

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 Scruggs was accused of driving his NOPD take-home vehicle, while off duty and under the influence of alcohol, then running a red light which caused an accident with a motorcyclist. During the investigation into the accident, confusion arose regarding whether Officer Scruggs or his girlfriend was driving the vehicle and whether there was a child in the backseat during the accident, a confusion that Officer Scruggs is accused of deliberating causing through dishonesty. Eventually, the Superintendent's Committee determined that Officer Scruggs was dishonest during the investigation regarding who was driving the NOPD vehicle at the time of the accident, misused NOPD property, and was under the influence of alcohol while off duty.

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 provided the NOPD with a couple recommendations prior to the hearing regarding policy and practice. First, the OIPM recommended the NOPD address officer alcohol use on and off duty, focusing on how and when to operate city equipment when alcohol may be involved. Specifically, the NOPD should consider training on how officers should make a plan when alcohol is involved to not use their vehicle, to get vehicles later, or how / when to leave city vehicles in safe places and use a rideshare service when there is alcohol intake. Second, the OIPM made a recommendation to address the delay time in the alcohol testing. The OIPM recommended the NOPD work in collaboration with the EMS and other agencies to consider how to get officers tested quicker in similar situations (when there is serious bodily injury, etc.). Additionally, when there is a question who the driver is, OIPM recommended all passengers be considered for testing, in accordance with the law, to ensure that necessary evidence is not lost.

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: Moral Conduct: Para. 1, Adherence to Law: LA Revised Statute 14:39.2: First Degree Vehicular Injuring	Unfounded	Unfounded
Rule 2: Moral Conduct; Para. 1, Adherence to Law: LA Revised Statute 14:99: Reckless Operation	Unfounded	Unfounded
Rule 3 Par. 1: Professionalism	Sustained 1 Day Suspension Max	Sustained
Rule 3: Professional Conduct; Para. 9, Use of Alcohol/Off-Duty	Sustained 5 Day Suspension	Sustained
Rule 7: Department Property; Para.1, Use of Property	Not Sustained 5 Day Suspension	Not Sustained 5 Day Suspension
Rule 2 Para. 1: Adherence to Law to with: LA Revised Statute 14:59: Criminal Mischief	Dismissal	Sustained
Rule 2 Para. 1: Adherence to Law to wit: LA Revised Statute: 14:130.1: Obstruction of Justice	Dismissal	Sustained
Rule 2 Para. 3: Honesty & Truthfulness	Dismissal	Sustained
Rule 4 Para. 2: Vehicle & Equipment Policy (Authorized Users)	Sustained 10 Day Suspension	Sustained
Rule 4 Para. 2: Vehicle & Equipment Policy (City Business)	Sustained 10 Day Suspension	Sustained



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