20 2. This is part of a municipal court
21 record in a different case.

22 (Exhibit 2 was marked for identification.)

23 THE WITNESS: I see that.

24 BY MR. ROOT:

25 Q Are you familiar with -- first off, is that

1 a case where you were the assistant city
2 attorney handling the case?

3 A My initials are on it. So, yes, I was the
4 assistant city attorney on this case.

5 Q Okay. And on that record under 9/27/06,
6 there's a stamp; is that correct?

7 A Correct.

8 Q Would you read what the stamp says for the
9 record?

10 A "Hold harmless agreement. I/we do hereby
11 agree to release, waive and dismiss any
12 claims against the City of New Orleans,
13 NOPD, and their employees," signature line.

14 Q That's not your writing, but that's a
15 stamp, correct?

16 A Correct.

17 Q And that's a stamp that was presumably used
18 by somebody at the municipal court?

19 A It would have been used by me.

20 Q Okay. Where did the stamp come from that
21 was used on that record?

22 A The stamp has been in the courtroom as long
23 as I've been there.

24 Q You didn't create it?

25 A No.

1 Q That's not the only record that you've used
2 that stamp on, correct?

3 A I've already said that's not the only
4 record I've used the stamp on.

5 Q Is that stamp available to other assistant
6 city attorneys?

7 A I would assume that it is.

8 Q From your working there for 16 years?

9 A Again, I would assume that it is.

10 Q Here I'm asking about your personal
11 knowledge. Have you seen any other
12 assistant city attorney use that stamp on a
13 record over the course of your 16 years?

14 A I wouldn't be in a position to watch
15 anybody do anything, another assistant city
16 attorney, because when they're in their
17 courtroom conducting business, I'm in my
18 courtroom conducting business. And when
19 I'm finished, I leave. So is it possible
20 that other city attorneys have used it?
21 Yes. Do I have personal knowledge, have I
22 ever witnessed another city attorney using
23 it? No.

24 Q If other attorneys were to testify that in
25 their experience as defense counsel in

1 municipal court that it was the standard
2 practice for the city attorney in municipal
3 court to try to obtain a release of civil
4 liability versus the City or the officers
5 as a part of the process in a case where
6 there might be potential liability from an
7 unhappy criminal defendant, would you agree
8 or disagree with that statement?

9 MR. LAMBERT: I'm going to object.
10 Facts not in evidence. Purely a hypothet.
11 There's no foundation made for it.

12 MR. ROOT: I don't have to try my
13 entire case before I ask him a question.
14 Are you instructing him not to answer?

15 MR. LAMBERT: I'm objecting to it
16 because it's facts not in evidence.

17 MR. ROOT: An objection, I have no
18 problem with.

19 (Record read by reporter as requested.)

20 THE WITNESS: I would agree that it's
21 happening. Would I agree that it's a
22 practice? I would disagree with that. Is
23 it done habitually, regularly? Assuming I
24 probably handle close to anywhere from 500
25 to 1,000 or more cases a month, a great

1 majority of those are nolle-prossed, and I
2 would say it's probably used in less than
3 1 percent of those cases. I mean, I just
4 don't recall. Have I used it, yes. Is it
5 a practice to use it on a regular basis,
6 no.

7 BY MR. ROOT:

8 Q Then what are the sort of circumstances
9 that arise in a particular case that would
10 warrant a request by you to have the
11 defendant sign that release of evidence via
12 stamp?

13 A If I thought there was some potential
14 liability to the City for a false arrest.

15 Q Okay.

16 A And the officer wasn't present, and it was
17 a second setting or a first -- usually not
18 in a first setting, but on a second
19 setting. If I think there's potential
20 liability, I will reset it.

21 However, the judge's policy, for the
22 most part, his policy is, the City gets one
23 continuance absent grave circumstances.

24 I'm looking at the case that is not
25 marked, 992954, that we discussed

IN THE MUNICIPAL COURT

Parish of Orleans

CITY OF NEW ORLEANS

State of La.

ADDENDUM

Case No.

992954

Section

D

CITY OF NEW ORLEANS

VERSUS

AUG 28 2006

1 cont.

RESET AND SERVE ALL PARTIES

9-27-06

Reset-ALN

HOLD HARMLESS AGREEMENT
I/WE DO HEREBY AGREE TO RELEASE
WAIVE AND DISMISS ANY CLAIMS AGAINST
THE CITY OF NEW ORLEANS N.O.P.D.
AND THEIR EMPLOYEES.

Signature

~~NOLLE PROSEQUIED~~

10/24/06

001683