

[Sec. 2-1121. - Office of independent police monitor.](#)

(1) *Creation of the independent police monitor.* There is hereby created within the office of inspector general an independent police monitoring division, headed by an independent police monitor. The independent police monitor shall be assisted by a deputy independent police monitor and an executive director of community relations. The inspector general shall create a search committee to be composed of the inspector general, serving as committee chair, the chair of the ethics review board, the chair of the criminal justice committee of the city council, the superintendent of police or his designee, a designee of the mayor, and two residents of New Orleans appointed by a vote of the criminal justice committee of the city council. The search committee shall carry on a nationwide search to identify and interview qualified candidates for the position.

The three finalists for the position of independent police monitor shall attend two community meetings for the purpose of addressing the attendees and answering questions from the public. The independent police monitor shall be appointed by the Inspector General from three finalists chosen by a majority vote of the selection committee.

(2) *Qualifications.* The independent police monitor shall be an attorney with substantial experience in criminal, civil rights, and/or labor law, or corporate and/or governmental investigations; or an individual with at least five years' experience in law enforcement oversight, preferably with a graduate degree. Knowledge of law enforcement, particularly of internal investigations of wrongdoing and uses of force, is essential. The monitor shall possess impeccable integrity, sound judgment, and an ability to relate effectively with all those who have a stake in law enforcement including, but not limited to, residents of and visitors to New Orleans, the police department, other law enforcement agencies, and relevant parts of city government. The monitor shall possess an understanding of the city's ethnic diversity, cultural traditions, and socio-economic situation.

(3) *Duties and responsibilities.* The independent police monitor shall monitor the New Orleans Police Department, particularly in the areas of: civilian and internally-generated complaints; internal investigations; discipline; use of force; and in-custody deaths. The independent police monitor shall review and analyze the numbers and types of complaints; assess the quality and timeliness of New Orleans Police Department investigations; review the adequacy of data collection and analysis; review the public integrity bureau's policies, procedures, and resource needs; conduct risk management reviews; review the operations and effectiveness of New Orleans Police Department "early warning system"; review specific issues regarding supervision, training, and discipline; conduct relevant pattern analysis; and other tasks to ensure New Orleans Police Department accountability, transparency, and responsiveness to the community it serves.

(4) *Complaints.* The independent police monitor shall receive complaints alleging misconduct by New Orleans Police Department personnel that he will refer to the New Orleans Police Department Office of Internal Investigations for investigation. The independent police monitor shall develop relationships with community and civic groups that may receive civilian and anonymous complaints against New Orleans Police Department personnel as a supplement to existing complaint intake mechanisms.

(5) *Investigatory power.* The New Orleans Police Department will advise the independent police monitor within seven days of receipt by the New Orleans Police Department of any complaint of misconduct, classified as a formal disciplinary investigation, disciplinary citation, informal disciplinary investigation, or information documentation. The independent police monitor shall have the power to review the classification of all internal investigations and, in circumstances where the independent police monitor believes an investigation was misclassified, to recommend to the New Orleans Police Department that it be reclassified. The independent police monitor shall also review and monitor such investigations by the office of municipal investigations.

(6) *Public reporting requirements.* The independent police monitor shall have the power to recommend that an internal investigation be reopened if he determines that the investigation was not thorough or fair. The reopening-of-case-recommendation provision only applies to the very limited instance where the statutory time limit permits. If the New Orleans Police Department declines to accept the recommendations of the independent police monitor relative to the classification of an investigation, a line of questioning, reopening an investigation not deemed to have been appropriately completed, or any other recommendation, the independent police monitor shall issue a public report relative to the refusal. All completed investigations reviewed by the independent police monitor shall be accompanied by a report in writing to the New Orleans Police Department stating whether the investigation was considered fair, thorough, timely or insufficient.

(7) *Police commendations.* The independent police monitor shall also compile data regarding commendations and shall identify officers, units, and precincts that have been commended by the public for doing exceptional work. Such information shall be presented in public reports. The independent police monitor will note patterns in commendations and urge the New Orleans Police Department to share commendation information widely within the department and identify practices and initiatives that should be emulated broadly throughout the department. No provision of this section shall violate the Police Officers' Bill of Rights.

(8) *Civilian complainants.* Civilian complainants who have tried unsuccessfully to obtain a meaningful status report on a complaint they initiated, may, upon request, receive such a status report from the independent police monitor. Civilian complainants who are dissatisfied with the outcome of an investigation they initiated may request a review by the independent police monitor of the completed New Orleans Police Department investigation. When he deems it appropriate, the independent police monitor may recommend that such an investigation be reopened and report to the complainant whether he has recommended any further investigation. The reopening-of-case-recommendation provision only applies to the very limited instance where the statutory time limit permits.

(9) *Civil claims and lawsuits.* The Independent Police Monitor shall review patterns relating to civil claims and lawsuits alleging New Orleans Police Department misconduct, payout amounts over time, units disproportionately represented as subjects of claims and lawsuits, related training, and other issues. The independent police monitor shall review the investigation of the underlying incidents described in such claims and lawsuits, whether those investigations predated the filing of a claim or lawsuit or the investigations were initiated following such filings.

(10) *Recommendations to police superintendent.* The independent police monitor shall evaluate complaint trends and other information and investigation practices. The independent police monitor shall make recommendations to the superintendent to improve upon policies and practices based on national best practices.

(11) *Training review.* The independent police monitor shall periodically review training sessions and schedules to identify best practices and any need for improvements to training curriculum or frequency.

(12) *Public accountability.* The independent police monitor shall distribute information about its office, duties and functions. The independent police monitor shall issue complaint and commendation forms in languages and formats accessible to residents. The independent police monitor shall be required to hold at least one public outreach meeting in each council district of the city at least once every four months. The independent police monitor shall be required to meet with each police association a minimum of three times each year.

(13) *Civil service commission to establish rules and regulations.* The New Orleans Police Department and the civil service commission shall work cooperatively to establish rules and regulations that require both to cooperate with the independent police monitor as he actively monitors disciplinary and nondisciplinary proceedings. Those policies shall provide for, among other things: timely notification prior to disciplinary proceedings; complete access to the proceedings of departmental boards and civil service hearings involving the disciplining of officers; and complete access to all materials to which those boards and the civil service commission have access. The policies shall also provide for the ability of the independent police monitor to attend disciplinary and nondisciplinary proceedings, to review disciplinary and nondisciplinary documents, to make determinations as to whether departmental rules or policies have been violated, to make recommendations regarding appropriate discipline, and to review the appropriateness of disciplinary sanctions. The independent police monitor in conjunction with the New Orleans Police Department internal investigations office shall make recommendations to the civil service commission relative to improving police disciplinary procedures.

(14) *Review of data collection and analysis.* The independent police monitor shall review New Orleans Police Department data collection and analysis to enable it to track trends in relation to types and sources of civilian and internally-generated complaints, processing and investigation, and determinations stemming from complaints, discipline imposed by type of complaint, use of the early warning system to intervene with an officer in need of additional training, supervision, or other issues of concern that arise during a review by the independent police monitor. The New Orleans Police Department shall provide the appropriate database and personnel to facilitate this section.

(15) *Mediation of civilian complaints.* The independent police monitor shall establish and administer a mediation program for civilian complaints, guided by best practices identified in other jurisdictions with such mediation programs. Consent of the civilian complainant, the police officer involved, and the New Orleans Police Department shall be required before a case can be scheduled for mediation by a trained neutral mediator from outside the New Orleans Police Department.

(16) *Public reporting requirement.* The independent police monitor shall be required to issue at least one public report each year, by March 31, detailing its monitoring and review activities

and the appropriate statistical information from the internal investigations office, and other divisions of the New Orleans Police Department. The independent police monitor shall be required to report upon problems it has identified, recommendations made and recommendations adopted by the New Orleans Police Department. The report shall also identify commendable performance by the New Orleans Police Department and improvements made by the department to enhance the department's professionalism, accountability, and transparency. The criminal justice committee of the New Orleans City Council shall conduct a hearing on each annual report within 30 days of submission. Additional reports relating to policy and training recommendations, matters of significant public interest, or other concerns may be issued throughout the year. such reports will be submitted to the criminal justice committee of the City Council of New Orleans and simultaneously released to the public. The committee will have discretion as to whether to conduct a public hearing relating to such reports.

(17) *Penalties for violating this section.* It shall be the duty of all city employees, classified or unclassified to cooperate with the independent police monitor in his work pursuant to this section. Any city employee who violates any provision of this chapter shall be subject to investigation, and if warranted, to discharge or such other discipline consistent with civil service rules and procedures in addition to any other penalty provided in the City Charter or ordinances.

(18) *Negotiation of protocols.* The independent police monitor and the New Orleans Police Department shall be required to negotiate protocols within 90 days of the appointment of the independent police monitor.

(19) *Retention of powers by inspector general.* Nothing in this section shall be construed to limit the existing powers of the office of inspector general granted by statute, ordinance, rule or regulation. The office of inspector general shall retain all the powers and duties granted by federal and state statute, court ruling, ordinance, executive order, rule and regulation, contract or other means.

(20) *Removal of independent police monitor from office.* The independent monitor shall only be removed based on the recommendation of the inspector general and approved by a majority vote of the ethics review board.

(M.C.S., Ord. No. 23146, § 1, 7-18-08; M.C.S., Ord. No. 23886, § 1, 2-25-10)