



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

May 17, 2010

The Honorable Mitch Landrieu
Mayor of the City of New Orleans
1300 Perdido Street, Suite 2E04
New Orleans, LA 70112

Dear Mayor Landrieu:

I write in response to your May 5, 2010 letter to the Attorney General requesting that the Civil Rights Division conduct a comprehensive review of the New Orleans Police Department ("NOPD"). In your letter, you observed that "nothing short of a complete transformation [of NOPD] is necessary and essential to ensure safety for the citizens of New Orleans." Specifically, you request an independent investigation of the NOPD's systems and operations to prevent, detect, and address police misconduct, as well as the NOPD's effectiveness in promoting public safety, as part of your efforts to ensure effective and lawful policing in New Orleans.

The Special Litigation Section of the Civil Rights Division is charged with enforcing federal civil rights laws aimed at eliminating patterns or practices of misconduct by state and local law enforcement officers. Under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, as well as the anti-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, the Department of Justice is authorized to investigate systemic violations of the Constitution or laws of the United States, and to seek appropriate relief. Over the years, our enforcement of these statutes, and our collaborative work with law enforcement agencies and communities across the country, has led to the implementation of policies and practices that strengthen public trust, promote police integrity and accountability, and reduce crime. Our work with the Los Angeles Police Department is just one example of how a productive collaboration can lead to these results.

I have reviewed your letter and, based on our preliminary assessment, am authorizing the Special Litigation Section to conduct the independent investigation you have requested, pursuant to our statutory authority. The Section is prepared to begin work immediately. The investigation will examine allegations of excessive force, unconstitutional searches and seizures, racial profiling, failures to provide adequate police services to particular neighborhoods, and related

misconduct. As part of our investigation, we will conduct a comprehensive review of the NOPD's policies and practices in areas such as use of force (including deadly force), hiring, training, policy development, field contacts, internal investigations, management of specialized units, discipline, supervision, and risk management. Please be assured that we have not reached any conclusions about the subject matter of the investigation and that we will consider all relevant information, particularly the efforts that the City of New Orleans and the NOPD have undertaken to ensure compliance with federal law.

Our investigation will have two dimensions. Our team of lawyers and police experts will confer with members of the NOPD and other relevant members of your administration. And of equal importance, we will confer with external stakeholders, including but not limited to, community-based organizations, leaders within the criminal justice system and other organizations and individuals with relevant insights on this matter. Our investigation will be independent but we will provide real time feedback to you, and will ensure that the lines of communication are open throughout the review. At the conclusion of our investigation, we will discuss our findings with you in detail, and work collaboratively with you to develop an appropriate course of action.

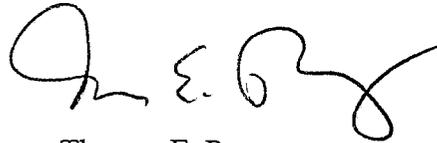
We appreciate your strong commitment to developing sustainable reforms within the NOPD to ensure that the NOPD operates consistent with the requirements of the Constitution and federal law, as evidenced by your letter to the Attorney General. We also value your assurances that, should our investigation reveal a pattern or practice of civil rights violations, the cooperation you have shown thus far will continue, as we work with you and the NOPD to develop effective remedial measures.

Commensurate with your pledge of cooperation, we will identify potential assistance the Department of Justice may be able to provide to assist the City of New Orleans in correcting identified deficiencies. In this regard, I have instructed the Special Litigation Section to coordinate with other components of the Department of Justice including, but not limited to, the United States Attorney's Office for the Eastern District of Louisiana, the Office of Justice Programs ("OJP"), the Office of Community Oriented Policing Services ("COPS"), and the Office of Violence Against Women ("OVM"), to assist the City of New Orleans, where appropriate, in furtherance of its broader goals of promoting public safety and public confidence in the NOPD.

As you are aware, the Department has a number of ongoing criminal investigations of alleged police misconduct. These investigations will continue and will do so on a separate track from the civil investigation that I have authorized the Special Litigation Section to conduct.

In our years of enforcing our police misconduct statutes, the good faith efforts of state and local jurisdictions working with us have enabled us to resolve our investigations without resort to contested litigation. We appreciate the cooperative spirit of your request for assistance and can assure you that we will seek to minimize any potential disruption our efforts may have on the operations of the NOPD. We will be in contact with the City Attorney to discuss the next steps. If you have questions, the Acting Chief of the Special Litigation Section, Judy C. Preston, may be reached at (202) 514-6258.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. E. Perez', with a stylized flourish at the end.

Thomas E. Perez
Assistant Attorney General

cc: Nannette Jolivette Brown
City Attorney
City of New Orleans

Ronal Serpas
Superintendent
New Orleans Police Department

James Letten
United States Attorney
Eastern District of Louisiana