

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA,	*	Civil Action
	*	No. 12-CV-1924
Plaintiff,	*	
	*	Section "E"
v.	*	
	*	New Orleans, Louisiana
CITY OF NEW ORLEANS,	*	April 20, 2022
	*	
Defendant.	*	
* * * * *		

TRANSCRIPT OF PUBLIC HEARING PROCEEDINGS,
BEFORE THE HONORABLE SUSIE MORGAN,
UNITED STATES DISTRICT JUDGE

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P R O C E E D I N G S

(Wednesday, April 20, 2022)

(Call to Order of the Court)

* * * * *

CONSENT DECREE HEARING

* * * * *

THE COURT: Be seated.

It is so nice to see that sea of white out there. It's beautiful. Well, good afternoon and thank you for joining us today for this important Public Hearing regarding the New Orleans Police Department's progress under the Consent Decree between the City of New Orleans and the United States Department of Justice.

As you likely know the NOPD began this journey way back in 2011. At that time DOJ at the urging of our mayor and many community members, conducted an investigation into the operations of the NOPD and found that clear patterns and practices of unconstitutional policing existed.

That finding led to the negotiation of a Federal Consent Decree between the City of New Orleans and the DOJ and the filing of a joint motion for approval of that consent decree in 2012. I appointed a federal monitor in 2013 to assist the Court and the NOPD.

Over the course of the consent decree I have held many public hearings to keep the community apprised of NOPD's

1 progress towards implementation of the decree. Our hearings
2 have focused on a variety of topics including NOPD's policies
3 regarding use of force, the revamping of the training academy
4 and in-service training for officers, recruiting, officer
5 wellness, NOPD's misconduct investigations process and more.

6 Separately, I've held monthly and sometimes weekly
7 internal meetings with NOPD leadership, the DOJ and the
8 Monitoring Team. The Monitoring Team has held, at least up
9 until COVID at least, regular meetings with members of the
10 public. At these meetings the public is given an opportunity
11 for public comments and questions. Over the years the monitors
12 have released many reports on various aspects of NOPD's
13 implementation of the consent decree, both regularly scheduled
14 reports and special reports as issues arose.

15 All of this is to say that the Court and the
16 Monitoring Team have regularly reported to the public and to
17 the media the progress the NOPD has made toward implementation
18 of the consent decree.

19 Today we're here to hear from the Monitoring Team,
20 the DOJ, the Office of the New Orleans Independent Police
21 Monitor and the NOPD regarding the status of NOPD's efforts to
22 reach substantial compliance with the terms of the consent
23 decree. I'm hopeful this will be the first of three hearings
24 to be held over the next three months, culminating in the
25 Department entering the two year sustainment period of the

1 consent decree.

2 Today's hearing will focus on supervision,
3 performance evaluations and promotions. I anticipate that the
4 May hearing will be at 3:00 p.m. on May 25th and will focus on
5 community engagement and bias-free policing. The public
6 meeting will be either that evening or May 26th. We will
7 confirm those dates and issue notice to the public and the
8 media closer to that date.

9 I anticipate the June hearing will focus on stops,
10 searches and arrests. At that hearing I hope to be ready to
11 explain to the public the way we will proceed during the two
12 year sustainment period. I also will detail for the public the
13 mechanisms that will be in place to ensure that the reforms
14 that the NOPD has made will be sustained into the future.
15 While this schedule is not etched in stone, it is a shared goal
16 among the parties, the Monitoring Team and this Court.

17 Before we get to the substance of today's hearing and
18 even before we introduce the multitude of folks in the
19 courtroom, I'd like to share a few thoughts about the
20 transformation I have seen over the past eight plus years.

21 First, as I've said before, the NOPD is a far cry
22 from the NOPD of 2013. While not a perfect department the NOPD
23 is most definitely a changed department. There are clear and
24 Constitutional policies in place. These policies represent the
25 best practices in policing that have been developed not only

1 hear in New Orleans, but also in progressive police departments
2 across the country and also by professional policing
3 organizations.

4 The Academy has become a professional educational
5 institution run by a top notch academic dean and staffed with
6 knowledgeable and caring instructors who are teaching from well
7 vetted lesson plans.

8 The Public Integrity Bureau investigates all citizen
9 complaints in accordance with documented standard operating
10 procedures.

11 The Professional Standards and Accountability Bureau,
12 the Department's internal compliance mechanism, employs a
13 professional staff that conducts regular audits and reports the
14 results to the public.

15 A wealth of data is shared with the public on NOPD's
16 website so the public can help hold the NOPD accountable for
17 its behavior. Uses of force are consistently reported and
18 evaluated by thoughtful supervisors and leaders.

19 The Department has created review boards for use of
20 force, vehicle crashes and supervision. These review boards
21 look at these areas to determine whether any Department-wide
22 corrective action is needed such as additional training or
23 clearer policies and procedures. This is one of the most
24 important ways the NOPD is constantly seeking to improve its
25 performance and its service to the citizens of New Orleans.

1 I'm particularly proud that in a number of areas the
2 Department has developed innovations that have been national
3 best practices. The Department's Ethic Active Bystandership
4 Program, which has evolved into a national model called the
5 Active Bystandership for Law Enforcement or ABLE project is
6 just one example. While there will always be room for
7 improvement in every complex organization, and the NOPD is no
8 exception, I am proud of how far the NOPD has come.

9 Second, the NOPD leadership team continues to impress
10 me in terms of its commitment to cultural transformation.
11 Chief Noel, Chief Westbrook, Chief Goodly, and recently retired
12 Chief Thomas threw themselves into this reform project
13 wholeheartedly from the very beginning. And now Superintendent
14 Ferguson, Chief Sandifer and Chief Dupree likewise have proven
15 themselves to be true proponents of reform. I could not ask
16 for a better group of partners in a project of this magnitude.

17 Third, it's important that you all keep in mind that
18 the NOPD is not a perfect department. The recent revelation
19 regarding officers double-billing, some potentially criminally
20 on their secondary employment detail was quite concerning. The
21 current slowdown in recruiting is troubling. And the fact that
22 some districts continue to adhere to outdated and inefficient
23 administrative practices is frustrating. But we all must
24 remember that perfection is not the goal of the consent decree,
25 full and effective compliance is. As you will hear today the

1 NOPD continues to make great strides toward that goal.

2 Fourth and finally, I want to say a word about how
3 long this journey has taken us. Remember the DOJ conducted its
4 investigation in 2011. I approved the consent decree in 2012,
5 and I appointed the Monitoring Team in 2013. If you start
6 counting from August 2013, the month the Monitoring Team came
7 onboard, we have been actively pursuing reform for almost nine
8 years.

9 While that may seem like a long time by some
10 measures, it's actually quite remarkable what we have
11 accomplished in less than a decade. Changing culture is no
12 easy task. The process of changing culture has been likened to
13 turning an aircraft carrier. The NOPD not only has changed its
14 culture over the course of the consent decree, but it has done
15 so in the face of a global pandemic, a massive city cyber
16 attack, hurricanes, national civil unrest, sporadic officer
17 shortages and the city's financial limitations. And let's not
18 forget that the culture that led to the imposition of the
19 consent decree was incubated within the department for far
20 longer than ten years.

21 Notwithstanding these hurdles, the NOPD has not
22 deviated from its course, its desire to become a department the
23 New Orleans community can be proud of has not waivered. And
24 for that I truly thank you all.

25 I'm so pleased to see so many members of the NOPD

1 here today and I look forward to meeting you all in person and
2 talking with you after the hearing. While the folks with stars
3 on their shoulders often give the public credit for the
4 department's success, I know how hard you all have worked to
5 bring us to where we are today. I know it's no easy task to
6 try to comply with a far reaching, comprehensive consent
7 decree, respond to ever changing community demands and
8 expectations, and fight crime all at the same time with limited
9 staffing and a limited budget.

10 On behalf of myself as a citizen of New Orleans and
11 the New Orleans community more generally, I want to thank you
12 for all that you do for us. I hope you know that even when I
13 get frustrated that something isn't going as smoothly or as
14 quickly as I would like, I never forget for a moment how hard
15 all of you are working.

16 Thanks also to the media and the public for joining
17 us here today. The media has performed a critical service to
18 the New Orleans community throughout the consent decree, and we
19 are pleased to have you join us again today. As always, at
20 these public hearings you will be able to chat with the members
21 of the Monitoring Team and the NOPD following today's hearing,
22 and so long as you wait for our official proceedings to end,
23 you can even snap a few still photographs for your reports.

24 But I'm getting ahead of myself. We have much to get
25 through before we get to that, so let's begin. There are a lot

1 of people with us in the courtroom today. Let's start by
2 having the members of the NOPD introduce themselves and tell me
3 what you do for the Department, starting with those at counsel
4 table.

5 SUPERINTENDENT FERGUSON: Good morning Your Honor.
6 Superintendent Shaun Ferguson, I'm Chief of the New Orleans
7 Police Department.

8 I have with me my executive command staff as well as
9 our overall command staff that are here with us today, ma'am.

10 THE COURT: Okay. Thank you. And thank you for
11 making the effort to have everyone here today. I know that
12 many of them will participate in the presentation. And I also
13 am so happy to have you here so that we can recognize all of
14 you and thank you personally and probably for what you do. So
15 thank you for making the effort to have everyone here.

16 SUPERINTENDENT FERGUSON: Thank you.

17 MR. GOODLY: Good afternoon Your Honor, Christopher
18 Goodly, Chief Deputy Superintendent of the New Orleans Police
19 Department, Field Operations Bureau.

20 THE COURT: All right.

21 MR. DUPREE: Good afternoon Your Honor, Lawrence
22 Dupree, Deputy Chief Management Services Bureau.

23 THE COURT: All right.

24 MS. WESTBROOK: Good afternoon Your Honor, Arlinda
25 Westbrook, Deputy Chief Public Integrity.

1 MR. NOEL: Good afternoon Your Honor, Paul Noel,
2 Investigative and Support Bureau.

3 MR. SANDIFER: Good afternoon Your Honor, Otha
4 Sandifer, Deputy Chief of the Professional Standards and
5 Accountability Bureau.

6 THE COURT: Okay.

7 MR. LUSTER: Good afternoon Your Honor, Ernest
8 Luster, Lieutenant Assistant Commander of the Third District.

9 MS. POWELL: Good afternoon Your Honor, Nicole
10 Powell, Field Operations Bureau, Staff Assistant.

11 MR. PFEIFFER: Good afternoon Your Honor, Michael
12 Pfeiffer, Compliance Manager -- or Innovation Manager now,
13 excuse me, NOPD.

14 THE COURT: Thank you.

15 MS. BUTLER: Good afternoon Your Honor, I'm Faith
16 Butler, Innovation Manager with the Professional Standards and
17 Accountability Bureau.

18 THE COURT: All right.

19 MS. TURNER: Good afternoon Your Honor, Donesia
20 Turner, City Attorney, City of New Orleans.

21 THE COURT: All right.

22 MR. GERON: Good afternoon Your Honor, Nicholas
23 Geron, I'm the Captain of the Crime Lab.

24 MR. WAGUESPACK: Joe Waguespack, Captain of Special
25 Victims Unit.

1 MR. HART: Good afternoon ma'am, Captain Chris Hart,
2 Central Evidence and Property.

3 MS. WOODFORK: Good afternoon Your Honor, I'm Captain
4 Michelle Woodfork. I'm the Captain of the Management Services
5 Bureau.

6 MS. RICHARDSON: Good afternoon Your Honor, Captain
7 Sabrina Richardson, Commander of the Third Police District.

8 MR. ALLEN: Good afternoon Your Honor, Kenneth Allen,
9 Captain, Public Integrity Bureau.

10 MS. BANKS: Good afternoon Your Honor, Captain
11 Precious Banks, Professional Standards and Accountability
12 Bureau.

13 MS. WILLIAMS: Good afternoon Your Honor, Jonette
14 Williams, Captain of the Fourth District.

15 MR. STAMP: Good afternoon Your Honor, Captain Kevin
16 Stamp, Commander of the Seventh Police District.

17 MR. GILLARD: Good afternoon Your Honor, Eric
18 Gillard, Captain of the New Orleans Police Department Second
19 District.

20 MR. HANEY: Good afternoon Your Honor, Bruce Haney,
21 Captain of the New Orleans Police Department's Education and
22 Training Division.

23 MR. ROBERTS: Good afternoon Your Honor, Lejon
24 Roberts, Captain of the Special Operations Division.

25 MR. GANTHIER: Good afternoon Your Honor, Hans

1 Ganthier, Captain of the Eighth District.

2 MR. BAX: Good afternoon Your Honor, Preston M. Bax,
3 Jr., I'm the Captain of the Sixth District.

4 MR. LOBRANO: Good afternoon Your Honor, Captain
5 Ronnie Lobrano (phonetic), I'm over the Homicide Section.

6 MR. ST. GERMAIN: Good afternoon Your Honor, I'm
7 Terry St. Germain, Captain of the First District.

8 MR. DANFEEL: Good afternoon Your Honor, Ernest
9 Danfeel (phonetic), Operations Bureau.

10 MR. BURKART: Good afternoon Your Honor, Ray Burkart,
11 Administrative Duties Division.

12 MR. GLASSER: Good afternoon Your Honor, Captain Mike
13 Glasser, Investigation and Support Bureau.

14 THE COURT: All right. Is that everyone?

15 I tell you I feel in good hands. I feel very
16 secure.

17 (Laughter)

18 THE COURT: All right. It's really great to see all
19 of you. Many of you I've met before and it's nice to see those
20 I haven't met before and to see all of the Captains of the
21 various districts. I'm just thrilled to have you all in the
22 courtroom today.

23 I'd like now for Mr. Geissler with the Department of
24 Justice to introduce himself.

25 MR. GEISSLER: Good afternoon Your Honor, Jonas

1 Geissler for the United States.

2 THE COURT: And Jonas, tell us what your title is?

3 MR. GEISLER: Your Honor, I'm a Senior Trial
4 Attorney with the Civil Rights Division of the United States
5 Department of Justice.

6 THE COURT: All right.

7 MR. GEISLER: I come from Washington, DC.

8 THE COURT: All right.

9 MR. GEISLER: Thank you.

10 THE COURT: And now the Monitoring Team?

11 MR. ARONIE: Hello Your Honor, Jonathan Aronie, the
12 Monitoring Team.

13 MR. DOUGLASS: Good afternoon Your Honor, David
14 Douglass, Deputy, Monitoring Team.

15 MR. McNEILLY: Good afternoon Your Honor, Bob
16 McNeilly, Monitoring Team.

17 MS. BURNS: Good afternoon Your Honor, Ashley Burns,
18 Monitoring Team.

19 MS. CZIMENT: Good afternoon, thank you for having
20 me, Stella Cziment, Office of the Independent Police
21 Monitoring.

22 THE COURT: All right. All right, so is that
23 everyone who is participating in the proceeding today, or
24 representing one of the parties?

25 MR. ARONIE: I think it is. Although just so you

1 know, our former Chief John Thomas is hiding in the background.

2 THE COURT: All right. Chief Thomas, stand up and
3 let us -- and tell us what your new position is?

4 MR. THOMAS: Director of Public Safety and Homeland
5 Security for the City of New Orleans.

6 THE COURT: All right. It's nice to see you and
7 congratulations on your new job.

8 MR. THOMAS: Thank you.

9 THE COURT: All right. So thank you all for being
10 here. Your commitment to this project means so much to the
11 people of New Orleans.

12 With that as the background let's jump into the
13 substance of today's proceeding. To kick things off I'd like
14 to hear from Jonathan Aronie our lead monitor; followed by the
15 NOPD; the Department of Justice; and then the Office of
16 Independent Police Monitoring.

17 MR. ARONIE: Thank you Your Honor.

18 On behalf of the entire Monitoring Team I'm pleased
19 to be here to share with the Court and the public some of
20 NOPD's recent milestones under the consent decree. Before
21 getting to that though I'd like to give a brief overview of,
22 you know, where we came from, where we are and where we're
23 going.

24 As you well know and as you said in your opening
25 remarks the Court appointed the Monitoring Team in August 2013.

1 Since that time our team has vigilantly served as the Court's
2 and the public's eyes and ears regarding every element of the
3 consent decree. And we do this using a number of tools. We
4 conduct audits, we conduct reviews. We review and suggest
5 revisions to policies, procedures, directives, lesson plans,
6 SOPs, standard operating procedures.

7 We meet with community members, community
8 stakeholders to learn from their experiences interacting with
9 the NOPD. In fact we have a community meeting tonight, as you
10 know. We also meet and ride along with officers every time
11 we're down here, because it's very important -- and we do this
12 at all ranks, because it's very important to understand the
13 nuances and complexities of the job from their perspective as
14 well. These activities collectively afford us a holistic
15 perspective of the NOPD's level of effort and level of success
16 in meeting their obligations under the consent decree.

17 In addition to our monitoring function we also
18 perform a very important technical assistance function and we
19 do that routinely. Our team is filled with police practices
20 experts, civil rights experts, Ph.D.s, former police leaders,
21 organizational experts; and we have made these experts
22 available to the city and to the New Orleans Police Department
23 throughout the consent decree. And to their credit they have
24 taken advantage of this expertise, and most of the things that
25 have been solved were solved together.

1 Over the course of our eight years together, like you
2 Your Honor, I have seen quite a transformation in the NOPD.
3 This transformation has allowed us to move many areas of the
4 consent decree into what we call into the green. Into the
5 green means compliance with the obligations in a specific area
6 of the consent decree. Named into the green because our charts
7 have that in green.

8 There are 17 discreet sections of the consent decree.
9 When we began the process, obviously all of these areas were
10 what we'd call in the red, with very little progress having
11 been made. We briefed the Court and the public in January '19
12 at a proceeding which you'll remember, at Loyola. And at that
13 point we were able to tell the public that NOPD had made
14 progress in every one of those 17 areas. Ten of them at that
15 time we moved, quote, into the green. In other words, they had
16 achieved full and effective compliance with those obligations.
17 Two of the areas were moved into what we'll call the light
18 green, nearing full and effective compliance. And five areas
19 were given the designation significant progress.

20 Two years later, again in a proceeding hosted by
21 Loyola, we updated the Court and the public --

22 THE COURT: I think you didn't mention that first one
23 was January 19th, 2019.

24 MR. ARONIE: 2019, exactly.

25 THE COURT: 2019.

1 MR. ARONIE: Yeah, and that was in person.

2 THE COURT: Yes.

3 MR. ARONIE: Our 2021 update was not in person, it
4 was via Zoom, still hosted by Loyola, and at that point we
5 updated the buckets, if you will, and we were able to tell the
6 Court that 13 areas were at that point in full and effective
7 compliance with the consent decree. Four areas had moved to
8 nearing full and effective compliance and no areas were even in
9 the blue, which wasn't a bad thing to start with. So
10 everything was in the green or the light green.

11 This all matters Your Honor because getting all of
12 the areas into the green is what's necessary to begin the two
13 year sustainment period. So every element of the consent
14 decree that moves into the green is one step closer to starting
15 the sustainment period.

16 And I'm very pleased today that after you hear from
17 all the parties, Your Honor, I'm going to have the pleasure of
18 asking you to move three additional areas into the green. And
19 you're going to hear about performance evaluations. You're
20 going to hear about promotions, which in the consent decree are
21 joint. And you're going to hear about supervision. Like you,
22 I'm very impressed with the dedication I've seen from the New
23 Orleans Police Department and the hard work they've put in and
24 I'm very proud of the accomplishments that we're going to share
25 with you today.

1 But Your Honor, it's important that I take a minute
2 and at least be very clear about what it means to put an area
3 into the green. First, it means that NOPD has reasonably met
4 its obligations under the consent decree in that area. And it
5 means that the structures required by the consent decree are in
6 place, they're working, and they're being audited. But it does
7 not mean that everything is perfect. It does not mean that
8 there isn't room for further improvement. It does not mean
9 that it's exactly how we would do it if we ran the police
10 department, but we don't run the police department. What it
11 means is that it is compliant with the consent decree.

12 Take supervision, which you'll hear a lot about
13 today, Your Honor, as an example. As you're going to hear,
14 NOPD has met its obligations under the supervision section of
15 the consent decree. But there is room for further improvement.
16 Indeed, as we request that that be moved into the green, we're
17 specifically calling out some areas that require further
18 improvement and NOPD has committed to do those things. So
19 it's important that we recognize that moving into the green
20 does not mean everything is perfect, but it does mean it is
21 compliant. And these agreements to further improve, which NOPD
22 embraces, is very important to what the sustainment period
23 looks like.

24 Now, what gives us comfort in making those
25 recommendations is our firsthand experience with the leadership

1 team of the Department's commitment to do -- to complete the
2 journey, to never say we're good enough, but to always be
3 looking for ways to improve further.

4 It's also important to recognize Your Honor that
5 moving something into the green is no guarantee that future
6 problems will not materialize. There have been already and
7 there will from time to time be mistakes. There will be areas
8 of occasional backsliding. There will be sporadic misconduct
9 and the like.

10 The recent secondary employment scandal -- I guess
11 I'll call it a scandal -- which you're well aware of regarding
12 officers taking advantage of secondary employment details,
13 gives us a recent example. And there will be other
14 transgressions as in any complex organization there are, in the
15 future.

16 In that sense, the recent OFFC (phonetic) events,
17 Your Honor, while quite disturbing also reflect much about the
18 changed New Orleans Police Department on the upside, if you
19 will. A diligent citizen discovered much of this because New
20 Orleans was transparent with its data, something that didn't
21 exist in the past. PIB and PSAB took the allegations very
22 seriously, launched an investigation that even extended beyond
23 what the citizen had found. And NOPD coordinated with the
24 Office of the Independent Monitor through each step of the way.
25 These are all changes. These are all changes and these are

1 things that didn't exist in the past.

2 And on that point, a quick word, I'm pleased to be
3 sitting here with Ms. Cziment. We have started working very
4 closely with the Office of the Independent Monitoring now. We
5 are thrilled that she's here with us today and we are confident
6 that the relationship that she's building with the NOPD and
7 with the Monitoring Team is going to facilitate entry into the
8 sustainment period.

9 After today, Your Honor, assuming the Court approves
10 our recommendations, the NOPD will be left with three areas of
11 the consent decree that still need to be moved into the green.
12 Community engagement, stop, search and arrest, and bias-free
13 policing. Each is currently nearing full and effective
14 compliance. But the road map you laid out and the timing, we
15 also are confident that that is going to work, and we're
16 looking forward to the May hearing and we're looking forward to
17 the June hearing. We hope that everything will be in the green
18 in the coming months.

19 Today however is about what we're moving into the
20 green today, and I thank you letting me provide this brief
21 overview; but unless you have any questions, I think we should
22 get to the New Orleans Police Department and hear what they
23 have to say.

24 THE COURT: All right. I'm ready.

25 MR. ARONIE: Thank you Your Honor.

1 SUPERINTENDENT FERGUSON: Good afternoon again, Your
2 Honor. I want to thank you for this opportunity to speak
3 before you. I want to thank our monitors as well as the DOJ
4 for hosting this public hearing today.

5 I am proud of the successes we are reporting today in
6 the areas of supervision, promotions, as well as performance
7 evaluations. This could not have happened without the hard
8 work of this command staff that you see before you as he
9 leaders of this New Orleans Police Department. I believe that
10 everyone here agrees that the New Orleans Police Department of
11 2022 is not the New Orleans Police Department that we knew in
12 2013.

13 It was also through this hard work with our federal
14 monitors as well as the Department of Justice as well as the
15 Independent Monitors Office, NOPD has transformed itself into a
16 leader in Constitutional policing. Every NOPD philosophy and
17 practice has been reset and ingrained through training. NOPD
18 has brought every policy and aspect of critical infrastructure
19 in line with best practices which includes use of force, crisis
20 intervention training, custodial interrogations, photographic
21 lineups, recruitment, training, PIB misconduct, complaint
22 intake investigation and adjudication.

23 Use of force incidents have steadily declined year
24 after year. Command surveys show continued trust gained.
25 There has been no finding of a pattern or practice of

1 unconstitutional policing by the New Orleans Police Department
2 in many years. And today, performance evaluations and
3 promotions as well as supervision have met those high standards
4 as well. The evaluations include a series of questions that
5 supervisors must answer with specific examples of decision
6 making skills and reporting -- report writing to ensure the
7 process is thorough and meaningful.

8 Through supervisor feedback logs we now have the
9 infrastructure in place to facilitate an ongoing dialogue
10 between supervisors and those in their command. This provides
11 an opportunity for a conversation about performance that we can
12 take place merely in real time. So the feedback is quick, it
13 is constant and it is constructive. And that quick, detailed
14 feedback has helped reimagine the way in which officers are
15 evaluated for promotions. This in turn has helped us to make
16 informed decisions that provide an opportunity for career
17 advancement within the New Orleans Police Department.

18 Beginning in 2021 the New Orleans Police Department
19 has promoted 57 (sic) officers to the following ranks: 18
20 captains, 19 lieutenants, and 30 sergeants. The New Orleans
21 Police Department now adheres to the Department of Justice and
22 the federal monitors' approved policies on over 240 topics from
23 use of force to the translation of documents including Spanish
24 and in Vietnamese.

25 Our New Orleans Police Department policies are taught

1 and implemented by the Department of Justice and monitor
2 approved academy to effect and sustain real change by training
3 future generations of officers to police in a respectful and
4 Constitutional manner.

5 In its 2017 annual report the monitors declared: The
6 NOPD has proven itself to be a respected forward thinking
7 reform-minded police agency to which other agencies now
8 routinely come for guidance. This remains the same here today.
9 That progress has continued

10 We are also hopeful that community engagement, bias-
11 free policing and stop, search and arrest will join that list
12 of accomplishments shortly in the time line in which you have
13 given. Even those few areas are not yet deemed in full
14 compliance by the monitors, they have significantly improved
15 and we are continuing to do the hard work of ensuring that NOPD
16 remains a leader in Constitutional policing.

17 Our Professional Standards and Accountability Bureau
18 is a dedicated team of professionals focused exclusively on
19 ensuring Constitutional policing and accountability any way
20 that allows us to sustain our many reformed accomplishments.

21 And Your Honor, if there are no questions for me, I
22 would like to turn this over to Deputy Chief Superintendent
23 Christopher Goodly for a few remarks as well.

24 THE COURT: All right. Before we do that --

25 SUPERINTENDENT FERGUSON: Yes, ma'am.

1 THE COURT: I wanted to tell you and the others here
2 that a few weeks ago I attended a consent decree conference in
3 Fort Worth and many representatives of police departments all
4 over the country were there and five other federal judges who
5 work with different police departments were there; and I was so
6 proud because many times during that conference the NOPD was
7 mentioned as a model and an example to these other departments
8 of what, you know, what -- a transformation can take place and
9 that they can implement the consent decree, and that they'll be
10 a better department for it.

11 So I just -- it really gave me a lot of pride to hear
12 you all praised that way at this consent decree conference.
13 You would have been happy if you could have heard it.

14 SUPERINTENDENT FERGUSON: Yes, thank you Your Honor.

15 Again, I apologize as I mentioned before, I had a
16 prior engagement but however, I have spoken to my counterparts
17 here with me today as well as my colleagues across the country
18 and they stated the same.

19 THE COURT: Yes.

20 SUPERINTENDENT FERGUSON: I think it was a very good
21 conference and we remain again as one of those leading agencies
22 across the country that are looked upon for the best
23 Constitutional practices across the country.

24 THE COURT: Yes. And one thing that became clear to
25 me from talking with my fellow judges was that the NOPD is

1 farther along in complying with its consent decree than any
2 other city that's currently working under a consent decree.

3 Would you all agree with that?

4 UNIDENTIFIED SPEAKER: Yes, Your Honor.

5 SUPERINTENDENT FERGUSON: Do you all agree?

6 (Laughter)

7 SUPERINTENDENT FERGUSON: Thank you Your Honor, yes.

8 THE COURT: But I mean that was a great thing to
9 hear.

10 SUPERINTENDENT FERGUSON: Yes, ma'am.

11 THE COURT: And you know, I was kind of strutting
12 around, you know?

13 SUPERINTENDENT FERGUSON: Yes.

14 THE COURT: So thank you all for making that
15 possible.

16 SUPERINTENDENT FERGUSON: Yes, ma'am.

17 THE COURT: I took all the credit.

18 (Laughter)

19 SUPERINTENDENT FERGUSON: Thank you again.

20 Now I'll ask Chief Goodly to step up, please. Thank
21 you.

22 MR. GOODLY: Thank you Superintendent.

23 And thank you for those kind words, Your Honor. Good
24 afternoon. My name is Christopher Goodly and I do oversee the
25 New Orleans Police Department's Field Operations Bureau.

1 Thank you to the Department of Justice, the federal
2 monitors, the IPM, the City Administration and the citizens of
3 New Orleans.

4 Superintendent Ferguson thank you for leading the
5 charge, providing a stewardship to ensure the organization
6 continues moving forward with compliance and accountability
7 reforms that are sustainable well beyond the consent decree,
8 that we are a transformational police department and are at the
9 forefront of 21st Century policing reforms.

10 My predecessor who is standing in the back, or
11 sitting in the back, John Thomas, who retired from the NOPD and
12 now is the Director of Public Safety but is still very engaged
13 in ensuring the required tasks and efforts are completed, left
14 a great path forward to ensure sustainability with the consent
15 decree reforms as well.

16 Also present here today is the executive leadership
17 team directly involved in ensuring all measures of the reforms
18 within the consent decree are in compliance and are sustainable
19 for years to come as our organization progresses forward and
20 continues to be the leaders in police reform. Our presence
21 here today is a continuous commitment for ensuring a path
22 forward in policing, strived with excellence for all of our
23 citizens.

24 There are many, many team members that have made
25 tremendous contributions to get us here today. There are a few

1 key members you will hear from today who will demonstrate how
2 our great department is moving forward. And now I will turn it
3 over to Chief Otha Sandifer of our Professional Standards and
4 Accountability Bureau, who will begin NOPD's presentation.

5 Thank you Your Honor.

6 THE COURT: Thank you.

7 MR. SANDIFER: Good afternoon again, Your Honor.

8 Thank you Deputy Chief Goodly, Superintendent
9 Ferguson.

10 If it pleases the Court I do believe that protocol
11 has already been established. However, I would be remiss if I
12 did not personally thank on behalf of the members of the
13 Professional Standards and Accountability Bureau as well as the
14 Police Department, Bob McNeilly; Mary Ann Viverette in her
15 absence, she couldn't be here today; and Dr. Ashley Burns; as
16 well as Jonas Geissler for their continued support of our
17 department with their technical assistance.

18 Again, I am Otha Sandifer, Deputy Chief of the
19 Professional Standards and Accountability Bureau, which is
20 dedicated to Constitutional compliance. Now in my current
21 position, of course, I can personally attest to the changes
22 that our department has made since the Department of Justice
23 issued its report on operations in 2011.

24 Now of course, it is never easy to change fundamental
25 attitudes and longstanding practices. It's also never easy to

1 take a long hard look at yourself in the mirror and accept
2 those changes to achieve the best version of our department
3 that we care so deeply about. But I can stand here today and
4 state without hesitation that our department has done just
5 that. We have made those changes and I can say to the citizens
6 of New Orleans that they can be proud of their police
7 department.

8 Our trainings, our procedures, our compliance audits
9 as well as our protocols that govern those audits have all been
10 put in place to bring sections such as performance evaluations,
11 supervision, peer intervention, officer assistance beyond
12 Constitutional minimums. And they all have been implemented
13 into our academy to ensure that the next generation of our
14 police officers not only start with the strongest foundation
15 possible, but also for effective Constitutional policing.

16 We would also like the citizen of New Orleans to know
17 that it is no longer the mandates set forth in the consent
18 decree that govern our conduct. It is who we are. We, your
19 New Orleans Police Department, have become the change agents of
20 our professions. We train others, we set the standard and it
21 is our standards that others follow.

22 So we have with us today members of the Field
23 Operations Bureau: Lieutenant Nicole Powell, Lieutenant Ernest
24 Luster, as well as members of the Professional Standards and
25 Accountability Bureau: Faith Butler and Michael Pfeiffer, who

1 are part of our team, to ensure that we hold ourselves
2 accountable and as well as to self-govern and take the
3 necessary corrective actions when deficiencies are noted in our
4 audit findings in order to maintain reform.

5 Now of course, Your Honor, reform is not the end
6 goal. It is the cyclical process of critical self-assessments
7 that we, our department, must take as we evolve with our
8 training, our policies and/or our practices.

9 And finally, from my personal point of view, Your
10 Honor, I can say without a doubt that from the level of
11 commitment that I've seen from the women and men of this
12 department that is dedicated to innovation reforms, we have
13 catapulted ourselves into the national spotlight in modern day
14 policing, if you will.

15 For example, as you mentioned earlier, ethical
16 policing as courageous has evolved into able, active
17 bystandership for law enforcement with well over 200 law
18 enforcement agencies that have implemented the program. And of
19 course we hope again today that what you will hear from our
20 team relative to supervisor review board as well as our
21 comprehensive performance evaluations and promotion system that
22 we will once again set the standards for us to follow.

23 And so now I will turn it over to Michael Pfeiffer as
24 well as Lieutenant Nicole Powell who will speak to supervision,
25 followed by Faith Butler as well as Ernest Luster who will

1 speak to performance evaluations and promotions.

2 THE COURT: All right. I agree with you that you, in
3 many areas, are forging new ground and coming up with
4 innovative ways to do things that others will emulate, and I
5 really respect that the department has been so willing to share
6 with others and to collaborate with others, to take what you
7 could from others and learn from others but also to share with
8 others what you've learned through this process. And I really
9 think it's going to make a difference in the whole country, and
10 I thank you for that.

11 MR. SANDIFER: Thank you Your Honor.

12 MR. PFEIFFER: Good afternoon Your Honor.

13 Today's presentation is basically going to be three
14 formats. I'm going to open it, FOB Lieutenant Nicole Powell
15 will then focus on the duties and responsibilities of
16 supervisors and audio video documentation which were the
17 issues, some of the issues raised in the previous audit report
18 by the monitors. And then I'm going to close with an overview
19 of the supervision initiatives which kind of culminated and
20 rolled all of this into a more operational format for the
21 department.

22 THE COURT: Well, and I wanted to mention that this
23 is -- the supervision, of course you all have been working on
24 that for years, but it was -- you had to get the foundation in
25 place to give everyone the training and the tools they needed

1 to do this effective supervision. And so, I'm so glad to see
2 that you're at this stage of the process for supervision,
3 because it has been a long hard road.

4 MR. PFEIFFER: Yes, the Monitoring Team and DOJ and
5 the department recognized rather early on that supervision
6 would be achievable or at least working towards a goal the
7 whole way, but achievable at the end.

8 THE COURT: Right.

9 MR. PFEIFFER: There are so many other things that
10 had to take place before we got there.

11 THE COURT: Right, right.

12 MR. PFEIFFER: Because it's an overarching concept
13 under the consent decree that covers basically everything.

14 THE COURT: And there have been improvements along
15 the way. It's not that there haven't been improvements, but it
16 took to get many other things in place for you to get to this
17 point.

18 MR. PFEIFFER: Yes. NOPD's processes for the consent
19 decree provisions that govern supervision are covered in
20 Section 15 which is Paragraphs 306 through 331 of the consent
21 decree. They've been previously reviewed by the office of the
22 consent decree monitor in a supervision audit report, and
23 significant ongoing progress was reported. The NOPD has made
24 consistent measured improvement in all areas except for some
25 specific issues that were raised in that report and which have

1 since been addressed and will be covered by Lieutenant Nicole
2 Powell with Field Operations Bureau as part of the
3 presentation.

4 Each of the areas presented highlights fee aspects of
5 the consent decree relating to supervision. NOPD working with
6 the office of the consent decree monitor and the Department of
7 Justice has addressed each provision and defined how we plan to
8 sustain compliance in the future.

9 The opening provisions of the consent decree dealing
10 with supervision basically outline each of the major areas to
11 be addressed. As you can see here (indicating) the blue
12 indicates the key words of those provisions such as adequate
13 number, referring to having a sufficient number of supervisors
14 to maintain a working ratio of supervisors to officers of eight
15 to one or less.

16 Qualified; referring to the selection and training of
17 first line supervisors. Deployed; referring to having
18 sufficient numbers of supervisors working to respond in the
19 field. Cause and effect of supervision; referring to the
20 active, timely participation and oversight by supervisors in
21 the field for critical areas such as arrests, complaints and
22 use of force.

23 Improve and grow: refers to supervisors guiding
24 officers and improving performance skills and job knowledge.
25 Police actively and effectively; referring to efficient

1 deployment and coordination of the resources. And identify,
2 correct and prevent misconduct; referring to the utilization of
3 our early warning system INSIGHT to monitor work performance
4 and detect and prevent actions that may lead to problematic
5 behaviors and complaints.

6 All of these critical supervision provisions when
7 addressed provide a framework for improving police supervision.
8 By doing so they directly and positively impact the performance
9 of officers leading to a measurable improvement in the ability
10 of the New Orleans Police Department to fight crime and provide
11 more efficient and effective policing.

12 NOPD has focused on those elements most critical to
13 fostering close and effective supervision within the intent of
14 the consent decree, such as ensuring there's always enough
15 supervisors in the field to provide guidance and direction
16 under any circumstances. This is promoted by ensuring that the
17 critical supervisory ratio does not exceed eight officers to
18 one supervisor and to improve supervision and enhance work
19 performance and clarity of direction, which is sometimes
20 referred to as unity of command.

21 Officers generally report to the same supervisor for
22 not only their shift assignments and direction but also for
23 their performance evaluations. However, when illness,
24 mandatory training, emergency leave and demands of special
25 assignments impact the number of available supervisors,

1 supervisors from other units are assigned to support and fill
2 that gap.

3 Supervisors are required to make the scenes of all
4 felony arrests, all citizen complaints and uses of force. Not
5 only to review the officers' critical decision making but to
6 provide guidance and reduce any potential harm from poor
7 decisions.

8 Our early warning system INSIGHT which is a data
9 warehouse allows supervisors to review and coordinate work
10 activity in real time across many dimensions and a comparison
11 to the officer's peers. Problematic activity or indicators and
12 INSIGHT will even send an automatic alert to notify a
13 supervisor to check, investigate and determine if an
14 intervention may be necessary.

15 Supervisors have been provided checklists and
16 protocols to ensure that the tools and equipment officers need
17 to do their jobs effectively are available and working properly
18 at each shift. Items such as marked police units, body-worn
19 cameras, in-car cameras, tasers and mobile computer terminals
20 are checked by the officer and any issues are immediately
21 reported to their supervisor, who ensures that all required
22 repairs are expedited and tracked.

23 Training of supervisors both newly promoted and
24 veteran ensures that they have the requisite skills and tools
25 to be effective. The NOPD has invested more than the minimum

1 number of training hours required by the consent decree since
2 2016 and has consistently revised and upgraded the training
3 both in basic supervision and annual in-service training. Over
4 240 hours overall is dedicated to supervisors' specific
5 training. Two hundred hours in the basic supervision training
6 course and an additional 40 hours of annual in-service
7 training.

8 Unlike in the past when supervisors' training
9 focused on how to use and complete job-related forms and were
10 conducted in a purely lecture format, modern training is
11 formatted on the problem based learning model. Problem based
12 learning is a student centered method in which students learn
13 about are subject to the experience of solving an open-ended
14 problem found in real world scenarios and exercises. The
15 problem based learning process does not focus on problem
16 solving with a defined solution, but allows for the development
17 of other desirable skills and attributes such as knowledge,
18 acquisition, enhanced group collaboration and communication
19 skills.

20 The Department's recent adjustments to the training
21 schedule and plan due to the impact of COVID is an example of
22 the flexible approach to provide training. Much of the
23 training was done either online or in a reduced class size
24 necessary for social distancing. In the past the training
25 would have just been cancelled until the pandemic passed.

1 The content of the supervision training material is
2 adjusted either annually in the master training plan and based
3 on input from supervision working groups are with directed
4 training to address and identify short-term issues in
5 department training bulletins as was recently done for the
6 annual performance evaluations, questions that were dealing
7 with supervisory use of INSIGHT and supervisory evaluation of
8 higher level -- by higher level supervisors of their
9 subordinate supervisors in using INSIGHT effectively in the
10 performance evaluations.

11 As you can see on this slide (indicating) their
12 supervisor training program includes instruction in eleven
13 major areas. They cover a wide range of skills, job duties,
14 critical policy issues and interpersonal communications.

15 So with INSIGHT; why is there a need for a system
16 like INSIGHT in a police department? Police departments were
17 once smaller organizations and far less complicated than they
18 are today. Supervisors might have been able to know everything
19 about their officers' work and their issues that may crop up in
20 their personal lives that could affect their work. However,
21 NOPD is a large diverse organization that runs 24/7, 365 days a
22 year, and our officers constantly interact with the public, the
23 district attorney and the courts.

24 NOPD's around the clock work generates massive
25 amounts of officer performance data, far more than any one

1 supervisor could dedicate to memory. INSIGHT works because it
2 operates in the background. It's an automatic tool for
3 supervisors. INSIGHT draws daily from the attendance and other
4 performance-based records. It draws what data, as the data is
5 generated for other records such as district attorney refusals,
6 motions to suppress evidence. Equipped with automated records
7 and multiple risk and performance factors for each officer
8 under their command, supervisors can now intervene in a timely
9 manner.

10 Some of these interventions validate good performance
11 such as community and supervisory recommendations that are
12 noted in INSIGHT. And some are directed to improve performance
13 where needed. An improving performance is not just
14 disciplinary, improving performance is just that. You did
15 fine, could be better. Here's how it could be better.

16 A major goal of INSIGHT is predictive, to help
17 officers to prevent potentially career damaging behavior
18 before it occurs. And at the same time to prevent poor
19 outcomes from the public before they become an issue.

20 INSIGHT means NOPD does not have to wait for a
21 problem to occur and then react to it. INSIGHT provides
22 supervisors with a tool to address potential risks before there
23 is a problem. The early warning system uses data pulled from
24 multiple sources to provide a statistical analysis of all NOPD
25 employees. The data is analyzed and comparisons are done

1 within clearly defined peer groups made up of officers who
2 perform the same or very similar job duties. So it's comparing
3 apples to apples.

4 By conducting comparisons within these peer groups,
5 those who show measurable differences in the data compared to
6 their peers can be reviewed to determine the supervisory
7 intervention may be desirable or necessary to address a
8 possible concern. Noted "possible concern." The investigation
9 by the supervisor is going to determine if there is an issue
10 and if an intervention may help.

11 These differences do not necessarily have to be
12 serious such as the number of citizen complaints or uses of
13 force, but it can be as simple as excessive use of sick time,
14 which upon the supervisor's investigation could indicate a
15 personal or family issue that may be affecting their work.
16 Supervisory interventions do not necessarily need to be formal
17 such as a disciplinary investigation would be, but may be as
18 simple as counseling, a counseling session leading to a
19 referral for peer support or family counseling by a
20 professional.

21 INSIGHT is not a system to design to be punitive, but
22 to provide early detection of possible problems so that harm
23 can be prevented and an officer's career is not jeopardized.

24 Although the INSIGHT system is the product of a third
25 party vendor it has been recently upgraded to INSIGHT 2.0,

1 which is the web-based platform and it's monitored by the Early
2 Intervention Unit of the New Orleans Police Department. The
3 EIU can adjust alerts, can adjust formats to report and
4 generate template reports which aid the supervisor in
5 evaluating their employees and subordinates.

6 As part of integrity control, the Professional
7 Standards and Accountability Bureau is conducting monthly
8 audits of the data and INSIGHT for both the timeliness in the
9 entry of the data and the accuracy of the data until the next
10 major comprehensive audit of INSIGHT occurs.

11 All supervisors are trained in the purpose and the
12 use of INSIGHT and are critically evaluated on their own use of
13 the system when conducting annual performance evaluations of
14 their subordinates. INSIGHT alerts which are prompted by peer
15 group data analysis is sent to the supervisor for their
16 individual subordinates. Since INSIGHT does not have the
17 capacity to make a judgment call on the data, the supervisor is
18 the necessary human element in the INSIGHT review process.
19 Should the supervisor determine that an intervention is
20 necessary, they can design one to fit the specific needs. It
21 can involve counseling, additional training or any other
22 supervised and monitored action plan.

23 All interventions are documented in writing and
24 entered into INSIGHT. An officer's performance data in
25 INSIGHT can be reviewed by a newly assigned supervisor when

1 the officer is transferred or reassigned. This provides a
2 greater in-depth background for the new supervisor to know what
3 that subordinate's past activities have been. To facilitate
4 the transparency and accuracy of INSIGHT data, a data entry
5 protocol was developed and outlined, and outlines who is
6 responsible for an in data, when it must be entered and when
7 the INSIGHT data must be displayed.

8 This was made part of the INSIGHT policy as an
9 appendix, so anybody can see what the responsibilities are and
10 what's covered. When INSIGHT was originally structured in
11 2016, it had fifteen defined alerts based on the consent decree
12 requirements at the time. Most involved the critical highlight
13 issues such as uses of force and complaints. Additional data
14 points in the areas of lawsuits, all forms of discipline, sick
15 leave use, declinations to prosecute, in-custody injuries, lost
16 departmental property and suppressed evidence were added to the
17 employee databases so that one overall report mechanism could
18 be used to review all of the officers' performance data.

19 Along with the audit data fields, some 26 original
20 and new alerts are active covering every identified area of
21 possible concern. These alerts will be sent to the officers'
22 supervisor automatically and will require the supervisor to
23 review the data to determine if an intervention may be
24 necessary. It doesn't demand that one, it just flags it for
25 the supervisor to follow up.

1 All data in the INSIGHT system, including personal
2 identifying information on an officer is captured and
3 maintained securely and is only accessible by secure terminals
4 and with properly predefined access. It is not reviewable by
5 any supervisor, only those in the member's chain of command,
6 the Public Integrity Bureau, and Professional Standards and
7 Accountability Bureau for audit purposes. Personal
8 identifying information on an officer is maintained for five
9 years after separation unless prohibited -- otherwise
10 prohibited by law. After that period it is anonymized and kept
11 for statistical purposes indefinitely. All officer performance
12 based data is now accessible through INSIGHT rather than the
13 previous multiple separate data files we maintained.

14 THE COURT: Uh-huh.

15 MR. PFEIFFER: As technology changes and our needs
16 grow with experience, INSIGHT can be adapted to meet those
17 needs. Fields can be added, alerts can be changed, new
18 documents and reports added or modified as appropriate. All
19 proposed changes will of course be submitted to the office of
20 the consent decree monitor for review to ensure the ongoing
21 compliance with the consent decree.

22 The current configuration of use of INSIGHT are an
23 example of how the NOPD has gone above and beyond the basic
24 requirements of the consent decree for an early warning system
25 and crafted a system that captures significantly more officer

1 performance based data and provides a methodology for its use
2 and direct supervision and performance assessments.

3 Next, you're going to hear from Lieutenant Nicole
4 Powell of the Field Operations Bureau staff on their efforts to
5 address the issues that were noted in the monitor's audit
6 report on supervision.

7 I will then come back and conclude on an overview of
8 the supervision initiative.

9 THE COURT: All right. So I think for those of you,
10 not at NOPD and even those who are, you can just imagine what a
11 massive undertaking this has been and it has taken many years
12 to get to this point. This is a major element of what was
13 required by and requested by the Department of Justice after
14 their investigation to put this system into place. And you've
15 really -- I think this is a model of a system and I want to
16 thank all of you for the work you did and I also want to thank
17 Chief McNeilly. I know that he has been very helpful in
18 getting the INSIGHT system in place.

19 So congratulations.

20 MR. PFEIFFER: Thank you.

21 MS. POWELL: Good afternoon Your Honor.

22 I will go over Consent Decree Section 15, duties of
23 a supervisor, which covers Paragraphs 306 to 313; video and
24 audio documentations of police activities, which covers
25 Paragraphs 327 and 331.

1 Close and effective supervision deals with the
2 critical functions and duties of supervisors towards their
3 subordinates. As a supervisor, the key elements of supervision
4 is close and effective supervision, accountability, and to
5 direct and guide officers. Supervisors are required to be on
6 scene for all felony arrests and review reports, investigate
7 use of forces. Supervisors are required to review officers'
8 daily activity reports, respond to and investigate citizen
9 complaints.

10 But more importantly, supervisors encourage officers
11 to work actively to engage the community to form partnerships
12 which continues to build and strengthen public trust; to
13 provide redirection and counseling, and more importantly,
14 employee recognition; provide support to officers through the
15 Officer's Assistance Program.

16 NOPD has maintained and sustained the requirements of
17 the consent decree of all district officers are assigned to a
18 single constant and clearly defined supervisor. As well as
19 supervisors and officers are assigned the same platoon and
20 working the same days and hours.

21 In the supervision audit conducted by the Office of
22 Consent Decree Monitors district investigative units,
23 supervisors work generally the same days and hours as the
24 officers they were assigned to supervise. Prior to the
25 corrective actions Field Operations Bureau implemented, all

1 district investigative units only had monthly schedules. What
2 we implemented was all district investigation unit sergeants
3 are required to maintain daily schedules. The daily schedule
4 consists of sergeants and detectives working status and working
5 hours. District investigative unit sergeants are scheduled
6 working with the detectives under their command or working.

7 Your Honor, this is an example of a daily lineup
8 (indicating). This is a real example from the Sixth District.
9 And as you can see that this is the evening time. They work
10 mid shift evenings. The "N" denotes for an off day. The "W"
11 denotes for work day. So as you can see that the supervisor is
12 working during the same time the two detectives was working.

13 However, in the event that there is no district
14 investigative unit supervisor working, vacation days, sick,
15 training, the detective will be placed on the platooned daily
16 schedule and the platoon ranks have ensured that the officer
17 maintains their ratio.

18 So as you can see here (indicating), this was Good
19 Friday, which it was a week ago. And this detective was placed
20 on the second watch -- second watch daily lineup and his direct
21 supervisor was Sergeant Scott in the Sixth District.

22 In the supervision audit conducted by the Office of
23 Consent Decree Monitors the district platoon sergeants are
24 assigned eight or less. This was a deficiency in that audit.
25 The Field Operations Bureau implemented the following process

1 to ensure compliance with the supervisor/officer ratio and this
2 process addresses any deficiencies found. The Field Operations
3 Bureau requires monthly manpower reports from the district to
4 ensure compliance in the supervisor/officer ratio.

5 This is an example of the first police district
6 (indicating). And as you can see, highlighted here, is that
7 for each sergeant is eight officers or less across all of these
8 platoons.

9 Field Operations Bureau receives a weekly audit from
10 Professional Standards and Accountability Bureau on the
11 officer to supervisor ratio. This particular is a scorecard
12 from the week of January the 16th through January the 22nd
13 (indicating). And as you can see all the districts were at 100
14 percent; however, we did note a deficiency for the Seventh
15 District which this was at 86 percent.

16 THE COURT: But in the top, the AD, CD is a platoon?

17 MS. POWELL: It's a platoon.

18 THE COURT: Okay.

19 MS. POWELL: Yes, ma'am.

20 Furthermore, that particular scorecard breaks it down
21 not only per platoon but per day. So we can see on Monday
22 which is January the 17th for the Seventh District it was the A
23 platoon that had nine officers to one sergeant. So that was
24 the deficiency that was found.

25 From that process we actually sent out an email to

1 all the district captains giving them the scorecard, but more
2 importantly, we also commend those districts who was at 100
3 percent. But more importantly, it takes everybody's -- the
4 accountability of the officers, the sergeants, the lieutenants,
5 the district captains, as well as the deputy chief for this
6 overall success for the Field Operations Bureau, and that's
7 denoted right here (indicating) in the email.

8 So the email was sent of the same week which is
9 January the 31st, Wednesday, which is February the 2nd, Chief
10 Goodly conducted a captain's meeting. And here, highlighted,
11 is him talking about that supervisor ratio (indicating). So
12 he's required by the end of the week for that district that had
13 that deficiency to respond if warranting any corrective
14 actions.

15 The district captain did respond by the end of the
16 week and this is actually a form. The date right here is the
17 17th (indicating), which is the date that the deficiency was
18 found. And the response was: On the lineup there was actually
19 a field training officer and an officer in training. We
20 counted it as one instead of two.

21 So what I did was to get with Professional Standards
22 and Accountability Bureau and we talked about it and we
23 realized that they count this as two persons instead of one.
24 So the corrective action here is actually training in
25 information to all the districts to ensure that when we do the

1 officer/supervisor ratio that we take into account if they have
2 a field training officer and an officer in training that we
3 count those as two, to make sure that we don't go over that
4 ratio.

5 So I just wanted to show you, Your Honor, that we're
6 just not -- I'm not just not telling you what the corrective
7 action is, but this is the corrective action in process in
8 working.

9 NOPD has maintained or sustained the requirements of
10 the consent decree in the area that supervisors ensure that all
11 subordinates receive close and effective supervision as well as
12 following all laws and NOPD policy. Captains and supervisors
13 at all levels are directly accountable for the quality of close
14 and effective supervision.

15 And it's through accountability as documented through
16 corrective actions by redirection, counseling and the
17 initiation of former investigation as warranted. And the way
18 that we assess this compliance is through INSIGHT records and
19 the annual performance evaluation audit.

20 NOPD has invested heavily in technology and such as
21 body-worn cameras, in-car cameras, audio/video interview rooms,
22 and held-hand audio recorders for supervisors to promote
23 accuracy and transparency. NOPD policy mandates their use.

24 In the supervision audit conducted by the Office of
25 Consent Decree Monitors these three paragraphs were found to

1 have deficiencies. One of the areas was that the
2 administrative cause was placed on the same roster as the
3 platoon cause. We realized that this was an administrative
4 error. All district administrative vehicles were removed from
5 the platoon fleet roster. This would distinguish between
6 administrative vehicles as well as platoon vehicles.

7 The platoon ranks are required to complete a
8 checklist in examining platoon vehicles. The in-car cameras,
9 body-worn cameras, control electronic weapon, mobile data
10 terminal, automatic vehicle locator, and vehicle issues. This
11 occurs at the start of shift and is documented on the
12 sergeant's daily activity sheet. And highlighted right here,
13 Your Honor (indicating), if you could see the equipment in
14 review, that all of these must be documented at the start of
15 the shift; a representative is -- a rep is notified, it's
16 usually our NOPD tech, and any comments to that.

17 If an equipment is discovered to be inoperable, the
18 platoon rank reports the issue via email to NOPD tech, the
19 platoon tenant, the district system administrator and the
20 district fleet personnel. If it's during NOPD tech working
21 hours, the platoon rank shall instruct the officer to bring the
22 vehicle to police headquarters for repairs.

23 Prior to bringing the vehicle for repairs the rank or
24 the district fleet personnel will call or email NOPD tech to
25 schedule a time to bring the vehicle in. If it's before or

1 after hours the platoon rank shall notify the next platoon rank
2 of these issues. In all repairs NOPD tech do create a ticket
3 documenting this request.

4 Highlighted here (indicating) is an actual back of a
5 officer's activity sheet. And as you see at the start of the
6 shift, they have to go through the same checklist of checking
7 it right here, highlighted. And at the end of the shift they
8 have to go through that same check.

9 To ensure compliance the district administrator
10 sergeants conduct random checks for compliance with the
11 operability of the video cameras and accuracy of fleet records
12 ensuring documentation for malfunction and repairs as proof
13 issues that's being corrected as well as the timeliness of the
14 repairs and notification.

15 I will now turn it back over to Michael Pfeiffer.

16 THE COURT: You know, some of this sounds like it
17 should -- it would be easy, but I know it's not, and it has
18 been really a Herculean effort to get the systems, these
19 systems, in place. And so I just want everybody to know this
20 was quite an accomplishment.

21 MS. POWELL: And I must say it takes the work of all
22 of us.

23 THE COURT: Yes.

24 MS. POWELL: So we don't take credit, it's the men
25 and women out there in the district that do it day in and day

1 out, so I definitely give them credit for the overall success
2 of Field Operations Bureau in supervision.

3 THE COURT: I agree.

4 MS. POWELL: Thank you.

5 MR. PFEIFFER: Before I begin I just want to point
6 out one thing that may be a little glossed over by Lieutenant
7 Powell's presentation. When the issues that she addressed were
8 raised in the initial OCDM supervision review, we sat down and
9 discussed with Field Operations and clarified what those were.
10 But from then on they took the ball and ran with it. They
11 defined their own directives.

12 You know Chief and Lieutenant Powell defined their
13 own directives, their own approach to it, their own feedback
14 mechanisms, and they have really internalized it and taken it
15 all on themselves.

16 THE COURT: Uh-huh.

17 MR. PFEIFFER: So they deserve a great deal of credit
18 for that.

19 THE COURT: Okay.

20 MR. PFEIFFER: Superintendent Ferguson established
21 the supervision initiative in August of 2019 to help move the
22 Department into compliance with the consent decree requirements
23 regarding supervision. Notwithstanding its remarkable
24 improvements in so many areas the NOPD was struggling to meet
25 its supervision obligations since the outset of the consent

1 decree.

2 The Superintendent created a supervision initiative
3 working group of captains and chiefs and tasked the supervision
4 initiative working group to identify concrete, practical and
5 effective solutions that resolve the known compliance gaps and
6 would bring the NOPD into compliance with national best
7 practices and help NOPD achieve the requirements of the consent
8 decree in the area of supervision.

9 The supervision initiative working group developed a
10 list of concrete and practical recommendations to help bring
11 the department into compliance with the consent decree. The
12 recommendations were not constrained by existing department
13 practices. Members of the working group were instructed to
14 assume a clean slate and freely and broadly consider new
15 approaches that were likely to bring NOPD into compliance with
16 national best practices and the requirements of the consent
17 decree in regarding the area of supervision, and to do it as
18 quickly as practical.

19 The recommendations of the supervision initiative
20 working group were presented to the Office of the Consent
21 Decree Monitor and the Department of Justice, and working
22 collaboratively with them led to the supervision initiative
23 reporting document, sometimes referred to as the supervision
24 binder by the working group.

25 Areas included in the supervision initiative led to

1 significant changes such in the areas of promotion -- excuse
2 me, in the promotion process. Previously, promotions were a
3 closely held function of the superintendent and the deputy
4 chiefs with some limited input from captains. No specific
5 process was defined and utilized other than the list generated
6 from Civil Service, from which the superintendent made the
7 selections. Now the promotion process is guided by a chief
8 administrative office policy memorandum 143(R) and New Orleans
9 Police Department Chapter 34.2

10 The Creative Promotion Committee follows a
11 structured, clearly outlined selection process with required
12 documentation and review by all committee members to ensure
13 that the selectees are evaluated according to established
14 criteria. Upon completion of the selection processes outlined
15 by the Chapter, the Professional Standards and Accountability
16 Bureau reviews the Promotion Committee minutes, the promotion
17 rubric or checklist and all related documentation to ensure
18 that the selectees were evaluated according to the established
19 criteria and done by each member of the committee.

20 This document with this literal check off sheet of
21 each element of the selection process for each applicant
22 reviewed by the Promotion Committee members is then verified by
23 the Professional Standards and Accountability Bureau during the
24 review of those files. The report of this review is done and
25 forwarded to the Deputy Chief of Professional Standards and

1 Accountability Bureau along with any recommendations for
2 improvement of the process.

3 Prior to this initiative disciplinary investigations
4 focused on the complaint, related violations and the accused
5 member. There was no specific review to determine if any
6 actions or inactions by the accused member's supervisor may
7 have contributed to the violation. The serious discipline
8 review board was created as a quality control mechanism to
9 ensure timely reviews of all serious discipline imposed on
10 members to determine if the appropriateness of the supervision
11 of the member involved in the infraction and it -- was involved
12 in the infraction if any inadequate supervision or a failure in
13 the chain of command was present and caused or enabled the
14 violations. So it's looking past the obvious.

15 The serious discipline review board is charged with
16 reviewing all serious discipline imposed by the department with
17 the goal of identifying if inadequate supervision or failure in
18 the chain of command was present and caused or enabled the
19 violation. Reviewing less serious disciplinary events where a
20 members bureau chief identified the pattern or practice which
21 may warrant a command level review of the discipline or any
22 review that is directed by the superintendent can also be done
23 by the serious discipline review board.

24 The actions that the board may take are very broad
25 and include ordering further investigation when it appears

1 there's additional relevant evidence that may assist in
2 resolving inconsistencies or improve the reliability or
3 credibility of the findings, evaluating each case to either
4 affirm or reject the supervisor's role in the misconduct. And
5 if the board determines the supervisor's role violated NOPD
6 policy, referring it to PIB for disciplinary action.

7 They review the incident to determine whether it
8 raises policy, training, equipment or tactical concerns and
9 resolve those. They can direct district supervisors to take
10 and document non-disciplinary corrective actions on minor
11 issues that were noted. And it can encourage improvement in
12 the officer's performance and the supervisor's performance.

13 All serious discipline review board training
14 recommendations are forwarded to the Education and Training
15 Division for use in the annual training needs assessment. And
16 the captain of the Education and Training Division uses these
17 findings of the board to assess the adequacy and where
18 possible, to enhance the Department's training on supervision
19 and discipline.

20 The captain ensures that the supervisory deficiencies
21 identified for the board are addressed in all future training
22 modules for both new supervisors as well as in-service. This
23 formal process is the first of its kind and a model for other
24 agencies to follow. It's another example of how the NOPD has
25 identified an issue and developed a method to address that

1 issue that goes beyond the base recommendations of the consent
2 decree.

3 Prior to this initiative newly promoted supervisors
4 were evaluated in their probationary period on the much more
5 generic Civil Service evaluation forms, and that was the limit
6 of the evaluation process. These forms were applicable to all
7 classified employees in city government and not directed to the
8 task specific to policing. Now, new supervisors are reviewed
9 and evaluated during their probationary period as well as part
10 of a mentorship program. The coaching or mentorship program
11 was established and paired newly promoted supervisors with
12 seasoned supervisors as mentors to assist the new supervisor
13 with navigating the challenges of first line supervision.

14 The senior supervisors are responsible for mentoring
15 and coaching the new supervisors. The mentors also train and
16 evaluate the newly promoted supervisors on at least 16
17 different processes and tasks and provide bimonthly evaluations
18 on their progress in each one of those tasks. The bimonthly
19 evaluations along with the end of probation evaluation is used
20 in assessing if the areas have been mastered and the
21 suitability of the new supervisor to attain permanent status at
22 the end of the probationary period.

23 The new supervisors captain also addresses the
24 supervisors progress in an interoffice correspondence to the
25 Field Operations Bureau chief for their assessment as to

1 permanent status. The process was outlined in a Field
2 Operations Bureau directive, Number 49. The documentation and
3 process as follows is reviewed by the Professional Standards
4 and Accountability Bureau for each new supervisor once it has
5 been completed.

6 In communication; leadership messages targeted a
7 close and effective supervision including innovative leadership
8 strategies are done through monthly messages to officers in the
9 community from the superintendent and captains and in their
10 revamped, restructured roll call process.

11 We also have the burden reduction working group.
12 This works to identify the processes, forms and potential areas
13 where we may be able to reduce or eliminate unnecessary
14 burdens, documents and forms. This is an ongoing effort in
15 part, and has even become part of the new hexagon document
16 management system.

17 That's just an overview of some of the highlights of
18 the supervision binder. It went on for 150 pages.

19 THE COURT: Yes, I remember.

20 MR. PFEIFFER: Lieutenant Ernest Luster is now going
21 to present on how INSIGHT is utilized by supervisors in
22 addressing issues arising in the field and how it's used as
23 part of the annual performance evaluation process.

24 THE COURT: Okay. And I hope everyone, all our
25 visitors and the media and the public, understand what the

1 level of work that you all have done and the professionalism
2 and the sophistication of the systems that you've put into
3 place. A Fortune 500 company would be proud to have the kinds
4 of processes that you have implemented.

5 MR. PFEIFFER: They have really moved forward with a
6 mission, you know, with an identified approach taking it to
7 where it could do more for us, leveraging it. You know, the
8 INSIGHT was the biggest example of that. We didn't just use it
9 as an early warning system, we used it as a performance -- a
10 data performance measuring tool, as well.

11 So we as a department have tried to do that with
12 almost every provision in the consent decree where it's
13 possible to leverage it to make us more effective.

14 THE COURT: Uh-huh.

15 MR. PFEIFFER: It has really been remarkable.

16 THE COURT: It has. And thank you.

17 MR. LUSTER: Good afternoon Your Honor.

18 THE COURT: Good afternoon.

19 MR. LUSTER: So I'm here to talk about the
20 performance evaluations. So as a front line supervisor for 14
21 years I can attest to the evolution of these performance
22 evaluations, where they came from and where they are today.

23 So in the past, you know, formal evaluations they
24 were very vague. You know, they gave a general oversight of
25 officer's performance but it didn't dig into the specifics of

1 their past accomplishments. And this was a problem because it
2 became systemic. It ended up grouping all of the officers in
3 very small categories and no officer was able to stand out as
4 to their performance and their past accomplishments. And a lot
5 of times officers would approach the supervisors and want to
6 know how they were doing, how they can best do something
7 better, and how they can perform better in the future.

8 So to change that process the Professional Standards
9 and Accountability Bureau came up with a different template to
10 accurately assess officers in their performance evaluations.
11 And this template came with several categories: Report
12 writing, decision making, safety protocols, engagements with
13 the community, and so forth and so on. So before that process
14 can be implemented into the New Orleans Police Department, it
15 had to come with training for every front line supervisor.

16 So what they would do is they came up with a training
17 practice that helped each supervisor go over each category and
18 accurately assess that officer by giving him sufficient
19 verbiage to use as they marked out those different
20 accomplishments. And this was very helpful to the lieutenants
21 and the sergeants, and each year the supervisors would receive
22 a refresher course in how to use best practices in evaluating
23 each officer. And we find that to be a very valuable tool.
24 But not only that, we had other tools that helped us accurately
25 evaluate performance evaluations. So I'm going to talk about

1 three -- three of those tools that are very efficient and
2 help:

3 Number one, the self-assessment form. The self-
4 assessment form is a form that each individual officer uses to
5 accurately give an overview of their own accomplishments. So
6 this officer is required to go over the past year, look at
7 every report, look at their accomplishments as well as areas
8 where they need to improve and they're given -- they give that
9 supervisor an opportunity to overview this assessment form and
10 use that as a template to accurately evaluate that officer.

11 Now I must note that this is not a total reliance on
12 the assessment form, but it's something that his supervisors
13 use to vet each and every individual officer. So they would
14 take that data, research the data and then verify if that data
15 was accurate.

16 THE COURT: Uh-huh.

17 MR. LUSTER: So with the implementation of the self-
18 assessment form, this cut down on a lot of arduous and
19 complicated work for the supervisor, because in past, prior to
20 the self-assessment form being in play, it took a supervisor
21 hours to just do one officer, and you might have one supervisor
22 in charge of several officers. So with the responsibilities of
23 being on scenes for different crimes, excessive reports,
24 dealing with each officers and their payrolls and trip sheets
25 and so forth, and then add on a performance evaluation with no

1 template; this added on more burden. With the self-assessment
2 form this cut down that time and it gave us a reduction in
3 completing an accurate performance evaluation. So that's been
4 a very helpful tool in this performance evaluation process.

5 One of the second tools that I'll talk about is the
6 INSIGHT. Mr. Pfeiffer has given you an overview of INSIGHT but
7 I want to give you some specific details and how we use it for
8 the performance evaluation.

9 So if you look at the screen, all right (indicating),
10 so there's several highlighted areas. Now this is a
11 highlighted area of not one officer, but three different
12 officers. On one side of the screen if you look at it, it
13 shows arrests, commendations, K9 bites, complaints, and on one
14 side you'll see account. That account in the employee category
15 represents the account of that particular officer and how many
16 times did they have a complaint.

17 If you look at the second category it shows where all
18 of NOPD have received complaints or with that particular number
19 and then all -- that's in the air. And then if you look at the
20 far right, it shows you what the average alert threshold should
21 be. So in this case for example, this officer received nine
22 complaints related to professionalism, when the average is
23 1.88. This is a problem, so it alerted us. When we got the
24 officer in we had a counseling session, myself and another
25 supervisor, spoke with the officer. Went over INSIGHT,

1 explained to this officer what the problem was and then we
2 found out that this officer had personal marital problems, and
3 they were dealing with a lot of domestic issues.

4 So, as a preventative measure to keep this officer
5 from getting in trouble, we went out and reached out to the
6 Officer's Assistance Program because not only do concern
7 ourselves with preventive measures of officer's misconduct, but
8 we were also concerned about officer's mental health and
9 wellness. So referring to them to the Officer's Assistance
10 Program gave this officer an opportunity to receive counseling
11 and then he was able to get some time off and then those
12 numbers dropped as his report begins to come through on a
13 quality basis, and we even showed him where he improved and
14 thus saved this officer's career.

15 The second category, if you're looking at the second
16 highlighted area (indicating), this shows sick leave hours.
17 All right, as I stated before, officers are allowed a certain
18 amount of sick hours during their yearly activity. The normal
19 is 137 hours. As you can see, this officer used over 598 hours
20 as sick. We received an alert because of that.

21 So as we did before, we brought the officer in, we
22 found out that this officer had a legitimate medical issue, and
23 the officer brought in proper documentation stating what the
24 issue was and why they were using that sick time. That sick
25 time was because he was receiving medical treatment on a just

1 different various of times and it was causing him to generate
2 a number of sick hours. So we were able to document that in
3 his INSIGHT file and then he was, you know, absolved because it
4 was a legit medical reason.

5 If you look at the third category (indicating), this
6 is use of force. So on the far right each officer is, you
7 know, allowed 2.1.6 hours of instance of uses of force within a
8 time frame. This officer had six. At this particular time
9 when it alerted us, this officer was assigned to Bourbon
10 Street. Bourbon Street is an assigned unit. If you looked at
11 Lieutenant Powell's attendance ratio it showed ABC Platoon, and
12 then you saw a category that said Promenade. That's the
13 Bourbon Promenade. It's a different unit assigned to police
14 Bourbon Street.

15 All of us have had an experience on Bourbon Street,
16 we know Bourbon Street is filled with bars, dance clubs, and
17 other establishments that serve an enormous amount of alcohol.
18 As a result of that, we receive a number of calls of people
19 who consume alcohol and they begin to be belligerent and
20 violent at the time of the call, which as a result, we're
21 called out and the officer may engage in a use of force
22 incident which was done according to our policies and done
23 with the standards. However, they were alerting to the
24 system.

25 So we did some research and we found out that the

1 Bourbon Promenade threshold was significantly lower compared to
2 all of the thresholds throughout the city, which we believed
3 after discussing it with our captain and our lieutenants, that
4 this was not an adequate sufficient threshold for Bourbon
5 Street. But we didn't stop there. We didn't just leave it at
6 the threshold being raised, we also wanted to look into what
7 was causing the issues on Bourbon Street where officers were
8 engaging in use of force incidents.

9 So we went out to different bars on Bourbon and one
10 particular block which was the 500 block of Bourbon, we went
11 out and we found that there was insufficient lighting, some of
12 the bars did not have adequate security, and we as front line
13 supervisors realized this particular block needed more officers
14 present to police that area so that we could keep our citizens
15 and tourists safe.

16 In addition to that, that gave our officers an
17 opportunity to engage with the community which I know is a very
18 important part of our consent decree compliance. So this was a
19 two-fold effect. We looked at the problem on a city level as
20 well as a technological level. When we spoke to some of the
21 managers we were able to get them to increase their security
22 personnel. We were able to reach out to have sufficient
23 lighting added to the block, and we also added other officers
24 so that we could adequately police. And then we saw those
25 numbers begin to decline.

1 However, we did write to the INSIGHT early warning
2 system and we said: Listen, we need a little bit more, a
3 raised threshold level so that these officers won't alert,
4 because it wasn't just one particular officer, it was several
5 officers who were alerting. We just pulled out this one as an
6 example.

7 THE COURT: Uh-huh.

8 MR. LUSTER: So this was also a helper too in our
9 process with evaluating officers, because we're able to go back
10 into the INSIGHT system, look at their history, look at their
11 accomplishments, look at everything that they've done and also
12 look at the areas they need to improve.

13 The third and final tool that we use in performance
14 evaluations is the supervisor feedback log. Chief Ferguson
15 gave you an eloquent example of that system. That system is
16 used for the supervisors to put in information in real time.
17 If the officers perform a recognizable accomplishment, we enter
18 that data in and they are noted for their accomplishment. If
19 they attend a community event or they volunteer or they go
20 beyond the scope of their duties, we enter that data into our
21 supervisor feedback log and it's kept as an accurate record of
22 their accomplishment. And we also use it as a means to
23 redirect the officers should we see a decline in their
24 performance or if there's a minor violation in policy that
25 doesn't meet the threshold of Public Integrity Bureau

1 investigation. So, with these three tools in place, it gives
2 the supervisor an opportunity to give a great overview of the
3 officer's performance throughout the year.

4 Now we're not saying that every officer is a super
5 hero and every officer is fantastic because we're not a perfect
6 department. But this tool is very efficient and it helps us to
7 be the police department that we are today and why everybody
8 follows our example.

9 THE COURT: Yes.

10 MR. LUSTER: So I hope if you have any -- no
11 questions I will turn it over --

12 (Laughter)

13 MR. LUSTER: I hope I explained that and I'll turn it
14 over to Faith Butler.

15 THE COURT: You did. You did a great job.

16 MR. LUSTER: Thank you.

17 THE COURT: Thank you very much.

18 MS. BUTLER: Good afternoon Your Honor.

19 The New Orleans Police Department has collaborated
20 with the Civil Service Department as well as the Department of
21 Justice and the Office of Consent Decree Monitors to develop
22 and implement meaningful and effective performance evaluation
23 process that highlights officer performance based on integrity,
24 community policing, job duties and responsibilities on an
25 annual basis. The evaluation process is also used as a

1 component for the promotional practice. In 2021 a total of 94
2 commissioned officers were promoted, including fourteen
3 captains, five lieutenants, and 22 sergeants.

4 Performance evaluations are used as a component in
5 the ranking system for promotions along with their interviews,
6 the Civil Service test score, their resumes, and disciplinary
7 records. Performance evaluation covers over ten paragraphs and
8 five sections in the consent decree ranging from officer
9 performance; close and effective supervision; INSIGHT, which is
10 the internal database to execute close and effective
11 supervision; as well as assessing supervisor's ability to
12 effectively supervise their subordinates.

13 Over the past three years the process of training
14 supervisors, preparation, updating the internal database system
15 to complete performance evaluations have been extremely
16 beneficial with a progression of accurate and complete
17 evaluations conducted by our department supervisors, INSIGHT,
18 which is monitored by our Early Intervention Unit to maintain
19 and verify the accuracy of its use. In addition, the
20 Professional Standards and Accountability Bureau will do spot
21 checks and conduct monthly audits for its accuracy and
22 completion of this system.

23 The performance evaluations address the requirements
24 of Paragraph 296(A) through (J) which include community
25 engagement as well as community problem solving, complaints by

1 citizens and supervisors, sick leave usage, training,
2 disciplinary measures, safety, report writing and decision
3 making. The evaluations assess the officer's performance for
4 an entire year, from January 1st to December 31st.

5 Supervisors are also assessing the growth of their
6 subordinates in their particular job duties as well as how
7 their career advancements benefit the department. Supervisors
8 are also assessed and held accountable for their ability to
9 effectively and accurately supervise their subordinates as well
10 as completing the performance evaluations.

11 Districts and divisions of the department receive
12 reminders throughout the evaluation process and given a status
13 update of how each evaluation is progressing throughout the
14 three months. District and division -- the timeliness and
15 completion of the performance evaluations are documented in the
16 actual supervisor's evaluations to hold them accountable for
17 completing their subordinate evaluations.

18 The review of INSIGHT and subordinate's profile with
19 quarterly review is also a major part of the evaluations. The
20 self-assessments as Lieutenant Luster mentioned are a valuable
21 tool for supervisors to complete evaluations. By using these
22 self-assessments the supervisors are able to have a reminder of
23 what their subordinates did throughout the year. Supervisors
24 are not solely using the self-assessments to complete these
25 evaluations but they give themselves a note on how the officers

1 can improve in their job functions as well as how they are
2 correctly assessing their subordinates.

3 So, supervisors receive ongoing training that is
4 conducted at the academy as well as district and unit specific
5 training that is arranged by the Professional Standards and
6 Accountability Bureau. In these trainings the supervisors are
7 given an opportunity to address any questions, concerns, give
8 suggestions that will help the performance evaluations become
9 better as well as they give firsthand exercises on how to
10 complete the narrative section in the performance evaluations.

11 The audit and review team that actually audit and
12 assess the performance evaluations, they also receive a
13 training. So in their training they are instructed to ensure
14 that all evaluations are assessed based on individual officer
15 performance and job duties. They also are instructed to audit
16 based on the instructions that were given to the supervisors on
17 how to complete these evaluations to ensure that the audit
18 assessment is correct.

19 So the (inaudible) of our system is where the
20 performance evaluations are housed. The Professional Standards
21 and Accountability Bureau collaborates with Civil Service to
22 maintain the evaluations, to make any corrections that needs to
23 be made, any edits, any changes, and that way that we're
24 ensuring that all supervisors understand what is needed to
25 complete these performance evaluations. PSAB also collaborates

1 with internal departments such as Personnel to make sure that
2 the hierarchies are correct, that INSIGHT is correct, and that
3 the ADP payroll system is correct to ensure that supervisors
4 have the adequate information that they need to assess their
5 subordinates.

6 During the audit assessment the audit and review
7 team, like I said, assess each evaluation according to a sample
8 size, so we're not auditing each and every individual
9 evaluation completed by the supervisors, but a sample of those
10 evaluations. When they audit partial compliance is not given;
11 however, the auditors are reviewing these based on the
12 protocols and reconciliation between the auditors takes place
13 to ensure, like I said, that these evaluations are assessed
14 accurately.

15 On an annual basis and after the completion of the
16 performance evaluation audit, the Professional Standards and
17 Accountability Bureau produces a scorecard of its findings and
18 a corrective action plan if necessary to address the
19 deficiencies of the department. We also get feedback for the
20 supervisors on how they did when they completed their
21 performance evaluations. The audit and the scorecard, as well
22 as the corrective action plan, are additional tools that the
23 supervisors can use in the future on how to assess their
24 subordinates. The scorecard has increased from last year's
25 percentage of 69 to this year's percentage of 82, so that's a

1 major improvement for our department with completing
2 performance evaluations.

3 THE COURT: In other words, the percentage of
4 supervisors who are doing the performance evaluations
5 correctly?

6 MS. BUTLER: Yes.

7 THE COURT: Is that -- okay.

8 MS. BUTLER: Yes. So we went from --

9 THE COURT: And the percentage increased?

10 MS. BUTLER: Right, yes, ma'am.

11 Performance evaluations are also a way to recognize
12 the achievements and diligent work of the officers. Officers
13 are able to see that their hard work is not going unnoticed and
14 they appreciate the detailed feedback that they receive from
15 their supervisors.

16 The collaborative efforts and guidance from Chief
17 Robert McNeilly as well as Chief Mary Ann Viverette have been
18 crucial factors of the NOPD having significant progress in the
19 area of performance evaluations. By supplying the department
20 with chief tools such as continued training, monitoring
21 INSIGHT, the supervisor feedback log database and maintaining
22 those internal manpower hierarchy lists, the NOPD has the
23 ability to lead the way in providing and completing fair and
24 meaningful performance evaluations.

25 With the current performance evaluation process the

1 department is ensuring that officers receive an adequate
2 assessment of their performance of how their growth and
3 improvement in their job duties can benefit the department.
4 The department has continued to show improvement in the area of
5 performance and documenting subordinate performance based on
6 the tools and database that we have provided them. The New
7 Orleans Police Department is dedicated to maintaining its
8 success in this area and we are determined to sustaining all of
9 our achievements with performance evaluations, promotions and
10 supervision.

11 Thank you.

12 THE COURT: Well, I'm looking forward I think as you
13 go into next year and you do another round of these we'll see
14 even higher percentages.

15 MS. BUTLER: We are looking forward to the same.

16 THE COURT: Yes.

17 MS. BUTLER: Thank you Your Honor.

18 THE COURT: Congratulations.

19 SUPERINTENDENT FERGUSON: Thank you again Your Honor.

20 And again to the Department of Justice as well as to
21 the federal monitors and of course the Court's again for
22 allowing us and affording us this opportunity to present to you
23 all our performance evaluations, promotions, and supervision.

24 It's evident you can see, Your Honor, that our
25 department remains committed to Constitutional police reforms

1 and embedding this through all our processes, but also going
2 above and beyond in some instances. And so, where do we go
3 from here?

4 So, as stated performance evaluations are now
5 completed. The federal monitors, of course Bob McNeilly and
6 Mary Ann Viverette are doing the look behind to ensure that
7 what they're seeing, that our auditors are conducting that it
8 marries together. But also, the next supervision audit will
9 take place in August and then we also continue to work with the
10 federal monitoring team as well as the Department of Justice in
11 the area of community engagement by street policing as well as
12 stop, searches and arrests.

13 And we are definitely looking forward to having
14 another public hearing in May and we will have members of the
15 Professional Standards and Accountability Bureau as well as
16 members from the department to present to the Court as well.

17 In addition to that we have been collaborating with
18 our new Independent Police Monitor, Stella Cziment. Again,
19 congratulations to her on that accomplishment as well.

20 But we were working hand in hand with her previous to
21 that when she was interim. They've been to different trainings
22 that we have conducted and collaborated with the academy as
23 well as with the federal monitors.

24 And of course, all of our reports, Your Honor, are
25 located on the city's website at NOLA.GOV.

1 THE COURT: Uh-huh.

2 SUPERINTENDENT FERGUSON: And so as we continue as a
3 department to grow and develop all of our reports are going to
4 be housed on the website and we're looking forward again to
5 continuing our police reforms and setting the standards across
6 the nation.

7 And I think now I'll turn it over to Jonas Geissler,
8 Department of Justice.

9 THE COURT: Well, let me --

10 SUPERINTENDENT FERGUSON: Yes, ma'am.

11 THE COURT: Let me thank all of the presenters for
12 all the information that you've provided today. It's really
13 impressive and I mean I think all of you have talked about what
14 you're going to do in the future, which shows your commitment
15 to reform and to sustaining the reform and that you have
16 methods in place to make sure that happens and that you're
17 committed to that process.

18 So thank you all for the presentation. And thank you
19 all for -- all of the people who did the work behind the
20 presentation.

21 SUPERINTENDENT FERGUSON: Thank you Your Honor.

22 And so I'm glad you said that. I would be remiss if
23 I did not thank the members of the Professional Standards and
24 Accountability Bureau, Matt Segraves, Tim Lindsey, Faith
25 Butler, as well as Michael Pfeiffer, and all of our auditors as

1 well.

2 But the systems instructions that are in place now
3 would not be possible without the monitoring team and the
4 Department of Justice.

5 THE COURT: Yes, agreed.

6 SUPERINTENDENT FERGUSON: Thank you.

7 MR. GEISLER: Good afternoon again Your Honor, Jonas
8 Geissler for the United States.

9 The United States is pleased to come alongside the
10 NOPD and the court monitor today to recognize the work that the
11 city has done to bring Section XIV, performance evaluations and
12 promotions and Section XV, ensure substantial compliance. It
13 is fitting that these two sections come into compliance
14 together today as they are highly interrelated.

15 The Department of Justice has worked collaboratively
16 with the court monitor and NOPD for several years in these
17 areas, but ultimately it is the City of New Orleans and the
18 individuals in this room and the mid-level managers in NOPD who
19 have done all the heavy lifting to put in place the systems
20 necessary to bring these two areas into compliance.

21 And it fitting also because in order for these to be
22 truly doable remedies, the city has to embrace the remedies
23 itself. The remedies must meet NOPD's business needs and NOPD
24 needs to have ownership of the remedies going forward with
25 respect to performance evaluations, Your Honor.

1 We have been onsite with the monitors, experts, as
2 they conducted NOPD's performance evaluation audit and have
3 conducted our own look-behind assessment, having been convinced
4 that the monitors' methodology and goals that they were sound,
5 we relied upon the monitors' audits. Much credit is due to
6 Chiefs McNeilly and Viverette for their thoroughness and the
7 technical systems that they offered NOPD to develop the self-
8 assessment tools and the evaluation process altogether.

9 We also continue to verify the constant internal
10 messaging at NOPD. We frequently attend the weekly NOPD max
11 meetings, their command meetings, if you will. At these
12 meetings we have heard the frequent statement, repeated calls
13 from districts of the need to complete their own training on
14 how to complete evaluations. We have attended some of those
15 virtually as well; the need to complete self-evaluations and
16 driving the deadlines for those and ultimately the evaluations
17 themselves.

18 With respect to promotions, Your Honor, that is
19 taking a different but related path. Performance evaluations
20 in part inform promotions, but as a part of the supervision
21 initiative that NOPD put together for this Court, there was a
22 formal promotion rubric as NOPD called it, and candidly, the
23 Court Monitor and the Department of Justice were highly
24 critical albeit collaborative with NOPD, but highly critical of
25 the promotion rubric to seek a process that asked the difficult

1 questions of those who would be supervisors.

2 So how would someone who wants to be a supervisor,
3 for example, explain how they themselves have been receptive to
4 discipline in the past, or they themselves have dealt with
5 instances of bias that they have seen?

6 The result of the promotion rubric and a formal
7 promotion policy with significant work from NOPD's Dante
8 Bidwell and the Court Monitor, the results have proven
9 effective. A look behind audit found 99.6 percent completion
10 of all of the required ratings necessary for the promotion of
11 the candidates who sought that elevation.

12 Lastly, Your Honor, supervision is an overarching
13 issue out of decree. Indeed there's -- it is so far reaching
14 and so much work has been done on it that we could spend much
15 time to discuss it. Pertinent to this hearing though are both
16 the Department of Justice's bases for agreeing to finding NOPD
17 in substantial compliance, and the plan for the compliance plan
18 going forward. We agree with the monitor's determination that
19 NOPD is now in substantial compliance based upon a number of
20 steps that NOPD has taken, including the last two areas that
21 we've discussed, performance evaluations and promotions.

22 But in part this also included focus on chain of
23 command investigations, supervisory ratios and consistent spans
24 of control and continuity of men, supervisory training and use
25 of technologies like body-worn cameras that act as a force

1 multiplier for remote supervision. We have found that NOPD has
2 substantially complied in each of these areas. We assessed the
3 chain of command investigations with Chiefs McNeilly and
4 Viverette. We received records of supervision which indeed
5 ensure that task force officers and detectives were assigned to
6 platoons if needed so that no individual officers were working
7 on their own without supervision.

8 THE COURT: Uh-huh.

9 MR. GEISLER: And we found that NOPD has a long-
10 established practice of using body-worn cameras for supervisors
11 to review the interactions of their subordinates.

12 One of the most challenging hurdles for supervision
13 has been INSIGHT as Your Honor has heard today. INSIGHT is an
14 early warning system to identify officers who may be at risk of
15 behavior outside the norms of their peers. We, the Department
16 of Justice, as the sort of remedy to our policing consent
17 decrees generally, to mitigate risks of behavior that could
18 potentially end in Civil Rights issues or career ending
19 situations before those situations even occur.

20 While no predictive system will ever be perfect, NOPD
21 has assembled a multi-variable system that when used
22 effectively should mitigate precisely those risks. Here credit
23 is due to Chief McNeilly and also the Performance Standards
24 Innovation Manager Matt Segraves. I know we support the
25 finding, Your Honor, of substantial compliance. There are

1 other areas that will always need more work and in the coming
2 months during the compliance period there are three in
3 particular for supervision.

4 NOPD, the consent decree monitor and Department of
5 Justice all agree to assess supervisory approval of arrests
6 through the search, seizure and arrest audit. More to come on
7 that audit in future hearings.

8 The consent decree monitor will perform a look-behind
9 audit of INSIGHT to ensure that NOPD is not overly relying upon
10 that one innovation manager's work but instead the INSIGHT
11 system itself is working as intended and to generally check
12 NOPD's progress in using INSIGHT.

13 And third, NOPD will make some tweaks to the INSIGHT
14 system as recommended by Chief McNeilly to adjust calculations,
15 delete duplicate alerts, and to train on the date adjustment
16 systems to use for quarterly and annual reviews.

17 But finally Your Honor, a take-home point that I hope
18 our friends in the rear of the courtroom will also take note
19 of, we would like to close today by noting something that the
20 U.S. Department of Justice Civil Rights Division has said in
21 many contexts:

22 Constitutional policing is effective policing. And
23 what does that mean here? It means that the implementation of
24 performance evaluations for motion practices and (inaudible)
25 supervision does not equate to ineffective policing, quite the

1 opposite. When NOPD equips itself with these tools it
2 improves the effectiveness of its officers overall to complete
3 all of their tasks, and in particular their fundamental tasks
4 including enforcement of the criminal law and crime prevention.

5 We thank you, Your Honor.

6 THE COURT: Thank you.

7 And I want to thank the entire staff at the Civil
8 Rights Division of the Department of Justice for all of the
9 support that you have given the NOPD and the City of New
10 Orleans and the monitoring team and me for many years now.
11 You've never given up on us, never deserted us, you hung in
12 there even during the pandemic, and it has made all the
13 difference in the world. It has been very collaborative and
14 cooperative and I think as Jonathan Aronie mentioned, we have
15 resolved any issues that came up collaboratively. It has not
16 been a lot of conflicts because of that close working
17 relationship, and I thank you for that. It surely made a huge
18 difference.

19 MR. GEISLER: It's our pleasure, Your Honor.

20 And I would be remiss if I didn't also acknowledge
21 the hard work of our colleagues at the U.S. Attorney's Office,
22 David Sinkman and Theodore Carter for their work on this case
23 as well.

24 THE COURT: Thank you. I agree, and I appreciate
25 their efforts also.

1 MR. GEISLER: Thank you Your Honor.

2 THE COURT: It has really been a team effort.

3 MS. CZIMENT: Good afternoon Your Honor.

4 First, thank you Judge Morgan for giving me the
5 opportunity to address this Court.

6 And thank you to the federal monitors and to the
7 Department of Justice for your continued and very valuable
8 partnership and oversight.

9 I introduced myself earlier but I am Stella Cziment
10 and I am the Independent Police Monitor for the City of New
11 Orleans.

12 I would like to introduce Bonycle Sokunbi who
13 unfortunately had to leave and was also late arriving, because
14 she was on the scene monitoring an investigation.

15 THE COURT: Uh-huh.

16 MS. CZIMENT: I was formally appointed by the Ethics
17 Review Board on April 11th and I've served as the interim
18 police monitor since May of last year. I was appointed based
19 on feedback from the community, organizational leaders, the
20 police department and OIPM staff. And I was appointed based on
21 feedback that was received that I was fair, critical and
22 constructive.

23 These are qualities that Your Honor, the public and
24 the police department can expect from my leadership and from my
25 office moving forward. I want to highlight these qualities

1 since once the police department moves into sustainment it
2 will be the Office of the Independent Police Monitor local
3 oversight that will transition into a larger role in providing
4 police oversight to the NOPD.

5 THE COURT: Ms. Cziment, can I ask you to -- I'm
6 going to have to step off the bench for just a minute.

7 MS. CZIMENT: Yes.

8 THE COURT: If you all will -- I'll be right back.
9 I may be two or three minutes.

10 MS. CZIMENT: Yes.

11 **(Recess from 4:58 p.m. to 5:02 p.m.)**

12 THE COURT: All right. You all be seated.

13 I apologize for the interruption, and Ms. Cziment,
14 let's proceed. Maybe remind me of what you were saying, I was
15 distracted.

16 MS. CZIMENT: I was just assuring the Court and the
17 public that I have faith this will be a smooth transition
18 between federal oversight to local oversight because of the
19 efforts of everyone in this room to get the police department
20 into compliance and to make the NOPD an example of reform.

21 It has been clear that the spirit of reform will
22 continue long past the consent decree, showing our community
23 and even our country that the consent decree in New Orleans is
24 the floor, not the ceiling for how much this department will
25 achieve. This commitment to reform is one that I've seen the

1 leadership of the NOPD from Chief Ferguson, of course, to his
2 whole leadership team.

3 I believe under the careful and thoughtful leadership
4 of this, of the officers in this room, this police department
5 will continue to grow and improve. I've had the opportunity to
6 work with, monitor and review the work of almost every
7 department leader in this room, whether it's in disciplinary
8 hearings, use of force review boards, on the scene during
9 investigations, or even during some of your interviews for
10 captain. I've gotten to see your unique leadership styles and
11 hear your ideas on how to be more effective and more
12 empathetic. I've seen your commitment to policy less
13 practices, new and innovative solutions and accountability.

14 Just recently I had the opportunity to see one
15 example of this ongoing commitment to reform in the newly
16 developed supervisory review boards. This new board is an
17 opportunity for experienced captains and deputy chiefs to
18 provide valuable input and feedback to supervisory officers and
19 to look for opportunities for these supervisors to improve.

20 I highlight this example because of all that it
21 represents. A commitment to effective leadership, innovative
22 solutions, best practices, transparency and accountability.
23 Best of all it was an idea of a captain, one that I believe is
24 in this room today.

25 It is ideas like this and other departmental projects

1 that I'm seeing across the city, from pilot programs of
2 mediation that's happening between neighbors in the Seventh
3 District, from social workers that are participating in
4 responses in the Third District, to the way that our district
5 leadership meets regularly with street performers and musicians
6 in the Eighth District. These are the things that makes the
7 police department impactful, receptive and responsive to the
8 community that it seeks to serve.

9 The NOPD through the consent decree has become
10 national leaders in policing. And I look forward to
11 monitoring, reviewing and collaborating with this department on
12 the many accomplishments that I'm sure to come through the end
13 of the consent decree, the eventual sustainment period and
14 everything beyond.

15 Thank you Your Honor.

16 THE COURT: Thank you. Congratulations on your
17 appointment as the -- to the head of the office and we look
18 forward to working with you in the future. And thank you for
19 the contributions you've already made, particularly with
20 respect to the investigation of the Office of Police Secondary
21 Employment. So thank you for that.

22 MS. CZIMENT: Thank you Your Honor.

23 MR. ARONIE: Thank you Your Honor. There's a lot of
24 wonderful information today.

25 As I'm not a party to this case, I cannot move the

1 Court for anything so I will ask the Court something. I would
2 ask that you formally recognize the progress that NOPD has made
3 in the areas of performance evaluations, promotions and
4 supervisions, and you put those in -- you recognize that
5 they're in full and effective compliance with the consent
6 decree. In other words, we move them into the green.

7 As I said in the opening, this does not mean
8 everything is perfect. It does not mean there's no areas in
9 need of further improvement, but it does mean that NOPD has
10 reasonably met its consent decree obligations in these areas.

11 We're proud of the progress the New Orleans Police
12 Department has made and we look forward to continue working
13 with the department, its officers and the community to ensure
14 sustainability and ongoing improvements.

15 THE COURT: All right. And thank you. I want to
16 thank the monitors who are here and the ones who aren't for all
17 of the contributions you've made to this process, particularly
18 Jonathan Aronie and David Douglass. Thank you so much for the
19 leadership that you have given in this process. One of the
20 best decisions I've made in my judicial career is picking you
21 all as the lead monitors of the team, because it has really
22 made all the difference in the world.

23 I do agree with your recommendation that the areas of
24 supervision, performance evaluations and promotions should be
25 moved into the green, as we say, to reflect that the department

1 is in substantial compliance in these areas.

2 And so congratulations Chief Ferguson on that
3 accomplishment. It is a huge accomplishment and I want to be
4 sure that you and the entire department are recognized for all
5 the contributions you've made and the progress you've made.

6 I do want all of you and the citizens to know that
7 during the two year sustainment period we will continue to look
8 at these areas, your Professional Standards and Accountability
9 Bureau will continue to monitor these areas to make sure that
10 the reforms are being complied with and that you're following
11 all of the procedures and policies that you've put into place,
12 and I feel confident you will be. But we will be looking at
13 those over those two years, as well as all of the other areas
14 of the consent decree.

15 And there will be changes. There will be less
16 involvement I believe of probably the DOJ and the monitoring
17 team, but they will still be involved and they will still be
18 assisting me and the department in any way they can.

19 I want to let everyone know that the monitors are
20 holding a public meeting tonight at 6:30 p.m. at the Ashe'
21 Cultural Center. The public and the media are encouraged to
22 attend. You can ask questions there. You can take videos.
23 You can take pictures, whatever. We hope that you will go and
24 cover it so that you can provide another avenue for the public
25 to learn about what the police have done toward implementation

1 of the consent decree.

2 I want to let you know that in the next few days the
3 monitors will issue a special comprehensive report on the
4 status of the implementation of the consent decree, and we're
5 all looking forward to the report and I encourage all of you to
6 read it. It will be available on the record in this case and
7 also on the monitor's website, which is
8 consentdecreemonitor.com.

9 Is that -- am I right?

10 UNIDENTIFIED SPEAKER: Yes, ma'am.

11 THE COURT: Yes, okay.

12 So I look forward to working with all of you in the
13 future. I congratulate you on your continued progress.

14 And the public hearing is adjourned but I'm going to
15 come down as I have in the past at these public hearings and
16 visit with all of you and thank you personally for all that you
17 have done.

18 So, the public hearing is adjourned.

19 * * * * *

20 (Proceedings adjourned.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceeding in the above-entitled matter.

S/Sherryl P. Robinson
Sherryl P. Robinson

9/26/2022
Date