



2714 Canal Street Suite 201 New Orleans LA 70119

www.nolaipm.gov

(504) 309-9799

February 9, 2023

Council President JP Morrell
City Hall, Room 2W50
1300 Perdido Street
New Orleans, LA 70112

City Attorney Donesia Turner
City Hall, Suite 5E03
1300 Perdido Street
New Orleans, LA 70112

RE: Potential Conflict of Interest or Appearance of Conflict of Interest regarding the NOPD Investigation CTN 2022-0513-R

Dear Council President Morrell and City Attorney Turner:

In accordance with La. R.S. § 40:2531 Chapter 25, Municipal Code of Ordinances, Part II, Chapter 2, Article XII Section 2-1121, and the November 10, 2010 Memorandum of Understanding between the New Orleans Police Department (NOPD) and the Office of the Independent Police Monitor (OIPM), I am writing to bring a potential legal conflict of interest to your attention and to seek your assistance in resolving this matter. Currently, the NOPD is conducting a formal disciplinary investigation into a matter that involves city leadership, Mayor LaToya Cantrell, and a current NOPD officer, Officer Jeffrey Vappie. The OIPM in collaboration with the Office of the Consent Decree Monitor (OCDM) is responsible for monitoring the investigation and providing technical assistance to the NOPD through this process. While completing these oversight responsibilities, the OIPM has identified the appearance of a legal conflict of interest, and we write to you now to seek your assistance with addressing this matter.

More specifically, we seek clarity on who is legal counsel for NOPD in these circumstances. Mayor Cantrell, along with possibly the Superintendent of Police – both current and former – may be material witnesses to the allegation of misconduct. However, Mayor Cantrell, the current Superintendent of Police, and the Public Integrity Bureau conducting the investigation of misconduct all share the same lawyer: the Office of the City Attorney, which may be problematic for several reasons.

First, this investigation may lead to an adversarial relationship between the NOPD and the Mayor. This adversarial relationship is evidenced by the February 3, 2023 statement from the Mayor's Office of Communications: "Those who purport themselves to be in law enforcement but who rather score cheap and meaningless political points at the expense of the safety and well-being of the people of the City of New Orleans should exercise their right to remain silent." Such a statement constitutes a directive by the Mayor that NOPD officers not participate in or conduct the misconduct investigation even though NOPD must do so. To ensure that NOPD is protected in performing these duties, NOPD may need different legal counsel than the Mayor.

Second, the OIPM is concerned that the NOPD may not fully seek the necessary evidence and legal advice they would ordinarily seek from the City Attorney's Office for fear of providing information to the same attorney who represents material witnesses in this matter.

In short, the OIPM is concerned that even the appearance of a conflict of interest in this matter will compromise the integrity of the investigation and cast doubt on any investigatory dispositions.

The OPM would like assurance that the NOPD has the independent legal counsel it requires to fully complete this investigatory matter (and to handle any resulting disciplinary and appeal issues if the need arises).

This is the first time that the OIPM is stepping outside of the NOPD to provide an assessment directly to the Council and the City Attorney's Office. We do so, however, in respect of your positions but also with an understanding that we have no jurisdiction over whatever approach, if any, your offices choose to pursue to address this issue. With that said, the OIPM is open to providing information regarding national best practices in circumstances such as this if you wish to discuss.

Thank you for your attention and consideration of this serious matter. The OIPM welcomes dialog, questions, or responses to this letter and looks forward to working with you to address this potential investigatory hinderance.

Thank you,

A handwritten signature in black ink, appearing to read "Stella Cziment". The signature is fluid and cursive, with the first name "Stella" being more prominent than the last name "Cziment".

Stella Cziment
Independent Police Monitor

Copied: Jonathan Aronie, Office of the Consent Decree Monitor
Deputy-Chief Keith Sanchez, Public Integrity Bureau