

SUPERINTENDENT'S COMMITTEE HEARING

A Superintendent's Committee Hearing is conducted by a panel of three hearing officers, Deputy Superintendents. The hearing is an opportunity for the accused officer to respond to the allegations of misconduct and provide mitigating information. The accused officer cannot waive a Superintendent's Committee Hearing. After considering the investigation and the information presented by the accused officer, the hearing officers will issue findings on the allegations and determine appropriate penalties under the disciplinary matrix. This penalty recommendation is not final until the Superintendent of Police issues a letter.

The OIPM attends Superintendent's Committee Hearing to ensure fairness, consistency, accountability, and compliance with the Federal Consent Decree.

SUMMARY OF THE ALLEGED MISCONDUCT

Officer Goodwin stood accused of driving under the influence of alcohol in a take-home police vehicle and then getting into an accident. Officer Goodwin was assigned a take-home police vehicle for her to use during her commute to and from work. There are specific rules about what an officer can do in the take-home vehicles, including the presence of passengers and the consumption of alcohol, even while off duty. Here, the Superintendent's Committee determined Officer Goodwin misused the department vehicle while off duty by transporting a passenger, the officer's wife, driving the vehicle while under the influence of alcohol (blood alcohol level of at least .215% when the state limit is .08), and subsequently getting into an accident in the vehicle.

KEY QUESTIONS ASKED BY THE OFFICE OF THE INDEPENDENT POLICE MONITOR (OIPM)

1. Are there any different disciplinary charges that should have been investigated?
2. Was the police officers' Bill of Rights followed in the investigation?
3. Was the NOPD's compliant with the Federal Consent Decree Section XVII, Subsection L: Discipline Process and Transparency?
4. Does the investigation involve whistle-blower or retaliation issues?
5. Any concerns with respect to any particular allegation?
6. Should training or other programs be required of the accused employee?
7. Are there any additional potential constitutional or other legal issues that should be examined?
8. Are there any policy, procedure, other risk management, or liability issues that were not adequately addressed by the Department?

With this report and report summary, the Office of the Independent Police Monitor (OIPM) shows its commitment to building public confidence in law enforcement through transparency, accountability and fairness. With our oversight and recommendations, OIPM hopes to lower the risk level posed to the community, the Department and liability.

OIPM FEEDBACK / RECOMMENDATIONS



The OIPM is in agreement with the investigating officer's recommendation of training regarding alcohol use on and off duty through roll call training and daily training bulletin testing. As stated by the investigating officer, this training could address officer safety, civilian safety, and prevent future accidents.

The investigation did not mention whether Officer Goodwin's take home vehicle was taken from her. OIPM recommended that PO Goodwin privileges regarding the take-home vehicle be reconsidered if she was not dismissed.

SUPERINTENDENT'S COMMITTEE OUTCOME

During the Superintendent's Committee, the three presiding Deputy Superintendents reviews the investigation and the allegations leveled against the accused employee. The accused individual has an opportunity to speak and present his / her side. A representative for the accused individual can also speak on the employee's behalf. The burden of proof is by a preponderance. This means it is more likely true than not true. This is different from a criminal burden of proof, which is beyond reasonable doubt.

Below are the outcomes of the allegations and the recommended penalties:

ALLEGATIONS		COMMITTEE FINDING		OIPM RECOMMENDATION
Rule 2 Par. 1: Moral Conduct - Adherence to Law (Driving While Intoxicated)	● ● ● ● ● ● ● ● ● ●	Sustained Dismissal	● ● ● ● ● ● ● ● ● ●	Sustained
Rule 3 Par. 9: Professional Conduct (Use of Alcohol Off Duty)	● ● ● ● ● ● ● ● ● ●	Sustained 10 Days Suspension	● ● ● ● ● ● ● ● ● ●	Sustained
Rule 7 Par. 1: Department Property (Use of Department Vehicle)	●	Sustained 3 Days Suspension	●	Sustained



This decision is not final until it reviewed and approved by the Superintendent of Police.



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