

OFFICE OF INSPECTOR GENERAL  
CITY OF NEW ORLEANS



SUSAN HUTSON  
INDEPENDENT POLICE MONITOR

October 15, 2010

Ronal W. Serpas, Superintendent of Police  
New Orleans Police Department  
715 S. Broad Street  
New Orleans, Louisiana 70119

Kirk Bouyelas, Deputy Superintendent  
Bureau of Investigations  
715 S. Broad Street  
New Orleans, Louisiana 70119

Marlon A. Defillo, Deputy Superintendent  
Field Operations Bureau  
715 S. Broad Street  
New Orleans, Louisiana 70119

Arlinda Westbrook, Deputy Superintendent  
Public Integrity Bureau  
118 North Rocheblave  
New Orleans, Louisiana 70119

Re: Critical Incident Investigations

Dear Superintendent Serpas, Deputy Superintendent Bouyelas, Deputy Superintendent Defillo, and Deputy Superintendent Westbrook:

This memorandum is written to share my initial recommendations regarding the NOPD's investigations of Officer Involved Shootings (OIS) and other critical incidents, as well as the IPM's role in monitoring the resulting investigations. I have now attended three shooting investigations: two with hits and one animal shooting. I have appreciated my access to these scenes, which allows me to perform my duties under the Police Monitor Ordinance with respect to monitoring major uses of force.

In light of the highly publicized use of force incidents, such as Danziger and Algiers, the Department of Justice is sure to recommend changes to the NOPD's use of force investigations protocols. To achieve some of the objectives that will be forthcoming in the agreement with the federal government and to help restore public confidence in the



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NOPD's investigations into major uses of force and in-custody deaths, I recommend that the Department adopt force investigation practices similar to those used in cities that have had federal intervention or a consent decree.

Although there are other cities which have had federal intervention, such as Oakland, Pittsburgh and Detroit, I am most familiar with Los Angeles and the thorough investigations protocols adopted therein. My recommendations conform to standards implemented by the City of Los Angeles in response to the federal government's patterns and practices lawsuit and have passed federal judicial scrutiny. The standards call for formalizing critical incident investigations, in an effort to minimize the possibility of witnesses and evidence being tainted, and to ensure fair and thorough investigations by a specially trained and skilled team of investigators.

I have taken the liberty of drafting proposed protocols for investigators, officers, and supervisors involved in the incident. These protocols, which are attached as appendices, have been taken and somewhat pared down from the LAPD's Manual. The NOPD may already have processes in place which may achieve the same results as those included herein. Additionally, given the City's financial position and the smaller size of the NOPD, we may not be able implement all of these recommended steps. Nonetheless, I think they are a good starting point for dialogue.

### *Recommendations*

The essential tenets of the federal government's recommendations as to a department's response to uses of force are as follows<sup>1</sup>:

- Investigations should be "conducted outside the officer's chain of command by internal affairs or other specialized unit."

First, as we have discussed previously, I recommend the Department create a Use of Force Investigations Team, to consist of officers with significant experience in complex criminal and internal investigations. This unit would be specially selected and trained, and have specific responsibilities and control at critical incident scenes. See Appendices A-C.

- A definition of the types of force and other incidents that require specialized investigation.

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<sup>1</sup> U.S. Department of Justice, PRINCIPLES FOR PROMOTING POLICE INTEGRITY, January 2001.



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- Responding supervisor sequesters the involved and witness officers for monitoring. Sequestration ensures that the officers are not discussing the facts of the shooting until they are required to give a statement which helps secure the scene/suspects and/or prior to speaking to the OIS investigators; sequestration should not end until each officer's statement is recorded.

I look forward to continuing our dialogue about IPM access to critical incident scenes, the IPM's ongoing reviews of the resulting investigations, and creating an investigative model that best reflects the needs and resources of the NOPD.

As Superintendent Serpas, Deputy Superintendent Westbrook, and I discussed this afternoon, I hope that we are able to agree to and complete the Memorandum of Understanding between our offices on or about October 28<sup>th</sup> during our regular weekly meeting, in time for the City Council's Criminal Justice Committee meeting on November 10<sup>th</sup>.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Susan Hutson  
Independent Police Monitor

Attachments

