



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

March 16, 2011

The Honorable Mitchell J. Landrieu
Office of the Mayor
Suite 2E04,
1300 Perdido Street
New Orleans, LA 70112

Re: Investigation of the New Orleans Police Department,
New Orleans, Louisiana

Dear Mayor Landrieu:

We are writing to report the findings of the Civil Rights Division's investigation of the New Orleans Police Department ("NOPD") pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, 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. These laws give the United States Department of Justice ("DOJ") authority to seek declaratory or equitable relief to remedy patterns or practices of conduct by law enforcement officers that deprive individuals of rights, privileges, or immunities secured by the Constitution or laws of the United States. These laws also give DOJ the authority to seek the withdrawal of federal funding from police departments that discriminate on the basis of race, color, religion, sex or national origin.

On May 5, 2010, you requested that DOJ assist the City in bringing about the "complete transformation" of NOPD. On May 17, 2010, the Civil Rights Division notified the City of its intent to investigate NOPD pursuant to the above referenced statutes. Our investigation has been thorough, wide ranging, and independent. We have conducted a top to bottom review of the Department, and have examined a wide range of policies, practices, and issues. Civil pattern or practice investigations have a different focus and legal standard from criminal investigations and our investigation was kept separate from ongoing federal criminal prosecutions of NOPD officers. During this investigation, in addition to retaining police practices experts specifically for this project, we have consulted with experts within the Department of Justice, including the Office of Justice Programs, the Office on Violence Against Women, the Office of Community Oriented Policing Services, the Office on Juvenile Justice and Delinquency Prevention, and the Access to Justice Initiative. This outside expertise alongside ongoing collaboration with various components within the Department has enabled us to provide technical assistance to NOPD, and to diagnose the systemic problems with great precision.

We received the complete cooperation of the City and the Police Department during the course of our investigation. In addition, we could not have completed our investigation without the contributions of the many community members and groups who met with us on weekends and on evenings until late into the night to ensure that we had as full a picture of New Orleans and its Police Department as possible. The Community Relations Service of the Department of Justice facilitated many of these meetings, further enabling community members to voice their concerns and proposals.

We also appreciate the involvement of rank and file police officers and the police union. They clearly want to be a part of a world class police force, and recognize that the misdeeds of some officers have shaken public confidence in NOPD. We appreciate the constructive observations and suggestions of the many officers with whom we met.

Throughout our investigation, Superintendent Ronal Serpas has been working to improve policing in New Orleans to make it more effective and accountable. We find that City and NOPD leadership understand that smart, constitutional policing is directly tied to crime prevention and the restoration of public confidence in NOPD. The City and Department recognize that they must provide officers with the policies, training, supervision, and facilities necessary to consistently police with effectiveness, integrity and professionalism—and hold officers accountable when they do not. During the course of our investigation, we have provided real time feedback to Superintendent Serpas. He has been receptive to our observations and suggestions, and has already implemented a number of reforms that are important components of the transformation of NOPD.

City and Department leadership, as well as others in NOPD, have also acknowledged that for NOPD's policing efforts to be successful, all segments of New Orleans' racially, ethnically, and socio-economically diverse community must feel they are in partnership with the police in keeping their neighborhoods safe. Achieving this culture shift will require the Department to engage and protect all of the City's communities, to treat them with dignity, and to work diligently to prevent and solve the problems that cause crime in their neighborhoods. This fundamental reform will require the collaborative efforts of the entire criminal justice system, including the District Attorney's Office, Public Defender's Office, Courts, Sheriff's Department and Juvenile Justice System. We are hopeful that the findings and recommendations in this letter will assist this critically important effort.

The challenges confronting the New Orleans Police Department are serious, systemic, wide-ranging, and deeply rooted. We find reasonable cause to believe that there are the following patterns or practices of unconstitutional conduct and/or violations of federal law:

- Use of excessive force;
- Unconstitutional stops, searches, and arrests;
- Biased policing;

- Racial, ethnic and LGBT discrimination;
- National origin discrimination—systemic failure to provide effective policing services to persons with limited English proficiency; and
- Gender-biased policing—systemic failure to investigate sexual assaults and domestic violence.

We find further that a number of long-standing and entrenched practices within NOPD cause or contribute to the patterns or practices of unconstitutional conduct that we observed. These practices include:

- Failed systems for officer recruitment, promotion and evaluation;
- Inadequate training;
- Inadequate supervision;
- Ineffective systems of complaint intake, investigation and adjudication;
- A failed Paid Detail system;
- Failure to engage in community oriented policing;
- Inadequate officer assistance and support services; and
- Lack of sufficient community oversight.

In order to achieve your objective of the “complete transformation” of NOPD, it is imperative to identify, understand and address both the aforementioned constitutional and legal violations, and the practices that have caused or contributed to the violations. For instance, generally, failures of front line supervision, and the absence of effective internal mechanisms of accountability, are major contributing factors to the unconstitutional patterns or practices that we observed. In addition, the Paid Detail system, as currently structured, is deeply flawed. All too frequently NOPD’s Detail system invites corruption and malfeasance, and fosters unconstitutional conduct. It will be impossible to transform the culture of NOPD in a sustainable fashion unless the Detail system is dramatically reformed. Similarly, NOPD’s overemphasis on quantity of arrests and field contacts, rather than quality of encounters and arrests, creates perverse incentives to violate the Constitution.

As devastating as Hurricane Katrina was, our investigation has revealed that these serious deficiencies existed long before the storm. Despite the Department’s prior and recent efforts to implement reform, our investigative findings, which focused on officer conduct during the past two years, indicate that problems persist and sustainable reform will require a substantial period of significant and difficult work. We provide recommendations not only to improve the relationship between NOPD and the broader New Orleans community, but also to ensure that the City and NOPD give their officers the support they need to be safer and more effective each day.

While our investigation focused on identifying the existence and extent of any patterns or practices of unconstitutional conduct within NOPD, and the causes behind those patterns or practices, we sought also to address your request that we help the Department “determine how to prevent, detect, and discipline misconduct as well as introduce best practices for public safety.” Our recommendations respond to this request and take into account practices that other agencies find effective—best practices—as well as the unique circumstances of New Orleans and NOPD.

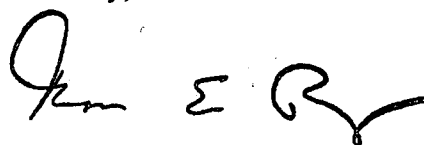
We look forward to meeting with you, your staff and the leadership of NOPD to explain our findings and answer any questions that you may have. We intend to make this Report available to all interested parties, and we will continue our extensive public outreach so that all stakeholders have an opportunity to offer their reactions to our findings and recommendations for moving forward. We will continue to work collaboratively with you to use these findings as the foundation for the development of a comprehensive blueprint for sustainable reform that will reduce crime; ensure respect for the Constitution and the rule of law; and restore public confidence in NOPD.

We know from previous reform efforts that this blueprint must include court-ordered, independent oversight to ensure that necessary reforms are implemented and sustained. We are confident that we can negotiate the terms of a consent decree that will incorporate the essential elements of this blueprint for sustainable reform, and provide a critical accountability tool for the Department and the public.

While the challenges confronting NOPD are significant, we observed a dynamic in New Orleans that is a source of hope and optimism moving forward: Residents of New Orleans have a remarkably strong shared commitment to the City that spans race, class, and neighborhood. Community members and officers alike expressed a profound pride in New Orleans and a determination to build on its many strengths and make it better. This mutual dedication to New Orleans is not in itself sufficient: resources, cooperation, a dedication to principle, a comprehensive plan, and sheer hard work are equally important. But this shared commitment to the City provides a strong foundation upon which to transform NOPD.

We look forward to working with you and the New Orleans community over the coming weeks and months to develop a comprehensive, sustainable plan to address our findings and to seek ways to reduce crime, ensure constitutional policing, and increase the community's confidence in the New Orleans Police Department.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom E. Perez', written in a cursive style.

Thomas E. Perez
Assistant Attorney General

cc: Superintendent Ronal Serpas,
New Orleans Police Department