

OFFICE OF INDEPENDENT POLICE MONITOR  
**CITY OF NEW ORLEANS**



SUSAN HUTSON  
INDEPENDENT POLICE MONITOR  
August 2, 2015

Deputy Superintendent Arlinda Westbrook  
Director, Public Integrity Bureau  
New Orleans Police Department  
118 North Rocheblave Street  
New Orleans, LA 70119

RE: OIPM's Response to NOPD's Comments on "Officer-Involved Shooting; IPM No. 2012-682; ASI No. 2012-10 OIPM # 2012-850.

Dear Deputy Superintendent Westbrook:

On July 31, 2015, the City of New Orleans provided the OIPM with its response to the OIPM's review of the investigation surrounding the 2012 shooting death of Wendell Allen by then-Officer Joshua Colclough. Below, please find the OIPM's counter-response to the City of New Orleans' response. For clarity purposes, the OIPM has italicized and bolded its response to the City of New Orleans's comments.

**THE CITY'S RESPONSE ON TRAINING AND POLICY UPDATE:**

Thank you for providing us with an opportunity to review and comment on the OIPM's report asserting substantive issues with respect to an administrative shooting investigation conducted by this agency. As you are aware, this department has implemented significant reforms since the tragic death of Mr. Allen over three years ago. Some of the post-event steps taken included:

- All District Task Force and Narcotics Units took part in a mandatory refresher course on *Tactical & Warrant Service Training*. This training was provided by subject matter experts assigned to our Special Operations Division who have provided training for outside agencies, such as the Federal Bureau of Investigation, the Louisiana State Police, and the U.S. Marshals Service. This training involved a three-day course of instruction integrating classroom training and practical maneuvers focusing on operational planning, strategic entry, perimeter security, and after-action assessment.

***OIPM's response: The OIPM commends the NOPD for requiring all District Task Forces and Narcotics Units to attend a mandatory refresher course on Tactical & Warrant Service Training. In order to determine if this training fully resolves the issues raised by OIPM's recommendations, the OIPM requests the following information about the NOPD's new training: the curriculum for this training; the***



*biographies for all trainers; all outside agencies that have received similar training given by these trainers; the attendance list for this three-day training; the date of the training; and, how often the training has been given. The City's response does not indicate how often this training is delivered. The OIPM recommends that any such training be required on a yearly basis.*

- The NOPD Search Warrant policy/procedure was revised and placed into effect on 6/23/13, which incorporated both best practice methodology and Federal Consent Decree requirements regarding search warrant planning and execution.

***OIPM's response:*** *The OIPM urges the NOPD to revise its search warrant policy/procedure again. The OIPM notes that the NOPD search warrant policy/procedure was revised and placed into effect before **PIB FIT** came out with any of its tactical recommendations for policy and training (7/19/14) listed under Finding 7 in the OIPM's report on the Wendell Allen shooting investigation. The search warrant policy was also revised before the Use of Force Review Board (UFRB) met (8/12/14) and made several valuable recommendations as to changes in search warrant policy and procedure. Although the NOPD asserts the policy includes the Federal Consent Decree requirements, the OIPM questions this assertion. The NOPD Search Warrant policy/procedure was revised on 6/23/13. The Office of the Consent Decree Monitor (OCDM) was only appointed by the Court on August 9, 2013. The OCDM did not attend the Wendell Allen UFRB hearing which met 8/12/14. Since the OIPM received a one-hour notice before the UFRB hearing, the OIPM does not know what notice, if any, the OCDM ever received. To the OIPM's knowledge the OCDM did not receive a copy of the recording from the 8/12/14 Wendell Allen UFRB hearing. The OIPM is concerned that the NOPD Search Warrant policy/procedure has been revised without the insight of OCDM, without the insight from the Wendell Allen UFRB hearing, without the insight from FIT's tactical recommendations for search warrant policy and procedure, and without the insight of the OIPM.*

*Additionally, there are several key recommendations the OIPM has made in its report that are absent from the current NOPD search warrant policy and procedure:*

- *A written plan submitted to a supervisor should precede any execution of a search warrant. The plan should prioritize the security of all witnesses present. Officers must provide themselves sufficient time to plan a search warrant execution.*
- *Regular internal assessments should be made by NOPD PIB or NOPD Compliance Bureau to ensure proper tactics are always used in the execution of NOPD search warrants.*
- *(Recommendation made by the NOPD in the UFRB) The NOPD should create and require officers to use explicit checklists in its surveillance procedures and*



*search warrant service. The NOPD should inform their practices with proper risk assessments which take larger contextual risks in mind. Specifically, breaching a private home should be treated as a high risk activity that requires advanced planning and justification and supervisory approval.*

- *The NOPD should ensure that all tactical recommendations made by the PIB FIT unit are reflected in the proper policy. Specifically, the OIPM encourages the NOPD to overhaul its policies regarding the drawing and exhibiting of weapons during the course of a search warrant, lest a similar tragedy occur again.*
- *The NOPD should notify parents and legal guardians of their children's whereabouts (even if the child is not injured) if they remove children from the scene of an incident, as long as such notification does not put the child in danger. This should be the rule even if the NOPD determines the children to be a suspect or a witness. The NOPD should request consent from parents and guardians to interview their children. Parental or guardian permission should be sought if NOPD conducts child interviews or if NOPD directs other agents to conduct child interviews on behalf of the NOPD.*

- Finally, and as pointed out in the report, investigative responsibility over police shootings was transferred under the Public Integrity Bureau's Force Investigation Team (PIB FIT).

***OIPM's response:*** *The NOPD's decision to follow the OIPM's recommendation to create the FIT unit was an important one. As FIT is moving into its fourth year it has gained increased experience and knowledge in how to investigate Officer Involved Shootings (OIS) and major Use of Force incidents. The NOPD FIT unit has begun to confront the inherent biases present when officers investigate and question the credibility of officer witnesses and accused officers. OIPM recommended NOPD create a FIT unit, in part, to overcome the biases a homicide unit may have in officer involved shooting investigations. The OIPM recommends that FIT also undergo training on confirmation bias, to further their expertise in these investigations.*

## **THE CITY'S RESPONSE ON CONTENT OF THE OIPM REPORT:**

As to the content of the OIPM draft report, the City submits the below general comments:

- Throughout the report, the execution of the search warrant is characterized as a "no-knock raid." The City disputes this characterization as there was never a decision to conduct a "no-knock raid", and no such raid was executed.



***OIPM's response:*** *The video clearly shows that officers did not announce themselves until AFTER they had already used the battering ram to knock down the door of the Allen Family home. The OIPM encourages the NOPD to ensure that officers follow established case law regarding the requirements for officers to knock and announce themselves,<sup>1</sup> before they execute a search warrant.*

- The report is based upon the incorrect assumption that there was not a verbal warning by NOPD before the door to the residence was breached. The OIPM relies on a video as the basis for this assumption, but the video footage does not contain any visual images of the door being breached. Accordingly, it is pure speculation to say that the verbal warning by NOPD happened after the door was breached. Multiple officers and members of the Jefferson Parish Sheriff's Office who were on the scene provided statements that verbal warnings were given before the door was breached. As the lead investigator correctly noted in his report, the video does prove that officers clearly announced their presence continually throughout the residence.

***OIPM's response:*** *The OIPM relies on the objective evidence of the video. The step-by-step breakdown of the video is as follows:*

- *Minute 3:47:45 on the video timer: there is a visual of a man in a black shirt and a visual of the outside of the house, establishing the officers were still outside of the Allen family home.*
- *Minute 3:47:50 on the video timer: the visual of the outside of the house is gone; there is the sound of the NOPD battering ram on the Allen family door.*
- *Minute 3:47:51 on the video timer: there is the sound of the Allen's family door being breached and giving way.*
- *Minute 3:47:51-3:47:52 on the video timer: the screen is dark, in the beginning of the frame there is the sound of the Allen family door giving way.*
- *Minute 3:47:53 on the video timer: the visual of a second man in front of the officer shooting the video wearing a beige shirt with a police vest; the sound of officers saying, "POLICE! POLICE!" is audible.*
- *Minute 3:47:54 on the video timer: no image initially but loud sounds of officers saying, "Police! Police! At the end of the frame, there is a visual of the inside of the house.*
- *Minute 3:48:13 on the video timer: The officer shooting the video says, "Upstairs?" Another officer outside the frame replied, "Yeah".*

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<sup>1</sup> "Knock and Announce" is the common-law principle that the Fourth Amendment requires that police officers knock, announce their presence, and allow residents a reasonable amount of time to comply before entering a home. *Hudson v. Michigan*, 547 U.S. 586 (2006) and *Wilson v. Arkansas*, 514 U. S. 927 (1995).



- *Minute 3:48:15 on the video timer: there is a visual of a staircase with people at the steps; there is the sound of a single gunshot.*
- *Minute 3:48:20 on the video timer: someone says, “Get on the ground”.*
- *Minute 3:48:24 on the video timer: someone is saying either “stand down”, “stay on the ground” or “man down.” There are multiple voices screaming.*

*As the OIPM states in its report, the visual on the video is not consistently clear, but the audio is always consistently clear. At minute 3:47:45 there is the visual of the OUTSIDE of the house; there is no police announcement of their presence. At minute 3:47:50, the visual of the OUTSIDE of the house is gone and there is the sound of the battering ram used to breach the door of the Allen family home; there is still no police announcement of their presence. At minute 3:47:51, there is the sound of the Allen’s family door being breached and giving way; there is still no police announcement of their presence. At minute 3:47:51-3:47:52 there is the sound of the Allen family door giving way; there is still no police announcement of their presence. Minute 3:47:53, the police have breached the door: there is an image of a moving man in front of the video wearing police vest and there is the sound of officers saying, “POLICE! POLICE!” There is no longer any sound of a battering ram and there is no longer any sound of the door being breached at minute 3:47: 53 and there is no sound of the battering ram and the door being breached at any point on the video after minute 3:47:52.*

*The video objectively reveals that no police announcement was made while the NOPD were outside of the Allen family door and before the NOPD breached that door with the battering ram. The police pronouncements come only after the police have begun to move in (verified by the moving officer in his NOPD vest) and after the sound of the battering ram and the door giving way is clearly heard. Any other interpretation ignores the consistent, objective truth of the video.*

- The OIPM states that one of the objectives and methods used in this report is to opine on the legality of police action. The OIPM also sets forth numerous legal conclusions throughout the report. To support some of those conclusions, the OIPM refers to statements made by other parties in the press. The OIPM is not the proper party to determine the legality of any police action, and reliance on media statements certainly does not support a finding of illegality of any action. A court of competent jurisdiction is vested with the authority to determine legality of actions, and the legal conclusions contained in the report are inaccurate and improper. Similarly, the OIPM makes conclusions related to NOPD’s compliance with the Consent Decree. The Office of the Consent Decree Monitor is the proper party to make such conclusions. Further, the City denies that NOPD failed to comply with the provisions of the Consent Decree cited by the OIPM.





***OIPM's response: Both municipal law and the NOPD Consent Decree require the OIPM to identify the NOPD's "interference with constitutional rights" and to ensure, specifically, that officer involved shooting investigations comply with case law.<sup>2</sup> This report is not meant to be a substitute for a court opinion. Instead, the OIPM publishes this report to ensure the New Orleans Police Department's accountability, transparency, and responsiveness to the community it serves.***

***The OIPM refers to one statement made by a party to the press. That statement was made by District Attorney Cannizzarro who stated this videotape would have been key evidence in a trial and showed, "It was clear there was no justification for the shooting." The OIPM included D.A. Cannizzarro statement in order to establish that Sgt. Glaudi was in dereliction of his NOPD duty in failing to initially collect key video evidence of the incident. This is key evidence that: would not have been retained if the OIPM had not pointed the evidence out to Sgt. Glaudi; would not have been retained if the OIPM had not informed Sgt. Glaudi's superiors of Sgt. Glaudi's omission; and, would not have been retained if NOPD Command had not required Sgt. Glaudi to recall the witness and obtain the key piece of evidence. The OIPM refers to D.A. Cannizzarro statement not for the purpose of showing the legality of the police action but instead the negligence of Sgt. Glaudi. This should be evident as the OIPM inserted D.A. Cannizzarro statement under the OIPM's finding, "NOPD's initial failure and reluctance to collect key video evidence of the incident." The OIPM has every right to comment on the legality of police actions, in fact the OIPM is required by the Consent Decree and its enacting ordinance to do so. However, the purpose of including D.A. Cannizzarro statement in the OIPM report is to establish Sgt. Glaudi's failure to comply with NOPD policy.***

***Additionally, the OIPM's enacting ordinance written before the consent decree was put in place, requires the OIPM to comment on the NOPD's compliance with its own policies. The Consent Decree requirements for the UFRB, are contained in internal Policy 302 on Use of Force Review Boards.<sup>3</sup>***

***Lastly, the city denies it failed to comply with the provisions of the Consent Decree but neglects to include any facts to support its statement.***

- The report is based upon an incomplete review of the data. The list of sources in the report does not include at least two reports that are hundreds of pages long. The OIPM references a 77 page supplemental report, but the supplemental report was at least 102 pages long. After receiving the draft of the report, the City alerted the OIPM to factual

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<sup>2</sup> Municipal Code of Ordinances, Article XIII Section 2-1121, Paragraphs 3, 6 and 9; Consent Decree Regarding the New Orleans Police Department Case 2:12-cv-01924-SM-JCW, Paragraph 442, NOPD-IPM MOU Page 9 (definitions) and Page 18, Paragraph 51.

<sup>3</sup> NOPD Operations Manual, Policy 302, Adopted 2013/06/02.



inaccuracies that would have been apparent to the OIPM had a full review of the data been performed.

***OIPM's response:*** *Under the section referring to sources, the OIPM states "The OIPM ultimately had access to the scene and the entire investigation." The OIPM stands behind this statement because Sgt. Glaudi asserted to Deputy Monitor Levine that he was providing Deputy Monitor Levine with copies of the entirety of the file. Present to witness Sgt. Glaudi's statement was the OIG employee who accompanied Deputy Monitor Levine to receive the copies of the entire investigation into Wendell Allen's death. . In the future, the OIPM encourages NOPD to ensure that OIPM receives all available information that it wants considered in an OIPM review. The OIPM has made corrections to its report based on information provided by the City Attorney before the OIPM's final report was published.*

- The report suggests that the gun that was subsequently recovered from a light fixture in an upstairs bathroom was somehow obtained improperly. First, as stated in the supplemental report by the lead investigator, the gun that was obtained was reported stolen by the owner of the gun, who had no connection to the Allen family or the Prentiss Avenue residence. Second, OIPM attempts to discredit statements of a six-year old witness that she saw a gun in the home. The OIPM overlooks the fact that the statements potentially referenced the child seeing the gun prior to the date of the execution of the warrant. Further, contrary to the OIPM's assertion, the NOPD report contained information about the gun and the DNA found on the trigger. The City has provided specific page references to the NOPD report, which demonstrate that this information was collected, investigated, and included in the written report.

***OIPM's response:*** *The only reference the OIPM makes to the gun being "obtained improperly" is the fact that the five-year-old who mentioned the gun was improperly seized by the NOPD and permission was never obtained by the NOPD from her parents or guardians, in contradiction to the six-year-old's constitutional rights. This was a five-year-old child who just heard if not just saw the shooting death of a loved one. This five-year-old had been separated from any adult member of her family. This five-year-old informed her interviewer that she wished to end the interview, a wish which was not honored.*

***The OIPM raised this issue of the gun as an example of confirmation bias. In the report, the OIPM questions NOPD's continued attempts to prove a connection between the NOPD's shooting of Wendell Allen and a specific danger which NOPD officers did not face. The NOPD's continued attempts to connect the gun found in the home with the NOPD shooting of Wendell Allen, is an example of confirmation bias. The NOPD's belief in a traumatized five-year old's statement that she could see a gun being hidden upstairs in a bedroom when the five-year-old was downstairs when the police arrived***



*and the NOPD had already secured the entire house,<sup>4</sup> is one such example of confirmation bias.*

*The OIPM disagrees with the city that the gun was “reported stolen by the owner of the gun.” In fact, the person that the gun was allegedly given to specifically stated that he “never reported it stolen.”<sup>5</sup> The OIPM did realize its own error on the omission of DNA evidence right after it submitted its first draft to the NOPD and deleted any reference to such an omission in its final report.*

- The draft report repeatedly states that the lead investigator failed to collect key video evidence in the incident. After receiving direction from his supervisors, the lead investigator proceeded to collect the evidence. Further, the lead investigator reasonably doubted the existence of video evidence because the officer who had the video was never assigned a video recording device by NOPD, which is not consistent with NOPD policy. NOPD policy provides that any video recordings be done with Department issued devices.

***OIPM’s response: The fact is that Sgt. Glaudi delayed collecting the video evidence by a week. Sgt. Glaudi did not collect key video evidence when Deputy Police Monitor Levine mentioned its existence. Sgt. Glaudi’s failed to collect key video evidence when he was overtly informed of such evidence. Sgt. Glaudi’s failed to collect key video evidence when Deputy Police Monitor Levine mentioned its existence and requested that Sgt. Glaudi recall the witness, or to at least review his own recording of his interview, where his witness had informed Sgt. Glaudi of the existence of such video. Sgt. Glaudi never stated in any of the reports that he “reasonably doubted the existence of video evidence because the officer who had the video was never assigned a video recording device by NOPD.” The OIPM has asserted the reasons that the officer who recorded the shooting on his personal body worn camera was not in dereliction of NOPD policy. Regardless of Sgt. Glaudi’s thought process and regardless of the existence or inexistence of another officer’s policy violation, an officers’ willfull refusal to collect key evidence is also a policy violation and a risk to NOPD’s mission and values.***

- The draft report suggests that the lead investigator prejudiced statements of an officer who was on the scene by referring to the incident as an “attempted murder of police officers.” The officer at the scene certainly was aware of the circumstances of the incident, and the officer stated that he also thought that Wendell Allen could have had a gun.

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<sup>4</sup> NOPD Supplemental report Page 44 and 45.

<sup>5</sup> NOPD Supplemental report, Page 68.





Contrary to the OIPM's conclusion, the officer at the scene could not have reasonably thought that he was giving an interview in a case against a civilian defendant.

***OIPM's response: An NOPD officer was informed at the outset of an interview by a fellow officer that he was being interviewed in conjunction with "the attempted murder of police officers." If a NOPD officer is informed at the outset of an interview by a fellow officer that he is complying with an interview in conjunction with "the attempted murder of police officers" the NOPD officer is going to believe the interview he is complying with is in conjunction with the attempted murder of police officers. Although the interviewed officer was present at the scene of the incident, he did not correct the fellow officer. The OIPM maintains its finding on this matter. The lead investigator made the statement, which was recorded and inaccurate.***

- The OIPM attempts to make a distinction between the recorded interview of the fourteen year-old witness and the lead investigator's report, but no distinction exists. In the draft report, the OIPM provides two different quotes and attributes them to the fourteen year-old witness, and one of those quotes was incorrect.

***OIPM's response: The lead investigator assumes that one of the child witnesses stated that the officers announced their presence "while" entering when in fact that child witness stated the officers entered AND said "Police, Police, Police." This distinction is subtle but important. The child witness never said that the police said Police, Police, Police while entering, in fact her statement gives the impression that the police announced their presence after they entered the house, which is consistent with video evidence. However, Sgt. Glaudi never asked the child witness any follow-up questions to clarify the discrepancy. The OIPM has clarified any inaccurate assumptions made by the OIPM in its final report.***

- The OIPM states that the NOPD was improperly aggressive with the brother of Wendell Allen but discounts the fact that the individual was a suspect.

***OIPM's response: The OIPM does not deny that the brother of Wendell Allen was found with marijuana in his immediate surroundings and does not deny the importance of every citizen's compliance with Louisiana State Law. However, the officers' aggressive tone and refusal to confirm or deny the death of Wendell Allen to Allen's brother are arguably violations of NOPD professionalism policy that requires, "with the utmost concern for the dignity of the individual with whom they are interacting"<sup>6</sup>. An individual's constructive possession of marijuana does not excuse the***

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<sup>6</sup> NOPD Operations Guide, Rule 3 Paragraph 1, Revised 9/23/09.



***NOPD treating that person in an unprofessional manner in any circumstances, let alone after that individual just witnessed his own brother shot and killed by the NOPD.***

- The OIPM suggests that a briefing was not done in advance of executing the search warrant. As an initial matter, this suggestion is based on the faulty presumption that a briefing could not have been occurring while an officer was obtaining the warrant from the Magistrate Judge. Second, the report makes specific references to the briefing that was held as conveyed by NOPD officers and members of the Jefferson Parish Sheriff's Office.

***OIPM's response: The OIPM never concluded that a briefing was not conducted but instead asserts that any briefing would have been very short. The OIPM is not alone in having concerns over the length of the briefing. PIB FIT also had concerns over the briefing and properly stated such in its administrative shooting investigation report, "the length of the briefing is not clear, however, and some statements mention that only an overview of the streets surrounding the home, and not the focus home itself, was given". In addition, it is unclear if the order of entry and assignments once inside of the residence were predetermined or spur-of-the-moment decisions."<sup>7</sup> The PIB investigator further reiterated his concern over the poor briefing by properly stating in the UFRB, "It's kinda sketchy as to how much detail was provided throughout the course of search warrant's briefing to the Jefferson Parish Sheriffs Deputies and the 3<sup>rd</sup> District narcotics agents. They were sometimes unable to provide specific detail regarding how much information was provided regarding the number of suspects involved, type of narcotics being dealt out of the property, whether any family members were involved or how many children were involved regarding the search warrant or even the surveillance they had conducted."<sup>8</sup>***

***No officer involved in the execution of the search warrant asserted that the briefing was done as the city suggested "while an officer was obtaining the warrant from the Magistrate Judge." That being said, any such briefing would have been even more problematic since the officer obtaining the warrant would not have been part of the briefing.***

- The OIPM states the NOPD submitted a search warrant that included false information because it referred to the [REDACTED] [the Allen family home] address as the residence of [REDACTED] [the suspect]. The OIPM fails to mention that [REDACTED] [the suspect's] car and personal belongings were found at the address, [REDACTED] [the suspect] admitted that he sold drugs from this address, officers observed hand to hand narcotics

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<sup>7</sup> *Administrative Shooting Investigation Report, Page 15 of 19.*

<sup>8</sup> *UFRB, Minute 5:10.*



transactions involving [REDACTED] [the suspect] at the address, and [REDACTED] [the suspect] was stopped with a pound of marijuana after leaving the address.

***OIPM's response- The Suspect did not admit to selling drugs from inside the Allen family home nor did officers observe hand to hand narcotics transactions involving the Suspect inside the Allen family home. The drug transaction admitted to and observed by the police occurred outside of the Allen family home. One backpack was found inside the Allen family home that the city claims had papers with the Suspect's name on them. However, the NOPD Crime Scene report states that the "(1) ONE "JANSPORT" BLACK BACK PACK" had the "detail[ed] description: (5) FIVE PIECES OF VARIOUS PAPERS" and in the description of owner the report states, "there is no owner associated with this item."<sup>9</sup> Neither does the NOPD Crime Scene report detail Suspect's name on any of the pieces of paper. The JPSO's crime report listed Suspect's addresses as Address A in New Orleans, Louisiana 70122.<sup>10</sup> Additionally, an NOPD detective identified the Suspect's other address as Address B in New Orleans, Louisiana 70128.<sup>11</sup> Officers never interviewed the adult owners of the Allen home to determine if the Suspect was a resident. Despite the affirmative evidence of the Suspect's two residential addresses, NOPD Officer Voltolina filed a search warrant application for the Allen family home (which was not Address A or Address B), referring in the search warrant to the Allen family home as the Suspect's residence. Regardless of whether a drug transaction is conducted OUTSIDE of a person's house or not, regardless of whether a person parks outside on the street near the house that does not mean the person conducting the drug transaction is a resident of that house. In fact, many New Orleanians' homes would be at risk of a police search if the people conducting the drug transaction outside of a home, parking their vehicle on city streets, were assumed to be residents of the home.***

- In the draft report, the OIPM incorrectly states that officers faced pressure and fear of retaliation, which led officers to provide statements that a verbal warning was provided before breaching the door. To support this conclusion, the OIPM states that Officer [REDACTED], who provided the video evidence from his personal recording device, should not have been disciplined for failing to follow NOPD policy regarding use of personal recording devices. The OIPM further states that Officer [REDACTED] resigned, and the OIPM improperly suggests that such a resignation was due to fear of retaliation for turning over the recording device. The most glaring factual error is that Officer [REDACTED] did not resign but remains an active member of NOPD assigned to the Third District. There is no evidence of a retaliatory action.

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<sup>9</sup> Chain of Custody Report, Page 5 of 6.

<sup>10</sup> Pg. 2 of 14, JPSO crime report.

<sup>11</sup> Pg. 7 of 14, JPSO crime report.



***OIPM's response- The OIPM was informed by the NOPD itself that the officer who provided the Department with video had resigned from the NOPD. The OIPM was informed in the UFRB hearing of the officer leaving the Department by then- Deputy Chief of the FOB<sup>12</sup> The OIPM agrees with the City, the OIPM does not have any evidence of retaliation against the Officer for handing over the video evidence of the shooting. However, the OIPM stands behind its statement that the pressure against officers are enormous when their testimony could cause the dismissal or criminal liability of a fellow officer. The "blue wall of silence" is a very well documented occurrence and one which the NOPD PIB must actively fight on a constant basis. The NOPD would be better off if the city understood the very real pressures NOPD officers face on a regular basis. Further, the OIPM has provided its reasons for why the officer who provided the Department with the video should not have been disciplined for wearing his own camera. Since we now know that the officer remained with the NOPD, the OIPM questions why the misconduct investigation against the officer was not included in the Allen shooting file. The OIPM requests further information on whether a misconduct investigation was initiated and its outcome.***

- The City also has provided additional specific comments to the OIPM detailing page numbers of reports and regarding the inaccuracy of specific statements and sections of the draft report.

***OIPM's response- The OIPM thanks the City of New Orleans for providing specific comments to the OIPM's report. Taking part in this collaborative process with the OIPM was essential to ensuring the New Orleans Police Department's accountability, transparency, and responsiveness to the community it serves.***

Sincerely Yours,

Susan Hutson  
Police Monitor

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<sup>12</sup> Use of Force Review Board Recording, minute 35.24.

