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UNITED STATES DISTRICT COURT.
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

VERSUS
CIVIL ACTION NO. 12-1924 "E"
NEW ORLEANS, LOUISIANA
TUESDAY, SEPTEMBER 27, 2022, 3:00 P.M.

02:44:25

NEW ORLEANS CITY

TRANSCRIPT OF CONSENT DECREE PUBLIC HEARING PROCEEDINGS
HEARD BEFORE THE HONORABLE SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE MONITORING TEAM: JONATHAN ARONIE
DAVID DOUGLASS
ASHLEY BURNS

FOR THE OFFICE OF THE
INDEPENDENT POLICE MONITOR: BONYCLE SOKUNBI

FOR THE DEPARTMENT OF JUSTICE: R. JONAS GEISSLER, ESQ.
THEODORE R. CARTER, III, ESQ.

FOR THE NEW ORLEANS
POLICE DEPARTMENT: ARLINDA WESTBROOK, PROJECT MGR
OTHA SANDIFER, DEPUTY CHIEF
JONETTE WILLIAMS, DEPUTY CHIEF

FOR THE CITY OF NEW ORLEANS: GILBERT MONTANO, CAO
DONESIA TURNER, CITY ATTORNEY
KEVIN HILL, CITY ATTORNEY
CHARLES, ZIMMER, ESQ.

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A F T E R N O O N S E S S I O N

TUESDAY, SEPTEMBER 27, 2022

(PUBLIC HEARING CALLED TO ORDER)

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THE DEPUTY CLERK: All rise.

THE COURT: Please be seated, everyone.

THE DEPUTY CLERK: Calling Civil Action 12-1924,
United States of America v. City of New Orleans.

THE COURT: All right. I want to welcome everyone today, the representatives of the City and the New Orleans Police Department, our Monitoring Team, the Department of Justice, the media, interested citizens. We're so happy to have you all here today. Welcome to the federal courthouse.

I would like for all of the individuals representing the parties to please stand and introduce yourself and tell us what your title is. Yeah.

CHIEF ADMINISTRATIVE OFFICER MONTANO: Your Honor, Gilbert Montano, chief administrative officer, City of New Orleans.

MS. TURNER: Donesia Turner, city attorney.

MR. ZIMMER: Charles Zimmer, counsel for the City and the NOPD.

MS. WESTBROOK: Arlinda Westbrook, Consent Decree

03:17:11 1 project manager, City of New Orleans.

03:17:17 2 DEPUTY CHIEF SANDIFER: Otha Sandifer, deputy chief,
03:17:18 3 New Orleans Police Department.

03:17:19 4 DEPUTY CHIEF WILLIAMS: Jonette William, deputy chief,
03:17:22 5 New Orleans Police Department.

03:17:22 6 MR. HILL: Kevin Hill, senior chief deputy, City
03:17:28 7 Attorney.

03:17:29 8 MR. GEISSLER: Good afternoon, Your Honor.
03:17:31 9 Jonas Geissler, Civil Rights Division for the United States.

03:17:33 10 MR. CARTER: Good afternoon, Your Honor.
03:17:34 11 Theodore Carter also on behalf of the United States and the
03:17:37 12 United States Attorney's Office.

03:17:39 13 Go ahead.

03:17:39 14 MS. SOKUNBI: Good afternoon. Bonycle Sokunbi, deputy
03:17:42 15 police monitor, Office of the Independent Police Monitor.

03:17:45 16 MR. ARONIE: Your Honor, Jonathan Aronie of the
03:17:48 17 Monitoring Team.

03:17:48 18 MR. DOUGLASS: David Douglass, the Monitoring Team,
03:17:52 19 Your Honor.

03:17:53 20 DR. BURNS: Good afternoon, Your Honor. Ashley Burns,
03:17:55 21 the Monitoring Team.

03:17:57 22 THE COURT: All right. Thank you all. Good afternoon.
03:17:58 23 Glad to have you all here today.

03:18:00 24 So, I called this hearing primarily to give the
03:18:04 25 City the opportunity to share the progress it has made in

03:18:09 1 accomplishing its efforts to better support its personnel,
03:18:12 2 increase the civilianization, and increase manpower, all things
03:18:16 3 that are directly tied to the City's obligations under
03:18:19 4 paragraph 12 of the Consent Decree, to provide the resources
03:18:23 5 necessary to ensure the City's full and sustained
03:18:27 6 implementation.

03:18:28 7 I understand the City is impatient to reach the
03:18:33 8 milestone of full and effective compliance and enter into the
03:18:36 9 two-year sustainment period called for by paragraph 486 of the
03:18:42 10 Consent Decree. So am I.

03:18:45 11 In 2019, I said I hoped we were about to enter
03:18:49 12 that sustainment period. That was before COVID, Hurricane Ida,
03:18:56 13 the civil unrest following the killing of George Floyd, and
03:19:00 14 NOPD's current manpower crisis. We share the City's urgency to
03:19:06 15 move the Consent Decree forward, and I want to thank the
03:19:08 16 members of the Monitoring Team, DOJ, the NOPD, and the City for
03:19:13 17 working together toward that goal.

03:19:16 18 At the same time, as was discussed at last
03:19:20 19 month's hearing, hiring has not kept pace with attrition, and
03:19:24 20 the Monitoring Team and I shared significant concerns that the
03:19:29 21 lack of personnel is adversely impacting the City's ability to
03:19:33 22 remain in compliance with the Consent Decree's requirements
03:19:37 23 and, of course, as well as the police department's ability to
03:19:43 24 effectively police the City and keep the citizens safe.

03:19:47 25 Today I want to give the City and NOPD the chance

03:19:50 1 to report on their progress. In addition to hearing from the
03:19:55 2 City and NOPD, as always, I would also like to hear from the
03:20:00 3 Monitoring Team regarding the progress that they are aware of
03:20:04 4 that's being made on a number of ongoing projects, including
03:20:07 5 the specific items about which I expressed concern at our last
03:20:11 6 hearing, and, of course, from the Department of Justice, if you
03:20:15 7 have any comments you would like to make.

03:20:18 8 Please, do not forget, you will all be able to
03:20:21 9 hear from the Monitoring Team directly and make comments and
03:20:24 10 ask questions at tonight's paragraph 461 public meeting which
03:20:31 11 will be held at the Ashe Center beginning at 6:00 p.m.

03:20:35 12 For those that cannot make this meeting, the
03:20:37 13 Monitoring Team will hold a second session tomorrow also at
03:20:42 14 Ashe at 11:30 a.m. I'll give you all another reminder of those
03:20:49 15 events at the conclusion of today's hearing.

03:20:52 16 I would now like to invite the City or NOPD to
03:20:55 17 the lectern to share with us a progress report on topics of
03:21:01 18 interest to all of us since the last hearing. I assume you all
03:21:05 19 have determined the order in which you would like to appear.

03:21:05 20 CHIEF ADMINISTRATIVE OFFICER MONTANO: Yes, ma'am.

03:21:07 21 MS. TURNER: We have, Your Honor. So, it's going to be
03:21:12 22 Gilbert Montano on behalf of the City and Jonette Williams on
03:21:17 23 behalf of the City.

03:21:19 24 THE COURT: All right. Thank you.

03:21:19 25 MR. ZIMMER: Your Honor, just before we get started, on

03:21:22 1 the record we restate our objection to calling NOPD and City
03:21:25 2 employees to the hearing to testify, which is, we believe,
03:21:27 3 outside the Consent Decree's requirements.

03:21:29 4 THE COURT: All right. Noted.

03:21:34 5 MR. GEISLER: Thank you, You Honor. Just for the
03:21:35 6 record as well, the United States opposes the objection. We
03:21:38 7 believe the Court has the authority to call a status
03:21:42 8 conference, but we are eager to see an agenda promulgated for
03:21:42 9 our future status conferences. We think that would help
03:21:47 10 everybody prepare for both our travel arrangements for other
03:21:48 11 members of the team and for the sake of presentations from the
03:21:51 12 City.

03:21:51 13 THE COURT: All right. I have been working on the
03:21:54 14 dates for the public hearing from now to the end of the year,
03:21:58 15 and I'll share them with you all as soon as I have them, and we
03:22:03 16 certainly welcome suggestions from the DOJ or the City about
03:22:08 17 items you would like to cover at these public hearings.

03:22:12 18 As you all know, I have had these public hearings
03:22:15 19 for the last 10 years without any objection from anyone and, in
03:22:19 20 fact, full participation and appreciation from all the parties,
03:22:24 21 and I will continue to do that because I have an obligation to
03:22:29 22 keep the public informed about the progress that the City and
03:22:34 23 the NOPD are making under the Consent Decree.

03:22:37 24 MR. GEISLER: Thank you, Your Honor.

03:22:45 25 THE COURT: Your Honor.

03:22:47 1 CHIEF ADMINISTRATIVE OFFICER MONTANO: Your Honor,
03:22:48 2 members of the team, Monitoring Team, public, all those
03:22:51 3 involved, thank you for having us here today. I'm happy to
03:22:53 4 report on some of the initiatives and plans that as an
03:22:57 5 administration in this city and the police department we're
03:23:00 6 moving forward on behalf of the City.

03:23:02 7 I want to thank you publicly. Obviously, we've
03:23:04 8 had several different private meetings here working through
03:23:08 9 some of our issues, and I certainly feel it has been a good,
03:23:13 10 manageable relationship where we're providing good insight into
03:23:16 11 each other; so, I definitely wanted to thank you and your team,
03:23:19 12 obviously, for that ability.

03:23:20 13 THE COURT: I agree with you and I appreciate your
03:23:23 14 coming to meet with me and, also, the City attorney.

03:23:28 15 CHIEF ADMINISTRATIVE OFFICER MONTANO: Thank you.

03:23:28 16 So, obviously, I will speak most acutely to many
03:23:32 17 of the financial investments. I'll blend pieces of the
03:23:36 18 technology. I'll also overlay the civilianization timelines
03:23:41 19 and projects and have, obviously, closed with what our latest
03:23:47 20 initiative for recruitment is. Then I will not forget to
03:23:51 21 mention or reaffirm our retention, you know, ideas and plans
03:23:55 22 that we have been implementing over the course of time.

03:23:58 23 So, if I could pleasure the Court and just
03:24:00 24 rehighlight our mid-year funding allocation to address very
03:24:05 25 imminent needs within the agency. We understand that

03:24:08 1 policework as a whole has many different faces, many different
03:24:13 2 functions, and that the idea of policing in general is evolving
03:24:17 3 over time, and we want to ensure that we're being as adaptive
03:24:19 4 as possible through that process, understanding that the
03:24:21 5 officer is just not in his vehicle, his or her vehicle in
03:24:24 6 addressing whatever that call for services is. There are other
03:24:27 7 issues that surround the complexity and the enjoyment or the
03:24:32 8 bemoaning of that particular work, and that includes
03:24:34 9 facilities, that includes police cars, that includes overall
03:24:38 10 pay.

03:24:39 11 That's something that we are absolutely acutely
03:24:41 12 aware of and why we have proposed -- and I want to thank the
03:24:45 13 City Council for adopting our proposal of the mid-year. That
03:24:49 14 happened last week without exception on everything that we
03:24:51 15 asked for relative to NOPD's mid-year adjustment. It was a
03:24:56 16 significant investment; and, once again, this is only through
03:24:58 17 the mid-year.

03:24:59 18 We are in the process of our '23 budget as we
03:25:02 19 speak, and there will be an additional significant amount of
03:25:06 20 financial resources requested to the Council to address the
03:25:11 21 needs that I laid out prior to this conversation.

03:25:13 22 What the mid-year addressed -- really is going to
03:25:18 23 address is the retention piece. We went before the
03:25:21 24 Civil Service and the City Council to address a leading aspect
03:25:24 25 of our department leaving and wanted to provide some financial

03:25:28 1 incentive to keep our officers in the field for as long as
03:25:33 2 possible, and that would have come at a cost of significance.

03:25:36 3 We had it staggered in a point where, upon a year
03:25:41 4 of service, they would receive a bonus up to 5,000, 10,000,
03:25:46 5 15,000, or 20,000 depending upon the years of service. We have
03:25:50 6 set forth to have that first payment come in March and then a
03:25:53 7 \$5,000 payment thereafter, pending a final Attorney General
03:25:57 8 blessing and the Civil Service agreement.

03:26:00 9 THE COURT: Let me make sure I understand.

03:26:00 10 CHIEF ADMINISTRATIVE OFFICER MONTANO: Sure.

03:26:03 11 THE COURT: The City approved the funding for the
03:26:05 12 five percent cost-of-living adjustment for City employees,
03:26:15 13 including NOPD personnel?

03:26:16 14 CHIEF ADMINISTRATIVE OFFICER MONTANO: Your Honor,
03:26:17 15 that's correct.

03:26:18 16 THE COURT: All right. You proposed a five percent
03:26:19 17 raise for NOPD officers beginning in 2023, but that would be in
03:26:24 18 the 2023 budget?

03:26:26 19 CHIEF ADMINISTRATIVE OFFICER MONTANO: Sure.

03:26:27 20 Your Honor, yes.

03:26:28 21 You jumped a little ahead of me, but I'm happy to
03:26:31 22 address that right now. I was just giving a little bit more of
03:26:34 23 the history of where we're going with the retention,
03:26:36 24 and retention (speaking simultaneously) --

03:26:37 25 THE COURT: Okay. All right. Go ahead. No, you keep

03:26:41 1 going.

03:26:41 2 CHIEF ADMINISTRATIVE OFFICER MONTANO: There is a lot
03:26:43 3 of different programs, but that's just more the abundance of
03:26:46 4 attention, I believe, that we're trying to pay toward the
03:26:50 5 different facets for our police officers; so, I'll dive into
03:26:55 6 the existing proposal, which is the COLA payment which should
03:26:58 7 be set to be in officers' accounts, I believe, October 11th is
03:27:02 8 when that disbursement will happen for public safety officials.
03:27:05 9 That is five percent of their annual base salary as a
03:27:10 10 cost-of-living adjustment.

03:27:10 11 Then thereafter, we've proposed for future
03:27:13 12 officers -- and this is, once again, subject to Civil Service
03:27:18 13 approval and City Council approval, so I want to make sure I
03:27:21 14 qualify that, in that we've proposed a five percent increase
03:27:24 15 for officers starting January 1st and then a five percent
03:27:28 16 increase for the next two years thereafter, which will take
03:27:30 17 them a little over 15 percent in aggregate.

03:27:33 18 Coupled with that, for our existing officers, we
03:27:36 19 have also proposed a longevity retention payment of \$10,000
03:27:41 20 upon the third year of completion. This overlays a little bit
03:27:45 21 with what our proposal for our retention payment was, which was
03:27:48 22 staggered in the five-year increments because we understood, as
03:27:51 23 we put out the proposal for the recruitment incentive, which is
03:27:55 24 placed at \$20,000, once again, subject to Civil Service and
03:27:59 25 City Council approval, would want in no way to have our

03:28:03 1 existing officers feel left out or in some way disparate
03:28:07 2 relative to the proposal, so what we also proposed in
03:28:10 3 conjunction, and it was, you know, upwards of \$11 million, the
03:28:14 4 proposal, that is, to provide a \$10,000 incentive pay at the
03:28:19 5 third year, as well as within the 5, 10, 15, and 20 years
03:28:22 6 thereafter.

03:28:22 7 That's the financial take-home net effect of the
03:28:27 8 paychecks, but I also wanted -- and certainly, we've worked
03:28:31 9 through this tirelessly addressing some of the alleviation and
03:28:35 10 force multipliers through the civilianization aspect but also
03:28:38 11 the equipment and vehicle pieces associated with it; so, we
03:28:42 12 almost are diving into a new realm of what a police officer
03:28:45 13 will be responsible for.

03:28:46 14 THE COURT: I know I'm being nit-picky, but I think the
03:28:51 15 public would like to understand this too, and I've been paying
03:28:55 16 a lot of attention to your public pronouncements, and I just
03:29:03 17 want to be sure that I understand and the public understands
03:29:07 18 exactly what was in the mid-year budget adjustment and then
03:29:12 19 what's the new 2023 budget. Can I get can exact numbers, like,
03:29:18 20 technology, take-home cars, equipment.

03:29:23 21 CHIEF ADMINISTRATIVE OFFICER MONTANO: Yes, Your Honor.

03:29:27 22 So, if I go back to the mid-year adjustment, if
03:29:30 23 we're looking specifically at just technology, office supplies,
03:29:34 24 furniture, and whatnot, it was \$1.2 million just for that piece
03:29:38 25 of it. That is the -- like, what are you going to absolutely

03:29:44 1 need and can you spend by the end of the year? That does not
03:29:47 2 include the 14-plus million dollars for the retention package
03:29:52 3 that was also approved, nor does it include the vehicle
03:29:56 4 purchase plans, which, in this stage -- and I'm not trying to
03:30:00 5 be complex or technical, but I have different buckets of money.

03:30:05 6 So, from the capital program, I have a separate
03:30:07 7 line item for what went to police vehicles, police equipment as
03:30:11 8 opposed to the general fund which I'm speaking of now, and that
03:30:14 9 encapsulates somewhere between the 3 to \$4 million. In the
03:30:19 10 FY 23 budget which is happening right now --

03:30:22 11 THE COURT: Is that the 75 cars that you've already --

03:30:24 12 CHIEF ADMINISTRATIVE OFFICER MONTANO: The 75 cars
03:30:26 13 happened in the mid-year, yes.

03:30:26 14 THE COURT: Okay.

03:30:28 15 CHIEF ADMINISTRATIVE OFFICER MONTANO: That was in that
03:30:30 16 realm between 3 and \$5 million because there was other
03:30:33 17 equipment associated with the upfitting of the vehicles and the
03:30:37 18 whatnot. That was also in the mid-year.

03:30:41 19 THE COURT: Okay.

03:30:41 20 CHIEF ADMINISTRATIVE OFFICER MONTANO: Would you like
03:30:43 21 me to elaborate anymore on what is inclusive in the mid-year?

03:30:48 22 THE COURT: Are there some other pots of money for
03:30:50 23 police?

03:30:50 24 CHIEF ADMINISTRATIVE OFFICER MONTANO: No. That was
03:30:51 25 the -- if you add all those dollars together, it's getting

03:30:55 1 toward \$20 million just in the mid-year.

03:30:57 2 If we fast forward toward -- and I will also say,
03:31:02 3 the capital side has not been quantified in its entirety
03:31:08 4 either, and I have a long list of descriptions, even here in
03:31:11 5 front of me, to address everything from HVAC repairs, to roof
03:31:17 6 repairs, to funding, to all of the different pieces from the
03:31:19 7 First District, to the horse stables, to headquarters, that
03:31:23 8 still has to be quantified for a dollar amount as well, but we
03:31:27 9 have been taking a significant dive with our facilities and
03:31:30 10 property management to adequately address these facilities that
03:31:34 11 our officers are having to deal and manage with.

03:31:37 12 THE COURT: Those capital projects are also part of the
03:31:40 13 2022 budget adjustment?

03:31:44 14 CHIEF ADMINISTRATIVE OFFICER MONTANO: No, Your Honor.
03:31:44 15 That would be part of what is already existing and approved
03:31:48 16 within those scopes prior to the 2022 budget in the capital
03:31:53 17 program or what we will essentially propose in the congruent
03:31:59 18 capital budget/general fund overall budget for FY 23 once we
03:32:08 19 have a better idea of what some of those issues would involve
03:32:09 20 and a scope more acutely to have a better idea of the price.

03:32:14 21 So, for example, we know that we need a
03:32:15 22 condensing unit at the First District. We know that we have
03:32:19 23 repairs at the shooting range. SOD has several Trane unit
03:32:24 24 repairs. These are all heater repairs. I don't want to bore
03:32:28 25 the Court with their minutia, but it really took an effort and

03:32:32 1 a process to be able to -- one of the things we heard was that
03:32:34 2 our officers at some point stopped complaining about what is
03:32:39 3 the problem around their facilities.

03:32:41 4 What we wanted to establish and what I hoped we
03:32:44 5 are evangelizing now is that we believe that we are designing
03:32:49 6 or have designed a process so that if your environment is not
03:32:53 7 suitable for the duties you have to perform, there is a process
03:32:56 8 and a method to address a person to be able to handle and take
03:32:59 9 care of putting in the proper work order, and that's going to
03:33:02 10 be everything from office supplies to technology needs but,
03:33:06 11 most importantly, some of the facilities pieces there.

03:33:08 12 THE COURT: I think what you're talking about
03:33:10 13 addressing is the worklife qualities for the officers so that
03:33:17 14 they have an adequate place to work and they have equipment and
03:33:20 15 supplies. You're doing that because you think that will
03:33:26 16 increase worklife satisfaction among the officers.

03:33:30 17 CHIEF ADMINISTRATIVE OFFICER MONTANO: Your Honor, yes.
03:33:32 18 Obviously, we've heard that directly from the officers, from
03:33:34 19 the teams, and everybody associated with that. We have
03:33:37 20 listened, and I feel like what we are proposing and what we
03:33:40 21 have done is developed, and now we are trying to execute upon
03:33:45 22 those issues.

03:33:46 23 THE COURT: All right. So, now you're going to talk
03:33:49 24 about the 2023 budget and maybe a little slower and maybe I'll
03:33:53 25 get it.

03:33:54 1 CHIEF ADMINISTRATIVE OFFICER MONTANO: Okay. Yeah, my
03:33:57 2 apologies. I have this unique intersection of budgetary issues
03:34:02 3 right now, and I know that the Mayor and the Council are also
03:34:07 4 having to address these same issues, but we have a mid-year, we
03:34:10 5 have ARPA, which is our federal infusion of dollars, but then
03:34:14 6 also the fiscal year '23 budget all happening at the same time,
03:34:18 7 and then you just add the capital program on top of that.

03:34:21 8 THE COURT: It's a good problem to have, though.

03:34:23 9 CHIEF ADMINISTRATIVE OFFICER MONTANO: It's absolutely
03:34:24 10 a good problem to have; yes, but it's not a good problem to
03:34:27 11 explain sometimes, the complexity of it.

03:34:29 12 So, I'll dive into the '23 budget, and for sake
03:34:33 13 of simplicity, I'll conflate the ARPA funding with the FY 23
03:34:39 14 budget, if that's okay?

03:34:39 15 THE COURT: Okay.

03:34:41 16 CHIEF ADMINISTRATIVE OFFICER MONTANO: The entirety of
03:34:42 17 the package for the -- that we're proposing is approximately
03:34:46 18 \$82.6 million, and really, what that's going to include is a
03:34:52 19 piece of the existing retention program, which because the
03:34:56 20 payments would be paid in March, the retention package and
03:34:59 21 the -- which would be nine and a half million dollars. That is
03:35:03 22 that \$10,000 payment after the third year pending approvals.

03:35:09 23 The new recruit package, this is the \$20,000 year
03:35:15 24 plus ten retention incentive for new recruits or laterals, and
03:35:24 25 the latest proposal that we have a fully funded healthcare over

03:35:28 1 the course of those years would be \$21.6 million. That is the
03:35:34 2 employer portion -- employee portion.

03:35:38 3 Lastly is the overall package for our police
03:35:42 4 cars. At our estimation, it would be about 600 to fully
03:35:47 5 develop a take-home policy, which would be upwards between,
03:35:51 6 depending on inflation and where we're going with that, 25 to
03:35:55 7 \$28 million.

03:35:57 8 THE COURT: I know there is, in one of these
03:36:00 9 categories, there is technology including cell phones and
03:36:05 10 computers. Is that in the 2022 year?

03:36:13 11 CHIEF ADMINISTRATIVE OFFICER MONTANO: So, self-funding
03:36:14 12 is available for cell phones for all of our officers. I
03:36:17 13 believe it's just pending the superintendent's approval. I
03:36:22 14 wanted -- there is -- I'm not sure if there is a policy that
03:36:24 15 has to be established or determinant. I can't speak
03:36:27 16 intelligently to that specific step, but the funding is
03:36:30 17 available to purchase these, and I understand that there is
03:36:32 18 just an approval process necessary for who gets them, when,
03:36:36 19 how, and how they'll be utilized, I'm assuming, but I can't
03:36:40 20 speak intelligently on that specific title.

03:36:43 21 So, yes, and then computers, the goal is to have
03:36:46 22 them purchased, and I have it here. Let me make sure I'm not
03:36:50 23 getting this right -- wrong. The order would be placed, now
03:36:54 24 that funding is available, and the funding became available
03:36:58 25 Friday. I don't want to miscertify copy. So, the funding just

03:37:00 1 became available Friday, so in the next week or two, the order
03:37:04 2 will be provided, including for all the districts -- the Crime
03:37:08 3 Lab, the Academy. We'll also purchase a bank, a reserve bank
03:37:15 4 should any of those computers not already previously
03:37:18 5 highlighted but certainly be available, as well as with
03:37:21 6 furniture and the other supplies. So, now that the funding is
03:37:25 7 available in the mid-year, we'll start those orders in the next
03:37:27 8 two weeks.

03:37:30 9 If I can go -- I'm happy to address any other
03:37:35 10 questions, Your Honor, but if I can go back to the '23
03:37:38 11 proposal, because one of the things I want to highlight is that
03:37:41 12 we understand that these numbers and these proposals are
03:37:45 13 significant. The dollar amount is significant in a
03:37:50 14 must-balanced budget. Where you take from one, you have to
03:37:52 15 pull from somewhere else or, in this case, make one-time versus
03:37:56 16 reoccurring.

03:37:56 17 We have capped the amount of incentive pay for
03:38:00 18 new recruits at 200, assuming -- and that's what it's budgeted
03:38:05 19 for -- assuming that we could get 200 new recruits, that is the
03:38:09 20 goal and objective through this program that we are
03:38:11 21 anticipating and hoping Civil Service approval, emphasis added,
03:38:17 22 and obviously, I know the Council spoke favorably, at least
03:38:21 23 from my initial conversations, of the need for this type of
03:38:24 24 program to enhance our officer recruitment.

03:38:26 25 Would you like me to proceed on that line, or

03:38:30 1 would you like me to dive into civilianization and deputization
03:38:30 2 timeframes?

03:38:30 3 THE COURT: Let's go to civilianization.

03:38:36 4 CHIEF ADMINISTRATIVE OFFICER MONTANO: Absolutely. I'm
03:38:36 5 not sure if Deputy Chief Williams wanted to join me, or do you
03:38:41 6 want me to just dive into this, but as I can provide, let's
03:38:44 7 start with the service that would provide a secondary unit not
03:38:48 8 NOPD to answer minor accidents.

03:38:53 9 We had to -- upon -- right now we're using a
03:38:56 10 company called OSS. Upon further review and investment, it was
03:39:01 11 concluded by our chief procurement officer was that an RFP had
03:39:06 12 to go out to provide this service equally because there is more
03:39:09 13 than one company that does provide it.

03:39:12 14 The latest update I got via text as of, I
03:39:16 15 believe, yesterday is that the procurement officer has what he
03:39:20 16 needs to move the RFP forward. He plans to do that on
03:39:24 17 Wednesday. Upon Wednesday, we should have the close in
03:39:28 18 November, which still keeps us on track from what we have
03:39:31 19 always been discussing, December, for the beginning part of
03:39:33 20 2023, to have a fully executed contract so that we can now
03:39:38 21 provide this service in a much larger fashion and whatever
03:39:43 22 extent the company is going to provide. So, whereas, if we had
03:39:46 23 three cars, we would hope to now have 30 or whatever is in
03:39:49 24 between so that we can alleviate the need for the officer to be
03:39:54 25 responding to what often is simply just an accident.

03:39:58 1 THE COURT: So, for the benefit of the public, the
03:40:02 2 concept is that if there is a minor accident, that rather than
03:40:07 3 the citizens involved in the accident having to wait hours for
03:40:11 4 NOPD to show up, and to keep NOPD from having to respond to
03:40:17 5 those fender bender kind of accidents, you're going to do an
03:40:23 6 RFP for a company that will go to the accident -- they're
03:40:26 7 trained, they've been doing this, so they've got experience,
03:40:32 8 and they know how to do it right, and they'll show up much
03:40:36 9 quicker, and they will take down the information, and that will
03:40:39 10 allow people to get a police report, if they want one, that
03:40:43 11 information goes to NOPD, someone at NOPD reviews it and
03:40:47 12 approves it, and then a police report is generated. That's my
03:40:53 13 understanding of it. Am I correct?

03:40:58 14 CHIEF ADMINISTRATIVE OFFICER MONTANO: Your Honor, I
03:41:00 15 think you more succinctly captivated it than myself, yes. The
03:41:07 16 goal and the objective is to where an officer would be spending
03:41:09 17 their time handling X, now they can handle a much more, you
03:41:13 18 know, priority-one-type issue, whether it related to an
03:41:17 19 immediacy of their needs, which we hope to continue to diminish
03:41:22 20 response time as a result. So, that's one factor, one facet.

03:41:26 21 I hope that we can finally get across the goal
03:41:30 22 line, as I'm told, and I will continue to push, and now I have
03:41:34 23 Arlinda directly on my team to help push some of these
03:41:38 24 projects, as you and I discussed in other meetings, across the
03:41:40 25 finish line because they are important.

03:41:40 1 THE COURT: Yes.

03:41:43 2 CHIEF ADMINISTRATIVE OFFICER MONTANO: That is that
03:41:45 3 potential issue.

03:41:45 4 We also have the deputization piece. Well,
03:41:49 5 actually, Your Honor, let me go back to more the
03:41:51 6 civilianization. I know NOPD, APR, and whatnot, NOPD is
03:41:55 7 currently hiring 75 civilians to respond to certain calls and
03:41:59 8 take on other administrative work. They will be trained to
03:42:03 9 take over detective work, and others will respond to calls that
03:42:07 10 don't require police presence.

03:42:09 11 This is aid in collecting evidence on scene,
03:42:11 12 answer calls, including the auto accidents which we just
03:42:14 13 highlighted, and incoming online messages and phone reports.
03:42:18 14 The goals of these hires is, obviously, as we said, to reduce
03:42:20 15 that workload.

03:42:21 16 I know we've referred to it as *APR Units* and
03:42:24 17 whatnot, but that is also in the process, I believe, of the
03:42:27 18 hiccups over whatever Civil Service, you know, finalizations
03:42:31 19 have occurred, and now it's just a matter of hiring these
03:42:34 20 individuals. The funding is available, and if anyone on my
03:42:38 21 team wants to get me straight, I believe that is where we're
03:42:42 22 at.

03:42:43 23 THE COURT: Well, can you tell me, I'm aware of the 25
03:42:45 24 intake specialists and the 25 civilian detectives. What's the
03:42:51 25 other 25? Does anybody know?

03:42:54 1 MS. TURNER: Your Honor, it's various positions that we
03:42:59 2 have that are new upcoming that we have jobs ready for or that
03:43:03 3 are currently vacant.

03:43:03 4 THE COURT: Okay. Just various positions that we have
03:43:03 5 been -- okay.

03:43:03 6 MS. TURNER: Yes, Your Honor.

03:43:09 7 THE COURT: Okay.

03:43:09 8 CHIEF ADMINISTRATIVE OFFICER MONTANO: Your Honor, and
03:43:10 9 lastly, quality of life, the deputization process, once again,
03:43:15 10 with the support of the administration and the accommodation
03:43:18 11 and approval of the City Council, we now have a process in
03:43:21 12 place to deputize many of our existing city employees to
03:43:26 13 enforce quality-of-life issues.

03:43:29 14 Where we are now, 19 of those employees have
03:43:33 15 passed their background checks, they've been trained, and
03:43:36 16 they're eligible to be sworn in by the superintendent. We are
03:43:40 17 creating an oath from the City Attorney's Office, and we'll
03:43:43 18 coordinate on a ceremony related to this, but once again, most
03:43:48 19 importantly, the effect that they will have to be able to
03:43:50 20 provide that quality-of-life service as opposed to an officer,
03:43:54 21 we think, will be one of those additional force multipliers
03:43:59 22 that has to be in the equation as we evolve on what policing is
03:44:04 23 now.

03:44:04 24 THE COURT: When do you think the oath will be done,
03:44:06 25 and we'll actually be able to actually put these people on the

03:44:10 1 street?

03:44:13 2 MS. TURNER: I've approved the oath, Your Honor, in an
03:44:17 3 acknowledgement form; so, we're working right now to try to get
03:44:20 4 some of these employees appointed.

03:44:23 5 THE COURT: Okay. So, immediately?

03:44:25 6 MS. TURNER: Pretty much immediately.

03:44:29 7 THE COURT: Could you tell us what kinds of citations
03:44:33 8 that they will be issuing?

03:44:37 9 MS. TURNER: So, we are deputizing -- we have here
03:44:55 10 certified green infrastructure professional employees, ground
03:45:01 11 transportation bureau employees, employees of sanitation.

03:45:05 12 CHIEF ADMINISTRATIVE OFFICER MONTANO: Your Honor,
03:45:06 13 maybe I can make it just simple. They'll be handling some of
03:45:10 14 the quality of life relative to litter abatement, construction
03:45:14 15 management projects in the sense of you have a construction
03:45:18 16 company that leaves debris, instead of calling an officer out
03:45:22 17 to ticket and cite them, a deputized employee can now do it.

03:45:26 18 If you see a contractor dumping concrete in a
03:45:31 19 catch base basin, these type of activities. If there is
03:45:33 20 excessive trash left out, and there is a business owner that is
03:45:36 21 responsible for it, these type of nonpublic-safety related,
03:45:41 22 quality-of-life issues.

03:45:42 23 We hope and plan to continue to expand this, as
03:45:45 24 it truly can be a force multiplier and, frankly, helps our
03:45:50 25 departments immensely to be able to carry out with some, not

03:45:54 1 both responsibility but also enforcement, a higher pride in
03:45:59 2 their work because it's often a slap in the face to go through
03:46:03 3 some process and watch someone get away with just leaving all
03:46:07 4 their litter and construction debris but not being able to do
03:46:11 5 something about it, so I think it has been well-received by our
03:46:11 6 agencies.

03:46:16 7 THE COURT: Will they be wearing polos to identify them
03:46:21 8 as the City quality-of-life officers?

03:46:23 9 CHIEF ADMINISTRATIVE OFFICER MONTANO: Your Honor, I
03:46:25 10 believe --

03:46:25 11 MS. TURNER: They already have.

03:46:27 12 CHIEF ADMINISTRATIVE OFFICER MONTANO: Yes. "Yes" is
03:46:28 13 the short answer, much like -- I guess I would compare it to a
03:46:31 14 code enforcement inspector, that his badge can identify him to
03:46:36 15 be able to provide code enforcement -- *ticketing* is the wrong
03:46:40 16 word but their enforcement activities. They would be,
03:46:45 17 obviously, identified and badged, I would imagine.

03:46:49 18 THE COURT: There are citations that the people have to
03:46:52 19 go to municipal court for.

03:46:54 20 MS. TURNER: Yes, Your Honor.

03:46:57 21 CHIEF ADMINISTRATIVE OFFICER MONTANO: I believe the
03:46:58 22 constable would be issuing the actual summons to address that.
03:47:01 23 We've worked out a CEA with the constable's office to address
03:47:06 24 that.

03:47:07 25 THE COURT: Will there be a separate number that

03:47:10 1 citizens call to get this kind of officer to come out? Where
03:47:13 2 would a person call to request this?

03:47:15 3 CHIEF ADMINISTRATIVE OFFICER MONTANO: Your Honor,
03:47:16 4 right now, we have just -- with the amount that we have, 19,
03:47:21 5 our vision was certainly to just address their work on the
03:47:27 6 day-to-day activities. We have not directly addressed the
03:47:30 7 public's ability to call on these officers. This is part of
03:47:35 8 their course and scope of duties that now gives them the
03:47:38 9 ability to not have to wait and call NOPD to address the issue.

03:47:43 10 I hear your question and it's a good one, and I
03:47:45 11 would love to see us evolve or continue to grow and expand this
03:47:49 12 program. I think it is a winner if we can, you know, get it
03:47:51 13 ripe for the public to be able to have and address
03:47:54 14 quality-of-life officers as well; so, I'll make note of it, and
03:47:58 15 we'll continue to grow and expand a bit, and I think it's a
03:48:01 16 good idea.

03:48:02 17 THE COURT: Even though they are not direct NOPD
03:48:04 18 employees, it's still civilianization because it's someone else
03:48:08 19 taking that burden off NOPD.

03:48:09 20 CHIEF ADMINISTRATIVE OFFICER MONTANO: Exactly.

03:48:11 21 THE COURT: He's a civilian.

03:48:12 22 CHIEF ADMINISTRATIVE OFFICER MONTANO: Yes.

03:48:13 23 THE COURT: All right. So, that's another
03:48:14 24 civilianization project. Count that.

03:48:17 25 CHIEF ADMINISTRATIVE OFFICER MONTANO: Absolutely.

03:48:19 1 So, Your Honor, in -- do you want me to? Okay.
03:48:26 2 Thank you.

03:48:27 3 Without being anymore verbose than I've already
03:48:33 4 been --

03:48:33 5 THE COURT: No, this is good information for me and for
03:48:36 6 the public; so, I'm happy to hear it.

03:48:39 7 CHIEF ADMINISTRATIVE OFFICER MONTANO: Thank you.

03:48:40 8 Once again, I understand, and we've talked about
03:48:44 9 the most important piece of all of these strategies and
03:48:47 10 everything we're trying to implement is the execution, and so
03:48:50 11 there is nothing more higher or imminent from my perspective
03:48:55 12 than the execution. Plans can be provided all day long and
03:48:58 13 ideas, but the execution is what we know is most important, and
03:49:02 14 that's what we're trying to carry out through this process.

03:49:06 15 In closing, should there not be any further
03:49:08 16 questions, Your Honor, I really just want to reemphasize the
03:49:13 17 effort and acknowledge the work everybody in this room is
03:49:18 18 certainly making to address an issue that we live and breathe
03:49:21 19 on an everyday basis in trying to come up with as many
03:49:25 20 solutions as possible.

03:49:26 21 We know not that everything that we'll throw out
03:49:28 22 there is going to be perfect or, in some cases, even completely
03:49:32 23 baked, but for the sake of what our issues are right now, we
03:49:35 24 want to make sure that we have everything that we can provide
03:49:37 25 on the table to either move forward and fail and adjust or move

03:49:43 1 forward and succeed and then reap the benefit.

03:49:45 2 THE COURT: Well, I appreciate the City, obviously, is
03:49:49 3 trying to move quickly on this, and also the Civil Service
03:49:53 4 Commission is trying to move quicker than usual to accommodate
03:49:57 5 this, and the City Council as well, so we understand that, you
03:50:01 6 know, some things take some time to work through all the
03:50:04 7 details, but you've got to start, and this is an excellent
03:50:09 8 start.

03:50:10 9 I thought there was some other topic to hear
03:50:22 10 about. Did anyone want to report on your personnel efforts,
03:50:41 11 the positions that we've recently filled?

03:50:47 12 Yes. Thank you. That would be great.

03:50:54 13 DEPUTY CHIEF WILLIAMS: Good afternoon, Your Honor.
03:50:56 14 Good afternoon, members of the City of New Orleans team, the
03:50:58 15 NOPD team, the monitors, and the DOJ.

03:51:02 16 So, I'll go into that part of the presentation
03:51:04 17 that I have. I'm going to talk about personnel efforts, the
03:51:07 18 hiring process. CAO Montano talked about the APR Unit, but
03:51:13 19 I'll just give a couple of more updates on where we are with
03:51:16 20 that process and recruitment.

03:51:18 21 As you know, we continue to seek opportunities to
03:51:20 22 civilianize positions in order to have the most resources and
03:51:24 23 commissioned personnel on the street.

03:51:25 24 So, as it relates to our civilian positions, in
03:51:30 25 2022, we've hired just under 40 civilians so far this year.

03:51:34 1 We're continuing to make strides in that effort. Just
03:51:38 2 recently, just last Monday, we had the removal of the automatic
03:51:43 3 disqualifier for the use of marijuana within one year prior to
03:51:46 4 application. We've also removed credit history information as
03:51:52 5 far as that being something that would be a disqualifier, you
03:51:56 6 know, for applicants.

03:51:57 7 Also, we've removal language things, such as if
03:52:02 8 someone had a sporadic work history. We know -- post COVID, we
03:52:06 9 know people, you know, have situations where they may be in and
03:52:08 10 out of work, so we've made those changes as well.

03:52:11 11 We continue to do a social media push for our
03:52:15 12 civilian jobs as well as the applicant, the police recruit and
03:52:21 13 the lateral positions. We're using things like QR codes, you
03:52:24 14 know, trying to be creative with different ways to make sure we
03:52:27 15 push those jobs and push them on a regular basis so that the
03:52:31 16 community knows that those jobs are available.

03:52:33 17 Some key positions that we have upcoming, and
03:52:35 18 these are both new positions and vacant positions, we have
03:52:39 19 Crime Lab positions that we're making moves on, public
03:52:42 20 information office, social workers. We have several social
03:52:46 21 workers in the pipelines. HR positions. Various positions
03:52:51 22 within the Public Integrity Bureau. Auditors for PSAB. IT
03:52:56 23 professionals that will be working for NOPD. Training Academy
03:53:00 24 positions. Our OAP, Officer Assistance Program, as well as the
03:53:04 25 police investigative specialist.

03:53:06 1 With that, we have multiple people that have been
03:53:09 2 interviewed and that are going through the hiring process in
03:53:13 3 the Special Victims Division specialization, as well as the
03:53:17 4 Public Integrity Bureau's specialization. As you already know,
03:53:20 5 we have three specializations in addition to those two. We
03:53:23 6 have the Recruitment and Applicant Investigation
03:53:26 7 specialization.

03:53:27 8 So, we continue to push with those hires, as well
03:53:29 9 as the new designations, which will be the one for the
03:53:32 10 APR Unit, Alternative Police Response, which will be the people
03:53:37 11 that will actually go on scene to continue to do investigations
03:53:41 12 for the calls that are handled for the APR Unit. For instance,
03:53:46 13 if they respond to a call and maybe fingerprints need to be
03:53:48 14 lifted, or there is a disc with evidence that needs to be
03:53:50 15 picked up, they'll able to retrieve those items, bring them to
03:53:55 16 Central Evidence and Property, do, you know, follow-up
03:53:57 17 investigations that don't require the presence of a
03:54:00 18 commissioned person.

03:54:02 19 We also have a position that will be related to
03:54:04 20 the Field Operations Bureau, and that person -- those persons
03:54:07 21 will be able to issue traffic citations and things of that
03:54:10 22 nature.

03:54:10 23 We're continuing to streamline our process, and
03:54:14 24 as the CAO stated, we want to continue to make sure that we
03:54:18 25 execute, that, you know, we follow-up with these things so HR

03:54:20 1 and the applicant investigation are working together literally
03:54:23 2 on a daily basis to make sure that we move through this
03:54:26 3 process.

03:54:26 4 So, number one, we're making sure that when
03:54:30 5 eligibility lists come out, that the supervisors are taking
03:54:33 6 action on them. They are doing interviews. If we need to put
03:54:36 7 someone into background, we're doing that. Making sure that
03:54:39 8 background and the applicant investigation unit are doing what
03:54:42 9 they need to do to continue that process, staying engaged with
03:54:44 10 those applicants to let them know, you know, this is what's
03:54:46 11 going on if there happens to be an issue or something like
03:54:49 12 that, but to keep them engaged to know that we want them, and
03:54:52 13 we want to hire them.

03:54:52 14 We've done some things in house just creating,
03:54:56 15 you know, different forms of things to help streamline the
03:54:59 16 process so that everyone understands, because we know the
03:55:03 17 supervisors that are handling this, this is not their only
03:55:07 18 duty. They have other primary duties, so we just want to make
03:55:09 19 sure, you know, we streamline that process.

03:55:12 20 We've also sent something to the Civil Service
03:55:13 21 Commission that was an off-agenda item to extend our
03:55:17 22 eligibility list. Right now it's 45 days. That's sort of a
03:55:20 23 tight window when you have to, you know, interview someone, put
03:55:23 24 them through background, so we've asked for it to be extended
03:55:26 25 to 90 days. That will be voted on at the next meeting. So,

03:55:30 1 that will be something that will be a big help to us as well.

03:55:32 2 Just to briefly just talk quickly about the
03:55:36 3 Alternative Police Response Unit, the APR Unit, so right now
03:55:40 4 we're working on policy revisions to make sure that our policy
03:55:45 5 and procedures encompasses everything that we're doing to move
03:55:48 6 forward. We're partnered with the Orleans Parish
03:55:51 7 Communications District, and some things that we've already
03:55:53 8 done with that, we've had the nonemergency line changed so that
03:55:57 9 when someone calls the nonemergency line, when you get that
03:56:00 10 triage call tells you, you know, different things, different
03:56:03 11 option, the first thing is online reporting because we really
03:56:07 12 want to do a big push and PIO is continuing to do a push so
03:56:11 13 that the public knows that online reporting is an option -- a
03:56:15 14 viable option that we have.

03:56:16 15 The staffing, we have those two positions that
03:56:21 16 were already discussed -- the police intake specialist that was
03:56:23 17 changed just last Monday at the Civil Service Commission to be
03:56:27 18 able to let us have an APR specialization. Those would be the
03:56:29 19 people that will actually be handling the reports over the
03:56:31 20 phone doing those reports and the online reporting.

03:56:34 21 Then in addition to that, the police
03:56:36 22 investigative specialist, like I said, that will go out in the
03:56:39 23 field. Once we get the hires, the goal is to make that into a
03:56:43 24 three-shift unit where, you know, it's available 24 hours a
03:56:46 25 day, seven days a week.

03:56:47 1 The next piece of that is training. So, we're
03:56:50 2 actively currently developing training for these two positions
03:56:56 3 and for, actually, all of our police investigative specialists
03:57:00 4 because as we hire more civilians, we want to make sure that
03:57:05 5 they are getting training as far as things that are related to
03:57:07 6 these jobs so that they understand what they are responsible
03:57:09 7 for, what's expected of them.

03:57:11 8 Finally, the last part of that is just logistics,
03:57:14 9 and that's just going to be, you know, things like making sure
03:57:16 10 we have enough desks, chairs, as the CAO mentioned, you know,
03:57:23 11 computers, all those types of things; so, that's just the last
03:57:25 12 piece of that.

03:57:25 13 Like I said, with the online reporting, we're
03:57:28 14 just still continuing to make sure they do a heavy media push
03:57:31 15 on that so that people know that that's currently a viable
03:57:35 16 option.

03:57:36 17 As it relates to recruitment, just a couple of
03:57:39 18 other things. So, we've also been able to change with the
03:57:42 19 Civil Service Commission first retest is now 30 days; so, we
03:57:47 20 were able to change that second retest is after six months.

03:57:49 21 THE COURT: What was it before?

03:57:52 22 DEPUTY CHIEF WILLIAMS: The first one was three months,
03:57:58 23 and then it was, I think, nine months or a year, I not sure, on
03:57:59 24 the second retest; so, we were able to have that changed so
03:58:03 25 that's some positive as we try to hire more recruits.

03:58:06 1 We have that lateral program that we're pushing
03:58:08 2 out a ten-week program for those that are Louisiana POST
03:58:12 3 certified in good standing, so that's a ten-week program that
03:58:16 4 they'll be able to participate in. All they have to have is
03:58:20 5 one year of experience outside of the Training Academy,
03:58:24 6 whatever Training Academy they've attended.

03:58:27 7 THE COURT: If a lateral comes at the end of one year,
03:58:31 8 will they get the 10,000 as a bonus?

03:58:35 9 CHIEF ADMINISTRATIVE OFFICER MONTANO: Your Honor, I'll
03:58:37 10 perpetually say that so long as Civil Service Commission
03:58:42 11 blesses this, and like I say, we're having that debate right
03:58:46 12 now, yes. We understand the need to be so great and apparent
03:58:50 13 that in order for us to be able to propose this or have this
03:58:55 14 effectuation, they have to approve it, but it would apply to
03:59:00 15 laterals as it would a new recruit.

03:59:03 16 THE COURT: All right. Great.

03:59:03 17 DEPUTY CHIEF WILLIAMS: The only other thing,
03:59:05 18 Your Honor, just a couple of updates, we've also made updates
03:59:08 19 to our personal appearance standards. We've heard that, you
03:59:10 20 know, as applicants were coming through the process, different
03:59:13 21 things that they, you know, wanted to see changed; so, we've
03:59:18 22 seen some changes in that.

03:59:20 23 We're continuing to see the meetings of our
03:59:21 24 uniform committee to see what changes can be made there, just
03:59:24 25 minor things, but to make the officers comfortable and things

03:59:28 1 that they actually want.

03:59:29 2 THE COURT: Let me ask you about the uniforms. Are you
03:59:32 3 considering increasing the allowance for uniforms, helping
03:59:35 4 people more with that expense?

03:59:37 5 CHIEF ADMINISTRATIVE OFFICER MONTANO: Your Honor, let
03:59:40 6 me speak in theory to that question, because I don't think it's
03:59:44 7 completely been ironed out. There has been conversations
03:59:47 8 happening even as recently as yesterday on what is the best
03:59:52 9 benefit for our officers.

03:59:53 10 We've heard multiple issues. One, relative they
03:59:56 11 rip their uniform during the course of duty. Can they just go,
04:00:01 12 and we have an account, and have that replaced so that they
04:00:05 13 don't have to pay for it? What is the timeline for that?

04:00:06 14 We don't have a perfect solution yet, and we may
04:00:09 15 never have a perfect solution yet, but I would hope in the
04:00:11 16 next, and I'll say it here, in the next 30 to 60 days, we
04:00:14 17 finalize what enhanced benefit we can for a -- whether it's an
04:00:17 18 account that the City holds that an officer can utilize at one
04:00:22 19 of the uniform places, or is it an increased amount of uniform
04:00:26 20 allotment, depending on the timing of it.

04:00:28 21 I wish everything was be as simple as I think it
04:00:31 22 might be going into it, but it's like a house remodel: You
04:00:35 23 make one change, and you have seven other things you got to
04:00:37 24 address.

04:00:37 25 THE COURT: Well, I'm so glad you're addressing that,

04:00:39 1 both in terms of what the requirements are and, also, in terms
04:00:41 2 of replacing the uniforms for people who get their uniform
04:00:47 3 injured, ripped, whatever, when they are performing their
04:00:52 4 duties. It doesn't seem fair for them to have to purchase
04:00:56 5 their own the shirt to replace that.

04:00:58 6 So, I'm glad you're looking at that. I think the
04:01:01 7 officers -- it's something, it's not a big thing, but they
04:01:04 8 would really appreciate it.

04:01:07 9 DEPUTY CHIEF WILLIAMS: Your Honor, one final thing
04:01:09 10 just as it relates to remote testing. I checked with
04:01:12 11 Civil Service. I checked with Ms. Trepagnier on. So, where we
04:01:16 12 are with that, it's been sent back to the police foundation for
04:01:19 13 their revision; so, that's where we are with the remote
04:01:22 14 testing, but I know that Ms. Trepagnier is, you know,
04:01:25 15 definitely following up with them on that as well.

04:01:30 16 That's all I have, Your Honor. I don't know if
04:01:31 17 you have any other questions. I'd be happy to take them.

04:01:34 18 THE COURT: I think you've covered it.

04:01:38 19 Does anyone else any other presentations for the
04:01:42 20 City?

04:01:46 21 MS. TURNER: No, Your Honor. That's it.

04:01:47 22 THE COURT: All right. Thank you. That is very
04:01:49 23 interesting to me and helpful, and I appreciate all of those
04:01:52 24 things that you're doing, and I want you to know we're behind
04:01:56 25 you, and we support you, and we realize it takes time to get

04:02:01 1 things done, but I can tell a difference in the speed at which
04:02:07 2 things are happening, and I think that the citizens can, too,
04:02:10 3 and I hope the officers do, too.

04:02:14 4 Do you all communicate with them about the things
04:02:17 5 that you're doing?

04:02:18 6 DEPUTY CHIEF WILLIAMS: Absolutely. Absolutely,
04:02:20 7 Your Honor. The superintendent sends out, actually, messages
04:02:23 8 regularly for the entire police department, giving everybody
04:02:27 9 updates on stuff that CAO Montano was talking about,
04:02:33 10 motivational messages; so, absolutely that that is something
04:02:34 11 that goes out on a regular because.

04:02:37 12 CHIEF ADMINISTRATIVE OFFICER MONTANO: I can add on top
04:02:38 13 of what I highlight with executive management, I do have a
04:02:42 14 perennial union meeting where I sit down with the union
04:02:48 15 officials to hear some of their issues and work through some of
04:02:49 16 the solutions as well so that there is an open door to my
04:02:52 17 office as well, so....

04:02:53 18 THE COURT: Can you give us a forecast of how the 2023
04:03:01 19 budget process will go? What's the next step? Does the
04:03:08 20 City Council have what it needs to evaluate what you've asked
04:03:10 21 for?

04:03:11 22 CHIEF ADMINISTRATIVE OFFICER MONTANO: Your Honor, yes.
04:03:12 23 I will try to give kind of what the methodology and the thought
04:03:18 24 process is. Feel free to jump in if I'm being overly
04:03:24 25 technical. My brain only works a certain way when I talk about

04:03:27 1 budgets.

04:03:27 2 So, everything relative to a budget is based on
04:03:29 3 revenue. You build a budget based on your revenue. We just
04:03:31 4 completed our revenue forecast yesterday. We do have an,
04:03:34 5 obviously, increased amount of sales tax and the like, hotel,
04:03:39 6 motel tax; so, our revenue did increase year over year.

04:03:43 7 So, now that we have a revenue forecast, frankly,
04:03:46 8 where we're trying to stay on a reoccurring basis -- this is
04:03:49 9 just reoccurring dollars -- take away one-time money, it's
04:03:53 10 about \$750 million, give or take. What we'll do now,
04:03:57 11 essentially, is we'll take the actuals from last year --

04:03:59 12 THE COURT: Is the 750 just for the police?

04:04:03 13 CHIEF ADMINISTRATIVE OFFICER MONTANO: \$750 million
04:04:05 14 general fund total. That's for all agencies. This is the
04:04:08 15 general fund, which is where the police does lie.

04:04:11 16 So, we'll take, essentially, the actuals from
04:04:14 17 last year, compare them to actuals that we have now, and then
04:04:17 18 we'll add five percent. Actuals plus five percent. From
04:04:21 19 there, we'll have a number.

04:04:23 20 Right now, we're going through the process of
04:04:25 21 meeting with all the agencies, police included, for what they
04:04:29 22 say they need to perform their duties. That will be another
04:04:32 23 number.

04:04:32 24 So, if you take another column, you'll have
04:04:36 25 actuals plus five percent, because five percent is going to go

04:04:38 1 across the board, plus all the requests from department
04:04:40 2 directors and department agencies. That's going to be a much
04:04:43 3 bigger number. So, that will be a baseline number of what I
04:04:46 4 think or what we will be asking. That will be over the 750
04:04:50 5 unequivocally.

04:04:51 6 The next column for methodology purposes, we'll
04:04:54 7 take the 750 plus the five percent and eliminate all vacancies,
04:05:01 8 all vacancies. We'll eliminate all vacancies, and we'll
04:05:04 9 eliminate all the requests only so I have that raw number.

04:05:07 10 So, then I'll have the raw number of just the
04:05:10 11 actuals plus five percent. From that number, what will happen
04:05:13 12 now is the actual budgetary process, and that will happen with
04:05:18 13 the raw number, and then we'll start adding, I'm sorry, we'll
04:05:21 14 start adding back to all the different agencies based on what
04:05:25 15 that final raw number is; so, whatever the delta between that
04:05:29 16 column and what we have to work with on a reoccurring basis
04:05:32 17 will be one piece and component of it.

04:05:36 18 Now, from there, we'll have to be sensitive and
04:05:39 19 thoughtful, and I try to always stay as conservative as
04:05:43 20 possible on how we're going to be using that one-time money.
04:05:46 21 Almost everything that I've highlighted with the recruitment
04:05:48 22 and retention pieces, that is a one-time expense. I'll
04:05:51 23 probably do the same with the health-insurance piece until our
04:05:56 24 revenue continues to grow.

04:05:58 25 That is a very -- I hope that's not an

04:06:01 1 oversimplification of the methodology, but it is a complex
04:06:05 2 budget. I mean, in total, it's one and a half billion dollars,
04:06:09 3 but I'm just highlighting kind of how I'll get to what, as a
04:06:11 4 team, we'll recommend to the Mayor and then present to the
04:06:14 5 Council; and honestly, I'm in conversations with the budget
04:06:18 6 chair, Councilmember Giarrusso, on these processes as well.

04:06:23 7 Does that help address that?

04:06:23 8 THE COURT: Yes.

04:06:25 9 All right. The next Council meeting, well, there
04:06:27 10 is one on October 6th and then one on October 13th, maybe?
04:06:31 11 What's your --

04:06:34 12 CHIEF ADMINISTRATIVE OFFICER MONTANO: Oh, so, we'll
04:06:35 13 make our final -- we'll, make our presentation for our
04:06:37 14 executive budget, the fiscal year 23, October 25th. That is
04:06:42 15 the date, I believe, that we formalized with the budget chair.

04:06:45 16 I hope before that we will have presented -- and
04:06:48 17 I'm not completely married to the date yet, I think we still
04:06:52 18 have some conversations and some discussions to have with
04:06:55 19 Councilmembers on the ARPA project proposals.

04:07:01 20 They will conflate with our budget, but I think
04:07:04 21 it's best to have that in an isolated piece, and then I'll just
04:07:07 22 be able to do it from the back end in the actual budget
04:07:10 23 process. So, we're creating two different processes, one for
04:07:12 24 the ARPA and then, obviously, our normal process for our
04:07:15 25 budget.

04:07:16 1 THE COURT: I know that maybe this is unrealistic, but
04:07:19 2 I really hope you can get what they want at that October 25th
04:07:23 3 meeting so that we can lock in all of these things, the
04:07:31 4 incentives that you have, and the department can begin to
04:07:34 5 advertise and attract recruits and laterals based on those
04:07:40 6 programs. I know they are beginning to talk about it, but I
04:07:43 7 think people will, if they see the budget is approved, they
04:07:45 8 will be more likely to feel confident, yes, this is going to
04:07:50 9 happen.

04:07:51 10 CHIEF ADMINISTRATIVE OFFICER MONTANO: Sure.

04:07:52 11 Your Honor, just for clarification, we will
04:07:53 12 submit our budget the 25th. The Council has until December 1st
04:07:55 13 to adopt it.

04:07:57 14 THE COURT: Okay. All right. Okay. They ordinarily
04:08:02 15 take until then to do it, or do they sometimes delay it past
04:08:07 16 that?

04:08:07 17 CHIEF ADMINISTRATIVE OFFICER MONTANO: By charter, they
04:08:09 18 do not. They will approve it, or I think then the Mayor's
04:08:14 19 budget will go into effect if not approved by that date, which
04:08:18 20 we're fine with.

04:08:19 21 THE COURT: That's good. So, at least you know maybe
04:08:22 22 when we'll get it done.

04:08:24 23 All right. Anything else? Anyone? Going once.

04:08:28 24 Okay. Well, thank you very much. I appreciate
04:08:31 25 it. Thanks for coming today.

04:08:42 1 Did I hear that correctly, Attorney Turner, that
04:08:48 2 the RFP is about to be issued for the traffic contract?

04:08:54 3 MS. TURNER: What you heard was that we're in the
04:08:59 4 process of issuing the RFP. Right now, it's back with NOPD.
04:09:03 5 We are looking at the budget, and after we work that out, we
04:09:06 6 are going to submit it back to procurement. In accordance with
04:09:10 7 the procurement director, we can issue the RFP probably as
04:09:17 8 early as Wednesday.

04:09:18 9 THE COURT: Of this week, which is tomorrow?

04:09:21 10 MS. TURNER: Of next week, Your Honor.

04:09:22 11 THE COURT: Of next week. All right. That would be
04:09:24 12 great. I don't know if people really understand how important
04:09:27 13 that is, but we all know, we've had the experience of having a
04:09:31 14 fender bender and having either we feel that we need a police
04:09:37 15 report, even though we may not really need one, or the other
04:09:41 16 driver does, and how long it takes for NOPD to respond, and
04:09:45 17 then when they get there, how long it takes to do that.

04:09:48 18 So, this is a huge benefit for the patrol
04:09:52 19 officers not to have to respond to these incidents. It's going
04:09:57 20 to be up to us as citizens to understand that and accept that
04:10:01 21 this is the way that the NOPD is going to respond to minor
04:10:07 22 traffic accidents and that it's going to be perfectly fine.

04:10:11 23 So, I know that you all are going to do public
04:10:14 24 information campaigns to be sure that everyone understands what
04:10:18 25 the process is and that their needs will be met, just in a

04:10:23 1 different way.

04:10:23 2 MS. TURNER: We certainly will, once it's rolled out
04:10:27 3 and we have a contract in place.

04:10:29 4 THE COURT: Okay. Thank you.

04:10:29 5 MS. TURNER: Thank you, Your Honor.

04:10:34 6 THE COURT: I appreciate it.

04:10:36 7 All right. What I want to do now is just take a
04:10:39 8 few minutes to answer some common questions that I have heard
04:10:45 9 people asking, the public ask at press conferences, ask at the
04:10:51 10 City Council, and I want to answer a few of those from my
04:10:58 11 perspective with the experience that I've had over these
04:11:04 12 10 years of working with the Consent Decree or almost 10 years.

04:11:08 13 So, one of the questions that I think all of us
04:11:11 14 hear over and over again: NOPD is having trouble recruiting
04:11:16 15 and retaining officers. I've heard some blame the
04:11:20 16 Consent Decree. Is that accurate?

04:11:22 17 Well, what I would say to that is departments
04:11:26 18 across the United States are facing recruitment and retention
04:11:30 19 problems, and the vast majority of those cities are not under
04:11:34 20 Consent Decrees; so, cities with Consent Decrees have these
04:11:38 21 issues and cities without Consent Decrees have them. NOPD is
04:11:43 22 no different.

04:11:43 23 In fact, nationwide employers of all types are
04:11:47 24 having difficulty attracting and retaining employees. Despite
04:11:52 25 what you may have heard, I'm aware of no evidence that the

04:11:55 1 Consent Decree is the main factor or even a significant factor
04:11:59 2 in the problems NOPD is having recruiting and retaining
04:12:04 3 officers.

04:12:05 4 In fact, I've looked at the officer exit
04:12:08 5 interviews which make clear the Consent Decree is not the
04:12:11 6 impetus of officer departures. Moreover, our conversations
04:12:17 7 with officers often make it clear to the Consent Decree
04:12:21 8 monitors that the officers are proud of the transformations
04:12:26 9 that NOPD has made since the onset of the Consent Decree, and
04:12:31 10 recruiting officials tell us that the fact that the NOPD is a
04:12:35 11 reformed department and known for reform and known for having a
04:12:40 12 great academy assists them in recruiting efforts; so, I don't
04:12:45 13 think that blaming the Consent Decree is appropriate for
04:12:49 14 recruiting and retention of officers.

04:12:51 15 Here is another question people have: Are
04:12:55 16 vehicle pursuits outlawed in New Orleans? The answer is "no."
04:13:00 17 Like many cities across the United States, New Orleans adopted
04:13:04 18 a vehicle pursuit policy that prohibits high-speed chases for
04:13:10 19 nonviolent offenses.

04:13:13 20 This is a best practice across the United States,
04:13:17 21 in that it protects officers and community members from the
04:13:21 22 catastrophic results that often accompanies high-speed chases,
04:13:26 23 and the New Orleans community is familiar with those risks
04:13:31 24 because we've seen some catastrophic results.

04:13:34 25 The New Orleans policy allows vehicle pursuits if

04:13:38 1 they are approved by a supervisor when necessary to stop the
04:13:44 2 perpetrator of a felony involving the infliction or threatened
04:13:50 3 infliction of serious bodily injury or death. A carjacking at
04:13:58 4 gunpoint or knifepoint, for example, is a felony that would
04:14:02 5 permit a vehicle pursuit, again, subject to supervisor approval
04:14:06 6 and general public safety concerns.

04:14:09 7 In fact, since the first quarter of 2019, NOPD
04:14:15 8 has engaged in 116 authorized pursuits. So, pursuits are not
04:14:23 9 outlawed in New Orleans. We just follow best policing
04:14:27 10 practices about when and how those pursuits occur.

04:14:35 11 Here is another question I've heard: I've often
04:14:36 12 heard officers think NOPD has too much paperwork. Is this
04:14:39 13 true? Well, policing does involve paperwork. We all know
04:14:45 14 that. We've all watched the shows on TV, so we know they have
04:14:49 15 a lot of paperwork.

04:14:53 16 Most of this paperwork existed prior to the
04:14:54 17 Consent Decree. This is not new. Police reports, field
04:14:56 18 interview cards, use of force reports, and more all existed and
04:15:00 19 were required prior to the Consent Decree. So, the
04:15:04 20 Consent Decree did not impose a number of record-keeping
04:15:11 21 reports on the officers. They were already there.

04:15:14 22 In fact, the Monitoring Team has, for several
04:15:23 23 years, many years, raised concerns about NOPD's -- their
04:15:29 24 paperwork being inefficient and duplicative, and we've
04:15:33 25 encouraged the City to try to streamline that by still getting

04:15:38 1 the same information but not making officers enter it three
04:15:44 2 different times.

04:15:44 3 We still think that's a great idea, and we hope
04:15:47 4 that the NOPD will follow up on that, especially now that they
04:15:50 5 will have more IT support, and they will have someone who can
04:15:55 6 help them because it is an IT project.

04:15:57 7 If the NOPD is aware of the needless paperwork or
04:16:03 8 other administrative burden, they should fix the problem, and
04:16:08 9 if it relates to the Consent Decree, then I encourage them to
04:16:11 10 bring the matter to the attention of Monitoring Team.

04:16:15 11 The Monitoring Team has made it clear to NOPD for
04:16:18 12 years that it's open to making changes to the Consent Decree to
04:16:22 13 increase efficiency so long as those changes do not materially
04:16:27 14 undermine the protections required under the Consent Decree.

04:16:32 15 You all know that there have been many amendments
04:16:35 16 to the Consent Decree to address concerns of the City and NOPD
04:16:40 17 or of the DOJ, and they have been done in a collaborative
04:16:47 18 manner with everyone discussing it and making sure everyone is
04:16:52 19 comfortable and then coming to me with it, and every one that
04:16:55 20 has come to me, I have approved.

04:16:57 21 Another issue I think people are interested in
04:17:00 22 is: How can a community learn more and get their questions
04:17:05 23 about the Consent Decree answered, or how can they convey
04:17:09 24 information they have to the Monitoring Team?

04:17:12 25 Well, as I mentioned, the Monitoring Team is

04:17:15 1 going to hold a public meeting this evening and tomorrow at
04:17:18 2 noon, and they'll continue to hold monthly public meetings.
04:17:23 3 Community members can come, and they can make comments. They
04:17:26 4 can ask questions.

04:17:27 5 In addition, at any time, you can submit comments
04:17:31 6 and questions to the monitors' email address, and I assure you,
04:17:36 7 the monitors will discuss your questions and concerns with me;
04:17:40 8 so, I will know if the public has questions and concerns.

04:17:46 9 The address that you can send it to is aburns,
04:17:50 10 B-U-R-N-S, @ConsentDecreeMonitor.com.

04:17:57 11 So, please, I encourage you tell your neighbors
04:18:00 12 and friends and relatives that this way to submit comments is
04:18:05 13 available.

04:18:06 14 Before I close, I would like to ask if the
04:18:13 15 Department of Justice has any comments?

04:18:16 16 MR. GEISLER: No additional commence, Your Honor.
04:18:18 17 Thank you very much. We appreciate the Court's time.

04:18:20 18 THE COURT: Thank you for being here. I just want to
04:18:23 19 remind you all and the entire public of our city that the
04:18:26 20 monitors will hold two public meetings this week to report on
04:18:29 21 its work and to answer any questions the public may have.

04:18:32 22 The first meeting is tonight at 6:00 at the
04:18:36 23 Ashe Power House Theater, 1731 Baronne Street. For those of
04:18:41 24 you who have attended meetings at the Ashe Cultural Center, the
04:18:47 25 Power House is just around the corner.

04:18:49 1 The second meeting will be tomorrow at
04:18:52 2 11:00 a.m., also at the Ashe Power House Theater, and in
04:18:57 3 addition, as I mentioned, you can submit questions and comments
04:18:59 4 to the Monitoring Team at the email address that I gave you.

04:19:04 5 So, thank you all very much for being here. As
04:19:07 6 usual, I'll come out and leave the bench and say hello to
04:19:11 7 everyone, and I'll look forward to seeing you next month, and
04:19:15 8 I'll let you all know the date as soon as possible.

04:19:19 9 THE DEPUTY CLERK: All rise.

10 (WHEREUPON, at 4:19 p.m., the proceedings were
11 concluded.)

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14 REPORTER'S CERTIFICATE

15

16 I, Cathy Pepper, Certified Realtime Reporter, Registered
17 Merit Reporter, Certified Court Reporter in and for the State
18 of Louisiana, Official Court Reporter for the United States
19 District Court, Eastern District of Louisiana, do hereby
20 certify that the foregoing is a true and correct transcript to
21 the best of my ability and understanding from the record of the
22 proceedings in the above-entitled and numbered matter.

19

20

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