

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

**CIVIL ACTION**

**VERSUS**

**NO. 12-1924**

**CITY OF NEW ORLEANS**

**SECTION: “E” (2)**

**ORDER AND REASONS**

Before this Court are four motions: The City’s Motion to Terminate the Consent Decree,<sup>1</sup> the City’s Motion To Issue Ruling On Pending Motion,<sup>2</sup> the Parties’ Joint Motion for Approval of Sustainment Plan,<sup>3</sup> and the City’s Motion to Enroll Additional Counsel of Record.<sup>4</sup> This Order and Reasons resolves all four motions.<sup>5</sup>

**Motion For Approval Of Sustainment Plan**

On July 12, 2012, the City of New Orleans and the Department of Justice entered into a Consent Decree under which the City agreed to make sweeping changes to the way the New Orleans Police Department operates.<sup>6</sup> For well over ten years, the City and NOPD have worked diligently, in partnership with the Department of Justice and with the oversight and

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<sup>1</sup> R. Doc. 629.

<sup>2</sup> R. Doc. 816.

<sup>3</sup> R. Doc. 793.

<sup>4</sup> R. Doc. 815.

<sup>5</sup> As discussed below, the Court will grant the Motion to Issue Ruling, deny the Motion to Terminate the Consent Decree, grant the Motion to Approve the Sustainment Plan, and deny without prejudice the Motion to Enroll Additional Counsel.

<sup>6</sup> On July 24, 2012, the City and the United States Department of Justice (“DOJ”) filed a Joint Motion and Memorandum for Entry of Consent Decree. R. Doc. 2. On September 14, 2012, the City and DOJ filed a Joint Supplemental Motion for Entry of Consent Decree incorporating certain agreed upon modifications to the Consent Decree. R. Doc. 114. The Consent Decree “is effectuated pursuant to the authority granted to DOJ under Section 14141, the Safe Streets Act, and Title VI to seek declaratory or equitable relief to remedy a pattern or practice of conduct by law enforcement officers that deprives individuals of rights, privileges, or immunities secured by the Constitution or federal law.” R. Doc. 159-1 at 7. The Court approved the Joint Motion for Entry of Consent Decree, as amended, on January 11, 2013. R. Doc. 159. The Court specifically retained jurisdiction over this matter, including but not limited to the right to interpret, amend, and enforce the Consent Decree until the final remedy contemplated by the Consent Decree has been achieved. R. Doc. 159 at 8.

guidance of the Court and the Consent Decree Monitor, to meet their obligations under the Consent Decree.

On September 27, 2024, the City and the Department of Justice filed a Joint Motion for Approval of Sustainment Plan.<sup>7</sup> The Joint Motion reflects the Parties' shared belief that, although the City has not achieved full and effective compliance with the Consent Decree, it has made sufficient progress to warrant allowing it to enter into the two-year "Sustainment Period" called for by the Consent Decree.<sup>8</sup>

In support of the Joint Motion, the Parties acknowledged and represented to the Court the following:

- "NOPD and the City require additional time to satisfy some specific elements of the Consent Decree."
- "[C]ertain ongoing corrective actions and remedial measures have not been fully implemented or have not been in place long enough for the United States and the Monitor to fully evaluate implementation, effectiveness, sustainability, and durability."
- "[B]y completion of the Sustainment Plan, the City will address any current outstanding issues of material compliance with the Consent Decree as set forth in the Sustainment Plan to demonstrate full and effective compliance as required by Consent Decree Paragraph 491."

Based on these shared beliefs, the Parties' Joint Motion seeks to start the two-year sustainment clock.

As the Joint Motion recognizes, entering the Sustainment Period does not mean the Consent Decree is at an end. During these two years, the NOPD and the City must demonstrate to the Court – and to the community – (1) that they have completed the work

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<sup>7</sup> R. Doc. 793.

<sup>8</sup> The Consent Decree provides that the City will not be released from the Consent Decree until the City and NOPD have been in full and effective compliance with its requirements *for two years*. R. Doc. 778 at para. 491.

required by the Consent Decree as identified in the Sustainment Plan AND (2) that all of the reforms achieved are durable and will outlive this Court's involvement in this matter. To ensure this is the case, the Sustainment Plan provides for continued monitoring and Court oversight during the Sustainment Period. Should there be a failure by NOPD or the City to comply with the Sustainment Plan, the Court will take swift and decisive corrective action as appropriate to protect the interests of the citizens of the City of New Orleans, as well as visitors to our city.

As the Court has stated in numerous public hearings over the years, the Court is tremendously proud of the achievements the NOPD has made since the entry of the Consent Decree. Notwithstanding some delays,<sup>9</sup> missteps, and occasional backsliding, the hard work of the civilian and sworn members of the NOPD has paid off. The NOPD is a far different agency from the one that spawned DOJ's investigation in 2011 and the imposition of the Consent Decree in 2013.

NOPD policies have been comprehensively revamped, and the police practices experts on the Monitoring Team and within DOJ confirm they comply with best practices. The NOPD Academy has been transformed into a professional institution with a meaningful and public annual master training plan, committed instructors, and up-to-date lesson plans incorporating scenarios and adult learning techniques. NOPD's efforts to collect, analyze, and share data are a far cry from the Department's pre-Consent Decree practices. Many of the Department's historic approaches to serving the community have been materially

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<sup>9</sup> Events beyond the Parties' control also delayed the NOPD's progress toward compliance. In 2019, a cyber-attack crippled the City's computer systems, including systems developed by NOPD to implement and track compliance. In 2021, Hurricane Ida inflicted widespread damage in New Orleans, taxing the NOPD and its members. The COVID-19 pandemic imposed unprecedented strains on the NOPD, as NOPD members struggled to meet their public safety responsibilities while coping with the illness's impact on themselves and their families.

transformed in an effort to protect community members and officers, including its Crisis Intervention Team, its enhanced Officer Assistance Program, its Use of Force Review Board, its Serious Discipline Review Board, its robust PSAB-led audit program, and more.

What perhaps is most notable to the Court, however, is the willingness of NOPD to identify and take meaningful steps to correct shortcomings on its own. The Court has seen the Department take ownership of problems identified by community members and, just as often, identify problems on its own and bring them to the attention of the Monitor and the Court. Law Enforcement agencies have a reputation across the U.S. of ignoring – or even hiding – their mistakes. The pre-Consent Decree NOPD was a poster-child for such a destructive culture. Today’s NOPD is not.

These achievements, however, do not blind the Court to several NOPD missteps in the recent past or to the additional work required of the NOPD and the City before the terms of the Consent Decree are satisfied. For example:

- NOPD must ensure that its Use of Force Review Board hearings are scheduled and held in accordance with NOPD policy.<sup>10</sup>
- The public has raised questions and concerns regarding some of NOPD’s use of force data and what it might reveal about the use of force against certain groups (e.g., Black women). NOPD acknowledges these concerns and has committed to addressing them. This commitment is essential to ensuring the public’s trust that its Fourth Amendment<sup>11</sup> right to be free from unconstitutional force is real.
- The Monitor has expressed concerns regarding the NOPD Crisis Intervention Team program. Specifically, while lauding the professionalism, empathy, and patience of NOPD’s CIT officers, the Monitoring team noted a high number of instances in which a CIT officer was needed, but did not make it to the scene

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<sup>10</sup> In its March 2024 Report, the Monitor observed the following: “In 2022, we identified an issue relating to NOPD’s UFRB hearings, in particular, that NOPD held UFRB hearings only in March, April, May, October, November, and December of 2022. This lack of consistent hearings, not surprisingly, resulted in a backlog, which is unfair to officers and to the public. In early 2023, the Department committed to clearing the backlog of hearings.” R. Doc. 771. The Monitor went on to note: “We are happy to report the Department kept its promise, conducted regular UFRB hearings throughout 2023, and cleared the backlog. We also have confirmed there is no backlog so far in 2024.” *Id.*

<sup>11</sup> This right is made applicable to the states by the Fourteenth Amendment.

quickly enough to provide assistance.<sup>12</sup> The Court expects the Monitor to continue to work closely with NOPD during the Sustainment Period to explore new and innovative ways to continue reducing response time and, thus, GOAs. Individuals experiencing a mental health event are no less entitled to the constitutional guarantee of equal protection under the law.

- NOPD's Supervision efforts have come up short from time to time as reflected in a number of recent highly-publicized failures to comply, including a lack of supervision over the Executive Protection Unit,<sup>13</sup> PIB's handling of the Vappie investigation,<sup>14</sup> and the ongoing non-compliances relating to Secondary Employment.
- Unlike the quality of the investigation conducted directly by PIB investigators, the quality and thoroughness of the investigations conducted in the Districts are inconsistent at best. The Court recognizes the burdens on field supervisors and understands sometimes disciplinary investigations take a backseat to public safety imperatives. But that does not excuse the Department's obligations to ensure all misconduct investigations – whether conducted by PIB or the Districts – are fair, timely, and as thorough as necessary to reach reliable and complete findings.<sup>15</sup>

The foregoing, while not exhaustive, are important items that must not be lost among the deserved celebration of NOPD's achievements. The Sustainment Plan manifests the City's and NOPD's recognition that work remains to be done before NOPD is in substantial

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<sup>12</sup> The following note included in the Monitor's February 2023 report explains the concern. The difference of opinion referred to relates to the Monitor's observation that the high number of Gone On Arrival (GOA) designations was impacting individuals in mental health crisis and indicated a non-compliance with the Consent Decree: "The NOPD does not agree that the response time data cited above indicate non-compliance. NOPD argues, among other things, that its slow response times reflect not 'a failure to provide services for a certain group of individuals, but a decline in available policing services for all members of the community.'" This is a fair point, which the Monitoring Team recognizes. But saying many members of the New Orleans community are not receiving prompt police service does not change that fact that individuals in mental health crisis also are not receiving prompt police service. NOPD further emphasizes that its officers respond "effectively and with compassion and empathy" when they do make it to calls in a timely fashion. As noted above, the Monitoring Team agrees with this point. But compassion and empathy are effective only if the officers actually make it to the calls while the individual in crisis is still there. Through no fault of the officers, this is not happening consistently." R. Doc. 674-1, p. 19 n. 13.

<sup>13</sup> In February 2023, the Monitor issued recommendations to the NOPD noting, among other things, the following: "The NOPD officers assigned to the Executive Protection team receive little if any oversight from NOPD supervisors. This appears to have been the case for years. The members of the team indicated their belief that their only supervisor was the Mayor herself. While the Mayor seemingly is responsible for assignments and schedules, there is no indication the Mayor played any role in supervision beyond that. NOPD should take immediate action to ensure the members of the Executive Protection team receive the 'close and effective' supervision required by the Consent Decree." See R. Doc. 694 at 17.

<sup>14</sup> PIB's handling of its investigation of Officer Jeffrey Vappie was the subject of a Show Cause hearing, following which the Court identified a number of clear failures to comply. See R. Doc. 756.

<sup>15</sup> Consent Decree R. Doc. 778 p. 104, para. 404.

compliance with all requirements of the Consent Decree and their willingness to do that work.<sup>16</sup>

As the Court has recognized, the Consent Decree affects the entire New Orleans community, as well as visitors to our city. Over the life of the Consent Decree, the Court has been gratified by the significant public interest in the implementation of the Consent Decree's requirements by the City and NOPD. Reflecting that interest, the Court and the Monitor have received extensive communication and input from organizations and individual members of the public.

In light of the public's interest in the implementation of the Consent Decree, the Court provided a number of opportunities for members of the public to learn about the proposed Sustainment Plan and to raise any concerns they had. These opportunities included the following:

- Two virtual public meetings held by the Monitor.<sup>17</sup>
- Three in-person public meetings held by the Monitor.<sup>18</sup>
- An email address allowing the public to submit comments to the Court through the Monitor.<sup>19</sup>
- An email address allowing the public to submit comments to the Court directly through the Clerk's Office.<sup>20</sup>
- A public hearing during which any member of the public was permitted to

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<sup>16</sup> The City has argued the NOPD has done more than is required with respect to some portions of the Consent Decree. This does not relieve NOPD of the requirement to comply with those obligations of the Consent Decree not yet met.

<sup>17</sup> See [www.consentdecreemonitor.com](http://www.consentdecreemonitor.com).

<sup>18</sup> *Id.* Notably, at the same time, the NOPD held multiple public meetings across the City to explain and answer questions regarding the Joint Motion and the proposed Sustainment Plan. At those meetings, the NOPD represented to the citizens its desire to enter the Sustainment Plan. The NOPD did not disclose that it would also seek to terminate the Consent Decree.

<sup>19</sup> See, e.g., R. Doc. 797.

<sup>20</sup> *Id.*

present his/her comments or concerns directly to the Court.<sup>21</sup>

- Numerous less formal meetings and discussions between the Monitoring Team and various groups and members of the public.

To ensure the public had adequate time to take advantage of these many opportunities, the Court extended the public comment period on several occasions.<sup>22</sup>

On December 12 and 23, 2024, the Court entered on the docket of this case the comments received by the Court with the Parties and the public.<sup>23</sup> The purpose of this disclosure was to promote transparency in the Consent Decree process and to ensure the Parties would be prepared to respond directly to community concerns at the hearing on the Joint Motion to Approve the Sustainment Plan.

As of December 23, 2024, the Court had received approximately 343 written comments from the public in response to the filing of the Joint Motion. The Court heard from more than 35 community members in person at the December 17, 2024 public hearing. Additionally, the Court has reviewed the comments shared with the Monitor by email and at the Monitor's public meetings, and has listened to the recordings of those several public meetings.

Without restating everything that has been shared with the Court, the comments from the community generally can be summarized into the following categories:

- Comments opposing moving into the Sustainment Period, asserting generally that the NOPD has not sufficiently reformed itself since the outset of the Consent Decree.
- Comments supporting moving into the Sustainment Period, pointing to positive changes in the Department since the outset of the Consent Decree and

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<sup>21</sup> R. Doc. 812.

<sup>22</sup> R. Docs. 795, 797, 799.

<sup>23</sup> R. Docs. 803 and 808.

the Sustainment Plan.

- Comments raising concerns over favoritism in the treatment of officers within the City and the NOPD.
- Comments raising concerns and sharing data regarding NOPD's handling of Sexual Assault and Domestic Violence matters, including very high caseloads, failure to follow-up investigations, cold cases, data transparency, and the processing of rape kits.
- Comments that certain members of the NOPD Sexual Assault unit covered up a failure on the part of NOPD to investigate a local disc jockey for intentionally infecting others with HIV.
- Comments objecting to the manner in which the NOPD conducts its various bias analyses.
- Comments expressing concern that NOPD data shows an increase in police uses of force against Black women indicating potential gender or racial bias.
- Comments questioning the independence of the Monitoring Team.
- Comments expressing frustration regarding the role the community has been permitted to play in the Consent Decree process and the role it is contemplated to play during the Sustainment Period.
- Comments expressing frustration regarding the City's inattention and lack of support to the Police Community Advisory Boards ("PCAB").
- Comments regarding the Public Integrity Bureau's failure to fully and fairly investigate certain complaints.

Although not an exhaustive list, it is reflective of the variety of comments the Court has received. These comments capture the reality that some members of the public believe the NOPD is ready to enter the Sustainment Period, while others believe such a move is premature. <sup>24</sup>The Sustainment Plan, in effect, balances those competing views by allowing the NOPD two years to complete the work not yet done and earn the trust of the entire New Orleans community that federal oversight is no longer necessary.

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<sup>24</sup> The Courts notes the public hearing was centered on whether or not the City should enter the Sustainment Period. The Court wonders whether the comments would have been different had the public known that the City would, on the eve of the hearing, make a fundamental change in its position and re-urge its motion to terminate the Consent Decree entirely.



The Court very much appreciates the input from the public and has considered it all in reaching its decision on the Joint Motion. The comments have informed the Court with regard to a number of items that must be closely observed – by the Monitor and by the Court – during the Sustainment Period. The comments regarding NOPD’s Sexual Assault/Domestic Violence caseloads, follow-up investigations, and data analysis, for example, were extremely informative and will be incorporated into the Monitor’s Sustainment Period audits and technical assistance plan. Likewise, the comments regarding PCABs and PIB will guide the Monitor’s work during the Sustainment Period.

The Court has reviewed and considered the Parties’ Joint Motion for Approval of Sustainment Plan; the United States’s Memorandum in Support of the Motion; the relevant portions of the record, including the many public reports issued by the Monitor; the public comments submitted following the Joint Motion; the Parties’ arguments at the January 13, 2025 public hearing;<sup>25</sup> and governing law. Being fully advised, the Court grants the Parties’ Joint Motion for Approval of Sustainment Plan and approves the Sustainment Plan, including Attachments A through G. The Sustainment Period shall begin as of the date of this Order.

### **Motion To Terminate The Consent Decree**

In the Motion for Approval of the Sustainment Plan, the Parties agreed that, “On the issuance of the Court’s Order granting the Sustainment Plan, the City’s pending Motion to Terminate will be rendered moot.”<sup>26</sup> The Court Agrees. Unexpectedly, at the last minute, the

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<sup>25</sup> The Court initially scheduled a hearing on the Joint Motion for Wednesday, January 8, 2025. The tragic Bourbon Street events of January 1, 2025, however, prompted the City to request a continuance of that hearing to Monday, January 13<sup>th</sup>. The Court granted the motion on January 3, 2025. R. Doc. 811.

<sup>26</sup> R. Doc 793 at 2 n.2.

City argued at the hearing that moving to enter the Sustainment Plan and moving to terminate the Consent Decree altogether are not mutually exclusive. The Court disagrees. The request to terminate the Consent Decree is based on the City's argument that the NOPD has fulfilled all its obligations under the Consent Decree. The request to enter the Sustainment Period, on the other hand, recognizes that "NOPD and the City require additional time to satisfy some specific elements of the Consent Decree," and that "certain ongoing corrective actions and remedial measures have not been fully implemented or have not been in place long enough for the United States and the Monitor to fully evaluate implementation, effectiveness, sustainability, and durability."<sup>27</sup> The City cannot have it both ways.

Whether by the doctrine of waiver, judicial estoppel, or law of the case, the City cannot ask the Court both to grant its request to enter the two-year Sustainment Period and to terminate the Consent Decree. Thus, as the Parties have stated, and the Court agrees, the Motion to Terminate has been rendered moot.

Even if the Motion to Terminate were not moot, however, it is denied on the basis that the City has failed to meet the elements of Federal Rule of Civil Procedure 60(b)(5), which requires that "the judgment has been satisfied, released, or discharged . . . ." In the Sustainment Plan, the City acknowledges that it has not satisfied all the Consent Decree's requirements. Indeed, that is the essence of the City's request, to enable it to move into the two-year Sustainment Period on the promise that it will complete those Consent Decree requirements still unmet.

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<sup>27</sup> R. Doc. 793.

Further, the City has not supplemented its Rule 60(b)(5) motion to address various breaches of the Consent Decree subsequent to the filing of its Motion to Terminate. For example, not long ago, the Court was compelled to order the City to Show Cause as to why it should not be found in violation of the Consent Decree on the basis of clear Consent Decree violations of the City's obligation to ensure that misconduct allegations are "fully and fairly investigated" and that "all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent."<sup>28</sup> In response, the City submitted a remedial action plan that is not yet complete.

Another example of an unmet constitutional guarantee relates to the Policing Free of Gender Bias section of the Consent Decree, which still is not in full and effective compliance with the Consent Decree.<sup>29</sup> This is no minor matter. The U.S. Constitution guarantees equal protection to everyone.

As counsel for the Department of Justice argued at the January 13, 2025 hearing, without having to repeat the entirety of the United States' factual presentation and legal argument on the prior motion to terminate, the Department of Justice believes it is sufficient to say that the Motion to Terminate is moot because in the time since the motion to terminate, the City has not achieved substantial compliance with the Consent Decree.<sup>30</sup> Thus, even while urging the Court to allow the City to enter the Sustainment Period, DOJ acknowledged ongoing deficiencies concerning the City's compliance with the Consent Decree.

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<sup>28</sup> Consent Decree, Section XVII at 96, Misconduct Complaint Intake, Investigation, And Adjudication. R. Doc. 778.

<sup>29</sup> R. Doc. 778. "NOPD agrees to respond to and investigate reports of sexual assault and domestic violence professionally, **effectively**, and in a manner free of gender bias in accordance with the rights secured and protected by the Constitution and laws of the United States." (Consent Decree Section IX, emphasis added).

<sup>30</sup> Comments of Counsel for United States at January 13, 2025 public hearing.

Finally, it is worth noting the City would have the Court grant the Motion to Terminate, thereby, ignoring the comments by hundreds of citizens. As noted above, many citizens vehemently support no change to the status of the Consent Decree. Others acknowledge that some change in status is appropriate, and support entering the Sustainment Period. Allowing the NOPD to focus on those tasks that remain to be done and giving it the time to demonstrate to the Court, the Department of Justice, and the New Orleans community that they will maintain the reforms put into place thus far seems to achieve a fair balance of these widely-held views.

### **Motion To Enroll Additional Counsel Of Record**

On January 10, 2025, the City filed a motion to enroll Deputy Solicitor General Morgan Brungard, with the Louisiana Office of the Attorney General, as counsel of record. The City, however, has failed to address (i) whether the enrollment of the Attorney General as counsel to the City complies with the City's Home Rule Charter,<sup>31</sup> (ii) whether styling the motion as an *ex parte* motion complies with Local Rules, (iii) whether the enrollment of the Attorney General as counsel for the City presents a conflict as the Attorney General has announced its investigation of the City and the NOPD, and (iv) whether the motion to enroll raises law-of-the-case concerns in that the Court previously denied the Attorney General's request to intervene in this matter. Accordingly, the Court denies the City's motion without prejudice.<sup>32</sup>

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<sup>31</sup> The Court directs counsel's attention to R. Doc. 819, which is a letter from the New Orleans City Council stating that the legal process was not followed and that it has not approved the retention of special counsel.

<sup>32</sup> R. Doc. 815.

## **CONCLUSION**

In conclusion, the Court must be clear. On September 27, 2024, the City asked this Court to approve the Sustainment Plan and begin the Sustainment Period.<sup>33</sup> At that time, the Mayor of the City of New Orleans championed the motion, exclaiming in a public press statement and on social media that “we have arrived at a point where the NOPD can confidently move into the sustainment phase of the Consent Decree.”<sup>34</sup> The Parties and the Monitor then worked tirelessly for months on the Sustainment Plan and the attached plans. Indeed, the Court recognized the Parties’ efforts in its closing remarks at the June 2024 hearing on Bias Free Policing.

Members of the New Orleans City Council recently added their voices to the chorus of individuals and groups supporting NOPD’s entry into the Sustainment Period:

The New Orleans Police Department is poised to enter the sustainment period of their consent decree, marking a positive and crucial step towards concluding a more than decade-long process. The Council remains committed to supporting the ongoing efforts of the NOPD to reach this milestone and urges against any adversarial actions that could hinder this progress. Friday’s 11th-hour legal maneuvering undermine a decade of work by the NOPD and needlessly politicize this important legal proceeding.<sup>35</sup>

The City’s motive in seeking to revive the dormant Motion to Terminate is unclear. It appears to the Court to be political gamesmanship that threatens the integrity of this Court’s role in the implementation of the Consent Decree. Certainly, it diminishes the credibility of

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<sup>33</sup> The Parties have worked on a mutually-acceptable Sustainment Plan for months. Indeed, the Court recognized the Parties’ efforts at the June 2024 hearing on Bias Free Policing. Subsequently, the Parties and the Monitor have continued to work tirelessly toward this goal.

<sup>34</sup> The Court judicially notices the press statement of Mayor LaToya Cantrell (September 9, 2024).

<sup>35</sup> The Court judicially notices the press release issued by multiple City Council members on January 13, 2025. <https://x.com/JPMorrell/status/1878863378422411557>.

the top leadership of the City. Nevertheless, the Court is convinced the New Orleans Police Department is committed to the Sustainment Plan. The NOPD's presentation at the Hearing emphasized the Department's commitment to the Sustainment Period and the Sustainment Plan. Every presenter for the City confirmed his or her commitment to finishing the job started.<sup>36</sup>

The Court recognizes and credits the City's and NOPD's stated commitment, as clearly reflected in the Joint Motion and reiterated at the Hearing, to continue working with the Monitor, the DOJ, and the community on the issues that must be accomplished during the Sustainment Period. The Court is persuaded the proposed Sustainment Plan clearly delineates the work left to do and provides a realistic yet aggressive timeline to get that work done.

For this reason, the Court agrees to do what the City requested – grant the motion to approve the Sustainment Plan and begin the two-year Sustainment Period.

The Court, once again, acknowledges and extends its appreciation to the men and women of the NOPD whose hard work and dedication brought the City and the New Orleans Police Department to this important achievement. While the work is not complete, the Sustainment Plan provides adequate assurance that the City and NOPD will sustain the improvements they have made and will complete their unfinished work. The Court and the

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<sup>36</sup> The Court recognizes that outside counsel to the City has argued that the City's request to enter the Sustainment Period and its request to terminate the Consent Decree are not inconsistent and not mutually exclusive. The Court disagrees. The request to terminate the Consent Decree presumes the NOPD has fulfilled all its obligations under the Consent Decree. The request to enter the Sustainment Period, on the other hand, recognizes that "NOPD and the City require additional time to satisfy some specific elements of the Consent Decree," and that "certain ongoing corrective actions and remedial measures have not been fully implemented or have not been in place long enough for the United States and the Monitor to fully evaluate implementation, effectiveness, sustainability, and durability." The City cannot have it both ways.

Monitor will remain vigilant to ensure that implemented reforms are sustained and the Parties' commitments under the Sustainment Plan are honored.

Accordingly,

**It is ordered** that the City's Motion To Issue Ruling On Pending Motion<sup>37</sup> is GRANTED.

**It is further ordered** that the City's Motion to Terminate the Consent Decree<sup>38</sup> is DENIED.<sup>39</sup>

**It is further ordered** that the Parties Joint Motion for Approval of Sustainment Plan<sup>40</sup> is GRANTED. The Sustainment Period shall begin as of the date of this Order.

**Is it further ordered** that the Sustainment Plan and Attachments are entered as an order of this Court.

**It is further ordered** that the City's Motion to Enroll Additional Counsel of Record is DENIED WITHOUT PREJUDICE.

**New Orleans, Louisiana, this 14 day of January, 2025.**

  
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**SUSIE MORGAN**  
**UNITED STATES DISTRICT JUDGE**

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<sup>37</sup> R. Doc. 816.

<sup>38</sup> R. Doc. 629.

<sup>39</sup> See R. Doc. 793 at fn. 2 ("On the issuance on the Court's Order granting the Sustainment Plan, the City's pending Motion to Terminate will be rendered moot. (Rec. Doc. 629).").

<sup>40</sup> R. Doc. 793.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

Plaintiff

v.

THE CITY OF NEW ORLEANS

Defendant

CIVIL ACTION NO. 12-CV-01924

SECTION E  
JUDGE SUSIE MORGAN  
DIVISION 2  
MAGISTRATE CURRAULT

\* \* \*

**SUSTAINMENT PLAN**



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## I. INTRODUCTION

### A. Background

1. On July 24, 2012, the United States Department of Justice (“DOJ”) filed the complaint in this matter against the City of New Orleans (“City”), seeking declaratory and injunctive relief after an investigation of the New Orleans Police Department (“NOPD” or “Department”) (the City, the NOPD, and DOJ collectively may be referred to as “the Parties”), pursuant to the Violent Crime Control and Law Enforcement Act, 42 U.S.C. § 14141 (“Section 14141”); the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d (the “Safe Streets Act”); and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d to 2000d-7, and its implementing regulations, 28 C.F.R. §§ 42.101-.112 (“Title VI”). R. Doc. 1.
2. On that same day, July 24, 2012, the City and DOJ filed a Joint Motion and Memorandum for Entry of Consent Decree. On September 14, 2012, the City and DOJ filed a Joint Supplemental Motion for Entry of Consent Decree incorporating certain agreed upon modifications to the Consent Decree. R. Doc. 2. The Court approved the Joint Motion for Entry of Consent Decree, as amended, on January 11, 2013. R. Doc. 159.
3. On August 9, 2013, the Court appointed the law firm of Sheppard Mullin LLP to serve as Consent Decree Monitor. R. Doc. 294.
4. In 2018, the Parties prepared a restated and amended Consent Decree, incorporating all amendments approved by the Court through October 2, 2018. For the convenience and benefit of the public and the Parties, the Court approved the Amended and Restated Consent Decree on October 2, 2018, and filed the document in the record that same day. R. Doc. 565. At the request of the Parties, the Court subsequently amended the Consent Decree on March 27, 2024. R. Doc. 774.

### B. Definitions/Abbreviations

1. This Sustainment Plan and attachments shall be referred to as the “**Plan**.”
2. The terms used in this Plan shall have the same meaning as those set forth in section I.C. of the Consent Decree.
3. For purposes of this Plan, NOPD is a department of the City of New Orleans.
4. The term “**Sustainment Period**” refers to the two-year period measured from the Effective Date of this document.

5. The term “**Court**” shall refer to the presiding judge (or her successor) in Civil Action 12-1924, pending in the United States District Court for the Eastern District of Louisiana, who approved and entered the Consent Decree as an Order of the Court.
6. The “**Effective Date**” of this Plan shall be the date on which this Sustainment Plan is approved and entered as an Order of the Court.
7. A “**Spot Audit**” is a limited review by the Monitor of a prior audit by NOPD. A Spot Audit typically does not involve a detailed review of a statistically valid sample size, and is designed: (i) to identify any material issues uncovered by the NOPD audit, and (ii) to confirm the NOPD auditor(s) adhered to agreed-upon audit protocols and audit schedules.
8. A “**Tolling of the Sustainment Period**” refers to an Order of the Court, issued after affording the Parties an opportunity to be heard, suspending the running of the two-year Sustainment Period to permit NOPD and the City to correct/remediate any material failures to comply with the terms of this Plan or the Consent Decree. The Sustainment Period will resume running upon the issuance of an Order of the Court ending the tolling period.
9. A “**Termination of the Sustainment Period**” refers to an Order of the Court, issued after affording the Parties an opportunity to be heard, terminating the Sustainment Period due to: (a) a pattern of violative behavior by the NOPD or the City, (b) intentional misconduct, reckless disregard, or deliberate indifference, by NOPD or City leadership, to their obligations under this Plan or the Consent Decree, or (c) a failure by the NOPD or the City to take prompt and meaningful action to remedy any material transgression of the Consent Decree or the Plan. A two-year Sustainment Period will recommence upon the issuance of an Order of the Court.

**C. Purpose of Sustainment Plan**

1. The Parties expressly acknowledge that this Plan does not expand the existing terms of the Consent Decree.
2. The Parties entered into the Consent Decree with the goal of ensuring that police services are delivered to the people of New Orleans in a manner that complies with the Constitution and laws of the United States and in a manner that ensures the reforms under the Consent Decree are durable and sustainable.
3. The Parties express a shared recognition that the ability of a police department to protect the community it serves is only as strong as the relationship it has with that community, and that public safety,

constitutional policing, and the community's trust in its police service are thus interdependent.

4. The Parties recognize that the full and sustained implementation of the Consent Decree is intended to protect the constitutional rights of all members of the community, improve the safety and security of the people of New Orleans, and increase public confidence in NOPD.
5. It is the expectation of the Parties and the Monitor that the Monitor's role will be reduced during the Sustainment Period, with the understanding that the Monitor will assist the Court to the extent the Court deems necessary during this time. The purpose of the Sustainment Period is to present the City and the NOPD the opportunity to demonstrate that they have the systems in place to monitor their own compliance and to take meaningful corrective actions where such monitoring identifies areas in need of improvement.

## **II. RIGHTS & OBLIGATIONS DURING SUSTAINMENT PERIOD**

### **A. Commitment to Retain a Structure Aimed at Ensuring Compliance**

1. The City and NOPD recognize the importance of maintaining, staffing, and resourcing the departments, units, boards, and other structures as outlined in the Consent Decree and this Plan. It is through these efforts, many of them adopted voluntarily by the NOPD as part of its ongoing reform activities, that NOPD best will be able to ensure the progress it has made to date remains durable and sustainable.
2. As previously proposed by the City, in order to achieve full and effective compliance with Section XV of the Consent Decree, the City and NOPD recognize the importance of and agree to maintain a meaningful Serious Discipline Review Board (“SDRB”), to include a clear policy, practical and detailed Standard Operating Procedures, a consistent meeting schedule, and periodic reviews by the NOPD Professional Standards and Accountability Bureau (“PSAB”).
3. The Parties, the Monitor, and the Court recognize NOPD developed an active bystandership program called Ethical Policing is Courageous (“EPIC”). The program is focused on preventing harm to community members and officers by teaching officers meaningful, practical active bystandership tactics and strategies to prevent misconduct, reduce mistakes, and promote officer health and wellness. The Parties, the Monitor, and the Court further recognize the EPIC program now has grown into a national active bystandership program called the Active Bystandership for Law Enforcement (“ABLE”) Project to which NOPD committed in 2021. The City commits to continuing to train officers in the EPIC/ABLE principles. Furthermore, the NOPD will continue abiding by the rules of the ABLE program as long as the Department participates in the ABLE program.
4. As provided in CD ¶ 229, NOPD agrees to continue using trustworthy data as a meaningful management tool. The Parties, the Monitor, and the Court recognize NOPD previously developed a data analytics program called MAX. The program facilitates decision-making by supervisors, managers, and leaders. NOPD agrees to continue holding regular MAX meetings or similar meetings that serve the same purpose as MAX for the duration of the Sustainment Period.
5. The City recognizes the importance of the Regulation enacted by the City Council pursuant to Section 4-107 of the Home Rule Charter and Section 2-1000 of the City Code on or about November 13, 2017, and agrees not to attempt to revise the Regulation during the period of the Consent Decree without prior consultation with DOJ, the Monitor, and the Court.

6. NOPD and the City commit to improving the functioning of, and developing more meaningful partnerships with, the various Police Community Advisory Boards (“PCABs”). To this end, the City and NOPD will work with DOJ and the Monitor to develop a mutually acceptable PCAB compliance plan with specific requirements and timelines. The Parties will supplement the Sustainment Plan to include the PCAB plan as Attachment V.A within 15 days of the Effective Date.
7. NOPD and the City will continue to work cooperatively with the OIPM as contemplated by Section XVIII.F. of the Consent Decree and the IPM/NOPD MOU dated November 10, 2010.
8. NOPD and the City will continue taking meaningful steps to ensure wide public access to information regarding NOPD decision-making and activities as required by Paragraph 429 of the Consent Decree, including, but not limited to, regular publication (via, at least, a clear and obvious link on NOPD’s website) of disciplinary letters that were issued in the previous quarter (with non-public information removed consistent with the law).

**B. Commitment to Meaningful Self-Monitoring**

1. PSAB Audits
  - a. NOPD agrees to conduct audits for compliance with the material provisions of the Consent Decree according to the audit schedule set forth in incorporated Attachment V.B to this Plan or as updated pursuant to the Consent Decree. NOPD shall conduct all audits pursuant to audit protocols approved by the Monitor and the Parties in place as of the Effective Date or as updated pursuant to the Consent Decree. Any changes in the protocols during the Sustainment Period shall be subject to the approval of the Monitor and the Parties.
  - b. NOPD agrees to coordinate with OIPM, the City’s Office of Inspector General, or an experienced outside auditing entity to audit NOPD’s PSAB capabilities, timeliness, methodologies, quality of audits, findings, and follow-up on recommended corrective actions. These audits shall be conducted to ensure adherence to established protocols in accordance with the guidelines and timelines outlined in Attachment V.C to this Plan.
  - c. Should PSAB, or its authorized agents, fail to complete the agreed-upon audits (attached to this Plan as Attachment V.B) in a timely fashion or fail to materially adhere to the agreed-upon audit protocols, NOPD and the City understand the Court may toll the Sustainment Period and/or the Monitor may take over some or all

of the audits from PSAB and conduct the audit(s) as the Court and the Monitor deem appropriate.

2. Policy and Training Updates

- a. NOPD agrees to update its policies and training for the material provisions of the Consent Decree according to the schedule set forth in its public Policy Review Schedule.
  - (1) NOPD's Policy Review Schedule is available at <https://nola.gov/getattachment/NOPD/Policies/Policy-Review-Schedule-Public.pdf/?lang=en-US>.
  - (2) NOPD's Master Training Plan is available at <https://nola.gov/nopd/nopd-consent-decree/>.
- b. Updates to policies and training during the Sustainment Period shall be subject to the review and approval process as set forth in Consent Decree Paragraphs 21 and 23.

3. Quarterly Reports to DOJ, the Monitor, the Court, and the City Council

- a. NOPD agrees to prepare and submit a quarterly report to the Court, DOJ, the Monitor, and the City Council, which shall (i) identify (and provide links to, where applicable) all reports and audits completed in the preceding quarter; and (ii) identify the actions completed in the preceding quarter using the format provided in Attachment V.G to this Plan. Each quarterly report shall be submitted within 30 days following the end of each quarter.
- b. NOPD agrees to appear quarterly before the City Council (or the appropriate sub-committee) to present the quarterly report and provide a status report on items audited and corrective actions recommended in the preceding quarter.
- c. Beyond the quarterly status reports identified in this section, this Plan requires no additional reports by the NOPD or the City not already required by the Consent Decree.
- d. Nothing in this Plan precludes NOPD from sharing information with the Monitor to further NOPD's and the City's efforts to ensure compliance or precludes the Monitor, DOJ, or the Court from requesting information from NOPD consistent with the Consent Decree.

**C. Ongoing Corrective Actions and Remedial Measures**

1. NOPD agrees to continue to diligently pursue the corrective actions and remedial measures identified below:
  - a. Use of Force Investigations (CD § III)
    - (1) The Use of Force Review Board (UFRB) shall meet every month during the pendency of this Plan.
    - (2) Absent extenuating circumstances approved by the Superintendent, uses of force shall be brought before a UFRB within 120 days of the completion of the use of force investigation.
    - (3) The City will add to its uses of force audit protocol an analysis of the rate of unauthorized use of force per arrest.<sup>1</sup> The City will commit to seeking improvement in the rate of unauthorized use of force per arrest.
  - b. Stops, Searches, and Arrests (CD § V)
    - (1) Within 180 days of the Effective Date, the City will report to the Monitor on its efforts to comply with the requirements of Paragraph 148 regarding the rate at which cases are refused by the Orleans Parish District Attorney because of the quality of officer arrests (including police report and investigations) or concerns regarding officer conduct. This report will include details on how the rate of refusals is calculated. It also will include details on each case refused for officer misconduct and detail the method for holding District Commanders accountable for referring to PIB for investigation any information regarding specific incidents of possible officer misconduct related to officer arrests noted in the DA's refusal reasons (when provided by the prosecuting agency). This report will examine data for the twelve month period before the report is initiated.
    - (2) Within 90 days of the Effective Date, the City shall report to the Monitor and DOJ on its efforts to improve the documentation of consent searches, including any

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<sup>1</sup> "Unauthorized Force Per Arrest" is a widely accepted measure of evaluating force data used to ensure changes in the number of arrests do not mask improvements or deteriorations in the raw number of unauthorized uses of force.



technical changes made to how Field Interview Cards (“FICs”) are completed.

- (3) The City shall continue to provide instruction through Academy and in-service training on:
  - (a) using the Logbooks database to ensure search warrants are properly logged;
  - (b) proper activation and deactivation of body-worn cameras when searching structures, vehicles, or persons;
  - (c) FIC documentation and timeliness of submission and review; and
  - (d) distinguishing between a “search” and a “pat-down.”
- (4) NOPD shall continue PSAB’s centralized review of all incidents which generated an FIC to improve FIC documentation and allow for early identification of trends. The Parties will move to modify paragraph 150 of the Consent Decree and develop a policy requirement for centralized daily review within 60 days of the Effective Date.

c. Bias-Free Policing (CD § VIII)

- (1) The City agrees to develop a corrective action plan to address the results of the 2022 and 2023 Bias Free Audit, where applicable, within 90 days of the Effective Date.
- (2) Further, the City agrees to explore partnerships with at least one outside expert, with at least a Master’s Degree and experience in statistical and data analysis, to help conduct its Bias Free Audit.

d. Policing Free of Gender Bias – Sexual Assault (CD § IX.A)

- (1) The City commits to continuing to publish detailed quarterly Sexual Assault data and to take other actions as described in the corrective action plan included at Attachments V.D and V.E.
- (2) NOPD commits to continuing to assign Sexual Assault cases that receive a Gone On Arrival (“GOA”) designation

to a sex crimes investigator to ensure proper follow up and documentation.

- (3) NOPD commits to completing the corrective action plan detailed in the Monitor's report dated October 27, 2023, attached to this Plan at Attachment V.E, within 120 days of the Effective Date.

e. Policing Free of Gender Bias – Domestic Violence (CD § IX.B)

- (1) The City commits to continuing to publish detailed quarterly Domestic Violence data and to take other actions as described in the corrective plans included at Attachments V.D and V.E.<sup>2</sup>

f. Community Engagement (CD § X)

- (1) NOPD agrees to conduct the Biennial Community Survey as required in Paragraph 230 of the Consent Decree during the first year of the Sustainment Period. The City may engage the Monitor to develop and execute the survey as it has done in the past.

g. Performance Evaluations & Promotions (CD § XIV)

- (1) NOPD will require supervisors to complete all applicable questions in quarterly reviews of employees to ensure supervisors continue to use the Early Warning System ("EWS") to complete annual personnel evaluations on a timely basis.
- (2) NOPD will ensure appropriate association of supervisors with their subordinates to ensure that all supervisors have access to all of their subordinates' EWS records, including Supervisory Feedback Log entries. NOPD will ensure the association of supervisors with their subordinates is updated on a timely basis.

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<sup>2</sup> In April 2024, the NOPD acknowledged errors in various aspects of its reporting of sexual assault and domestic violence data in response to criticisms raised by a local researcher and a local civil rights attorney. The NOPD committed to implement a number of corrective actions included in the attachments to the Plan.

h. Supervision (CD § XV)

- (1) Within 90 days of the Effective Date, NOPD shall provide a report to DOJ, the Monitor, and the Court on the new custodial interrogation and photo lineup audits for the 7th District.
- (2) NOPD agrees to continue using its SDRB as currently prescribed in NOPD Policy.
- (3) Absent extenuating circumstances approved by the Superintendent, serious discipline matters shall be brought before a SDRB within 60 days of the issuance of discipline.
- (4) NOPD shall audit the Executive Protection Unit within 120 days of the Effective Date. Within 60 days of the Effective Date, the NOPD shall develop a separate protocol for this audit, subject to DOJ and Monitor approval. The protocol shall include a review of EPU performance, training, supervision, and overall compliance with NOPD policies and standard operation procedures. The protocol shall address application of the Consent Decree's material provisions to the Executive Protection Unit and its chain of command. NOPD shall present a report of its audit findings to the Court within thirty days of completion of the audit.
- (5) Within 60 days of the Effective Date, NOPD shall review and incorporate, as appropriate, the proposed revisions to the existing EPU policy as recommended by the TLG Law Firm in its recent investigations of EPU officers subject to the process in Paragraphs 21 or 23 of the Consent Decree.
- (6) The NOPD has determined a new EWS is required to meet the requirements of Paragraph 320. NOPD commits to issuing a RFP within 90 days of the Effective Date, selecting the new contractor within six months of the Effective Date, and execute the new contract within 60 days of the selection of the contractor. EWS functionality must be maintained under the current systems until the new system becomes operational.
- (7) NOPD shall complete audits of the EWS every quarter for one year following the Effective Date of this Plan using the currently established and approved audit protocol. Should the Parties wish to modify the currently approved

audit protocol, the Parties shall consult with and seek approval from the Monitor before doing so. Further, PSAB shall conduct an audit of the new system within 120 days of the new system becoming operational.

- (8) NOPD has conducted a Supervisory Discipline Review Board to assess the quality of the supervision of certain NOPD members or former members who received “target letters” concerning criminal investigations relating to those members’ conduct within the secondary employment system. Within 45 days of the Effective Date, NOPD shall report to the Court on the outcome of the Supervisory Review Board’s findings. If any NOPD members or former members have been referred to PIB for investigation as a result of the supervisory review board, NOPD shall report to the Court on the outcome of the investigation of those members or former members within 90 days of the close of each investigation.<sup>3</sup>
  - (9) If any NOPD members or former members have been referred to the Louisiana Police Officers Standards and Training for potential decertification, including those who received target letters, NOPD shall report to the Monitor on the outcome of such referrals within 30 days of dispositive action on them.
  - (10) NOPD shall conduct a Serious Discipline Review Board focusing on the facts in *Upton v. Vicknair*, Civil Action 21-407. Such SDRB shall include a detailed discussion of potential policy, systems, supervision, and training enhancements appropriate when special victims’ rights and liberties may be implicated by the underlying conduct; as well as a detailed discussion of potential enhancements to the PIB process in such situations.
- i. Secondary Employment System (CD § XVI)
    - (1) An Office of Police Secondary Employment (“OPSE”) audit protocol will be developed, an audit performed, and a Corrective Action Plan implemented, if required. The audit will be completed and any necessary Corrective

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<sup>3</sup> Per Consent Decree Paragraph 403 timelines.

Action Plan will be developed within the first 180 days of the Effective Date.

- (2) Prior to the end of the Sustainment Period, the City shall ensure the ADP payroll system and the OPSE payroll system are able to interface to allow monitoring of compliance with the Consent Decree and existing payroll laws. In the interim, NOPD shall continue reviewing payroll records manually to ensure no recurrence of prior hours/payroll-related violations.

j. Misconduct Complaint Intake, Investigation, and Adjudication (CD § XVII)

- (1) Within 60 days of the Effective Date, the City will fulfill its responsibilities identified in the PIB Remedial Action Plan within its control (R. Doc. 756-1).
- (2) The development and implementation of the audit protocol for PIB shall be consistent with the timeline outlined in Attachment V.B to this Plan. The City and NOPD shall implement any Corrective Action Plan resulting from the 2024 PIB audit within 90 days of the approval of the audit report by the Monitor.
- (3) Within 90 days of the Effective Date, NOPD will use Body Worn Camera (“BWC”) reviews to meet its affirmative investigation requirement for random integrity audit checks as defined by Consent Decree Par. 383.
- (4) In addition, within 90 days of the Effective Date, the Public Integrity Bureau (“PIB”) will develop and implement an SOP that covers the following methods of conducting integrity audit checks:
  - (a) Tracks the proactive use of body-worn camera reviews for reporting of potential officer misconduct;
  - (b) Tracks proactive reporting of potential officer misconduct uncovered in the auditing and supervision of officers.
  - (c) Ensure there is a representative sample from each District.

2. NOPD and the City reserve the right to recommend modifications, pursuant to the Consent Decree, to any corrective action / remedial measure plans if they believe there is a better way to achieve the goals of the Consent Decree.

### **III. SCHEDULED MONITOR AUDITS AND REVIEWS DURING SUSTAINMENT PERIOD**

#### **A. Annual Spot Audits**

1. Custodial Interrogations (VI)
2. Photographic Lineups (VII)
3. Bias-Free Policing (Non-LEP) (VIII)
4. Crisis Intervention Team (IV)
5. Officer Assistance and Support (XIII)
6. Transparency & Oversight (XVIII)

#### **B. Quarterly Spot Audits**

1. Bias-Free Policing (LEP) (VIII)
2. Stops, Searches, and Arrests (V)
3. Policing Free of Gender Bias (IX)
4. Community Engagement (X)
5. Recruitment (XI)
6. Academy & In Service Training (XII)
7. Performance Evaluation & Promotions (XIV)
8. Supervision (XV)
9. Secondary Employment (XVI)

#### **C. Regular/As-Needed Reviews**

1. New/Revised Policy Reviews
2. Annual Training Plan
3. Uses of Force / Use of Force Investigations

4. Serious Alleged Misconduct / Serious Misconduct Investigations
5. Misconduct Complaint Intake, Investigations, & Adjudication (XVII)
6. Investigation of any issue that may cause tolling or termination of the Sustainment Period.

**D. Coordination of Audits**

1. The Monitor and NOPD shall work together to coordinate their respective audits during the Sustainment Period to promote efficiency and reduce redundancy.

#### **IV. VIOLATIONS OF THE CONSENT DECREE / SUSTAINMENT PLAN**

##### **A. Powers and Role of the Court**

1. Nothing in this Plan limits the authority of the Court.
2. Nothing in this Plan expands or limits the authority of DOJ as set forth in the Consent Decree and applicable law.
3. Nothing in this Plan expands or limits the authority of the Monitor set forth in the Consent Decree.
4. Nothing in this Plan modifies the Termination provisions (Paragraphs 491 and 492) of the Consent Decree.

##### **B. Process For Tolling/Terminating Sustainment Period**

1. The Court has the authority to Toll or Terminate the Sustainment Period for failure of the NOPD or the City to comply with the provisions of the Sustainment Plan.
2. Should a concern arise regarding compliance with the Sustainment Plan, the Monitor's benchmark for compliance will be based on the same measures and methodologies used by the Monitor to evaluate compliance as of the Effective Date of this document, except as otherwise agreed upon by the Parties with the approval of the Court.
3. A violation of law, policy, or the Consent Decree by an officer ordinarily will not result in a Termination of the Sustainment Period provided (a) it is not indicative of a pattern of violative behavior, (b) it is not indicative of intentional misconduct, reckless disregard, or deliberate indifference, by NOPD or City leadership, to their obligations under this Plan or the Consent Decree, (c) NOPD is adhering to the accepted timely disciplinary process to remedy the violation, and (d) NOPD is maintaining transparency with the Monitor and DOJ regarding the violation, the discipline, and the remedial action.
4. In the event the Court deems it necessary to consider Tolling or Terminating the Sustainment Period, except in emergency situations, the Court will issue a Rule To Show Cause and provide the Parties an opportunity to be heard prior to any such decision.



# **ATTACHMENT A**

## **PCAB COMPLIANCE AND SUSTAINMENT PLAN**

## Police Community Advisory Board Compliance and Sustainment Plan

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### **I. Responsibilities of NOPD and the City**

- A. As of November 1, 2024, the City and NOPD established a PCAB Coordinating Committee (“the Coordinating Committee”). The members of the Coordinating Committee will be the NOPD Community Engagement Section Manager; the NOPD Professional Standards and Accountability Bureau Innovation Manager; two NOPD Field Operations Bureau Majors (Majors are TBD until the promotional process has been complete; in the meantime NOPD will appoint two district Captains to represent FOB on the committee); and one representative from the City’s Neighborhood Engagement Office (NEO) (either the PCAB Liaison to be hired, or another designee).
- B. The NOPD and the City agree they will, either directly or through the Coordinating Committee (with approval of NOPD and the City), provide administrative support to assist the PCABs in accomplishing their goals, including the following:
  1. Coordinating recruitment efforts for PCAB members; assisting with securing a suitable venue for PCAB meetings; assisting PCABs in developing agendas for all meetings and sending the agenda to all members in advance of the meetings; and supporting the PCAB secretaries with taking notes, retaining, and distributing minutes for the required quarterly meetings.
  2. Committing sufficient and appropriate financial and administrative resources to enable the PCABs to fulfill their purpose, including at minimum:
    - a. Establishing a centralized website for community and public consumption to advertise all PCAB announcements and to disseminate information to the community.
    - b. Establish a centralized social media platform to localize PCAB updates, information on PCAB websites, and provide additional outlets to gather PCAB information.
    - c. Providing translation and interpretation support when needed.
    - d. Hire a PCAB Liaison to assist the PCABs.
      - On December 2, 2024, the NOPD and the City obtained City Civil Service Commission approval for the position of PCAB liaison within the Neighborhood Engagement Office. The full-time duty of the PCAB Liaison shall be to provide administrative support and serve as liaison between PCABs, the Coordinating Committee, and NOPD. The City agrees to include funding in the City’s 2025 budget request, by amendment if necessary, and annually thereafter, for this position.
    - e. As of November 11, 2024, the Neighborhood Engagement Office has

assigned an employee to fulfill and perform the full-time duties of the PCAB Liaison position.

3. Communicate each PCAB recommendation to the NOPD and communication of NOPD's written response to the PCABS in a timely manner. If NOPD declines to adopt any recommendation, NOPD's written response shall include the reasons it has declined to do so. Respect the independence of the PCABs with no attempts to exert undue influence on the PCAB's meeting agendas, discussions, minutes, recommendations, or related functions.
4. Invite two PCAB Presidents each year to attend meetings of NOPD's Training Advisory Committee.
5. Assist in setting dates of PCAB meetings, to be held at least quarterly, and more often if necessary, and providing written notice of each meeting's date, time, and location to all PCAB members at least seven days before the meeting.
6. Advertise public PCAB meetings on City websites; schedule the Annual PCAB Roundtable; and hold PCAB Presidents' joint meetings at least every six months, and more often if necessary.
7. The Coordinating Committee will meet every two months to discuss the challenges, progress, and needs of PCABS, including the status of recommendations submitted by PCABs to NOPD and whether they are feasible for NOPD to pursue.
8. Assist PCAB Presidents and officers to: (1) ensure member attendance and participation at PCAB meetings, (2) remove non-attending members, and (3) fill vacant positions in a timely manner, including advertising vacant PCAB positions and opening the application process when needed as detailed in the PCAB Policy Manual (as revised).

## **II. PCAB Policy Manual**

- A. The NOPD, with the assistance of the Department of Justice, created a PCAB Policy Manual on August 19, 2016. By February 1, 2025, the NOPD and the City agree to update the PCAB Manual, to include the following additional guidelines for PCAB membership, duties of officers and members, meetings, and conduct, and submit it to the DOJ, the Monitor, and the Court for review and approval.
  1. Members must acknowledge and agree in writing to abide by the established guidelines for PCAB membership.
  2. Members must complete PCAB Training.
  3. Members must regularly attend established PCAB meetings.
  4. Applicants shall not be denied membership solely on the basis of limited English proficiency.

Applicants shall not be denied membership solely on the basis of a prior criminal conviction discovered during the initial background check, in accordance with the application guidelines. NOPD will determine whether the background check findings require denial of membership according to the PCAB Policy Manual Application Procedures prior to applicants' acceptance. When appropriate, NOPD will conduct further research to determine eligibility.

5. Applicants may not be a party to, or legal representative of a party in, active litigation against the City of New Orleans
6. PCAB officers may be allowed to serve two (2) consecutive terms, by majority vote of the remaining PCAB members.
7. PCAB members will be appointed to staggered terms and may not serve more than two three-year terms.
8. PCAB members may be removed for failing to abide by the guidelines for PCAB membership upon a motion made by an officer, the majority vote of the members of the PCAB for the relevant district, and the approval of the NOPD and the City, which approval shall not be unreasonably withheld.
9. Members will be provided reasonable guidelines for giving public statements as PCAB members.

### **III. PCAB SOP**

- A. By March 15, 2025, the City and NOPD (in conjunction with the Coordinating Committee) will draft and submit to the DOJ, the Monitor, and the Court prior to adoption a PCAB Standard Operating Procedure which, in part, will outline the duties of the PCAB Liaison and the resources that will be made available to PCABs for administrative support.

### **IV. Recruiting, interviewing, and Selecting new PCAB members.**

- A. By February 1, 2025, the City and NOPD will make reasonable efforts to fill any vacant PCAB positions and follow the selection process as stated in the PCAB Manual and Policy.

### **V. PCAB Orientation and Training**

- A. By February 1, 2025, the City and NOPD will conduct PCAB Orientation and Training for District Captains, Community Liaison Officers, and PCAB members to include:
  1. Roles and responsibilities of PCAB members.
  2. This plan and NOPD policies and practices relevant to the scope of the PCABs' responsibilities, including NOPD's obligation to support the PCABs.
  3. Key policing policies and practices, including use of force, stops, searches, and arrests, domestic violence, sexual assaults, crime fighting, and community policing.

4. PCAB member training related to the basic PCAB structure, setting an agenda, conduct of board meetings, keeping of Board minutes, and retention of communications between PCAB and NOPD.
5. PCAB members training on the reasonable guidelines on their ability to speak to media outlets in their capacity as PCAB members, as outlined in the PCAB Policy Manual.

**VI. PCAB'S Mission and Meeting Agendas**

- A. NOPD and the City will ensure that PCAB meetings enable NOPD District Captains and the PCAB Presidents to collaborate to advance the PCAB's mission by addressing the following topics at each PCAB meeting:
1. Community policing strategies;
  2. Accountability for professional/ethical behavior by individual police officers;
  3. Resource allocation, including special task forces, to address high priority community needs;
  4. Policy changes, where applicable, that improve quality of life;
  5. Strategies for recruiting and retaining a qualified and diverse NOPD workforce;
  6. Providing information to the community and conveying feedback from the community to NOPD;
  7. Providing data and information, including information about NOPD's compliance with the Sustainment Plan, to the public in a transparent and public-friendly format, to the greatest extent allowable by law;
  8. Topics of concern to the District;
  9. Updates on recommendations to NOPD and PCAB projects; and
  10. Review of NOPD public reports.

**VII. Monitor**

- A. The role of the Monitor shall be to:
1. Review and approve policy manual and SOP revisions, which shall be submitted to the Court for approval.
  2. Attend PCAB meetings.
  3. Complete Audit of compliance with this plan by September 2025.

4. Report to the Court.

# **ATTACHMENT B**

## **PSAB 2025/2026 AUDIT SCHEDULE**

### B. PSAB 25/26 Audit Schedule

		2025												2026														
Consent Decree Area	PSAB Unit	January	February	Mar	April	May	June	July	August	September	October	November	December	January	February	Mar	April	May	June	July	August	September	October	November	December			
General Audit Procedures including Audit of Audits	IPM		To Be Set with IPM													To Be Set with IPM												
CD Section II - Policies	PSAB												Policies												Policies			
CD Section III - Use of Force	ARU	UoF							UoF					UoF							UoF							
CEW	ARU				CEW						CEW						CEW						CEW					
Vehicle Pursuits (Reviews Ongoing)	PSS	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP	VP			
CD Section IV - CIT	ARU					CIT						CIT					CIT						CIT					
CD Section V - Stops, Searches and Arrests	ARU						SSAPJ												SSAPJ									
Consent to Search	ARU						Consent to Search												Consent to Search									
Strip/Cavity	ARU						Strip/ Cavity												Strip/ Cavity									
Probation & Parole	ARU						Probation& Parole												Probation& Parole									
Search Warrant	ARU							Search Warrant												Search Warrant								
District Attorney Refusals (Reviews Ongoing)	PSAB	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals	DA Refusals			
CD Section VI - Custodial Interrogations	ARU			Custodial						Custodial						Custodial						Custodial						
CD Section VII - Photographic lineups	ARU				Photo-Lineup						Photo-Lineup						Photo-Lineup						Photo-Lineup					
LAP/LEP Audit	PSAB/CE Unit					LAP/LEP Audit												LAP/LEP Audit						LAP/LEP Audit				
CD Section IX - Policing Free of Gender Bias - DV Case File	ARU									DV Case File											DV Case File							
CD Section IX - Policing Free of Gender Bias - DV Patrol	ARU				DV Patrol												DV Patrol											
CD Section IX - Policing Free of Gender Bias - Child Abuse Case File	ARU			Child Abuse						Child Abuse						Child Abuse					Child Abuse							
CD Section IX - Policing Free of Gender Bias - Sexual Assault Case File	ARU				Sex Crimes						Sex Crimes					Sex Crimes						Sex Crimes						
CD Section X - Community Engagement	PSAB/CE Unit				Community Engagement			Community Engagement			Community Engagement					Community Engagement			Community Engagement			Community Engagement						
CD Section XI - Recruitment	ARU												Recruitment											Recruitment				
CD Section XII - Academy & In-Service Training	PSAB									Academy											Academy							
CD Section XIII - Officer Assistance & Support	PSAB						OAP						OAP					OAP						OAP				
CD Section XIV - Performance Evaluations	ARU					Perf Evals											Perf Evals											
CD Section XV - Supervision	ARU		Supervision						Supervision						Supervision						Supervision							
CD Section XVI - Secondary Employment System (OPSE/NO/PD Employment Reviews)	PSS	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify	Employment Notify				
CD Section XVI - Secondary Employment System (OPSE Audit)	PSAB	OPSE												OPSE														
CD Section XVII - Misconduct/Admin. Invest.	PSAB/ARU		PIB/Misconduct												PIB/Misconduct													



CD Section XVIII - Transparency (Insight Data Entry and Report Validation)	PSAB				Insight Data Entry				Insight Data Entry								Insight Data Entry				Insight Data Entry				
Stops and Search Annual Report	PSAB			Stop and Search												Stop and Search									
DV Annual Report	PSAB		DV												DV										
Use of Force Annual Report	PSAB					Use of Force												Use of Force							
Public Integrity Bureau Annual Report	PSAB									PIB											PIB				
Bias-Free Annual Report	PSAB						Bias-Free												Bias-Free						
Recruitment Annual Report	MSB - Reviewed by PSAB			Recruitment												Recruitment									
Academy Annual Report	MSB - Reviewed by PSAB		Academy												Academy										
Community Engagement Annual Report (LEP/LAC)	FOB - Reviewed by PSAB				CE												CE								
CIT Annual Report	PSAB				CIT												CIT								

In general, Annual Reports will be released as noted and if data is incomplete, will be updated mid-year (June 30).

# **ATTACHMENT C**

## **GUIDELINES FOR OUTSIDE ENTITY AUDITS**

### **C. Guidelines for Outside Entity Audits**

The Sustainment Plan provides that NOPD will coordinate with the New Orleans Office of the Independent Police Monitor (“OIPM”), the City’s Office of Inspector General (“OIG”), or an approved outside auditing entity to audit NOPD’s PSAB capabilities, schedule, methodologies, audits, and follow-up on recommended corrective actions. To ensure these audits are meaningful, the Parties agree as follows:

- The audits of PSAB shall be conducted with a regular cadence so as not to overburden PSAB at any one time of the year.
- The audits shall ensure coverage of all PSAB audits over the course of each 12-month period, and each audit shall include, among other things, an assessment of PSAB’s adherence to approved protocols, timeliness, and findings.
- The audits shall be conducted in accordance with clear, written protocols prepared by the entity conducting the audit and approved by the Parties and the Monitor.
- The scope and depth of each audit shall be tailored to the materiality of the topic audited by PSAB, recency of prior audits, and historic risk factors (e.g., prior audit findings).
- The audit entity shall share its draft audit results with the Parties and the Monitor for comment prior to finalizing each audit. PSAB shall be given adequate time to consider and comment on the draft findings and recommendations. Should PSAB agree that corrective actions are necessary, the intended corrective actions shall be shared with the audit team for inclusion in the final audit report.
- The final audit report, including findings, recommended corrective actions, and PSAB responses, shall be shared with the Parties and the Monitor.
- PSAB shall publish all final audit reports, with appropriate information redacted as required by law, within 30 calendar days of approval by the Parties and the Monitor.

## **ATTACHMENT D**

### **DOMESTIC VIOLENCE / SEXUAL ASSAULT PUBLIC REPORTING CORRECTIVE ACTIONS**

**D. Domestic Violence/Sexual Assault Public Reporting Corrective Actions**

On April 2, 2024, the NOPD (a) acknowledged errors in various aspects of its reporting of sexual assault and domestic violence data in response to criticisms raised by a local researcher and a local civil rights attorney; and (b) publicized the data reporting error to raise awareness for future researchers and the community. The day before, on March 31, 2024, NOPD notified the Louisiana Commission on Law Enforcement (“LCLE”) of the need to amend NOPD’s 2021 and 2022 data. The NOPD further commits to undertake the following actions:

- Continue issuing quarterly reports on both sex crimes data as well as on domestic violence data.
- Provide verification to DOJ and the Monitor demonstrating the functionality and use of its new sexual assault data management system.
- Obtain and implement a records management system compliant with the FBI’s Uniform Crime Reporting (“UCR”) National Incident-Based Reporting System.

NOPD commits to complete the second item above within 120 days of the Effective Date and to complete the third item above within one year of the Effective Date.

## **ATTACHMENT E**

### **DOMESTIC VIOLENCE ("DV") / SEXUAL ASSAULT ("SA") GOA CORRECTIVE ACTION PLAN**

**E. Domestic Violence (“DV”)/Sexual Assault (“SA”) GOA Corrective Action Plan**

RM#	Remedial Measure
1	Ensure All Violent Crimes Receive A Priority 2 Code. As noted in this Special Report, Domestic Violence calls are often de-prioritized to a Code 1 when the aggressor had left the scene. As explained above, the Monitoring Team sharply criticized this practice because, among other things, the departure of the aggressor frequently does not mean the call is no longer an emergency. NOPD now will keep all violent crimes as Code 2 Priority calls, and use new sub-codes (see below) to indicate whether the aggressor is on the scene and whether the victim has relocated to a safe location (e.g., hospital, police station, fire station).
2	Restore Priority Modifiers. The OPCD and the NOPD use priority codes to designate the priority of every call for service. As described earlier in this report, a Code 2 call is an emergency call warranting an immediate “lights and sirens” officer response. A Code 1 call, on the other hand, requires less immediacy, and often receives a delayed NOPD response. Previously, each numerical code – Priority 0 through Priority 3 – had a number of “sub-codes” or “modifiers,” e.g., 1A, 1B, 2A, 2B, etc. These sub-codes stopped being used at some point in the past, making it harder to prioritize competing priority calls. NOPD commits to work with OPCD to restore sub-codes A-F for Priority 1 calls and sub-codes A-G for Priority 2 calls, allowing more accurate coding and decision-making for a wider range of emergency calls.
3	Enhance Training. NOPD will work with OPCD to ensure officers, supervisors, and dispatchers understand the newly-expanded coding protocols. The training will focus on, among other things, when and how to use the new 2G Priority Code through the issuance of Daily Training Bulletins, mandated roll call trainings, and leadership emails to all NOPD personnel. NOPD also will provide enhanced training to supervisors on the use of the new 2G Priority Code.
4	Provide Additional Resources To Officers And Supervisors. NOPD commits to develop a Standard Operating Procedure (SOP) that provides guidance to supervisors on managing call priorities. The SOP will explain that the availability of officers does not dictate the priority code for a call. It also will give further guidance on how and when to use the new 2G Priority Code, and when it is appropriate to de-prioritize a call.
5	Update Relevant NOPD Policies. NOPD has identified a host of policy changes designed to reduce response times and, thus, reduce GOAs on priority calls. Among these changes are (i) clarify the definition of an “emergency” call, (ii) allow officers to respond to some Code 2 calls (e.g., DV calls) without lights and sirens; (iii) require supervisors to state the reason for priority deprioritizations on the air when communicating with OPCD, (iv) permitting a single officer to respond to DV calls, among others.
6	Return To Simple Signals To Describe Calls. Currently, OPCD employs a version of “plain talk” signals that doesn’t align with Louisiana’s Criminal Codes. While the point of moving to “plain talk” signals was to reduce confusion, it apparently has had the opposite effect since many of the “plain talk” signals are not intuitive, e.g., “SHOTP,” “BURGR,” and “DOMDIS.” NOPD believes that a re-alignment of OPCD’s signals and NOPD’s signals will allow for more accurate and precise call prioritization.

RM#	Remedial Measure
7	Measure And Report Response Times With Greater Precision. NOPD will develop a new system to identify priority changes and measure response times by initial priority code (i.e., the priority code initially assigned by OPCD) as well as final priority code (i.e., the priority code as changed by OPCD or by an NOPD supervisor). NOPD will develop a public-facing dashboard that will allow the community to see NOPD response times by priority code (initial and/or final).
8	Supplement NOPD's Current Audit Program. NOPD commits to working with the Monitoring Team to conduct a follow-up audit following the implementation of the Department's corrective action plan. NOPD also plans to incorporate a Priority Code Audit into its standard annual or bi-annual audit program conducted by PSAB.
9	Give Supervisors Access To Real-Time Computer Aided Dispatch (CAD) Data. Currently, supervisors have access to real-time call data only in their cars or by walking to the desk in the lobby of each police district. This makes it hard for supervisors not in the field to keep track of priority calls and priority code changes. NOPD will develop the technology to give supervisors live CAD access from their desks. The new technology will give supervisors real-time access to calls holding, call priority, changes in call priority, and officer availability – critical information to ensure close and effective supervision.
10	Dispatch SVD Detectives To Sex Crimes And Child Abuse Calls Where The Victim Is In A Safe Location. Rather than dispatching a patrol officer to sex crimes and child abuse calls where the victim has relocated to a safe location (e.g., hospital, police station, fire station), NOPD will work with OPCD to dispatch SVD detectives to ensure victims get the prompt attention they need from specially trained officers while ensuring the Department's patrol officers are free to respond more quickly to priority calls where an individual's safety is immediately at risk.
11	Explore Opportunities For Greater Efficiency In Handling DV Calls. Responding to DV calls understandably takes a significant amount of time; more time than most other violent crimes. Some of this extra time is necessitated by the additional paperwork required in DV cases. To its credit, NOPD is not naïve to the possibility that some officers may consciously or subconsciously avoid such calls due to the additional work involved. NOPD plans to work with its officers and other DV stakeholders (e.g., Family Justice Center, New Orleans Health Department, New Orleans Sexual Response Advisory Committee, etc.) to explore opportunities to reduce time and burden without sacrificing quality of service.
12	Explore Expanding The Use Of Civilians. Consistent with the public statements of NOPD Superintendents from Ronal Serpas to Anne Kirkpatrick, and the Mayor herself, NOPD will work to increase the number of civilians supporting its SVD. Among other improvements, NOPD plans to explore expanding the use of civilians to conduct callbacks on DV calls that have yet to be handled to inform callers about the services available to them and to attempt to convince callers to relocate to a safe space. NOPD believes putting victims in touch with the DV unit prior to officers making the scene not only will provide the victim faster service, but also will save officers time by negating the need for officers to inform victims about the services available to them.



# **ATTACHMENT F**

## **PIB AUDIT SCHEDULE MILESTONES**

**F. PIB Audit Schedule Milestones**

NOPD to create comprehensive audit protocol to measure PIB compliance.	NOPD	COMPLETE
NOPD to perform initial audit using draft comprehensive audit protocol to assess effectiveness.	NOPD	COMPLETE
DOJ and Monitor to review and provide technical assistance on comprehensive audit protocol	DOJ/Monitor	Within 30 Days of Effective Date
Parties and Monitor work together to finalize comprehensive audit protocol	All	Within 60 days of Effective Date
PSAB conducts comprehensive PIB audit	NOPD	Per Audit Schedule

# **ATTACHMENT G**

## **SUSTAINMENT PLAN DEADLINES**

## G. Sustainment Plan Schedule

EFFECTIVE DATE Per Sustainment Plan: 1/14/2025

Item No.	Requirement	Frequency	Days After Effective Date	Deadline	Section Ref.	Status (Complete / Not Complete)	OCDM Confirmation	DOJ approval (where applicable)
1	DOJ and Monitor to review and provide technical assistance on comprehensive PIB audit protocol	30 Days after Effective Date	30.0	Thursday, February 13, 2025	Attachment F			
2	Report to the Court on the outcome of the Supervisory Review Board's findings relating to supervision of certain NOPD members or former members who received "target letters" concerning criminal investigations relating to those members' conduct within the secondary employment system	45 days after Effective Date	45.0	Friday, February 28, 2025	C(1)(h)(8)			
3	Fulfill responsibilities identified in the PIB Remedial Action Plan	60 days after Effective Date	60.0	Saturday, March 15, 2025	C(1)(j)(1)			
4	Develop a protocol for the Executive Protection Unit Audit	60 days after Effective Date	60.0	Saturday, March 15, 2025	C(1)(h)(4)			
5	Review and incorporate, as appropriate, the proposed revisions to the existing EPU policy as recommended by the TLG Law Firm in its recent investigations of EPU officers subject to the process in paragraph 21 or 23 of the Consent Decree	60 days after Effective Date	60.0	Saturday, March 15, 2025	C(1)(h)(5)			
6	Parties and Monitor work together to finalize comprehensive PIB audit protocol	60 days after Effective Date	60.0	Saturday, March 15, 2025	Attachment F			
7	The Parties will move to modify paragraph 150 of the Consent Decree and develop a policy requirement for centralized daily review	60 days of Effective Date	60.0	Saturday, March 15, 2025	C(1)(b)(4)			
8	Report to DOJ and Monitor on NOPD's efforts to improve the documentation of consent searches, including any technical changes made to how FICs are completed	90 days after Effective Date	90.0	Monday, April 14, 2025	C(1)(b)(2)			
9	Present to the Court on the new custodial interrogation and photo lineup audits for the 7 <sup>th</sup> District	90 days after Effective Date	90.0	Monday, April 14, 2025	C(1)(h)(1)			
10	Issue an RFP for a new EWS system	90 days after Effective Date	90.0	Monday, April 14, 2025	C(1)(h)(6)			
11	First EWS Audit	90 days after Effective Date	90.0	Monday, April 14, 2025	C(1)(h)(7)			
12	Use BWC reviews to meet its affirmative investigation requirement for random integrity audit checks as defined by Consent Decree ¶ 383	90 days after the Effective Date	90.0	Monday, April 14, 2025	C(1)(j)(3)			

13	Develop and implement a PIB SOP that covers methods of conducting integrity audit checks	90 days after Effective Date	90.0	Monday, April 14, 2025	C(1)(j)(4)			
14	Develop corrective action plan to address results of the 2022 and 2023 Bias Free Audit	90 days after Effective Date	90.0	Monday, April 14, 2025	C(1)(c)(1)			
15	First Report to Court, Council, Parties	Quarterly	120.0	Wednesday, May 14, 2025	(3)(a)			
16	Audit the Executive Protection Unit	120 days of Effective Date	120.0	Wednesday, May 14, 2025	C(1)(h)(4)			
17	Provide verification to the DOJ and the Monitor demonstrating the functionality and use of new sexual assault data management system	120 days of Effective Date	120.0	Wednesday, May 14, 2025	Attachment D			
18	Complete GOA corrective action plan	120 days of Effective Date	120.0	Wednesday, May 14, 2025	C(1)(e)(3)			
19	Report to Monitor on efforts to comply with CD § 148 regarding the rate at which cases are refused by the Orleans District Attorney because of the quality of officer arrests or concerns regarding officer conduct	180 days after Effective Date	180.0	Sunday, July 13, 2025	C(1)(b)(1)			
20	Select a new contractor for the EWS system	180 days after Effective Date	180.0	Sunday, July 13, 2025	C(1)(h)(6)			
21	Second EWS Audit	180 days after Effective Date	180.0	Sunday, July 13, 2025	C(1)(h)(7)			
22	Complete an OPSE audit protocol, audit, and implementation of a Corrective Action Plan, if required	180 days after Effective Date	180.0	Sunday, July 13, 2025	C(1)(i)(1)			
23	Second Report to Court, Council, Parties	Quarterly	210.0	Tuesday, August 12, 2025	(3)(a)			
24	Third EWS Audit	270 days after Effective Date	270.0	Saturday, October 11, 2025	C(1)(h)(7)			
25	Third Report to Court, Council, Parties	Quarterly	300.0	Monday, November 10, 2025	(3)(a)			
26	Fourth EWS Audit	365 days after Effective Date	365.0	Wednesday, January 14, 2026	C(1)(h)(7)			
27	Obtain and implement a records management system compliant with the FBI's Uniform Crime Reporting ("UCR") National Incident-Based Reporting System.	365 days after Effective Date	365.0	Wednesday, January 14, 2026	Attachment D			
28	Conduct the Biennial Community Survey as required in Paragraph 230 of the Consent Decree	365 days after Effective Date	365.0	Wednesday, January 14, 2026	C(1)(f)(1)			
29	Fourth Report to Court, Council, Parties	Quarterly	390.0	Sunday, February 8, 2026	(3)(a)			
30	Fifth Report to Court, Council, Parties	Quarterly	480.0	Saturday, May 9, 2026	(3)(a)			
31	Sixth Report to Court, Council, Parties	Quarterly	570.0	Friday, August 7, 2026	(3)(a)			
32	Seventh Report to Court, Council, Parties	Quarterly	660.0	Thursday, November 5, 2026	(3)(a)			

33	Ensure the ADP payroll system and the OPSE payroll system are able to interface to allow compliance with the Consent Decree and existing payroll laws	Prior to the end of the Sustainment Period	730.0	Thursday, January 14, 2027	C(1)(i)(2)			
34	FINAL Report to Court, Council, Parties	Quarterly	750.0	Wednesday, February 3, 2027	(3)(a)			
35	Execute the new contract for the EWS system	Within 60 days after the selection of the contractor			C(1)(h)(6)			
36	PSAB audit of new EWS system	Within 120 days of the new system becoming operational			C(1)(h)(7)			
37	Initiate a comprehensive audit of PIB consistent with the enhanced audit protocol developed in collaboration with the DOJ and the Monitor	Per Audit Schedule			Attachment B			
38	Implement any Corrective Action Plan resulting from the 2024 PIB audit	Within 90 days of the approval of the audit report by the Monitor			C(1)(j)(2)			
39	If any NOPD members or former members have been referred to PIB for investigation as a result of the above SDRB, NOPD shall report to the Court on the outcome of the investigation of those members or former members	Within 90 days of the close of each investigation			C(1)(h)(8)			
40	If any NOPD members or former members have been referred to the Louisiana Police Officers Standards and Training for potential decertification, including those who received target letters, NOPD shall report to the Monitor on the outcome of such referrals	Within 30 days of dispositive action on those referrals			C(1)(h)(9)			
41	Bring serious discipline matters before a SDRB	Within 60 days of the discipline			C(1)(h)(3)			
42	Present a report of NOPD's EPU Audit findings	Within 30 days of the completion of the audit			C(1)(h)(4)			
43	UFRB Meetings	Monthly			C(1)(a)(1)			
44	Uses of force brought before the UFRB	Within 120 days of the completion of the use of force investigation			C(1)(a)(2)			
45	Complete DV/SA Corrective Action Plan	As per Attachment D			Attachment D			
46	Create PCAB Plan	Within 15 days of Effective Date	15.0	Wednesday, January 29, 2025	II(A)(6)			

\*NOTE: Where a date falls on a weekend or federal holiday, the deadline will be the first business day after the weekend or holiday.