

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF LOUISIANA

3 *****
4 UNITED STATES OF AMERICA CIVIL NO. 12-1924
5 VERSUS SECTION "E"
6 OCTOBER 19, 2022
7 NEW ORLEANS CITY
8 *****

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10 TRANSCRIPT OF PUBLIC HEARING PROCEEDINGS
11 HEARD BEFORE THE HONORABLE SUSIE MORGAN
12 UNITED STATES DISTRICT JUDGE

13 APPEARANCES:

14 FOR THE MONITORING TEAM: JONATHAN ARONIE
15 ASHLEY BURNS
16
17 FOR THE DEPARTMENT OF JUSTICE: MEGAN R. MARKS
18 THEODORE R. CARTER, III
19
20 FOR THE OFFICE OF THE
21 INDEPENDENT POLICE MONITOR: STELLA CZIMENT
22
23 FOR THE NOPD: SUPERINTENDENT SHAUN FERGUSON
24 ARLINDA WESTBROOK
25 JONETTE WILLIAMS
FOR THE CITY OF NEW ORLEANS: DONESIA TURNER
CHARLES ZIMMER
GILBERT MONTANO
KEVIN HILL
Official Court Reporter: Alexis A. Vice, RPR, CRR
500 Poydras Street, HB-275
New Orleans, LA 70130
(504) 589-7777
Alexis_Vice@laed.uscourts.gov

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1 **P-R-O-C-E-E-D-I-N-G-S**

2 **(OCTOBER 19, 2022)**

3 **(PUBLIC HEARING PROCEEDINGS)**

4
5 (The Court was called to order.)

6 **DEPUTY CLERK:** Calling Civil Action 12-1924, *United*
7 *States of America versus the City of New Orleans.*

8 **THE COURT:** All right. We're here today for a public
9 hearing with respect to the Consent Decree entered into between
10 the City of New Orleans and the Department of Justice.

11 I want to welcome all of you, and thank you, the
12 public and the media, for being here to participate.

13 I'd like for the parties to make their appearances
14 and to introduce any guests we have, and we'll start with the
15 superintendent.

16 **SUPERINTENDENT FERGUSON:** Good morning, Your Honor,
17 I'm the Superintendent of the New Orleans Police Department,
18 Shaun Ferguson.

19 **MS. TURNER:** Good morning, Your Honor, Donesia Turner,
20 City attorney.

21 **MR. ZIMMER:** Good morning, Your Honor, Charles Zimmer.
22 I'm counsel for the City and the NOPD.

23 **MS. WESTBROOK:** Good morning, Your Honor. I'm Arlinda
24 Westbrook, Chief Administrative Office, Project Manager of the
25 Consent Decree.

 OFFICIAL TRANSCRIPT

1 **MR. HILL:** Good morning, Your Honor, Kevin Hill,
2 Senior Chief Deputy City attorney.

3 **MS. WILLIAMS:** Good morning, Your Honor, Jonette
4 Williams, Deputy Chief, Management Services Bureau.

5 **MR. MONTANO:** And lastly, good morning, Your Honor,
6 gilbert Montano, Chief Administrative Office.

7 **MS. MARKS:** Good morning, Your Honor, Megan Marks on
8 behalf of the United States.

9 **MR. CARTER:** Good morning, Your Honor, Theodore
10 Carter, also on behalf of the United States.

11 **MR. ARONIE:** Good morning, Jonathan Aronie, monitor.

12 **MS. BURNS:** Good morning, Your Honor, Ashley Burns,
13 monitoring team.

14 **MS. CZIMENT:** Good morning, Your Honor, Stella
15 Cziment, Independent Police Monitor for the City of New
16 Orleans.

17 **THE COURT:** All right, thank you. Is there anyone
18 else we should introduce? Well, it's nice to see you all, and
19 thank you again for coming.

20 Under the Consent Decree, the monitoring team is
21 required to learn from and share information with the
22 community. Since the monitoring team serves as my eyes and
23 ears, I view this function as critical to my role as the judge
24 in this important matter.

25 The monitoring team shares information with and

1 receives information from the community in a variety of ways.
2 As for sharing information with the public, the monitoring team
3 publishes formal reports, testifies in this Court as it will
4 again today, and holds public meetings.

5 As for learning from the community, the monitoring
6 team has a number of avenues available to it. The most formal
7 of these, again, is the public meetings it holds. These
8 meetings provide the public the best opportunity to share their
9 experiences, perceptions, and recommendations with the
10 monitoring team in an in-person setting.

11 At the request of the public, we've increased the
12 number of public meetings that will be held in the coming
13 months. We have two scheduled for November and two for
14 December. These public meetings will be held in locations
15 throughout the City, again, at the request of the public.

16 You can find the dates and locations of the
17 monitoring teams meetings on their website, and I'll also give
18 you the dates at the end of today's hearing.

19 In addition to the more formal public meetings, the
20 monitoring team also meets with members of the community in
21 smaller group and/or individual meetings and has done so since
22 the outset of the Consent Decree.

23 Regardless of the forum, the monitoring team always
24 reports the community's comments, concerns, and questions,
25 including, the substance, tone, and mood of the various

1 meetings directly back to me.

2 The monitoring team uses the information it learns to
3 guide its work, and I use that information to guide my
4 oversight.

5 While I've not done so before, I would like to share
6 with you today some of the comments from the monitoring teams
7 recent public meetings. Before I do, however, it's important
8 to note that there is no single New Orleans community voice,
9 and the comments shared with the monitoring team by members of
10 the public reflect a wide diversity of views among the
11 community. Also, because the public meetings are not always
12 well attended, the views expressed may not necessarily reflect
13 the views of the community at large.

14 In one recent meeting, many community members
15 expressed strong and emotional views regarding what they called
16 as NOPD's ongoing cultural problems. These individuals shared
17 their pain from prior and some said recent NOPD experiences.
18 Some within this group said they had been terrorized by the
19 NOPD. This group did not believe the NOPD had changed its
20 culture over the course of the Consent Decree.

21 They pointed to, among other things, the recent
22 federal investigation of multiple NOPD officers for payroll
23 fraud in connection with the Office of Secondary Employment and
24 the fact that an officer was recently accused of raping a
25 colleague as evidence of ongoing problems with the NOPD. These

1 individuals implored the Court not to succumb to the City's
2 efforts to end the Consent Decree at this time.

3 Other community members with whom the monitors met
4 expressed a very different view. Many citizens expressed
5 strong support for the NOPD and its officers. These
6 individuals shared stories of heroic police officers going
7 above and beyond the call of duty under very trying
8 circumstances, and many said they have seen a tremendous change
9 in the way the NOPD operates.

10 We do hear from NOPD officers that when they go out
11 in the public they do receive overwhelming support from the
12 citizens of New Orleans and that they appreciate those
13 expressions of support.

14 Some individuals who applaud the progress the
15 department has made believe the goals of the Consent Decree
16 have been met, and the decree should be terminated. Others of
17 them believe the Consent Decree should continue in place for
18 years to come precisely because it has been so effective, and
19 more time is needed to lock-in those reforms.

20 Some community members blame the Consent Decree for
21 contributing to an increase in crime. These same individuals
22 often attribute blame for the crime to the district attorney's
23 office, local judges, the Orleans Parish Sheriff's Office, the
24 mayor, and the NOPD itself.

25 A number of community members expressed concern with

1 the lack of what they call true civilian police oversight.
2 These individuals feel the local Independent Police Monitor
3 system is not powerful enough and not community focused enough.

4 As you all may know, the Consent Decree provides for
5 the creation of Police Community Advisory Boards, they're
6 called PCABs, to promote collaboration between the NOPD and the
7 community. The PCABs are boards in each district made up of
8 seven community members. The PCABs do not have any
9 decision-making authority, but they do meet regularly with
10 members of the community and with the members of the NOPD
11 assigned to their district. Their goals are to maintain a
12 strong partnership between the community and law enforcement in
13 their district and to provide community-based recommendations
14 to law enforcement in their district.

15 Membership is open to all New Orleans residents who
16 are 18 years or older and who are interested in serving as a
17 volunteer leader in their respective police district. PCABs
18 announce their meetings in advance, and they post their
19 minutes. I've asked the monitor, and he has agreed, to post
20 these meeting dates and minutes of PCAB's meetings on the
21 monitor's website which is *consentdecreemonitor.com*.

22 Still, some community members believe the PCABs are
23 not strong enough, and as a result, are not effective. They
24 complain the PCABs have no teeth, and as a result, the
25 community at large has no real voice. These individuals argue

1 for giving some community group subpoena power over the NOPD
2 and the power to issue discipline to police officers.

3 Another thing from recent meetings was that the
4 community should be given additional channels to communicate
5 directly with the Court. As you may recall, to be responsive
6 to these concerns, I recently made available a new email
7 address that allows members of the community to communicate
8 with the Court through the monitors. While I still will not be
9 answering questions or responding to comments by email, I will
10 read them all, and I will incorporate responses into these
11 public hearings.

12 Rest assured, as I said, the monitoring team shares
13 with me a full report from every public meeting and from its
14 smaller group and individual meetings. So keep the comments
15 coming.

16 Finally, multiple community members expressed concern
17 with NOPD's ongoing manpower crisis and the impact that is
18 having on crime fighting response times and reform. The City's
19 CAO is here today and will update us on the efforts the City is
20 making to provide additional resources to the NOPD to alleviate
21 this problem.

22 Now I'm obviously not recounting every comment shared
23 with the monitoring team, but I hope this has given you an
24 overview of the kinds of comments that they are receiving and
25 which they are communicating to me. I appreciate the comments

1 as do the monitors.

2 Now I'd like to start today's presentation with the
3 City's CAO.

4 **MR. MONTANO:** Good morning, Your Honor, members of the
5 monitoring team, members of the administration and public.
6 Thank you for having us here.

7 **THE COURT:** Mr. Montano, will you pull those
8 microphones a little closer?

9 **MR. MONTANO:** Can you hear me okay? Thank you.

10 Good morning again. Thank you for having us here
11 today. We're heartened and encouraged to be here. We have
12 absolutely the best days ahead, and we are happy to present on
13 some of the progresses that we're making.

14 As you mentioned in your remarks, Your Honor, the
15 people and the recruitment process is one of the most vital
16 issues we're facing as an administration as we tackle the
17 insurgence of crime and everything that accompanies that, but
18 also, to the point of the administration and our constant
19 conversations, the environment that we're creating for our
20 police officers is likewise just as important. We can bring in
21 as many as we want; but if we're not absolutely fixing the
22 environment that they are around and the dynamics thereof, we
23 would be at a loss.

24 So I'll dive into -- forgive the granularity of the
25 updates, but I believe that details often measure the actual

1 results, and I think that is where we can be most effective
2 for, specifically, the environment.

3 But maybe if I just take one step back and give you
4 the update on the recruitment strategy and the resources before
5 I glaze everybody over with some of the details of the
6 updates --

7 **THE COURT:** I'm interested in the details.

8 **MR. MONTANO:** Okay, absolutely. So we are at a
9 precipice moment with our budget. We plan to deliver our
10 executive budget on October 25th to the New Orleans City
11 Council. Within that budget, to foreshadow a few things,
12 significant investments on public safety and public safety
13 recruitment. I've already gone over our package that we've
14 worked with our private consultants with to develop to ensure
15 that we are most competitive around the country, both for
16 laterals and recruits.

17 We are having our challenges with civil service right
18 now to address and bless those package requirements, and I'm
19 going back and forth with the dates. So I'm hopeful, and I'm
20 confident we can get over that hump because right now that is
21 what is impeding us moving forward to the City Council for
22 final approval. Once again, it is not a novel or any
23 innovative relative idea to offer an incentive bonus to hire
24 police officer laterals, but we are having our challenges
25 currently with the council over at the civil service agency.

1 More to come on that.

2 Secondly, there is also a significant investment, and
3 one of the things that will allow us to measure those details
4 in the dynamics is technology. You know, there's six parts to
5 the criminal justice system. To most individuals, NOPD is one
6 part. But if all those different entities are not speaking and
7 transferring information appropriately, logjams can happen. So
8 there'll be multimillion dollars of investment through our ARPA
9 funds or through a fund balance to establish and overhaul all
10 the technology systems necessary for us to be able to measure,
11 to manage, and ensure that everyone is translating information
12 to the best of our ability.

13 This is a project that has been talked about for a
14 very long time, and I think now is the time for us to really
15 push that go button.

16 **THE COURT:** Can I ask you a question about that?

17 **MR. MONTANO:** Sure, yes, ma'am.

18 **THE COURT:** Is that an information sharing management
19 system among like the NOPD and the court and the DA?

20 **MR. MONTANO:** And the sheriff's office, yes.

21 **THE COURT:** Can you explain it a little more?

22 **MR. MONTANO:** Sure. It's everything from a court
23 management system to a JMS system, to our back office ERP
24 systems, to how things are spent. We have different
25 visualizations for those technologies.

1 I am not a technologist to the extent that the
2 experts would be, but I rely on really smart people to make
3 really solid recommendations on how we formulate this and
4 develop that technology roadmap to ensure that each piece of
5 that criminal justice system is connected and is talking. It's
6 something that we have all heard as administrators and leaders
7 is missing; and in some cases, relative to some of the criminal
8 justice agencies, it's barely hanging on by a thread.

9 **THE COURT:** I really applaud the City for doing this.
10 You all will remember in the last six months, the City Council
11 asked for all the representatives from all these different
12 parts of the criminal justice system to come and make
13 presentations to them, and it seems like it took one or two
14 days. It was very extensive testimony.

15 And a common theme was, "We don't have a way to
16 communicate with each other, and that causes problems."
17 Because as, you know, as you mentioned, NOPD, it's not just
18 NOPD. They're part of the system. It's not just, you know,
19 just arrest people. That's just the first part of it. It's
20 how they progress through the system.

21 So I really applaud you all for doing that. The City
22 funds all those different parts of the system, and yet it had
23 never provided a way for them to effectively communicate.

24 **MR. MONTANO:** Yes, Your Honor. And just to buttress
25 that point, I really wanted to highlight that from the City's

1 perspective, and I'm working well with the Budget Chair
2 Giarrusso and other council members to ensure that we have a
3 measure of accountability.

4 Because one of the denouements of our overall
5 governmental system, we are a consolidated parish; however, the
6 programmatic control does not lie on anyone outside of our
7 external agencies. The only power we have is through the
8 appropriation. But having that accountability and ensuring
9 that they are, you know, being held in a visual and transparent
10 way with the City is also part of that other piece on why the
11 City is going to feel more comfortable funding them.

12 We will have access to understand how some of those
13 dollars are being spent which for me is very, very valuable and
14 I believe for the community as well.

15 **THE COURT:** And I think, you know, one thing that
16 happened at the hearing was finger pointing, and this will stop
17 some of that because there will be a way for the systems to
18 communicate and for you to hold people accountable.

19 **MR. MONTANO:** Yes, Your Honor, thank you.

20 As I move forward toward the closeout of my opening
21 of the budget presentations and timelines, I'll enter into the
22 report, I believe, you more specifically asked for. So once we
23 deliver the budget on the 25th, the council will then take
24 upon itself hearings. I think one of our criminal justice
25 agencies are in the beginning of those.

1 What will be acutely vital for understanding, and I
2 mentioned this to the Court for clarity, but we also realize we
3 will have to socialize this much larger at a broad base both
4 with the public and the media and all the sort. We're
5 budgeting a very different way, and I don't want to get overly
6 saturated on the details of accounting or forecasting or
7 anything of the sort.

8 But frankly, the last two years have been topsy-turvy
9 as it relates to managing budgets. We had to cut. We had to
10 add. We had a one-time infusion and the like. So we had some
11 very large distortions of what is the difference between budget
12 and actuals. So what you are budgeted is very different than
13 what you actually spend. So you will have seen over the course
14 of almost every agency, there is a budget number that is much
15 higher than what the agency actually spends.

16 What's important for us to do as both fiscal stewards
17 and ensuring that we're using the proper methodologies is to
18 prepare these agencies to actually right-size what their budget
19 should be. I've been very clear, and I say completely on the
20 record to all the public safety agencies, hire, hire, hire.
21 Never stop your hiring. That is vital. The only way we can
22 rebuild all of these agencies -- I don't care if it's the
23 civilian side or the operational side. There is no stoplights.
24 There is no stop signs. We need people.

25 Your budgets, however, will reflect your actuals. So

1 we'll have to come back quarterly which I think will be a more
2 cumbersome process, but valuable one, to ensure that they are
3 rightly and properly resourced. So when we present our budget,
4 it will be lower than what was budgeted in past years. But I'm
5 trying to the best of my ability to explain that is only
6 because we're using the actual numbers, not the budgeted
7 numbers.

8 Over the course of the quarters, as they hire and
9 hire and hire, we'll be able to go back to the council and
10 repopulate those budgets hopefully until we get to a final
11 number toward the end of the year. Then we can start again on
12 more of a carryover basis. It's almost back to the, you know,
13 1970s version of zero-based budgeting, just with technology to
14 help us go there.

15 So I hope that -- I just wanted to explain that. I
16 hope that makes sense in that in no way are we decreasing the
17 budgets toward the end of the year, but we are actual planning
18 on budgeting -- I'll use police, for example -- what they
19 actually spend the first quarter, and I'll add probably
20 20 percent, and then as the next quarter and the next quarter.
21 I hope as they hire and hire and recruit, and pray the
22 recruitment package moves forward, we will be able to continue
23 to populate that, so.

24 **THE COURT:** Do you have to go back on a quarterly
25 basis to the City Council and do a readjustment of the budget?

1 **MR. MONTANO:** Exactly, exactly, Your Honor.

2 Right now, traditionally, we've been doing one
3 cleanup mid-year. Like I said, many of that has been a result
4 of just the complexities of the last two years. We have a
5 strong fiscal health, a strong fund balance, significant
6 amounts of ARP funds, and now it's absolutely incumbent upon us
7 to ensure that we're very precise with those dollars because we
8 know we will not have the amount of one-time funding that we
9 currently have ever again, at least, from my perspective. So
10 we want to be very acutely safeguarded with it.

11 **THE COURT:** So one of your concerns, you don't want
12 the public to think that you're decreasing funding for the
13 police department?

14 **MR. MONTANO:** Yes, Your Honor. That is my only fear
15 and reticence that the perception of that would be. That's why
16 I wanted to spend just a few minutes explaining the methodology
17 so that it is understood. In no way are we -- I hope they
18 spend more than they actually get budgeted over the year.

19 However, if we lock up that money, that does no one
20 any good. It just spills over and spills over. So it's just
21 trying to ensure that there's precision in what they're doing
22 and how they're doing it.

23 That's just not for police. I'll make the
24 recommendation both for the sheriff's office, the district
25 attorney's office, our safety and permits office, the code

1 enforcement office, the whole plethora of different agencies.

2 **THE COURT:** That's in response to what the City
3 Council requested, isn't it?

4 **MR. MONTANO:** At some levels, yes. At some levels,
5 yes.

6 I think when I read what they were asking for and
7 when I've talked to them, I think they want to understand
8 better how those resources are being utilized and allocated and
9 not to pigeonhole that money over the course of time with that
10 vacancy savings or salary savings.

11 So I believe that we are in complete alignment with
12 that, and I just want to make sure semantically and publicly
13 that that explanation is also provided.

14 **THE COURT:** Okay. Well, I'm glad you explained it
15 here today.

16 **MR. MONTANO:** Thank you.

17 Is there any questions, Your Honor, relative to the
18 macro, slash, micro pieces of the budgeting process for the
19 agencies and some of the intentions?

20 Our fingers crossed on civil service. I know we've
21 had many different conversations about that.

22 So agenda items, technology, so now we'll get into
23 the granularity as I said. Currently, CLO's, district
24 detectives, and their immediate supervisors are approved for
25 all City-issued cell phones. This funding was provided during

1 the mid-year process. And Shaun, chief and I have, I believe
2 just this week, had a little more of a conversation on other
3 assessments and needs for cell phones. Funding is available
4 should they determine that there is additional phones needed.

5 **THE COURT:** How soon do you think you'll have those
6 out to people?

7 **MR. MONTANO:** I heard at least a month.

8 But on a more heartened scale, we've ordered this
9 week 224 computers which includes 20 desktops per district, 24
10 computers --

11 **THE COURT:** Wait, 20 desktops per district.

12 **MR. MONTANO:** Yes. 24 computers for the APR unit.

13 **THE COURT:** Wait, you ordered a total of 224?

14 **MR. MONTANO:** Yes.

15 **THE COURT:** That's 20 desktops for each district?

16 **MR. MONTANO:** Yes.

17 **THE COURT:** And then 24 for?

18 **MR. MONTANO:** The APR unit. 40 additional for the
19 academy and other priority areas.

20 **THE COURT:** And other what areas?

21 **MR. MONTANO:** Other priority areas as they deem
22 essential. The vendor thankfully has said they are currently
23 in stock, and we should be receiving within two weeks.

24 **THE COURT:** Well, how long does it take to get them
25 ready to distribute after you get them?

1 **MR. MONTANO:** You're talking about imaging and
2 deployment?

3 **THE COURT:** Right.

4 **MR. MONTANO:** I may be getting a little bit out of my
5 lane. But if I revert back to our cyber attack when we had to
6 do this citywide, it takes about each computer anywhere from 30
7 minutes to an hour. So if you do the math on that, it could be
8 about a week or so.

9 I may have to ask the Court for its apologies because
10 of the capacity issue for our IT staff, but we'll make it a
11 priority. It's not insurmountable. It just does take a little
12 time to image and deploy.

13 There are 18 new computers that have been deployed to
14 our crime lab, and we have ITI evaluating and identifying the
15 remaining hardware needs.

16 If I can pause and just go back to the other comments
17 that I made relative to the criminal justice system of
18 infrastructure, the technology roadmap, because this is where,
19 I think, it will be most valuable. There is absolutely need
20 for PMO which is a project management office from my
21 perspective to ensure that we're enacting and developing these
22 programs. And this is very common in large-scale technology
23 implementation processes where I'll have to hire an outside
24 agency to be able to come and deploy these resources
25 accordingly.

1 I say that as I'm reading this particular item of
2 assessment of IT needs because I think you and I have talked
3 and we've discussed the vital need above and beyond what we
4 currently have existing within our City resources to address
5 NOPD's technology needs. And there is work toward that path
6 right now. I think there is discussions and assessments to see
7 what we can have on-hand that's available currently.

8 But if I go back and if it's approved for that
9 criminal justice system infrastructure system, then that will
10 give significantly more resources to these agencies to both
11 identify needs and effectuate their goals and objectives and
12 see whether the conversion of LIBRS/NIBRS, whether it's the
13 development of dashboards for crime fighting agencies, it's how
14 they use Macs, all the other things. So I'm hopeful and
15 confident in that.

16 Then lastly, on computers, an additional computer
17 order of 250 devices will be placed within the next month.

18 **THE COURT:** Wait, say again. What is that?

19 **MR. MONTANO:** Another 250 computers will be placed on
20 order within the next month which should completely refresh
21 NOPD's PCs.

22 **THE COURT:** That's great, thank you.

23 **MR. MONTANO:** I do want to obviously publicly thank my
24 team that has worked -- Arlinda now, great contribution, as
25 well as Shelby and all of her staff that have really done a lot

1 of groundwork on this, of course, in conjunction with the
2 various agencies.

3 Vehicles, 74 vehicles have been delivered to EMD
4 which is our motor pool division, and they are currently being
5 outfitted. I believe they're at districts now. And the goal
6 is -- "outfitted" meaning lights, sirens, bells, whistles,
7 everything of this sort. The goal and anticipation for all of
8 those units is to be complete by the end of the year.

9 So are some of them out now in the districts, some of
10 the new vehicles?

11 **SUPERINTENDENT FERGUSON:** No, they're still being
12 outfitted.

13 **THE COURT:** So how long have they been there, several
14 months?

15 **SUPERINTENDENT FERGUSON:** A few weeks. We received
16 about 30 of them, Your Honor, the first increment of them, but
17 then we had to get -- the problem was getting the decals for
18 the exterior side, and then now -- we're doing that now. Then
19 we're going to transition to sending them to Baton Rouge to be
20 outfitted with the cages and the digiTICKETS and everything
21 else that is required for these vehicles.

22 **THE COURT:** So none of the ones you received is ready?

23 **SUPERINTENDENT FERGUSON:** No, ma'am, not on patrol.
24 They're out in the field being outfitted.

25 **THE COURT:** It just seems like a long time.

1 **SUPERINTENDENT FERGUSON:** It takes some time. It
2 does.

3 **THE COURT:** Is there a backlog at the place in Baton
4 Rouge that's doing it?

5 **SUPERINTENDENT FERGUSON:** Right now, they're here
6 being outfitted. Meaning, they're here being -- on the
7 outside, having screens put on the outside. Then they have to
8 go to Baton Rouge. They're waiting for them in Baton Rouge to
9 be outfitted with the cage, with the digiTICKETS, and
10 everything else that is required to go into these vehicles, and
11 the sirens and everything else.

12 **THE COURT:** So when are some going to be sent to Baton
13 Rouge?

14 **SUPERINTENDENT FERGUSON:** As soon as they finish being
15 decalled. The next step is to be outfitted in Baton Rouge.

16 **THE COURT:** Are they going to send them as they
17 finish?

18 **SUPERINTENDENT FERGUSON:** Yes.

19 **THE COURT:** They're not going to wait until they're
20 all done?

21 **SUPERINTENDENT FERGUSON:** No, ma'am.

22 **THE COURT:** You know, that's what the monitors hear,
23 that these cars are needed because there are not enough cars to
24 go around. So it seems like it's a priority to get them ready
25 to go.

1 **SUPERINTENDENT FERGUSON:** Absolutely, they are.

2 **THE COURT:** It really seems like longer than three
3 weeks to me.

4 **SUPERINTENDENT FERGUSON:** The supplies, the supply of
5 the vehicles, the supply of the decals, supplies of everything.
6 So that has been the holdup.

7 **THE COURT:** Have you got the materials now?

8 **SUPERINTENDENT FERGUSON:** We have the materials.
9 They're being decalled right now. We finally received that.

10 **THE COURT:** Well, I know that -- go ahead.

11 **SUPERINTENDENT FERGUSON:** No, ma'am. I just said we
12 finally received the decals like the later part of last week,
13 and now they're being decalled now.

14 **MR. MONTANO:** It's a sorrowful song. I absolutely
15 agree, Your Honor. I'm almost three years behind on
16 ambulances. I mean there's a 36-month waiting period for an
17 ambulance right now. Fire trucks are in the same realm. I
18 hope the supply chain issue has begun to course correct in some
19 of these issues because how can I plan for an ambulance three
20 years right now. I mean I'm having to rent equipment across
21 the agencies.

22 Almost every agency, I've had to green light
23 equipment rental, and this is stuff like pickup trucks. We're
24 using rentals for everything, to fill potholes. It's a
25 travesty what we're going through on the actual ability to

1 purchase vehicles or even get them repaired. So I digress.

2 As far as more vehicles, obviously, we will,
3 inclusive of our ARPA and fund balance recommendations, put in
4 there a complete overhaul of all of our fleet. It's always
5 going to come down more to the timeline and when we're actually
6 going to be able to order it and receive it.

7 Thankfully many members of both the community and
8 others are trying and making calls to try to catch orders that
9 can't be fulfilled. I think everybody is really joining
10 efforts, and I'm getting emails left and right to say this
11 person may know this person who may know this person and just
12 trying to be helpful on trying to get vehicles. I think that
13 has been a song that has been resonating with individuals.

14 **THE COURT:** It would make a tremendous difference to
15 the officers.

16 **MR. MONTANO:** Absolutely.

17 **THE COURT:** So it's really important.

18 **MR. MONTANO:** Facilities and building and repairs, all
19 priority items reported on the 9/27 have been completed.

20 And one of the things that Jonathan discussed earlier
21 today, and I agree and will work toward that, is that I have
22 updated spreadsheets that I get internally, and it will be
23 valuable as I understand it for the Court and Your Honor to
24 have a little bit more of a public-facing idea of where we are
25 on some of the progress for facilities. Just so people and the

1 community and the public, is my understanding, can see where we
2 are on some of the repairs and understand what work has been
3 done, what our limits are.

4 And we will go back and determine the best technology
5 method to be able to provide that to the Court that you-all
6 then can visualize to your desire, making sure that we have the
7 quality assurance necessary to address the complete and
8 in-progress portions for HVAC, electrician work, plumbing work,
9 HVAC work, roofing work, and the like. We have a little bit of
10 a homework assignment to figure out how to best visualize many
11 of these updates that I'm providing you now in some sort of way
12 for the Court.

13 **THE COURT:** Even more importantly for the officers who
14 are working in those facilities to know that something is being
15 done. How long will it take for you to get that to us?

16 **MR. MONTANO:** The request came today. So let me
17 reassess with my team, and hopefully, get back to you in short
18 order if that's okay.

19 **THE COURT:** I really would like to know, and I believe
20 that the public and the NOPD officers have a right to know.
21 And it really just reflects well on the City. It's a shame
22 that it's taken so long, but at least now, something is being
23 done. And I think it would help their moral if they knew that,
24 yes, we're going to make some improvements; so your work
25 environment is better. So the sooner, the better.

1 **MR. MONTANO:** Sure.

2 **THE COURT:** And tell us, you know, I'm sure the chief
3 will think about ways to communicate that to the officers.

4 **SUPERINTENDENT FERGUSON:** Yes.

5 **MR. MONTANO:** And that goes similar for our capital
6 projects plan.

7 I can dive into civilianization now, Your Honor.
8 Happily and finally, the RFP for the traffic contract for the
9 third-party to come in and address the accidents is going to
10 close November 2nd. Selection committee is prepared to
11 choose on November 4th. So we're still on time to try to get
12 that done before the end of the year.

13 I have built money into their budget, presumably that
14 council will support and pass, that would be able to carry that
15 out. The timing should start happening and moving forward. So
16 that is happening. That is budgeted. That is realization, and
17 that's happening.

18 **THE COURT:** That is just wonderful, and I appreciate
19 all the work that you and Arlinda have done on that project and
20 Otha and Donesia. So it's just really a big step for the City
21 and for NOPD. Congratulations to you, and I'm looking forward
22 to seeing it put into effect.

23 And I know you will work on educating the public
24 about it and reassuring people about how it works and why it's
25 important.

1 **MR. MONTANO:** Yes, Your Honor.

2 Hiring status, 43 out of the 75 civilian positions
3 have been filled, and an additional 32 are currently in the
4 background phase of the hiring process. I think that is very
5 notable, and my congratulations to the team for moving that
6 forward.

7 **THE COURT:** Does that include our new civilian
8 investigators and our intake specialists? Those are still in
9 the process of being interviewed; correct?

10 **SUPERINTENDENT FERGUSON:** Yes, open vacancies.

11 **THE COURT:** So congratulations on filling a lot of the
12 vacancies. I think that was important.

13 But we have even more coming because we've got 25
14 intake specialists and 25 civilian investigators. So we're
15 beginning to really replenish the department and add new
16 people. So I think that's good.

17 **SUPERINTENDENT FERGUSON:** Yeah.

18 **MR. MONTANO:** Yeah, I mean it's all part of that
19 trinity, I think, we're all trying to attack as it relates to
20 NOPD is ensuring that they have resources available for the
21 civilianization pieces, processes to ensure that it's
22 effective, equipment and environment, vehicles to ensure that
23 it is a habitable workplace.

24 And lastly, most important, that we're trying to
25 charge through is a retention and a recruitment strategy to

1 bring officers back into the office. Although there's a
2 redeployment strategy, we all know that's temporary. We need
3 those new officers or formerly lateral officers to come back
4 and fill the shoes there. So that is really what that trinity
5 has evolved to.

6 Training plans, police intake specialists will be
7 receiving training, of course, to handle reports over the phone
8 and online. The training, obviously, will largely consist of
9 course content that already exists for recruits and tailored
10 for the APR new unit.

11 Investigative specialists, as you said, the training
12 will include the same content as intake specialists, as well as
13 in-depth training on field response elements, such as, evidence
14 collection. That's just a parlay in what some of that process
15 includes for the training pieces.

16 Lastly, and frankly, in closing, unless we have any
17 more questions, Your Honor, we understand that this is the top
18 priority for many residents in the City. We are aggressively
19 trying to address this with as much strategy as possible from
20 the resourcing side to the operational side. We want to make
21 sure that we don't sacrifice good for perfect, but we also want
22 to make sure what we do is longstanding.

23 So with the permission of the Court, I will close and
24 see if you have any questions. If not, I'll take my seat.

25 **THE COURT:** Any questions from the monitors or DOJ?

1 **MR. ARONIE:** One, it's a question, slash, comment, but
2 I can address it in my remarks.

3 **THE COURT:** Is there something you want --

4 **MR. ARONIE:** No. I think that it's just a point about
5 the automobiles and the importance of focusing on fixing the
6 broken automobiles, but I'm happy to do that.

7 **THE COURT:** You might want to comment on that.
8 There's the new automobiles. Then there's also the issue of
9 the lots being full of broken cars.

10 So what's the plan on that?

11 **MR. MONTANO:** Thank you for the question. It's
12 something I hear and I get a text and emails about all the
13 time, "Where is this car, this car? This unit is sitting
14 here."

15 Some of it is, when completely unpeeled, is a little
16 misinformation from various parties that are involved. I have
17 a master list of where everything is and what the issues are.
18 If it's small and it can be fixed, they're turning relatively
19 fast according to my EMD department. If some of those issues
20 hypothetically are larger and the part is taking significant
21 time, they are going back to, you know, the waiting line or the
22 queue.

23 And then lastly, there is a perception that payment
24 has become an issue. Any time that has ever come to me as a
25 concern or an issue and we've uncovered it, less than 5 percent

1 of the time has it actually been a payment issue, but seven
2 other different things that weren't said. I think sometimes
3 there was some easily scapegoating that's happening as the
4 reason why something is not getting fixed. But it's just the
5 reality.

6 I mean many people, even with their personal
7 vehicles, are facing this longevity of things getting fixed
8 because of the parts. I've tried to expand it in the way --
9 the City is limited in our procurements to certain vendors.
10 What we have worked with our chief procurement officer and law
11 department with is to expand that. We have done that.

12 For example, we may not be able to get a part from
13 Matt Bowers, but we can order that part on Amazon. Matt Bowers
14 may not use that part to fix it there, but we order it on
15 Amazon, and then we take it to a mom-and-pop shop that isn't
16 currently on the system and doesn't want to be in the City's
17 system, but we're figuring out a way to pay them.

18 So it's really been a little bit of a kabuki dance in
19 many ways to ensure that we're matching resources with those
20 available to fix it and everything of the sort. So that's just
21 a small example of how we're trying to manage those vehicles
22 that are sitting in garages or our EMD facilities,
23 understanding that as much as police officers, we need more
24 mechanics. I probably -- I should have 50 to 60 more mechanics
25 than I currently have. That's the reality that I'm currently

1 facing.

2 I know that there is hiring challenges that we have,
3 pay challenges that we have. But at the same vein, we continue
4 to be as creative as possible to address this. It's nowhere
5 near perfect. I wouldn't stand here and defend every piece
6 that has happened over the course of the time and the repair
7 process, but we are absolutely ardently trying.

8 I know and I hear that every time we get a vehicle
9 down, I'm aware of it, and where it goes from there is also
10 part of that problem. I'm at a loss frankly. Really, I wish I
11 had more and better news relating to our repairs.

12 **THE COURT:** Well, thank you for that report.

13 **MR. MONTANO:** Thank you.

14 **THE COURT:** I really appreciate all the information
15 that the City has provided today about what it's doing to
16 address the issues that are facing the NOPD. And I really
17 think that it would be good for the NOPD officers to know about
18 all of these topics, the cars, the technology, the
19 civilianization. Maybe we can visit about ways to make sure
20 that that information gets distributed.

21 I'd now like to ask the monitors to make their -- any
22 remarks they have and to report back to me on the tasks that
23 I've asked them to do.

24 **MR. ARONIE:** Good morning, Your Honor.

25 **THE COURT:** Good morning.

1 **MR. ZIMMER:** Your Honor, I'd just like to renew our
2 objection to the monitor giving a report in violation of
3 paragraph 457 and 462.

4 **THE COURT:** This is not a report in the sense that's
5 used in that paragraph as I've said to you before. But anyway,
6 your objection is noted.

7 **MR. ARONIE:** Thank you, Your Honor.

8 As the bias-free areas and the stop, search, and
9 arrest areas, Your Honor, move closer to an in-the-green
10 recommendation, the Court asked the monitoring team continue to
11 ensure that other areas have not experienced any slippage
12 especially in light of the manpower crisis that NOPD is facing.
13 We agree. This is an essential, essential task precisely
14 because the manpower issue or person-power issue is having such
15 an impact on so many areas within the NOPD.

16 So I'm going to walk you through some of the things
17 the monitoring team is doing to ensure that there's been no
18 slippage. I'm certainly not going to walk through every audit
19 or review that we're undertaking, Your Honor, but I would like
20 to share with the Court several examples from each area so the
21 Court and the public can have a sense of what we're doing.

22 Before I get into, I guess, what some would say are
23 the more substantive areas, I do want to just piggyback on
24 something the CAO just talked about. We lately have been
25 looking a lot at the resource issue for NOPD because Paragraph

1 12 requires the City to properly resource and support the NOPD.

2 And I just want to focus for a second a little more
3 on the cars. To be clear, I'm not arguing with anything the
4 CAO said. In fact, I'm sharing the CAO's frustration that the
5 systems do not permit NOPD to act in anywhere near as fast as
6 it needs to. I just wanted to give a little additional
7 context.

8 So as the Court knows, I ride with police officers
9 every time I'm in town, and it gives me a pretty good sense of
10 what's going on in the districts. I've been doing this since
11 the beginning of the Consent Decree. My experience this week
12 was similar to my experiences in prior weeks. And in one
13 particular district, there were probably 10 to 12 police cars
14 unusable in the district's parking lot.

15 Now the context I want to give, though, is what that
16 caused to happen is it caused officers to have to double-up or
17 even triple-up in the cars that did work. From the perspective
18 of our shared goals of getting more officers, more cars on the
19 street, if you have to double-up officers in cars and you
20 already only have six cars on the street in the first place,
21 it's a significant impact on the NOPD's goals to get more cars,
22 more blue lights in more neighborhoods.

23 Now, again, I'm not -- I understand -- I can't say I
24 understand. I have seen the bureaucracy that causes these
25 things to slow down with the City. I absolutely agree and

1 believe when the superintendent and the CAO say they share this
2 frustration. I just wanted to give a little context that it's
3 not just an administrative matter. It is literally keeping
4 officers off the street because they have to share cars.

5 **THE COURT:** It's just as much as not having the
6 officers.

7 **MR. ARONIE:** That's exactly right. And then when we
8 drove by the other night, EMD, and there is 20 to 30 cars
9 parked in the EMD parking lot not fixed yet, but no one was
10 working at EMD because it was in the evening, I would contend
11 that this is a big enough emergency where EMD should be working
12 double shifts.

13 NOPD officers work 24/7. One could make an argument
14 that, perhaps, the people that fix their cars need to. Now, I
15 understand budgetary issues and personnel issues and hiring. I
16 know it's not as easy as I'm suggesting. I did want to give a
17 little context to why it matters so much from a blue lights in
18 neighborhoods perspective.

19 In that same context, I also do have to give a, I
20 guess what I would say is a shout-out, to the cooperation we
21 have received from the CAO's office has been tremendous.
22 Working with Gilbert and Arlinda has been absolutely topnotch.
23 We share the goals; we share the efforts. They have been fully
24 cooperative. I couldn't ask for better partners in this kind
25 of Paragraph 12 effort, Your Honor.

1 **THE COURT:** And I agree, and we all appreciate it. I
2 want to say having Arlinda at the CAO's office has been great
3 for us. And of course, our cooperation with you, Gilbert, and
4 Donesia has been excellent. So thank you. We appreciate it,
5 and we'll keep it up.

6 **MR. ARONIE:** Absolutely. Thank you, Your Honor.

7 Moving from Paragraph 12, I'm going to walk through
8 some of the various sections of the Consent Decree, as I said,
9 to give the Court a sense of what we're looking at. Section 2
10 of the Consent Decree, as you know, focuses on policies and
11 training. Now NOPD, the DOJ, and the monitoring team worked
12 very closely together years ago and updated almost all the
13 policies, I think. It was a major, major undertaking, and the
14 result was a very impressive collection of new policies.

15 What NOPD has to do after that is make sure that the
16 policies are updated annually. So one of the things we're
17 doing is we're working with PSAB to make sure that, in fact,
18 the update process is continuing, that there are records, that
19 the policies are --

20 **THE COURT:** Not PCAB.

21 **MR. ARONIE:** PSAB, standards and accountability.
22 Thank you for the clarification.

23 And so working together to make sure that the update
24 process continues. That's very important because you could
25 have a situation as you have in a lot of departments across the

1 country where policies just stay on the books well past their
2 kind of usefulness, and no one ever looks at them to see if
3 they still reflect best practices.

4 The Consent Decree requires NOPD to do that. We have
5 no reason to think they're not. But you know, trust, but
6 verify. And we're making sure that they continue to keep their
7 policies updated.

8 The other thing we're pushing in this area, Your
9 Honor, and we've heard this loud and clear from the officers
10 themselves, is to make sure that the officers in the field are
11 having their voices heard on what the policies need to reflect.
12 Now I'm not suggesting that the officers write the policies any
13 more than one person, me, you, the community should write the
14 policies. But to have their voices be heard in this update
15 process makes a lot of sense.

16 Section 3, Your Honor, covers uses of force.
17 Obviously, a very important area. We moved this area into the
18 green quite some time ago, but we never stopped reviewing uses
19 of force. It's such an important area. We review every
20 significant use of force that happens. We're very happy to say
21 that there are not anywhere near as many serious uses of force
22 as there used to be; so there's less to look at. But there are
23 still uses of force, and we look at them all.

24 What we're doing in this area to make sure there's
25 been no slippage is we're going back, and in a much more

1 limited fashion, conducting some of the use of force reviews
2 and audits we did previously. This involves, Your Honor,
3 looking at videos to make sure that use of force reports match
4 to the facts of the actual use of force. Looking at supervisor
5 investigations of uses of force.

6 Now all of these are much more limited than they were
7 when we did the deep dive initially, but it is enough to be
8 able to comfortably, I'm hopeful, telling Your Honor very
9 shortly that, no, we have not seen material backsliding in
10 these areas. Now that's obviously the hope, but again, we'll
11 see what the data show.

12 Within the context of use of force, Your Honor, we're
13 also looking at the NOPD's use of force review board process.
14 We previously advised the Court that that was a very impressive
15 best practice, and we continue to look at them. One could
16 understand where with the manpower crisis, there could be
17 slippage in this area. I'm hoping that's not the case. My
18 guess is it's not the case, but we're going to check to make
19 sure.

20 **THE COURT:** Is there some concern that there have been
21 not as many review boards?

22 **MR. ARONIE:** There was some concern during the COVID
23 time period that there might have been an impact on use of
24 force. There was some delays in holding them; so that did
25 happen.

1 I will say, though, that we have not -- we do not
2 have the sense that NOPD is not still committed to this
3 process. I talk to and meet with NOPD officers and rank and
4 leaders all the time. I am -- I want to be sure, though, that
5 between COVID and manpower, they're still being held as
6 regularly as they need to and serving the critical function
7 they need to serve.

8 Section 4, Your Honor, covers crisis intervention
9 teams. NOPD actually, I would say, has always been one of the
10 leaders in the country in this area. They trained officers
11 very quickly and went above and beyond, at their own election,
12 the Consent Decree's requirement to have a certain amount of
13 officers trained.

14 Our review in this area is going to be rather
15 limited. It really involves two things: Looking at the
16 current numbers to make sure the officers with this training
17 still exist. Because of so much officer turnover, we need to
18 make sure the new officers are receiving their CIT training.

19 And then also, and this involves not just the NOPD,
20 but the communications district, we want to be sure that the
21 CIT officers are actually being called to and deployed on the
22 scenes where they're necessary. It's not a stretch to think
23 that with fewer officers, it's harder to get CIT-trained people
24 where you need them. If that were the case, we would
25 understand that there might be hurdles there, but we need to

1 know.

2 Section 5, Your Honor, covers stops, searches, and
3 arrests. Obviously, this has been one of the biggest and in
4 many ways most complicated areas. It's one of two areas not in
5 the green yet.

6 Happy to say, and actually, very impressed to say
7 that the U.S. Department of Justice, the City, the NOPD, and
8 the monitoring team have worked closely together for a long
9 time to actually develop new tools as to how you measure this,
10 and that's important to stress. This isn't -- this wasn't an
11 area where there's a guidebook out there, and you come in and
12 you check off boxes and you count numbers.

13 The parties actually have worked together to develop
14 a new process to do this, and that happened. And frankly, it's
15 going to be a process that I think the rest of the country will
16 benefit from.

17 What we're doing now is the NOPD has conducted some
18 of these audits using the new tool, and the DOJ and the
19 monitoring team are going through those audits. We are very
20 hopeful we'll be able to report positively on stop, search, and
21 arrest and bias free in November. Right now, it's just a long
22 process of going through the audit results.

23 Section 6, Your Honor, covers custodial
24 interrogations. That moved into the green some time ago. We
25 have seen some potential areas of slippage. I don't want to

1 suggest they've appeared major. Because if they had, I would
2 have been in court talking about that. But little areas that
3 seem to be the result of manpower issues, and perhaps, lack of
4 training for the influx of new officers. So just like these
5 other areas, we're conducting very limited, spot audits to make
6 sure that any flaws are sporadic and not institutional.

7 Likewise, with Section 7 of the Consent Decree which
8 covers photographic lineups, the same sort of limited, spot
9 audits, very efficiently conducted to make sure there's no
10 material slippage there.

11 Section 8, Your Honor, goes hand in hand with
12 Section 5. Section 8 deals with bias-free policing. The DOJ,
13 the NOPD, and the monitoring team have attacked bias-free
14 policing and stop, search, and arrest together because they're
15 so interrelated. So in the same way that they had to -- we all
16 had to develop tools for stop, search, and arrest, we likewise
17 had to develop tools for bias free. The tools were impressive.
18 Audits have been conducted. We're now going through the
19 process of reviewing the data and the audits. As I said, I
20 hope to be in a good position to report on that in November
21 substantively.

22 **THE COURT:** My understanding is that all the parties
23 agree, Chief Ferguson, to work together to develop the ways to
24 audit these two areas.

25 **SUPERINTENDENT FERGUSON:** Yes, ma'am.

1 **THE COURT:** And that the New Orleans Police Department
2 has requested the help of the auditors and the DOJ to do
3 these --

4 **SUPERINTENDENT FERGUSON:** Identify.

5 **THE COURT:** -- to figure out how to do these audits?

6 **SUPERINTENDENT FERGUSON:** Identify this process.

7 **THE COURT:** That was my understanding, all right.

8 **MR. ARONIE:** And I want to give a big call-out to the
9 NOPD. They were full partners in this. We worked together.
10 We were more than happy to be asked for the help. Our team has
11 a lot of expertise and DOJ likewise.

12 It was a hard process. I don't want to stand up here
13 and say this was easy. This was complicated. It took a lot of
14 time. But the result is a very legitimate and a very real way
15 to measure complicated issues.

16 **THE COURT:** Well, as you said, this is something that
17 the NOPD can continue to use.

18 **MR. ARONIE:** Absolutely.

19 **THE COURT:** And it certainly has the ability now to do
20 that. They helped developed the tools, and they know how to
21 use them.

22 **MR. ARONIE:** Yeah, and in fact, Your Honor, I want to
23 give a shout-out again to NOPD because what they're doing is
24 they're not just using these stop, search, and arrest tools
25 from a compliance perspective. The field operations bureau,

1 the bureau that Chris Gibby runs, they are using some of these
2 tools as a management tool as well to help supervise and help
3 grow and help train.

4 Look, you know, I stand up here, and I tell you
5 things that I don't like when things aren't going well. This
6 is something that's been going very well, and the cooperation
7 is notable.

8 **THE COURT:** Am I correct that Matt Segraves should get
9 some --

10 **MR. ARONIE:** Matt Segraves and also Nicole Powell, I
11 think both of them have been instrumental in getting this done.

12 **THE COURT:** So please express our thanks to them and
13 tell them they got out a shout-out in Court.

14 **SUPERINTENDENT FERGUSON:** Will do.

15 **MR. ARONIE:** Thank you, Your Honor.

16 Section 9 covers policing free of gender bias. Among
17 the areas within Section 9 are investigations of sexual assault
18 and investigations of domestic violence. As you know, Chief
19 Viverette on our team has looked at that continuously. They
20 were moved into the green in the area some time ago, but Mary
21 Ann continues to look at this area.

22 Here's another area where the personnel shortage
23 looks like it's creating difficulties for NOPD. So we've asked
24 Chief Viverette to go back and conduct another spot audit, more
25 limited than the prior ones, but still to make sure that the

1 achievements of the past are not being lost.

2 **THE COURT:** Let me say for areas such as this where
3 there are challenges because of personnel, the point is to be
4 transparent about it, you know. It would be better if the
5 department would say to the monitors who would say to me, "We
6 are having difficulties with this area because we don't have
7 personnel." And then there could be a discussion about how to
8 adjust for that or how to deal with it.

9 So that's what I would encourage you to do in the
10 future because I think it -- we understand there's some
11 resource and personnel issues, but there may be ways that you
12 can address those. And in any event, I would just like to know
13 about it and not have to find out about it. I'd like for you
14 to tell me.

15 **MR. ARONIE:** Yes, Your Honor. We agree.

16 Section 10 of the Consent Decree covers community
17 engagement. Now in some ways, more than other areas of the
18 Consent Decree, this area is liable to take a hit from lack of
19 personnel. Engaging with the community takes a lot of time and
20 a lot of time from officers on the street.

21 Now we contend that that time is critical, and in
22 fact, you can't fight crime without community engagement and
23 community involvement. But because it's so manpower,
24 person-power focused, we are looking very closely at this area
25 to see if there's been any slippage. We will continue to

1 review the PSAB reports in this area. We have one of our
2 chiefs, Chief Murphy, reviewing the status of the geo
3 deployment efforts.

4 You'll remember the geo deployment is assigning
5 officers to certain sectors. It wouldn't surprise me if in
6 light of the personnel issues, that has suffered. Now I'm not
7 saying that it wouldn't be understandable if it has, but to
8 your prior point, we need to know these things so we can make
9 sure that there's a long-term plan and that there's no
10 institutional slippage.

11 **THE COURT:** What we hope is that these civilianization
12 efforts and bringing in different resources, different ways to
13 handle calls, such as, the traffic contract, will eventually --
14 and upping the recruitment effort. Eventually, they're all
15 going to work together to where you can get back where you
16 were, and I know that's your goal as well.

17 Then there can be a plan, you know. We can all know
18 yes, this is the problem, but NOPD has a plan to get back to
19 where they said they would. And then you just work the plan,
20 and we'll see what happens.

21 **MR. ARONIE:** That's exactly right, Your Honor. If
22 NOPD came to me and said, "Look, geo deployment has suffered
23 because of X, Y, and Z" -- I'm not saying it has. I'm saying
24 if that were the sort of conversation, I would say, "Okay, I
25 understand that. What's the plan to fix it over time as your

1 numbers increase?"

2 So those are the conversations we very much like to
3 have.

4 We're also in this area looking closely at the use of
5 signals. Those are the codes the NOPD officers use to say what
6 they're doing because that's a nice, simple way to figure out
7 where officers are spending their time. Again, it won't
8 surprise me if there have been impacts in this area because of
9 staffing. We, in the monitoring team, we are not foolishly
10 consistent. If there's a reason for things and there has to be
11 a plan, kind of a workaround for a while, then we get that.

12 And to your point about the civilianization and the
13 alternative police responses are going to be a help, I contend,
14 Your Honor. That's actually the only thing that's going to
15 work, and that's not a Band-Aid. I think most people realize
16 that the redeployment at the moment is a Band-Aid. We're
17 borrowing from Peter to pay Paul as they say. Ultimately, you
18 have to pay back those people, or investigations don't get
19 conducted. So we're living in a world of a Band-Aid, and we
20 get that.

21 Civilianization, however, and changing the way we
22 think about what requires a sworn police officer and what
23 doesn't is a real long-term solution. And for a while, NOPD
24 was not a leading thinker in that area, but I believe they are
25 now. And I have noticed a change in the way they're thinking

1 and talking about civilianization that I think is ultimately
2 going to hold the department in good standard.

3 **THE COURT:** You agree, Chief Ferguson?

4 **SUPERINTENDENT FERGUSON:** Yes, ma'am, I do.

5 **MR. ARONIE:** Not to put you on the spot or anything.

6 **SUPERINTENDENT FERGUSON:** I do. Absolutely I think
7 it's going to play a major role in what we're trying to
8 accomplish, the civilianization, yes.

9 **MR. ARONIE:** Your Honor, Section 11 of the Consent
10 Decree covers recruitment. I think everybody knows that the
11 department has had recruitment hurdles. However, it is fair to
12 point out that the nation has had recruitment hurdles. I talk
13 to police departments all over the country, and they all are
14 suffering in the same area of recruitment.

15 Now what I would contend has to happen and what I'm
16 starting to see happen is you need to change the way you
17 recruit. You can't recruit kids today the way you recruited
18 kids 30 years ago. That's very important. Young people today
19 don't think the same way they did before. And we're starting
20 to see kind of that realization of that within the NOPD, and I
21 think that's going to help recruiting efforts.

22 I also want to point out too the NOPJF, an
23 organization in town that has provided additional support to
24 the police department on the recruiting side, as has the
25 business community provided support. It's going to continue to

1 be a struggle for some time. But with so many different groups
2 working together, I think they'll be able to overcome this.
3 But it will be painful for some time as it is for the country
4 as a whole.

5 Section 12 of the Consent Decree covers the academy
6 and in-service training. You have heard us stand here and tell
7 the progress of the academy for many years, Your Honor, and I
8 continue to do that. I am very impressed to say that when I
9 was at the academy recently, not withstanding staffing issues
10 which I know the CAO is working on and the superintendent is
11 working on, not withstanding that, the attitude and
12 professionalism of the academy was still good, a far cry from
13 what it used to be when we started. And they deserve great
14 credit.

15 Now as we know, they're struggling with some
16 personnel issues too, right. They lost their dean which was,
17 you know, stolen by a different agency which is unfortunate. A
18 credit to the department that their people are worth stealing,
19 but unfortunate for us. Now we're going through a process to
20 fill that position.

21 **THE COURT:** Has their monitor been fixed, the monitors
22 and the video at the academy?

23 **MR. ARONIE:** The technology at the academy to monitor
24 the classrooms.

25 **SUPERINTENDENT FERGUSON:** Yes, majority of it. To

1 monitor the classrooms?

2 **THE COURT:** Like when you first go in, the monitor has
3 been blank for a couple of years.

4 **SUPERINTENDENT FERGUSON:** To my understanding, it is
5 fixed. Then what we did also, IT has reassigned personnel back
6 to that to address all of those IT issues within the academy.

7 **THE COURT:** Who has been to the academy lately?

8 **MR. ARONIE:** I was there last month, Your Honor.

9 **THE COURT:** I think last month it wouldn't have been
10 fixed. Next time you go, check to see what's happening.

11 **MR. ARONIE:** I can call the captain and find out
12 today, Your Honor.

13 **THE COURT:** Okay, all right.

14 **MR. ARONIE:** The other quick spot checks of the
15 academy that we'll be doing, we want to confirm adherence to
16 the training plan. That's not a complicated check, but it's
17 something we should do after all this time. And I'm going to
18 make sure that the teachers still have the credentials that
19 they're supposed to have. These are very quick checks, but
20 again, it makes sense to do it especially as we move closer and
21 closer to the sustainment period.

22 Section 13 covers the officer assistance program.
23 Your Honor, we've reported to you that there has been
24 significant slippage in that area. I understand, but I have
25 not confirmed for myself that new staffing has been brought in.

1 New technology has been brought in. New furniture has been
2 brought in. I have no reason to doubt that's true. I'm
3 thrilled that it's true, and I look forward to meeting with the
4 new people.

5 **THE COURT:** You know, a lot of work went into putting
6 in policies and directives and standard operating procedures,
7 and the next task is to make sure that the new people know
8 about those and that they're trained and not just doing what
9 was done before, but actually thinking about how to do it
10 better because there was a lot of hope about having an
11 aggressive, effective program. Some of that went into effect,
12 but I don't believe all of it did.

13 I would like to see the new people, Chief, really,
14 you know, get in there and not just do what was being done
15 before, but make it better. And you know, we've seen -- it
16 just is a shame that over the past couple of years when it was
17 needed as much as ever that it was not functioning. Not at
18 all, it was functioning, but not as well as it was intended to.

19 **MR. ARONIE:** For sure, Your Honor. And a couple of
20 additional comments, one, the Court suggested and NOPD embraced
21 the idea that the way you sustain achievements is with standard
22 operating procedures; so new people can look and see what
23 they're supposed to do. NOPD embraced that. They deployed
24 standard operating procedures through a number of different
25 divisions and bureaus. That's going to help with these

1 transitions we're seeing.

2 **THE COURT:** Right. And the problem, though, is I'm
3 finding people, because of turnover in different positions,
4 that all the things that have been put in place are not always
5 translated to the new person which is just, you know, terrible
6 because it would be so helpful to them.

7 And so I've asked the monitors to work with NOPD to
8 make sure that there's someone who is responsible for keeping
9 track of when people change positions to make sure that the new
10 person gets the benefit of what has been put in place as a
11 result of these efforts. It's just, you know, such a waste to
12 have a monitor go to talk to someone who is in a new position
13 and say, "Are you following this SOP," and they say, "I never
14 heard of the SOP."

15 **MR. ARONIE:** As you know, we had that problem in the
16 area of community policing last year, and it was a significant
17 problem and that, I think, taught everyone a lesson about the
18 importance of these transitions.

19 **THE COURT:** I don't think it taught everyone a lesson.

20 **MR. ARONIE:** I'm hopeful it taught everyone a lesson.

21 **THE COURT:** It taught me a lesson. But I had no idea
22 that this was happening, but now I do. And so I'm, you know,
23 and that should be something, Chief, that you're interested in,
24 you know, to make sure that when -- because you know you have a
25 lot of changes and turnover and the new people need to be

1 trained in how to do their jobs. How do you hold people
2 accountable if you don't give them the tools and the training
3 they need?

4 **MR. ARONIE:** I do have one final comment about the
5 officer assistance support. And I've said it multiple times,
6 but it's critical I say it when I criticize the lack of
7 staffing. There is a shining star there, and he has been
8 tolling, not withstanding the lack of staffing and support, and
9 I got to give Chris Abbott a significant shout-out yet again.
10 He has really kept the place together and done his best to make
11 sure officers have the support they need even without the
12 proper resources to the department.

13 **THE COURT:** Absolutely.

14 **MR. ARONIE:** Your Honor, Section 17 covers performance
15 evaluations and promotions. There's only limited audits we can
16 do here because we can really only audit performance
17 evaluations annually when the department has performance
18 evaluations. So some of that likely will be conducted during
19 the sustainment period.

20 The promotion process, we are doing some spot audits
21 on. DOJ, NOPD, and the monitoring team worked really hard to
22 create a best-in-class promotions process. We're just going to
23 spot audit some of the packages to make sure that the process
24 is working as intended. And you know what, I've said this
25 before. If the process is not working as intended, it doesn't

1 necessarily mean NOPD is not doing it right. It could mean the
2 process needs to be improved. So we're always open-minded to
3 ways we can continue -- a continuous improvement process is
4 critical to any complex organization.

5 **THE COURT:** And this is another area in which there
6 needs to be communication with the officers. Because if you
7 read their comments in the paper, they don't understand the
8 process. Well, it's set out very clearly in the policy. I
9 believe that you all have done training, and you know, shared
10 information, but apparently, they're still saying they don't
11 understand it.

12 **SUPERINTENDENT FERGUSON:** I think they don't want to
13 understand it. We have been very clear.

14 **MR. ARONIE:** I think that's quite possible.

15 **THE COURT:** I agree. But you know, at least if you're
16 sure you keep explaining it over and over, like with your
17 teenagers, just say it over and over, at least you're trying to
18 communicate it to them.

19 **SUPERINTENDENT FERGUSON:** Yes, we are.

20 **THE COURT:** The monitors, when they look at it, if
21 there is a problem, they need to know about it, and y'all can
22 talk about any changes that need to be made. To my knowledge,
23 there are not any problems. It's working as it was intended
24 to.

25 **MR. ARONIE:** Your Honor, I still have some more to go

1 through. I don't want to overstay my welcome.

2 **THE COURT:** How much more have you got?

3 **MR. ARONIE:** I have four, I think, more.

4 **THE COURT:** Okay, quickly.

5 **MR. ARONIE:** Okay. Section 15 covers supervision. We
6 continue to do a lot of spot audits in that area because
7 it's -- I don't know if pervasive is the right word. But
8 everything else in the Consent Decree has a supervision
9 element. We're doing a lot of spot checks in this area,
10 including, looking at videos.

11 Section 16, Your Honor, covers secondary employment
12 system. As you know, this issue has come -- this section has
13 come under some scrutiny lately. I don't need to talk more
14 about that, though. It's currently the focus of multiple
15 investigations.

16 Section 17 covers misconduct complaint intake,
17 investigation, and adjudication. Really, Your Honor, this is
18 the section that covers PIB or the name for our internal
19 affairs department and the investigations conducted in the
20 districts by the officers. We're taking a deeper look in this
21 area than we are in some of the other areas because it's not
22 only so critical to community trust, but it's so critical to
23 officer trust in the department as well.

24 So we're looking at things like the timing of PIB
25 investigations to make sure they're done quickly in fairness to

1 everybody. We're looking at the documentation. We're looking
2 at the reasonableness of the decisions, and we're looking to
3 make sure there's no favoritism.

4 I want to be clear on this. Some officers and police
5 associations have claimed favoritism in the process. We have
6 not found any evidence of that. Nonetheless, we trust, but
7 verify. So we are looking back to make sure that nothing has
8 changed in that area.

9 Section 18, Your Honor, covers transparency and
10 oversight, and actually, this is the last section I'm going to
11 cover. Some quick spot checks we're doing in this area, one
12 under Section 18, the NOPD has data collection and public
13 reporting obligations. So that's not hard to spot check,
14 right. Make sure the data that should be online are. And make
15 sure the reports are timely and shared with the public.

16 The department has to be part of a United States
17 Attorney Criminal Justice Coordination group. A gentleman here
18 AUSA Ted Carter is part of that, and so we just check to make
19 sure that's continuing to serve its purpose.

20 There's an obligation to continually support the PCAB
21 process, the police community advisory boards. A quick word on
22 that, and I gave him kudos last hearing, and I'll do it again.
23 I have complained that the City and NOPD have paid very little
24 attention to the PCAB previously. The superintendent and I
25 talked about this, and quite on his own, he reenergized it. In

1 fact, just coincidentally, I saw him presenting at a PCAB this
2 week. He's meeting with every PCAB himself. That sends a
3 message to his captains and officers. Major kudos to NOPD for
4 reviving this process.

5 At the same time, the process did languish for quite
6 some time. So it's going to be some work to reenergize it, but
7 I'm glad to see it reenergize.

8 And then finally, Your Honor, on the list is within
9 Section 18, it's also important that the NOPD and the IPM
10 coordinate and work together. That's not only important
11 because it's a requirement of the Consent Decree, it's
12 important because when we leave, when the federal Consent
13 Decree monitors leave, the IPM stays. And so those processes
14 have to be in place; so the community can have continued trust
15 and oversight outside of the department.

16 And so what we're doing is some spot checks here to
17 make sure that the IPM is getting all the data it needs,
18 getting the reports it needs, and that NOPD is being fully
19 cooperative. I'm not saying they're not, but I'm saying we're
20 checking.

21 So Your Honor, thank you for the opportunity to give
22 a long report.

23 **THE COURT:** Well, that's what I wanted to hear was on
24 each of the sections of the Consent Decree, what you're doing
25 to do what I asked you to do which is to look back and make

1 sure that we're still in good shape on all these different
2 areas.

3 I think it would be unrealistic to expect you to come
4 back to say that everything is perfect and nothing has slipped.
5 And the point is if you do find issues, we just need to address
6 it, and you know, not hide it. Just address it and deal with
7 it.

8 **MR. ARONIE:** That's the way we think about this too.
9 Whenever we found issues in the past, NOPD has been very
10 cooperative to fix them. So I have no desire or interest to
11 hide issues should we find them. All I want to know is that we
12 can work together to fix them and put in lasting changes.
13 Thank you, Your Honor.

14 **THE COURT:** All right, thank you so much. Would the
15 DOJ like to make any comments today?

16 **MS. MARKS:** No, Your Honor. Thank you for the
17 opportunity and for the presentations today.

18 **THE COURT:** Thank you for being here this week. We
19 appreciate it.

20 And I do want to thank the Independent Police Monitor
21 Ms. Cziment for being here.

22 I do want to make a personal request to members of
23 the community to attend the public hearings in the courtroom
24 and to participate in the public meetings hosted by the
25 monitors. Frankly, the public meetings are often not well

1 attended, and it's important to the monitors and to me to hear
2 from the community.

3 So I implore the media to help us publish the dates,
4 times, and places of these public meetings and public hearings.
5 And would you all please go back to your community
6 organizations, friends, and neighbors and encourage them to
7 attend? It's going to be even more important as we continue to
8 progress toward the two-year sustainment period for the Consent
9 Decree.

10 So for your planning purposes, the next -- we got two
11 public hearings in this courtroom before the end of the year.
12 November 9th at 3:00 and November 14th at 3:00.

13 The public meetings hosted by the monitors, there
14 will be one on November 9th at 6:30 at Ashe Cultural Arts
15 Center, one on November 10th at 12:30 at the East New Orleans
16 Regional Library, one December 14th, 6:30 at Ashe Cultural
17 Arts Center, and then December 15th at 12:30 at the Norman
18 Mayer Library.

19 **MR. ARONIE:** Your Honor, apologies. I might have
20 heard wrong, but since we're going to put the transcript on the
21 website, could you just read the dates of the hearings again?
22 Because I thought I heard two November dates.

23 **THE COURT:** The public hearings in the courtroom?

24 **MR. ARONIE:** Yes.

25 **THE COURT:** November 9th at 3:00 and December 14th

1 at 3:00. Okay, thank you. I apologize if I got that wrong.

2 The public can always send questions and comments to
3 the monitor's website which if you type in
4 *consentdecreemonitor.com*, there will be a place there that says
5 questions and comments. You can click on that, and you can
6 type in your question or comment.

7 And you can always go to the Court's website to get a
8 lot of information about the Consent Decree. You can look at
9 the Consent Decree itself. You can look at all the orders that
10 I've done. You can look at the City's filings, and it's free
11 and open to the public. You don't have to be a lawyer. You
12 can type in EDLA in Google or Eastern District of Louisiana.
13 It will bring you to our court's home page. And then on the
14 left-hand side of the page, there's a section for cases of
15 interest, and you just click on the NOPD Consent Decree. And
16 there's a lot of information there that's readily available.

17 So again, I thank you all for being here today. I
18 will look forward to seeing you in November. Court is
19 adjourned.

20 (Whereupon this concludes the public hearing.)

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CERTIFICATE

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4 I, Alexis A. Vice, RPR, CRR, Official Court Reporter for
5 the United States District Court, Eastern District of
6 Louisiana, do hereby certify that the foregoing is a true and
7 correct transcript, to the best of my ability and
8 understanding, from the record of the proceedings in the
9 above-entitled and numbered matter.
10
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12

13 /s/Alexis A. Vice, RPR, CRR
14 Alexis A. Vice, RPR, CRR
15 Official Court Reporter
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