

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 Terrell stood accused of failing to adequately document necessary information regarding a domestic violence investigation on Bourbon Street and then deactivating and taking off his Body Worn Camera. On October 8, 2016, Officer Terrell was dispatched to assist with a believed shooting related to a domestic matter on Bourbon Street. Officer Terrell was responsible for certain parts of the investigation, like getting addresses, talking to witnesses, and collecting and preserving evidence, and photographing injuries. The Superintendent's Committee determined Officer Terrell failed to document everything he learned while conducting his investigation, failed to collect and preserve evidence like photograph injuries, failed to read an arrested individual her Miranda Rights, and turned off his Body Worn Camera while in the station though he was transporting suspects and sitting in on statements.

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 appreciates the NOPD's attention to domestic violence investigations and the efforts made to make these responses more thorough. However, after reviewing the investigation, OIPM recommend the NOPD consider revising the domestic violence policy to incorporate a checks and balance system for the retrieval of evidence. This is particularly important when there are multiple officers responding to the scene. Second, the OIPM recommended that the NOPD review policy regarding when it is appropriate to deactivate BWCs in the field. Third, the OIPM recommended that the NOPD review policy and practice regarding dual arrests with patrolling officers responding to domestic violence calls. Finally, the OIPM highlighted how important it is that supervisors be refreshed on how to fully review gists, incidents reports, and other reports prepared by subordinates to ensure pertinent facts and information are authored and included to avoid approving an incomplete report.

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 4: Performance of Duty; Para. 4: Neglect of Duty, Subpara. C-6: Failing to Comply with Instructions (Chapter 1.9: Arrests, Para. 3 - Failing to advise suspect of <i>Miranda</i> rights)	Sustained	Sustained
Rule 4: Performance of Duty; Par. 4: Neglect of Duty, Subpara. C-6: Failing to Comply with Instructions (Chapter 41.3.10 - Activation of BWC)	Sustained	Sustained
Rule 4: Performance of Duty; Para. 4: Neglect of Duty, Subpara. C-6: Failing to Comply with Instructions (Procedure 440.3 Contacts, Detentions, and Photographing Detainees-Reporting)	Sustained 1 Day Suspension Max	Sustained
Rule 6: Official Information; Para. 2, False or Inaccurate Reports	Sustained	Sustained
Neglect Inaccurate Reports	Sustained 7 Day Suspension	Sustained



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

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