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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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UNITED STATES OF AMERICA

Docket No. 12-CV-1924  
Section "E"  
New Orleans, Louisiana  
Wednesday, August 17, 2022

v.  
  
NEW ORLEANS CITY

\*\*\*\*\*

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

APPEARANCES:

FOR THE MONITORING TEAM:	JONATHAN ARONIE DAVID DOUGLASS ASHLEY BURNS MARY ANN VIVERETTE
FOR THE DEPARTMENT OF JUSTICE:	TIMOTHY MYGATT, ESQ. R. JONAS GEISSLER, ESQ. MEGAN R. MARKS, ESQ. THEODORE R. CARTER, III, ESQ.
FOR THE OFFICE OF THE INDEPENDENT POLICE MONITORING:	STELLA CZIMENT BONYCLE SOKUNBI
FOR THE NEW ORLEANS POLICE DEPARTMENT:	SUPERINTENDENT SHAUN FERGUSON ARLINDA WESTBROOK OTHA SANDIFER CHRISTOPHER GOODLY
FOR THE CITY OF NEW ORLEANS:	DONESIA TURNER, CITY ATTORNEY CHARLES ZIMMER, ESQ. DANIEL DAVILLIER, ESQ.
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Proceedings recorded by mechanical stenography, transcript  
produced by computer.

P R O C E E D I N G S

(WEDNESDAY, AUGUST 17, 2022)

(PUBLIC HEARING PROCEEDINGS)

(OPEN COURT.)

THE COURT: Be seated.

THE DEPUTY CLERK: Calling Civil Action 12-1924, *United States of America v. The City of New Orleans.*

THE COURT: All right. Good afternoon, everyone. And welcome. And thank you all for being here today. I am really happy to see you. I would like for the parties to make their appearances for the record. If we could start with the NOPD and the City first. I guess, Chief.

SUPERINTENDENT FERGUSON: Superintendent -- I'm sorry, your Honor. Superintendent Shaun Ferguson, New Orleans Police Department.

THE COURT: Thank you.

MS. TURNER: Donesia Turner, City Attorney.

MR. ZIMMER: Charles Zimmer, outside counsel for the City of New Orleans.

MR. DAVILLIER: Good afternoon, your Honor. Daniel Davillier on behalf of the City of New Orleans and the NOPD.

MS. WESTBROOK: Arlinda Westbrook, NOPD.

MR. SANDIFER: Otha Sandifer, NOPD.

MR. GOODLY: Christopher Goodly, NOPD.

13:20:38 1 THE COURT: And the Department of Justice.

13:20:39 2 MR. MYGATT: Tim Mygatt, your Honor, on behalf of the  
13:20:43 3 United States.

13:20:44 4 MR. GEISSLER: Good afternoon, your Honor. Jonas  
13:20:44 5 Geissler on behalf of the United States.

13:20:46 6 MS. MARKS: Good afternoon, Megan Marks on behalf of the  
13:20:49 7 United States.

13:20:50 8 MR. CARTER: Good afternoon, your Honor. Theodore Carter  
13:20:52 9 also on behalf of the United States.

13:20:54 10 THE COURT: And the monitoring team.

13:20:56 11 MR. ARONIE: Your Honor, Jonathan Aronie with the  
13:20:59 12 monitoring team.

13:21:01 13 MR. DOUGLASS: David Douglass, your Honor, monitoring  
13:21:03 14 team.

13:21:07 15 THE COURT: Dr. Burns.

13:21:08 16 MS. BURNS: Ashley Burns, monitoring team.

13:21:13 17 MS. VIVERETTE: Mary Ann Viverette, monitoring team.

13:21:16 18 MR. ARONIE: And, your Honor, would you like the IPM to  
13:21:19 19 introduce themselves as well?

13:21:19 20 THE COURT: Yes. And then the Office of the Independent  
13:21:20 21 Police Monitoring.

13:21:21 22 MS. CZIMENT: Thank you, your Honor. Good afternoon.  
13:21:23 23 Stella Cziment on behalf of the Office of the Independent Police  
13:21:26 24 Monitor for the City of New Orleans.

13:21:29 25 THE COURT: Well, thank all of you -- did I miss anyone?

13:21:31 1 MR. ARONIE: One more.

13:21:35 2 MS. SOKUNBI: Good afternoon. Bonycle Sokunbi of behalf  
13:21:38 3 of IPM.

13:21:38 4 THE COURT: Is that everyone? All right. Well, thank  
13:21:41 5 you all for being here today - the parties, the NOPD officers who  
13:21:48 6 are here today, the public, and the media.

13:21:50 7 As always, we appreciate your interest in these  
13:21:53 8 proceedings because they're important to the citizens of New  
13:21:56 9 Orleans and to our many visitors to our city, and we all -- we know  
13:22:02 10 we all love this great city, and we're all here to support the  
13:22:06 11 NOPD.

13:22:07 12 When we last met in April, the monitoring team and I  
13:22:11 13 expressed optimism that NOPD was on track to move two significant  
13:22:16 14 areas, bias-free policing and stop, searches and arrests into what  
13:22:22 15 we call the green. I also expressed my hope that I would be able  
13:22:27 16 to hold public hearings on these topics in May and June. As you  
13:22:31 17 may have noticed, that did not happen. It did not happen because  
13:22:35 18 notwithstanding the ongoing effort and commitment of the monitoring  
13:22:40 19 team, the Department of Justice, the NOPD, and frankly this Court,  
13:22:46 20 completion of NOPD's audits of bias-free policing and stop,  
13:22:51 21 searches, and arrests have simply taken longer to accomplish than  
13:22:56 22 we expected.

13:22:57 23 Although these audits still are not complete, I scheduled  
13:23:01 24 this hearing, first, to report to the public on the status of those  
13:23:07 25 audits; second, to provide, to the extent possible, a plan for how

13:23:11 1 we proceed from here; and third, to address several troubling  
13:23:15 2 issues that recently have arisen.

13:23:18 3           Before we turn to these issues, however, there is a  
13:23:21 4 matter I must address. As you are aware, on Tuesday the City filed  
13:23:26 5 a motion to terminate the consent decree. The Department of  
13:23:31 6 Justice has not had an opportunity to respond to the motion and  
13:23:35 7 this Court has not had the opportunity to assess whether the  
13:23:39 8 procedure and standards for seeking termination of the consent  
13:23:43 9 decree, which are set forth in paragraph 492 if you would like to  
13:23:47 10 read them, have been met.

13:23:49 11           Despite some media reports to the contrary, today's  
13:23:54 12 hearing is not about the City's motion to terminate the consent  
13:23:59 13 decree. The only time a motion is filed on one day and a hearing  
13:24:03 14 is held the next day is on TV, and this is not TV. For those  
13:24:08 15 reasons, it would be premature for me to entertain any arguments  
13:24:12 16 related to the City's motion today. I will not expect the City or  
13:24:17 17 the DOJ to make any statements at today's hearing in support of or  
13:24:23 18 in opposition to that motion.

13:24:25 19           Nevertheless, it is my job to balance the parties' right  
13:24:28 20 to a fair opportunity to be heard on the motion in the future,  
13:24:34 21 against the public's right to know where things stand right now.  
13:24:39 22 The monitoring team and I have a responsibility to report to the  
13:24:42 23 public on the status of NOPD's compliance under the consent decree,  
13:24:47 24 and that is what we're here to do today. I will certainly give the  
13:24:51 25 NOPD and the DOJ the opportunity to speak today, if they would like

13:24:55 1 to.

13:24:57 2 As I mentioned in April, I expected that bias-free  
13:25:00 3 policing and stop, searches, and arrests would come into compliance  
13:25:05 4 this summer. The NOPD has made significant progress in both of  
13:25:10 5 those closely-related areas, and the monitoring team and DOJ  
13:25:14 6 currently are evaluating their progress, including the results of  
13:25:19 7 the audits in those areas.

13:25:21 8 I'm hopeful we'll be in a position to schedule those  
13:25:25 9 presentations soon. I've asked the monitors to report today on the  
13:25:29 10 progress made in those areas.

13:25:32 11 I've also asked the monitors to report today on several  
13:25:35 12 issues that have arisen since the public hearing in April. The  
13:25:40 13 first issue involves serious questions regarding potential abuse by  
13:25:45 14 NOPD officers performing off-duty details, also known as secondary  
13:25:52 15 employment. This raised concerns in my mind regarding the systems  
13:25:56 16 in place to prevent this kind of abuse, as well as the level of  
13:26:00 17 supervision over these implicated officers.

13:26:04 18 The second issue is NOPD's recruiting and retention  
13:26:08 19 problems. These issues are having an impact on the department's  
13:26:11 20 ability to maintain compliance with several of the requirements of  
13:26:18 21 the consent decree. We'll hear from the monitoring team in a  
13:26:21 22 moment regarding the steps NOPD and the City are taking to mitigate  
13:26:26 23 these negative impacts.

13:26:28 24 Finally, the Court is aware of recent inaccurate  
13:26:31 25 statements made by the City and other groups concerning the consent

13:26:36 1 decree's purported impact on NOPD personnel and their ability to  
13:26:41 2 safely and effectively discharge their duties. The Court is deeply  
13:26:46 3 concerned that these statements risk misleading the public and NOPD  
13:26:50 4 members with respect to whether the NOPD is fully committed to  
13:26:55 5 achieving full and sustained implementation of the consent decree's  
13:27:00 6 requirements.

13:27:04 7 The Court is also deeply concerned with the City's  
13:27:07 8 implication, without support, that the consent decree is impairing  
13:27:12 9 NOPD's ability to execute its law enforcement mission and placing  
13:27:16 10 its officers lives at risk. These inaccurate statements convey the  
13:27:22 11 false impression that NOPD officers want to revert back to the NOPD  
13:27:26 12 of old. They don't. Officers have told the monitoring team again  
13:27:31 13 and again that they are proud of the department's transformation  
13:27:36 14 since the outset of the consent decree. Officers have not told us  
13:27:40 15 that the consent decree is placing officers' lives at risk.

13:27:46 16 Instead, they are concerned that they have inadequate  
13:27:50 17 resources to do their jobs. They want and deserve working  
13:27:54 18 equipment, modern facilities, and fair pay. They say they need  
13:27:59 19 more personnel, commissioned officers and civilians, to enable them  
13:28:03 20 to protect and serve the public. Suggesting that officers want the  
13:28:08 21 consent decree to end so that they can return to policing the way  
13:28:12 22 they did before 2013 is wrong and dangerous and does a disservice  
13:28:19 23 to the men and women of the NOPD.

13:28:22 24 And let's all remember, many crucial reforms have been in  
13:28:26 25 place for years without any negative impact on recruitment or

13:28:31 1 retention. In fact, recruitment improved after implementation of  
13:28:37 2 the consent decree. Officer and public satisfaction improved after  
13:28:42 3 implementation of the consent decree. The current rising climb in  
13:28:48 4 crime and decline in officer recruitment and retention are national  
13:28:53 5 trends. This is happening in cities all over the country, most of  
13:28:58 6 which are not under consent decrees.

13:29:01 7 It is inaccurate and unfair to blame these problems on  
13:29:05 8 the consent decree. The Court expects the City's statements  
13:29:10 9 concerning the consent decree, whether to the Court or to the  
13:29:13 10 public, to be accurate, evidence-based, and consistent with the  
13:29:18 11 City's own agreement to fully implement the consent decree's  
13:29:23 12 reforms.

13:29:24 13 It is critical that the public, as well as the NOPD  
13:29:28 14 personnel, who have worked so tirelessly to implement the needed  
13:29:32 15 reforms remain confident that the City is not wavering from its  
13:29:38 16 commitment to achieve full and sustained compliance with its  
13:29:42 17 agreed-to obligations.

13:29:45 18 Since implementation of the consent decree, I have met  
13:29:48 19 regularly with the parties, including rank and file officers. The  
13:29:53 20 monitor also meets regularly with the parties, at least weekly, and  
13:29:58 21 sometimes daily, to discuss the status of NOPD's efforts and ensure  
13:30:05 22 everyone is on the same page regarding exactly what the City and  
13:30:10 23 NOPD need to do to achieve compliance.

13:30:13 24 Over the past seven or eight years, members of the  
13:30:16 25 monitoring team have spent time with NOPD officers on ride alongs,

13:30:22 1 in roll calls, in classes at the academy, and in countless  
13:30:27 2 meetings. The monitors and I know what officers think about the  
13:30:32 3 consent decree, the challenges they face, and how they feel about  
13:30:37 4 their jobs because they tell us. Believe me, NOPD officers are not  
13:30:42 5 shy about expressing their opinions about the consent decree, their  
13:30:47 6 jobs, the department, or most anything else for that matter.

13:30:52 7 We have learned that officers are frustrated by the lack  
13:30:55 8 of resources, including equipment, supplies, technology, and  
13:30:59 9 perhaps most significantly personnel. And that lack of resources  
13:31:07 10 undermines not just NOPD's ability to meet consent decree  
13:31:11 11 requirements, but its ability to serve the public. They tell us,  
13:31:16 12 and the monitoring team has confirmed, that numerous positions  
13:31:22 13 critical to compliance with the consent decree, as well as NOPD's  
13:31:25 14 ability to protect the citizens and visitors of New Orleans have  
13:31:28 15 remained unfilled, sometimes for months. This lack of personnel  
13:31:33 16 may have caused some areas previously found in compliance to be  
13:31:38 17 non-compliant at this time.

13:31:41 18 In short, I think I am correct in saying that everyone  
13:31:44 19 involved in this project is concerned that there simply are too few  
13:31:50 20 people responsible for doing too many things. These deficiencies  
13:31:55 21 are inconsistent with the City's obligation to support the NOPD.  
13:32:01 22 In particular, paragraph 12 of the consent decree makes clear, and  
13:32:05 23 I quote, "the City is responsible for providing necessary support  
13:32:11 24 and resources to NOPD to enable NOPD to fulfill its obligations  
13:32:17 25 under the consent decree."

13:32:18 1           Since May the monitors and I have met with the City to  
13:32:24 2 address many of these concerns. I am pleased to report that the  
13:32:27 3 City has a plan in place to better equip and supply the NOPD, to  
13:32:33 4 improve and replace facilities, and most importantly to hire more  
13:32:37 5 people.

13:32:38 6           In April I directed the monitoring team to compile the  
13:32:42 7 feedback they have received from officers over the previous  
13:32:46 8 12 months into a technical assistance report to help the department  
13:32:52 9 identify steps it could take to address these issues. As part of  
13:32:57 10 that process, I also asked the monitors to meet with the various  
13:33:02 11 police associations to obtain their perspectives and ensure their  
13:33:06 12 views were reflected in the report.

13:33:09 13           The monitoring team shared its comprehensive technical  
13:33:13 14 assistance report with NOPD in May. This report is filled with  
13:33:18 15 sensible recommendations coming straight from the officers to  
13:33:23 16 reduce unnecessary burdens and to improve officer recruitment and  
13:33:28 17 retention. These efforts also will help the NOPD achieve and  
13:33:33 18 maintain compliance with the consent decree and help NOPD better  
13:33:38 19 serve the New Orleans community.

13:33:40 20           I've asked the monitoring team to make the report public  
13:33:44 21 in the near future. I hope to be able to include NOPD's response  
13:33:48 22 to the officers' recommendations at that time.

13:33:51 23           Before we begin the hearing, I would be remiss if I did  
13:33:57 24 not recognize the ongoing work of many within the NOPD who continue  
13:34:01 25 to go above and beyond the call of duty to help the department meet

13:34:06 1 its consent decree obligations and protect the public. These  
13:34:10 2 professionals include, among many others, folks like innovation  
13:34:16 3 manager Matt Segraves, who due to staffing shortages shoulders an  
13:34:22 4 inordinate share of NOPD's workload; innovation managers Michael  
13:34:28 5 Pfieffer and Faith Thornton play a critical role in keeping NOPD's  
13:34:33 6 compliance efforts moving forward; Deputy Chief Arlinda Westbrook,  
13:34:39 7 who built and continues to lead an excellent internal affairs unit;  
13:34:43 8 Captain Nick Gernon, who has been doing yeoman's work getting a  
13:34:47 9 brand new crime lab up and running; and Lieutenant Nicole Powell,  
13:34:51 10 who created a top-notch management tool to help the department's  
13:34:55 11 field operations bureau achieve many of its compliance goals.

13:35:01 12           There are, of course, many others, and the fact that I  
13:35:04 13 have not named you today does not mean I do not recognize and  
13:35:08 14 appreciate your contributions. In fact, many of you have been  
13:35:12 15 recognized in prior hearings.

13:35:14 16           I also would be remised if I failed to commend the DOJ  
13:35:19 17 team and the monitoring team, the members of which continue to do  
13:35:23 18 their jobs thoughtfully and enthusiastically, day in and day out,  
13:35:29 19 notwithstanding the new burdens imposed by the department's  
13:35:33 20 staffing shortages.

13:35:35 21           I want to assure the public that the monitoring team and  
13:35:38 22 the DOJ are continuing to work hard to help NOPD achieve compliance  
13:35:44 23 with the consent decree.

13:35:47 24           With these preliminary comments in mind, let's talk about  
13:35:51 25 how today's hearing will proceed. First I will hear from the

13:35:53 1 monitoring team. In addition to a brief presentation from them,  
13:36:01 2 I've asked them to address several issues during their remarks.

13:36:06 3 Second, I would like to hear from the Department of  
13:36:09 4 Justice regarding its views on the current state of NOPD's affairs.  
13:36:14 5 Finally, I will open the floor to the City and NOPD to make any  
13:36:18 6 remarks that they wish to make.

13:36:21 7 So without further adieu, let's get started. I'll ask  
13:36:26 8 our lead monitor Jonathan Aronie to begin.

13:36:33 9 MR. ZIMMER: Your Honor, just for the record, the City  
13:36:33 10 objects to the monitor issuing a public report without first  
13:36:36 11 complying with Articles 458 and 462 of the consent decree.

13:36:39 12 THE COURT: Well, this is not really the time to do that,  
13:36:42 13 but I will -- thank you and I will take note of that.

13:36:49 14 MR. ZIMMER: Thank you, your Honor.

13:36:50 15 MR. ARONIE: Thank you, your Honor. As you know, my team  
13:36:52 16 and I have been at this for quite awhile. Since we began the  
13:36:55 17 journey in August 2013, we have been single-mindedly focused on one  
13:36:59 18 thing: Ensuring the police services are delivered to the people of  
13:37:03 19 New Orleans in a manner consistent with the consent decree that the  
13:37:05 20 department and the City entered into.

13:37:08 21 To do this, as you know, we analyze data, we review  
13:37:11 22 policies and procedures, we assess practices, we monitoring  
13:37:15 23 training, and we meet with officers and the public. We do all of  
13:37:19 24 this to be able to share current, accurate, and complete  
13:37:22 25 information with the Court and the public regarding the state of

13:37:24 1 NOPD's and the City's compliance with their consent decree  
13:37:28 2 obligations.

13:37:29 3 To that end, your Honor, David and I are pleased to be  
13:37:32 4 here today to provide you and the public a brief report on the  
13:37:35 5 current status of NOPD compliance with its obligations under the  
13:37:38 6 consent decree.

13:37:40 7 As we talked about it at the April hearing, I think the  
13:37:43 8 right place to start is with bias-free policing and stops,  
13:37:47 9 searches, and arrests. And since David has been taking the lead in  
13:37:50 10 that area, I am going to switch places with David for a moment and  
13:37:53 11 then I'll come back up right after that.

13:37:56 12 THE COURT: All right.

13:37:56 13 MR. ARONIE: Thank you, your Honor. David.

13:37:57 14 THE COURT: So we welcome David Douglass.

13:38:00 15 MR. DOUGLASS: Thank you, your Honor, and good afternoon.  
13:38:02 16 As Jonathan just mentioned, one of the areas that the department  
13:38:07 17 has been working hard on to achieve compliance is bias-free  
13:38:10 18 policing and also the closely-related area of stops, searches, and  
13:38:16 19 arrests.

13:38:16 20 THE COURT: David, why don't you take your mask off while  
13:38:18 21 you're at podium. Thank you.

13:38:20 22 MR. DOUGLASS: Thank you, your Honor.

13:38:21 23 Over the last several years, your Honor, the department  
13:38:25 24 has adopted policies designed to prohibit bias policing, trained  
13:38:29 25 officers on those policies, adopted policies to serve the needs of

13:38:35 1 limited English proficient members of the community, and to address  
13:38:40 2 concerns of the LGBTQ community.

13:38:45 3           What we've been focussing on, your Honor, for the last  
13:38:47 4 few months, the City and the DOJ and us, is testing the success of  
13:38:52 5 those reforms by auditing practices and the data related to that  
13:38:57 6 gives us indicia of disparities that may suggest bias. We worked  
13:39:03 7 closely with NOPD, with the DOJ attorneys, with our experts, with  
13:39:06 8 DOJ experts to develop a tool that would test for these indicia of  
13:39:12 9 bias, and we've been reviewing the results.

13:39:15 10           We just recently received NOPD's report concerning  
13:39:21 11 bias-free policing generally and the results of this data analysis.  
13:39:27 12 We and DOJ are currently reviewing that. We'll be exchanging --  
13:39:32 13 responding to NOPD with questions, comments, concerns, and we hope  
13:39:36 14 to receive a final report from NOPD before too long, and then, of  
13:39:42 15 course, proceed to reporting to you and the public.

13:39:44 16           THE COURT: I want to thank everyone involved in this  
13:39:46 17 effort - the department, the monitors, and DOJ - because I know  
13:39:51 18 this is kind of a new territory and there's not a clear path out  
13:39:59 19 there, a form to fill in, so you all had to work really hard in  
13:40:03 20 developing the procedure and protocol for assessing these policies.  
13:40:08 21 Not just so that the NOPD can comply with the consent decree, but  
13:40:12 22 so that it can know whether it is bias-free.

13:40:18 23           And so I look forward to getting the report.

13:40:21 24           MR. DOUGLASS: Thank you, your Honor. And let me  
13:40:23 25 follow-up on that comment. Bias-free and stop, search, and

13:40:25 1 arrests, these are the two areas that from the inception of the  
13:40:28 2 consent decree have generated sort of the most public question and  
13:40:32 3 concern and comment. And that's understandable because when it  
13:40:36 4 comes to bias and constitutional rights, that's where the most  
13:40:39 5 officers have the most interaction with the public countless times  
13:40:44 6 every day. So we not only need to make the changes, we needed to  
13:40:49 7 develop the data tools and systems to really let us analyze what  
13:40:53 8 is, in fact, happening on the street, and we want to do that in a  
13:40:56 9 way that we can really address the public's concerns about what's  
13:41:00 10 happening and the progress that's been made and to have the  
13:41:03 11 management and supervision tools so that they can -- once they  
13:41:07 12 achieve compliance, they remain in compliance. And it's been a  
13:41:11 13 substantial undertaking actually.

13:41:13 14 THE COURT: We know these are areas that are important to  
13:41:15 15 citizens, you know. This has to do with interaction between the  
13:41:20 16 citizens and the police department, and so it was really an  
13:41:23 17 important area. I've said to people before, it's not any accident  
13:41:27 18 that those came last. All of these other things had to be in place  
13:41:31 19 to allow us to get to this point. So there was a method to the  
13:41:36 20 madness. We had to get a lot of things in place, when that  
13:41:40 21 happened, then the monitoring team, DOJ, and the department started  
13:41:44 22 focussing on these two areas, have done a lot of work, but it  
13:41:50 23 wasn't easy, and I recognize that; and so I just want to thank  
13:41:55 24 everybody involved for keeping with it.

13:41:56 25 MR. DOUGLASS: Now if I can turn to the stop, search, and

13:41:59 1 arrests briefly, your Honor?

13:42:01 2 THE COURT: Yes.

13:42:02 3 MR. DOUGLASS: So that's clearly a place where bias can  
13:42:05 4 potentially manifest itself, so it's intertwined with the  
13:42:06 5 bias-free. And, of course, it also entails its own constitutional  
13:42:09 6 dimensions.

13:42:11 7 The NOPD and we have been auditing officer conduct with  
13:42:14 8 respect to stop, search, and arrests since the beginning. Progress  
13:42:18 9 was slow at first, as you can imagine, it got better but there was  
13:42:24 10 some unevenness; but beginning -- following the audit that they did  
13:42:27 11 for 2021, the department came up with a new process intended to  
13:42:32 12 sort of improve compliance and its feedback to officers. So what  
13:42:37 13 they did through the field operations bureau is they would also  
13:42:40 14 sample data concerning stop, searches, and arrests, and review it  
13:42:44 15 in close to realtime so they could review what was happening and  
13:42:48 16 provide immediate feedback to supervisors and officers, rather than  
13:42:53 17 waiting for quarterly audits when it's really too late to go back  
13:42:58 18 and address those problems.

13:42:59 19 So they really implemented this process, developed it, we  
13:43:03 20 worked with them closely, and we have begun to see the numbers  
13:43:06 21 improve. So we are optimistic that when we get to the next report,  
13:43:10 22 we will see meaningful improvement.

13:43:13 23 And I want to be clear, we're not talking about drastic  
13:43:16 24 noncompliance. We'll report on the specifics of it, but  
13:43:21 25 nevertheless, from where they were to where they are, where we

13:43:24 1 expect them to be, we expect to see improvement.

13:43:28 2           It was a great effort. I want to particularly commend  
13:43:34 3 Lieutenant Nicole Powell, you mentioned her earlier, but she is the  
13:43:36 4 one who really engineered and shepherded through this new process  
13:43:40 5 of providing closer and more effective supervision.

13:43:42 6           If I can just share one antidote. We had a call where we  
13:43:46 7 were discussing this and all of these things take work and  
13:43:49 8 developing systems and trying to figure out how to do it in the  
13:43:52 9 least burdensome way, and there was just one data point where we  
13:43:55 10 said, well, maybe we don't need this for our purposes. And  
13:43:59 11 Lieutenant Powell said, well, you may not need it for your  
13:44:02 12 purposes, but I need this in order to give the supervision and  
13:44:06 13 direction we're trying to provide. And that was just a great  
13:44:09 14 moment because it really showed that the NOPD and Lieutenant Powell  
13:44:13 15 are not just looking to satisfy us and comply with the letter of  
13:44:18 16 the consent decree, but really in spirit to make sure these changes  
13:44:21 17 are meaningful and can be sustained. So we really thought that was  
13:44:24 18 really just a great moment and sort of illustrative of really the  
13:44:29 19 broader commitment to improving its stop, search, and arrests that  
13:44:35 20 we've seen in the department.

13:44:35 21           THE COURT: I know this is also very difficult area to  
13:44:38 22 develop the procedures and policies and the audit protocol and then  
13:44:43 23 to follow through on that, so I want to also commend the department  
13:44:48 24 and the monitors and DOJ for completing much of that work, and I am  
13:44:54 25 also looking forward to receiving that report.

13:44:56 1 MR. DOUGLASS: Thank you, your Honor. I'll turn it back  
13:44:59 2 to Mr. Aronie.

13:45:11 3 MR. ARONIE: Thank you, your Honor. Moving beyond  
13:45:14 4 bias-free and stop, search, and arrests, I would like to address a  
13:45:17 5 few other areas that the monitoring team is focussing on at the  
13:45:22 6 moment. We'll start with Section 16 of the consent decree, which  
13:45:26 7 relates to rules regarding the Office of Secondary Employment.

13:45:31 8 This is one of the first areas, as you'll remember, the  
13:45:33 9 Court moved into the green many years ago. As you know, however,  
13:45:37 10 the City's secondary employment program is under great scrutiny  
13:45:41 11 right now due to an ongoing federal and PIB investigation into  
13:45:45 12 multiple officers alleged to have violated the law and NOPD policy.  
13:45:50 13 The monitoring team has been working closely with the IPM, the PIB,  
13:45:56 14 other agencies, and individuals to ensure that the matter is  
13:46:00 15 investigated fully and that all wrongdoers are held accountable.

13:46:03 16 As we looked into this matter, your Honor, we identified  
13:46:07 17 three different types of problems. First, as in all professions,  
13:46:12 18 there are opportunities for individuals intent on doing wrong to  
13:46:16 19 take advantage of most any system. The ongoing federal criminal  
13:46:20 20 investigation and NOPD administrative investigation into multiple  
13:46:23 21 officers certainly suggests that that happened here. No system  
13:46:27 22 will catch all wrongdoers, but this is why the consent decree  
13:46:30 23 spends so much time and attention on the importance of a fair and  
13:46:33 24 effective misconduct investigation and discipline program. That  
13:46:38 25 process is running its course right now, and the monitoring team is

13:46:41 1 following it closely.

13:46:44 2           Second, your Honor, as we study the root cause of the  
13:46:48 3 OPSE issue, we identified a few systemic shortcomings within the  
13:46:51 4 system that contributed to the non-compliances. For example, we  
13:46:53 5 found that NOPD's time-keeping system did not talk to OPSE's time  
13:46:58 6 keeping system, which made it very hard for NOPD or OPSE to notice  
13:47:03 7 certain types of violations.

13:47:04 8           And third, your Honor, we also identified confusion on  
13:47:06 9 the part of at least some officers, and supervisors, regarding some  
13:47:10 10 of the OPSE rules. Now, while this confusion does not explain the  
13:47:14 11 totality of the problem that we have seen, and certainly cannot be  
13:47:17 12 used as an excuse for those intent on violating the law, it does  
13:47:22 13 explain, at least, some actions by some officers. NOPD has already  
13:47:26 14 taken corrective action to provide clearer guidance to officers and  
13:47:30 15 supervisors where necessary.

13:47:31 16           In addition to the systemic shortcomings, we also are  
13:47:35 17 looking right now into whether there were supervisory shortcomings  
13:47:40 18 on the part of NOPD or OPSE that might have contributed to these  
13:47:43 19 problems as well.

13:47:43 20           Moving, your Honor, to Section 13 --

13:47:46 21           THE COURT: Let me say before you leave OPSE, this is  
13:47:49 22 first area -- this was the first area that we tackled under the  
13:47:53 23 consent decree, and those of you who have been with it the whole  
13:47:56 24 time will remember it was a difficult, some said it couldn't be  
13:48:02 25 done, but we now have an excellent system in place that works for

13:48:06 1 the officers and citizens; and so I am very proud of that  
13:48:13 2 achievement, and I was particularly concerned when there were  
13:48:16 3 problems with it. So I am gratified to hear that solutions have  
13:48:22 4 been found, and I'm sure that we're going to get to the bottom of  
13:48:26 5 that.

13:48:26 6 MR. ARONIE: Yes. And, your Honor, along the lines of  
13:48:29 7 how hard everyone worked at the outset to get this up and running,  
13:48:32 8 I probably should give a shout out to a blast from the past, who is  
13:48:35 9 sitting in the front row behind me, over my left shoulder, John  
13:48:38 10 Salomone is here in the courtroom with us today.

13:48:41 11 THE COURT: John, would you stand up.

13:48:41 12 MR. SALOMONE: Hi, your Honor.

13:48:42 13 THE COURT: Thank you very much. I am so glad to see you  
13:48:44 14 today. And thank you for being here, and thank you for all of the  
13:48:47 15 work that you did when we were setting up the Office of Secondary  
13:48:51 16 Employment.

13:48:52 17 MR. SALOMONE: Happy to have been a part of it.

13:48:55 18 MR. ARONIE: Thanks, John. Thanks, your Honor.

13:48:57 19 I am going to move to Section 13 of the consent decree  
13:48:59 20 now, which sets out the obligations for the NOPD regarding having a  
13:49:02 21 meaningful officer assistance and support program.

13:49:05 22 We found the department's program in the green, as you  
13:49:08 23 and we say, sometime ago. Since then, however, the attention that  
13:49:12 24 has been given to this program has waned somewhat. In fact,  
13:49:15 25 earlier this year we learned that the office had lost some critical

13:49:19 1 staff members, which only now are being replaced. We also saw  
13:49:25 2 indications that the program was not receiving adequate funding  
13:49:28 3 commensurate with its importance.

13:49:30 4 As you probably know, national data makes it clear that  
13:49:33 5 officers suffer from stress and depression and alcoholism and  
13:49:38 6 suicide above national averages. An effective Officer Assistance  
13:49:43 7 Program is a critical resource for officers and it's a critical  
13:49:47 8 benefit to the public.

13:49:49 9 Speaking about the public, your Honor, Section 10 of the  
13:49:53 10 consent decree requires NOPD to promote and strengthen partnerships  
13:49:56 11 within the community.

13:49:57 12 THE COURT: Let me say before you leave. You have to  
13:50:00 13 tell me when you're leaving a topic.

13:50:01 14 MR. ARONIE: Okay. Your Honor, I'm leaving that topic.  
13:50:05 15 Do you have any questions?

13:50:06 16 THE COURT: I have a comment. The Officer Assistance  
13:50:08 17 Program is so important, and that's another area that I was so  
13:50:12 18 pleased to see when we got the office set up and working because of  
13:50:20 19 the stress that is inherent in this job. And it was just heart  
13:50:26 20 breaking that that office was allowed to disintegrate, and I was  
13:50:32 21 shocked when I found out that it was not being supported the way  
13:50:35 22 that it needed to be supported because the officers deserve better  
13:50:39 23 than that.

13:50:40 24 And so we're -- I'm pleased that it's being restaffed and  
13:50:46 25 it will be up and running again soon. We don't want that ever to

13:50:50 1 happen again.

13:50:50 2 MR. ARONIE: No, certainly. It's too important. And,  
13:50:52 3 your Honor, I would be remiss if I did not point out that there is  
13:50:55 4 an officer who did remarkable work keeping this going, even without  
13:51:01 5 appropriate resources. His name, I hope I have it right, is Chris  
13:51:04 6 Abbott. And Chris has been a stellar --

13:51:07 7 THE COURT: Is he here today?

13:51:09 8 MR. ARONIE: I don't believe Chris is here.

13:51:10 9 THE COURT: He's probably too busy.

13:51:12 10 MR. ARONIE: Right. He is very well respected. And  
13:51:15 11 notwithstanding the lack of resources, he really put it all on his  
13:51:20 12 shoulders to keep it moving forward. Very impressive gentleman.

13:51:24 13 THE COURT: Will you please, Chief Ferguson, will you  
13:51:27 14 please pass along my thanks to him.

13:51:29 15 SUPERINTENDENT FERGUSON: Absolutely, thank you, ma'am.

13:51:32 16 MR. ARONIE: Your Honor, I am moving to the next topic.

13:51:32 17 THE COURT: Okay.

13:51:36 18 MR. ARONIE: On the topic, I was getting to Section 10 of  
13:51:38 19 the consent decree, which requires that the police department  
13:51:40 20 promote and strengthen partnerships within the community and to  
13:51:45 21 engage constructively with the community, to ensure collaborative  
13:51:49 22 problem solving and ethical advisory policing, to increase the  
13:51:53 23 community's confidence in the department.

13:51:55 24 In the face of the manpower shortages, however, your  
13:51:58 25 Honor, NOPD's effort in this area are -- they're taking a toll.

13:52:05 1 Not because NOPD officers don't want to engage with the community,  
13:52:08 2 quite the contrary, they absolutely do. But because they're too  
13:52:13 3 often don't have enough time or running from call to call to call  
13:52:17 4 to call, it is very hard to do what's required of them in terms of  
13:52:19 5 community policing, community oriented problem-solving in a  
13:52:23 6 meaningful way.

13:52:24 7 We've also, because of the nature of the police  
13:52:28 8 department, as people promote out of positions we've seen a high  
13:52:31 9 level of turnover in this department, which has also made it very  
13:52:34 10 hard and has caused the community group to have to start over a few  
13:52:38 11 times.

13:52:40 12 Staying on this topic, your Honor, I also have to give  
13:52:45 13 kudos to Superintendent Ferguson. Superintendent Ferguson has done  
13:52:51 14 a remarkably good job refocussing the department's attention on  
13:52:54 15 something called PCAB, the Police Community Advisory Boards. The  
13:53:00 16 purpose of PCABs are to work collaboratively with the police  
13:53:04 17 department to develop and implement public safety strategies that  
13:53:07 18 reflect and respect each community's public safety priorities.

13:53:11 19 I have heard from multiple community stakeholders that  
13:53:14 20 they have seen first hand a renewed and much-welcomed energy by the  
13:53:18 21 department in the PCAB process. And that is important because the  
13:53:24 22 PCAB process is important. It's also, of course, required by the  
13:53:28 23 consent decree. So big thumbs up to Superintendent Ferguson to  
13:53:32 24 reviving that program.

13:53:33 25 Your Honor, moving to Section 17, unless you have a

13:53:36 1 question on that.

13:53:37 2 THE COURT: No. Thank you.

13:53:38 3 MR. ARONIE: Very good.

13:53:39 4 THE COURT: Thank you, Chief Ferguson.

13:53:41 5 SUPERINTENDENT FERGUSON: Thank you, your Honor.

13:53:42 6 MR. ARONIE: Section 17 obligates the department to  
13:53:44 7 maintain a fair and consistent and unbiased disciplinary system;  
13:53:48 8 this relates to misconduct investigations and the resulting  
13:53:52 9 discipline. As you know, we have been quite complimentary to  
13:54:02 10 NOPD's Public Integrity Bureau over the years, and frankly, we  
13:54:02 11 continue to be quite complimentary. However, we keep an eye on PIB  
13:54:03 12 just as we keep an eye on every bureau.

13:54:05 13 The monitoring team has raised concerns about PIB  
13:54:09 14 investigation timelines previously, and we continue -- and we  
13:54:12 15 currently are looking at that same issue again today. We're  
13:54:16 16 working with PIB to better understand the reasons for these  
13:54:20 17 investigation timelines, and we will work with the department to  
13:54:24 18 solve the problem.

13:54:25 19 THE COURT: And I understand that may also be a resource  
13:54:29 20 issue.

13:54:30 21 MR. ARONIE: It absolutely is partly driven by resource  
13:54:33 22 issues. Now, I am not -- we're not complete the review, so I can't  
13:54:36 23 stand here and give all of the reasons, but resources is a big part  
13:54:40 24 of it I'm certain.

13:54:41 25 We also have heard complaints from officers, your Honor,

13:54:44 1 about PIB what I guess they would say is over discipline. We take  
13:54:48 2 those complaints seriously, just as we take complaints from the  
13:54:51 3 public seriously, and we have looked into this issue. We conducted  
13:54:56 4 an initial analysis of discipline and saw no systematic pattern of  
13:55:02 5 over discipline. Nonetheless, we are well aware of the perception  
13:55:06 6 among officers and we've increased our work in the area to ensure,  
13:55:09 7 as required by Section 17 of the consent decree, all allegations of  
13:55:12 8 officer misconduct are fully and fairly investigated, that all  
13:55:16 9 investigative findings are supported by the preponderance of the  
13:55:19 10 evidence standard and documented in writing, and, equally  
13:55:22 11 importantly, that all officers who commit misconduct are held  
13:55:25 12 accountable pursuant to a discipline system that is fair and  
13:55:28 13 consistent.

13:55:29 14 Moving on to Section 18, your Honor. Section 18 of the  
13:55:33 15 consent decree requires the police department to maintain a very  
13:55:36 16 high level of transparency with the public; including collecting,  
13:55:41 17 maintaining, and publicly reporting significant amounts of data.  
13:55:44 18 Unfortunately, because, and this is a common theme you'll hear  
13:55:48 19 today, because PSAP, the bureau responsible for much of this, is  
13:55:53 20 understaffed. The department's compliance with its reporting  
13:55:56 21 obligations has slowed over the past years, notwithstanding the  
13:56:00 22 Herculean efforts of the current staff.

13:56:03 23 While this may sound like a paperwork exercise, it's not,  
13:56:06 24 your Honor. Public transparency is a core element of the consent  
13:56:10 25 decree. It is what will empower the community to hold the police

13:56:14 1 department accountable long after we are gone. Any reduction in  
13:56:18 2 transparency is a cause for concern.

13:56:22 3 Your Honor, there's more, but the additional examples  
13:56:25 4 will make more or less the same point.

13:56:27 5 NOPD's current recruiting, retention, and manpower  
13:56:31 6 problems are taking a toll on multiple areas of the consent decree.  
13:56:35 7 I want to empathize -- I want to emphasize, I can't speak, your  
13:56:40 8 Honor, that the problems we are seeing do not appear to us to be  
13:56:43 9 the result of a lack of commitment by the men and women of the  
13:56:47 10 NOPD. Indeed, just the opposite.

13:56:48 11 On a daily basis, David and I and our team have the honor  
13:56:53 12 of working alongside a host of bright, energetic, committed  
13:56:57 13 individuals. And I want to thank them all here today, several of  
13:57:01 14 whom are in the courtroom with us today, for their continued  
13:57:04 15 commitment to this process. And I want to say to them, your Honor,  
13:57:07 16 don't give up. I thank you personally for your hard work. The  
13:57:11 17 NOPD has accomplished things, frankly, that no one thought possible  
13:57:14 18 when we began this journey in 2013; and if we continue working  
13:57:19 19 together, we will ensure that the people of New Orleans have a  
13:57:25 20 department they can be proud of for decades to come.

13:57:28 21 I also want to stress, your Honor, that NOPD's current  
13:57:30 22 problems are most certainly not all of its own making. As you  
13:57:33 23 noted in your opening, law enforcement agencies across the U.S. are  
13:57:36 24 struggling with the same issues. Recruitment and retention are  
13:57:40 25 down everywhere. Professionals are leaving government service in

13:57:43 1 droves. Crime is up across the country. Add to that, your Honor,  
13:57:47 2 a global pandemic, an unprecedented city-wide cyber attack, a  
13:57:53 3 horrible hurricane season, and you end up with, well, if you'll  
13:57:56 4 excuse the pun, the perfect storm.

13:57:58 5 And by the way, these things, most notably COVID, has  
13:58:00 6 impacted the monitoring team as well and our ability to conduct the  
13:58:03 7 same level of on-the-ground audits that we had been able to do  
13:58:07 8 previously.

13:58:08 9 Now to help the department navigate this perfect storm,  
13:58:11 10 you directed us earlier this year, you mentioned this in your  
13:58:14 11 opening, to compile observations from our literally hundreds and  
13:58:17 12 hundreds of meetings with officers into a practical list of  
13:58:21 13 recommendations for the NOPD leadership team. You further asked us  
13:58:24 14 to meet with the various police associations to solicit their views  
13:58:28 15 on how to help NOPD stem the flow of officer departures. We did  
13:58:35 16 that in April and we provided our recommendation to the NOPD in  
13:58:37 17 May. We also have analyzed, and will continue to analyze, officer  
13:58:42 18 exit interviews to further supplement our analysis and our  
13:58:44 19 recommendations.

13:58:45 20 Happy to say we received the department's response to our  
13:58:49 21 recommendations yesterday, and we look forward to reviewing them  
13:58:51 22 closely. And then working with the department to the extent we can  
13:58:54 23 help implement them.

13:58:56 24 Your Honor, thank you again for this opportunity to talk  
13:58:59 25 to you about NOPD's state of compliance with the consent decree.

13:59:03 1 Just so it's on the record, we plan to host a public meeting in  
13:59:08 2 September. Remember, a public meeting is different from a public  
13:59:10 3 hearing, in that at the public meeting citizens and the media can  
13:59:13 4 talk, ask questions, make comments, et cetera. We usually hold  
13:59:17 5 these at Ashé Cultural Center, but we'll get that date on the  
13:59:24 6 calendar in September.

13:59:25 7 We also plan to resume our previous regular practice of  
13:59:29 8 regular written status reports, something that slowed down during  
13:59:32 9 COVID.

13:59:33 10 Thank you again for the time, your Honor.

13:59:35 11 THE COURT: Thank you so much, and thank you,  
13:59:37 12 Mr. Douglass, also. So now I would like to hear from the  
13:59:40 13 Department of Justice.

13:59:47 14 MR. MYGATT: Good afternoon, your Honor. We only have a  
13:59:51 15 few brief comments for you.

13:59:55 16 As the Court already stated, yesterday we received notice  
13:59:56 17 that the City will submit a motion for termination of the consent  
13:59:59 18 decree on September 14th, 2022. And the City also filed the motion  
14:00:03 19 for termination with the Court as an attachment to a motion for  
14:00:05 20 leave to exceed page limits. Because the motion to terminate is  
14:00:08 21 now in the record, I want to be clear that my comments are not a  
14:00:12 22 response to that motion. The United States is still considering  
14:00:16 23 its response, and there is a process for that response under the  
14:00:19 24 consent decree that we will follow.

14:00:21 25 We do want to acknowledge, and indeed applaud, the

14:00:25 1 significant progress the City has made in implementing the consent  
14:00:29 2 decree. As the monitor has found, and we have agreed, the City has  
14:00:33 3 achieved initial compliance in 15 of the 17 substantive areas  
14:00:37 4 covered by the consent decree. This is due to a tremendous amount  
14:00:41 5 of hard work by many people throughout the New Orleans Police  
14:00:45 6 Department. There has not yet been any formal assessment of  
14:00:49 7 whether the City and NOPD have sustained compliance with these  
14:00:53 8 15 areas of the consent decree.

14:00:54 9 In its proposed motion to terminate, the City has argued  
14:00:57 10 that it has sustained compliance; and we will consider the  
14:01:00 11 information and follow the process in the consent decree to assess  
14:01:04 12 whether compliance has been sustained.

14:01:06 13 In the two remaining areas of the consent decree, stops,  
14:01:10 14 searches, and arrests and bias-free policing, the City is nearing  
14:01:14 15 compliance under one of the methods set forth in the consent  
14:01:17 16 decree, which requires that the provisions of the decree in these  
14:01:23 17 areas be incorporated into policy, that all relevant personnel be  
14:01:27 18 trained, and that NOPD has ensured that the requirements are being  
14:01:29 19 carried out in practice, which would usually be demonstrated  
14:01:34 20 through audits.

14:01:35 21 In its proposed motion to terminate, the City has also  
14:01:38 22 argued that it has already achieved and sustained compliance --

14:01:41 23 MR. DAVILLIER: Objection, your Honor. He is talking  
14:01:42 24 about the motion. He said he was not going to talk about the  
14:01:45 25 motion.

14:01:46 1 THE COURT: I don't want to get into the motion today --

14:01:49 2 MR. DAVILLIER: Thank you, your Honor.

14:01:50 3 THE COURT: -- so if you could -- because I've asked them  
14:01:52 4 not to get up and argue their motion. I want to wait until I've  
14:01:57 5 read everything.

14:01:59 6 MR. MYGATT: I absolutely understand, your Honor. I just  
14:02:01 7 wanted to acknowledge the work that's been done, and all I am  
14:02:02 8 trying to say is we're going to follow the process in the consent  
14:02:06 9 decree to assess that. And that was actually the exact point that  
14:02:08 10 I was about to make.

14:02:09 11 MR. DAVILLIER: Thank you.

14:02:11 12 MR. MYGATT: You've made an argument about that and we're  
14:02:13 13 going to assess that.

14:02:14 14 THE COURT: Okay, all right. Let's go. Let's proceed.

14:02:17 15 MR. MYGATT: Over the past several months, some issues  
14:02:19 16 have arisen that have raised concerns for us about whether NOPD has  
14:02:22 17 sustained compliance in areas previously found in compliance and  
14:02:25 18 whether NOPD can sustain compliance without ongoing technical  
14:02:29 19 assistance from the monitor and us. The Court has talked about  
14:02:32 20 some of those issues already, and I don't want to go into length on  
14:02:35 21 those. Again, the City has made arguments about those, and we will  
14:02:37 22 consider those at the proper time.

14:02:40 23 We also want to state clearly that if the City or NOPD  
14:02:44 24 have any concerns about the implementation of the consent decree,  
14:02:47 25 we are willing to discuss those concerns with the City and NOPD at

14:02:51 1 any time. The consent decree includes a mechanism for modification  
14:02:54 2 of the decree if it is not achieving its intended goals, and we  
14:02:59 3 have used that process 25 times throughout the course of the decree  
14:03:02 4 to make modifications.

14:03:03 5 We all want to make sure that the decree is achieving our  
14:03:07 6 shared goals of improving public safety and upholding  
14:03:10 7 constitutional rights. We are committed to enforcing this decree  
14:03:14 8 flexibly to meet those goals. We will also fulfill our duty to  
14:03:18 9 ensure that the statutory and constitutional rights of all members  
14:03:20 10 of the New Orleans community are protected.

14:03:22 11 Under 34 U.S.C. 12601, the statute we enforce here, we  
14:03:28 12 are required to seek to eliminate the pattern or practice, and that  
14:03:30 13 means that we must ensure that the reforms we have all undertaken  
14:03:35 14 here are durable.

14:03:36 15 Thank you, your Honor.

14:03:36 16 THE COURT: Thank you. And would the City or NOPD like  
14:03:42 17 to make any remarks?

14:03:53 18 MS. TURNER: Good afternoon, your Honor. So we  
14:04:02 19 acknowledge that the City has filed a motion to terminate the  
14:04:06 20 current consent decree. However, we also acknowledge that the New  
14:04:13 21 Orleans Police Department is committed to reform and constitutional  
14:04:18 22 policing.

14:04:19 23 Over the past nine months in this position, I've had the  
14:04:23 24 pleasure and opportunity to speak frankly with Superintendent  
14:04:27 25 Ferguson, deputy chiefs, and other officers in the department.

14:04:33 1 They've all told me that they are honored to be a part of this  
14:04:38 2 department and are committed to the reforms that are already in  
14:04:42 3 place as well. The mayor and her entire administration is  
14:04:49 4 committed to NOPD and their compliance with the ideals of the  
14:04:55 5 consent decree.

14:04:55 6 And while I am on the support of the mayor and her entire  
14:05:01 7 administration, I would also like to tell the Court, and NOPD as  
14:05:06 8 well, that our City Council members are also in support, in full  
14:05:11 9 support of NOPD, as is reflected today with some of our City  
14:05:16 10 Council members here present for this meeting.

14:05:19 11 THE COURT: If you all would stand, the City Council.  
14:05:25 12 Thank you so much for being here, I appreciate it.

14:05:30 13 UNIDENTIFIED SPEAKER: Good to be here.

14:05:32 14 MS. TURNER: And again, the mayor, the administration,  
14:05:35 15 and the City Council would like to thank the hard working men and  
14:05:40 16 women of the New Orleans Police Department who have worked, and  
14:05:45 17 continue to work, diligently, very diligently each day to uphold  
14:05:52 18 and enforce constitutional policing.

14:05:56 19 We, as well, commend the commitment of those who have  
14:05:59 20 chosen to stay with the department as we have implemented changes  
14:06:05 21 consistent with the consent decree. And, your Honor, I would be  
14:06:09 22 remiss if I didn't thank the Court, the members of DOJ, the  
14:06:13 23 monitors for helping us implement these changes consistent with the  
14:06:20 24 consent decree and your commitment and their commitment to this  
14:06:24 25 process.

14:06:25 1 We have come a long way since the implementation of this  
14:06:31 2 consent decree, and we have attained many successes. And we've  
14:06:37 3 attained those successes together. So as such, we look forward to  
14:06:42 4 entering the sustainment period showing the country that NOPD, the  
14:06:50 5 New Orleans Police Department will remain a leader in  
14:06:53 6 constitutional policing.

14:06:54 7 THE COURT: Thank you so much for being here today, and I  
14:06:57 8 am so pleased to hear about the City's commitment to the process  
14:07:04 9 and to working together with us to complete the job. That's what  
14:07:08 10 we're all trying to do.

14:07:10 11 MS. TURNER: And it's our pleasure, your Honor.

14:07:12 12 THE COURT: Thank you so much.

14:07:13 13 MS. TURNER: Thank you.

14:07:15 14 SUPERINTENDENT FERGUSON: If I may, your Honor?

14:07:17 15 THE COURT: Yes.

14:07:18 16 SUPERINTENDENT FERGUSON: Thank you. Good afternoon,  
14:07:21 17 your Honor. Thank you, first and foremost, for giving me this  
14:07:26 18 opportunity to actually speak at this public hearing today.

14:07:30 19 First, I want to thank the men and women of the New  
14:07:33 20 Orleans Police Department for all that you do, your commitment to  
14:07:35 21 this process, your commitment to constitutional policing.

14:07:39 22 Your Honor, the recent roll calls that I attended over  
14:07:43 23 the last several weeks with our mayor has given me an opportunity  
14:07:46 24 to hear from our employees regarding their concerns of how we in  
14:07:51 25 leadership can make their lives and their jobs a little better. I,

14:07:55 1 too, have heard from them their commitment to constitutional  
14:07:59 2 reforms that we have achieved.

14:08:02 3           You, your Honor, the DOJ, the monitors, I want to thank  
14:08:07 4 you all. I've heard your feedback and we take your feedback very  
14:08:11 5 seriously. We are 100 percent committed to sustaining our reforms  
14:08:17 6 today, tomorrow, and going into the future. This commitment is  
14:08:22 7 unwavering.

14:08:24 8           Our plans for sustainment include a comprehensive  
14:08:28 9 approach of civilianization at various sections throughout our  
14:08:32 10 department to enhance the safety measures of our city. While we  
14:08:36 11 have lost individuals in key roles, we have been in the process  
14:08:40 12 since their departure to backfill these positions. Many positions  
14:08:45 13 vacated required some updates in salary, as well as some updates in  
14:08:49 14 job descriptions.

14:08:51 15           We've also begun the process to hire five additional  
14:08:55 16 employees for our internal audit division for PSAP, as well as  
14:08:59 17 civil services has approved recently a new position of an  
14:09:02 18 innovation manager within PSAP.

14:09:06 19           Lastly, but most certainly not leastly, I support  
14:09:10 20 additional resources to the independent monitors for them to have  
14:09:14 21 more resources to be that oversight body that our citizens have  
14:09:19 22 voted for.

14:09:21 23           And in conclusion, we, as a department, we as a city, are  
14:09:26 24 committed to constitutional policing for our citizens, as well as  
14:09:29 25 our visitors. And I promise you, as Jonathan has said, we won't

14:09:36 1 give up. We will keep pressing forward. Thank you.

14:09:39 2 THE COURT: Thank you so much. I know that is reassuring  
14:09:44 3 to the citizens of New Orleans that you and the entire department  
14:09:46 4 are committed to reform and to finishing up this project and then  
14:09:52 5 to ensuring that you are able to sustain these reforms.

14:09:56 6 SUPERINTENDENT FERGUSON: Absolutely.

14:09:57 7 THE COURT: So on behalf of the citizens of the city, I  
14:10:00 8 thank you for your efforts and your dedication.

14:10:03 9 SUPERINTENDENT FERGUSON: Thank you, your Honor.

14:10:06 10 THE COURT: All right. I want to thank everyone here for  
14:10:09 11 their comments today, and for being here. It really is nice for  
14:10:13 12 all of us to see the interests that the City Council and the  
14:10:17 13 citizens and the media have in this process. It can only help for  
14:10:21 14 us all to be interested and to pay attention to what's happening.

14:10:28 15 While I suspect my comments over the course of the  
14:10:32 16 hearing have foreshadowed my state of mind at the moment, I have to  
14:10:36 17 admit that I am concerned, but I can now add to that that I am also  
14:10:40 18 hopeful.

14:10:43 19 I recognize law enforcement agencies across the country  
14:10:46 20 have faced all manner of hurdles over the past two years. Crime is  
14:10:51 21 up and recruiting and retention are down everywhere. New Orleans  
14:10:56 22 has not been immune from these disturbing national trends. But  
14:11:02 23 difficult problems call for innovative solutions, and frankly, and  
14:11:06 24 unfortunately, I have seen very little innovation on the part of  
14:11:10 25 the City or the NOPD in response to what I view as a city crisis.

14:11:16 1           While it's not my job to tell the NOPD how to do its job,  
14:11:20 2           it is my responsibility to weigh in when an action is putting the  
14:11:24 3           reforms of the past eight years at risk. That's in a nutshell is  
14:11:29 4           why I scheduled today's hearing.

14:11:31 5           Since our last hearing in April, I've grown increasingly  
14:11:37 6           concerned about the impact of NOPD's staffing shortages and lack of  
14:11:41 7           resources are having on its ability to sustain the high level of  
14:11:46 8           compliance we have grown accustomed to finding at these public  
14:11:50 9           hearings. In April, those concerns prompted me to direct the  
14:11:53 10          monitoring team to put together a technical assistance report,  
14:11:57 11          which you've heard discussed today. It incorporates a series of  
14:12:02 12          recommendations to the NOPD based on countless meetings with  
14:12:06 13          officers, the police associations, and community members.

14:12:10 14          In May I began meeting with the City's Chief  
14:12:13 15          Administrative Officer and City Attorney to discuss staffing,  
14:12:18 16          civilianization, equipment, and facilities, and the impact those  
14:12:23 17          things are having on officer retention, officer recruitment, and  
14:12:28 18          consent decree compliance. These meetings have proved very  
14:12:31 19          valuable, and I know the CAO takes this matter quite seriously.  
14:12:36 20          The City has come up with a concrete plan to fill unfilled  
14:12:40 21          positions, hire new staff, improve equipment, fix dilapidated  
14:12:47 22          facilities, and generally improve officer working conditions.

14:12:50 23          So I want to publicly thank the CAO for his efforts to  
14:12:56 24          follow-up on the many concerns expressed by the NOPD and this  
14:13:00 25          Court.

14:13:02 1           Notwithstanding these efforts, though, I still do not see  
14:13:07 2 that the City or NOPD have a holistic plan to deal with the current  
14:13:14 3 emergency, nor have I seen, until very recently, a unified focus on  
14:13:16 4 officer retention. This is unfair to the men and women of the NOPD  
14:13:20 5 who have worked so hard for so long to turn the NOPD around, and  
14:13:25 6 it's unfair to the New Orleans community to depend on the NOPD to  
14:13:29 7 keep them safe. This lack of a holistic plan not only hurts  
14:13:34 8 officers and community members, it virtually assures the NOPD will  
14:13:38 9 not be able to sustain its achievements under the consent decree.

14:13:43 10           To remedy this, I am going to take the following actions:  
14:13:47 11 First, I am directing the monitor to assign members of his team to  
14:13:52 12 provide technical assistance to the NOPD in the areas of staffing,  
14:13:57 13 officer retention, recruiting, transparency, alternative police  
14:14:03 14 response, and burden reduction. I want a member of the monitoring  
14:14:08 15 team embedded with the NOPD on each of these work streams.

14:14:12 16           Second, the monitor and I plan to continue meeting  
14:14:16 17 monthly with the CAO for the foreseeable future to ensure the City  
14:14:21 18 follows through on its plans to direct additional resources to the  
14:14:25 19 NOPD and its officers, including, as I mentioned, proper equipment,  
14:14:31 20 professional facilities, functioning information technology, and  
14:14:36 21 reasonable pay.

14:14:38 22           Third, the monitor and I plan to continue meeting with  
14:14:42 23 the NOPD, the CAO, and the Civil Service Commission until all  
14:14:47 24 critical unfilled positions are filled and all necessary new  
14:14:51 25 positions are approved. These meetings will focus on the need for

14:14:56 1 expanded civilianization of NOPD personnel. And I want a report to  
14:15:02 2 you all that the Civil Service Commission has expressed the desire  
14:15:07 3 to work with NOPD to make -- to achieve these goals faster than  
14:15:14 4 we've been able to do in the past, so I am really hopeful that we  
14:15:18 5 will make progress.

14:15:19 6 Fourth, I am directing the monitor to re-audit several  
14:15:23 7 critical areas of the consent decree that I fear may have been  
14:15:28 8 impacted by the lack of NOPD personnel. These include the  
14:15:32 9 integrity of crime reporting data, the downgrading of calls for  
14:15:36 10 service, the impact of response times, the delays in sharing data  
14:15:41 11 and reports with the public, and the reduction of innovative and  
14:15:45 12 targeted crime fighting.

14:15:48 13 Fifth, I am encouraging the City to explore the use of  
14:15:53 14 its emergency contracting powers to expedite as many of the  
14:15:57 15 necessary remedial measures as possible. For example, this Court  
14:16:02 16 and the monitoring team have been pushing the City for many years  
14:16:05 17 to make better use of civilianization, alternative police  
14:16:11 18 reporting, and non-police handling of minor traffic accidents. The  
14:16:15 19 progress the City has made in these areas has been tragically slow.  
14:16:20 20 This can't continue. The City is facing an emergency. NOPD cannot  
14:16:25 21 continue to police the way it did when it had 1,300 officers.

14:16:31 22 Sixth, I am directing the monitoring team to publish its  
14:16:35 23 April technical assistance report in early September, along with an  
14:16:38 24 accounting of what steps the NOPD has taken to implement those  
14:16:43 25 recommendations.

14:16:44 1 Seventh, I understand one or more members of the City  
14:16:48 2 Council are working to bring together multiple stakeholders,  
14:16:52 3 including the administration, the civil service, and the NOPD in an  
14:16:58 4 effort to work together to help overcome the NOPD's current  
14:17:02 5 challenges. I've made it clear to those responsible for this  
14:17:06 6 effort that I welcome the monitors' involvement in this effort.

14:17:12 7 Eighth, I am directing the monitoring team to work with  
14:17:15 8 the NOPD to re-establish the burden reduction working groups that  
14:17:20 9 proved so valuable in the past. And I believe that some of the  
14:17:24 10 officers here have served on those committees. In an effort to  
14:17:28 11 reduce wasted time and promote internal efficiencies, the  
14:17:32 12 monitoring team in 2015, 2016, and 2017 held a series of burden  
14:17:40 13 reduction working groups, with officers of all ranks. These  
14:17:44 14 meetings led to a number of very successful innovations. I want to  
14:17:48 15 see these meetings re-energized, and I want them expanded to focus  
14:17:53 16 on alternative policing strategies as well.

14:17:57 17 As I said a moment ago, the NOPD cannot police with 950  
14:18:02 18 officers the way it did with 1,300 officers.

14:18:06 19 Ninth, I've asked the monitoring team to schedule two  
14:18:10 20 public meetings in September, one for the community and one more  
14:18:13 21 the media. It's critical that the people of New Orleans receive  
14:18:17 22 current, accurate, and complete information regarding the state of  
14:18:23 23 the consent decree and the state of NOPD's compliance with the  
14:18:26 24 consent decree. These two meetings will give the public directly,  
14:18:30 25 and through the press, the opportunity to have their questions

14:18:33 1 answered by the individuals who have served as my eyes and ears  
14:18:38 2 since the outset of the consent decree, the monitoring team.

14:18:41 3 Tenth, I plan to hold monthly public hearings until NOPD  
14:18:46 4 and the City demonstrate to this Court that they have a strong plan  
14:18:50 5 and are moving forward to implement that plan to resolve the  
14:18:55 6 problems facing the NOPD.

14:19:00 7 I am hoping these actions will help the NOPD and the City  
14:19:03 8 to get this process back on track.

14:19:06 9 Before I close today, I want to be clear about one thing  
14:19:09 10 that is very important to me. While I am frustrated by the recent  
14:19:16 11 concerns I have in some areas and the lack of progress I've seen in  
14:19:21 12 others, I do not say this to criticize the men and women who  
14:19:25 13 continue to toil in the NOPD trenches to serve and protect the  
14:19:30 14 people of New Orleans. You have been asked to take on a critical  
14:19:35 15 job with inadequate support, insufficient resources, poor  
14:19:40 16 equipment, and crumbling buildings. I want to thank you for not  
14:19:43 17 giving up on our city, and I assure you we're not giving up on you.  
14:19:49 18 You have been instrumental in transforming the department over the  
14:19:53 19 past eight years, and I will make sure you get what you need to  
14:19:57 20 continue this job.

14:20:00 21 Nor do I intend to criticize those NOPD supervisors and  
14:20:04 22 leaders, a few of whom I mentioned in my opening remarks, who have  
14:20:09 23 proven themselves to be true proponents of reform, true partners of  
14:20:13 24 progress. I can't thank you all enough for your commitment to  
14:20:17 25 public service. Please do not take any of my remarks as slights

14:20:22 1 against your hard work. You all are being asked to undertaken a  
14:20:27 2 very heavy lift without the resources you need to get the job done,  
14:20:30 3 and as I said, that's going to change.

14:20:35 4 I've said before that my being assigned to this case was  
14:20:39 5 the opportunity of a lifetime. As judges, ordinarily we work on  
14:20:45 6 one case and it's important to the parties to that case and it's  
14:20:49 7 important to me and I enjoy that work, but this has given me an  
14:20:54 8 opportunity to do something that's important to all of the citizens  
14:20:57 9 of New Orleans. And it's been a true opportunity. I have met so  
14:21:02 10 many hard working, dedicated, and smart people who work for the  
14:21:07 11 NOPD, I've been so impressed, Chief Ferguson, with the talent that  
14:21:14 12 you have, and I congratulate you on that.

14:21:18 13 And so it's been a real pleasure for me and an honor, and  
14:21:26 14 I want you all to know that we're going to continue to do this and  
14:21:31 15 together we're going to get it right.

14:21:33 16 Finally, thanks to the media and the City Council members  
14:21:38 17 and the public for being here today, and to those members of our  
14:21:43 18 community who will be reading about this hearing in the newspaper  
14:21:47 19 or on other public media. I want to thank you all for your  
14:21:53 20 continued interest in this critical issue. I look forward to  
14:21:57 21 seeing you all again. I want the courtroom to be full at our next  
14:22:02 22 hearing. Everybody raise your hand who is going to be here. Not  
14:22:07 23 all the hands went up.

14:22:13 24 But we will get you the dates of our next hearing, and  
14:22:16 25 we'll try to keep you informed about progress as we continue. And

