

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



SUSAN HUTSON
INDEPENDENT POLICE MONITOR

From: Susan Hutson
Sent: Thursday, June 07, 2012 8:22 PM
To: Richard F. Cortizas
Subject: FW: Lawsuits and Claims for Damages

Dear Mr. Cortizas:

This letter is written to follow up to our conversation of this evening regarding my requests for copies of all claims for damages and/or lawsuits against the New Orleans Police Department or any of its officers/employees. We met on at least 4 occasions from October 14 – December 31, 2011 to discuss this issue, access to homicide 's OIS files, and getting copies of MOUs between the NOPD and public agencies such as HANO for policing services. My most recent request for lawsuits was by email on March 6, 2012.

At this time, I am also requesting that the original claims/litigation files (with outcomes included) be made available to both the Office of the Independent Police Monitor (IPM) and the Public Integrity Bureau (PIB) for review on a regular basis.

We make these requests pursuant to Section 2-1121, Paragraph 9 of the Municipal Code of the City of New Orleans, which provides that "(t)he Independent Police Monitor shall review patterns relating to civil claims and lawsuits alleging New Orleans Police Department misconduct, payout amounts over time, units disproportionately represented as subjects of claims and lawsuits, related training, and other issues" and that "(t)he independent police monitor shall review the investigation of the underlying incidents described in such claims and lawsuits, whether those investigations predated the filing of a claim or lawsuit or the investigations were initiated following such filings."

The Office of the Independent Police Monitor requires the ability to access and review, *on a regular basis*, such litigation files in order to fulfill its overall duties and responsibilities, pursuant to Section 2-1121, Paragraph 3 of the Municipal Code of the City of New Orleans, which states: "The independent police monitor shall review ... the operations and effectiveness of New Orleans Police Department "early warning system"..."

Access to these litigation files will play an integral role in strengthening the New Orleans Police Department's early warning system. According to a DOJ/COPS best practices publication entitled *Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide (2003)*, a model comprehensive personnel assessment will include civil suits or administrative claims and their outcomes.



Also, a recent study by Joanna C. Schwartz at UCLA revealed that police departments that consistently gather and analyze information from lawsuits filed against them uncover valuable information that does not surface through other reporting systems. Joanna C. Schwartz, *What Police Learn From Lawsuits*, 33 CARDOZO L. REV. 101, 104-05 (2012). Schwartz found that this information ultimately informed training and policy decisions that helped improve performance and decrease misconduct. *Id.* at 107. Each of the departments Schwartz analyzed has an independent investigator or auditor similar to the Office of the Independent Police Monitor, so there is good reason to believe that this model would be equally effective in New Orleans. *Id.* at 108. Therefore, on a continuing basis NOPD litigation needs to be one of the categories of information which is kept in the IPM/PIB database which houses the Early Warning System.

As I stated during our March 6, 2012 conversation and my follow-up email, we need to review any claims for damages and/or lawsuits and their outcomes, whether settlements or judgments, against the following officers as I am now in the process now of reviewing the investigation into the Officer Involved Shooting of Justin Sipp on March 1, 2012:

- Anthony Mayfield, Jr.; Employee # 8734,
- Jason Giroir; Badge # 527, and
- Michael Asevado; Badge # 1527.

We will also need any litigation associated with the death of Wendell Allen or the officers involved therein.

Towards that end, we need to review any original litigation files against these officers and make the copies thereafter. We also request that any information concerning any other NOPD-related litigation be made available to us and forwarded to PIB for inclusion in the EWS.

Please designate a member of your office, so that we may schedule an appointment to view and copy the files. I appreciate your assistance in this matter.

The MOUs are also important documentation for us to review, as we have received many complaints about officers working as law enforcement for other public agencies, such as HANO and various security districts.

I know we are working toward the same ends, providing greater security for the people and police officers of the city of New Orleans. Your aid and cooperation in this important step forward is greatly appreciated.

Sincerely,



Susan Hutson
Independent Police Monitor

