

DEPARTMENT OF POLICE
INTEROFFICE CORRESPONDENCE

Ronal W. Serpas
TO: Superintendent Of Police _____ **DATE: August 31, 2010**
Sergeant Ernest C. Luster [REDACTED]
FROM: Commander Eighth District Task Force "A" _____
P.I.B. Control # 2010-1115-R
SUBJECT: Police Officer James Terrell [REDACTED] _____

INTRODUCTION

Sergeant Ernest C. Luster submits this Departmental Internal Administrative Investigation under PIB Control # 2010-1115R. Sergeant Luster was assigned this investigation on Wednesday August 11, 2010 by Eighth District Integrity Control Officer Lieutenant Derek Frick . The PIB case investigation (DI-1) Original Transmittal Form is included as **EXHIBIT A**. According to the initiating DI-1, on Thursday August 5, 2010 at 5:02pm, Captain Edwin Hosli Jr. Commamnder of the Eighth Police District received an email from [REDACTED] regarding a marked NOPD vehicle # 823. The vehicle was occupied by the accused Officer James Terrell. Several photographs were taken of the accused officer as he was observed sleeping behind the wheel at the intersection of St. Charles avenue and Julia Streets. Lieutenant. Frick checked the Eighth District Detail Log Book and noticed Officer James Terrell was working a "Paid Detail" at that location from 9am to 5pm.

If the allegation is substantiated the accused Officer maybe in violation of the following Departmental Rule or Regulation: **Rule 3; Professional Conduct ; Paragraph 1 ; Professionalism.**

1. Employees shall conduct themselves in a professional manner with the utmost concern for the Dignity of the individual with whom they are interacting. Employees shall not unnecessarily inconvenience or demean any individual or otherwise act in a manner which brings discredit to the employee or the New Orleans Police Department.

INVESTIGATION

On Tuesday, August 17, 2010 at approximately 12:00am, Sergeant Ernest Luster initiated the investigation of the above incident. Sgt Ernest Luster reviewed the Original Transmittal form (**Exhibit A**) and the DI-1, Initiation of Formal Investigation, (**Exhibit B**). On Tuesday August 17, 2010 at 12:15am, met with Officer James Terrell. Sergeant Luster advised Officer Terrell of the nature of the investigation Rule 3; Professional Conduct ; Paragraph 1 ; Professionalism which occurred on July 2, 2010 at the intersection of St. Charles Avenue and Julia Street. Sergeant Luster then proceeded with the Departmental Internal Administrative Investigation.

Investigating Officer's Initials ECL

Officer Terrell was issued a Notification to Appear and Render a Statement Form (**Exhibit C**) which he signed and dated. Officer Terrell gave an audiotape recorded statement (**Exhibit D**) relative to the allegation which was transcribed by Sergeant Ernest Luster (**Exhibit E**). During the taped interview, Officer Terrell informed Sergeant Ernest Luster that he worked a "Paid Detail" at the intersection of St. Charles Avenue and Julia Streets on July 2, 2010 from 9:00am to 5:00pm. Officer Terrell admitted that he closed his eyes because he had a headache that day however did not remember if he was asleep. Sergeant Luster received a copy of two photographs (**Exhibit F**) which showed that Officer Terrell's eyes were closed and his head lean back on the head rest in which Officer Terrell acknowledged and identified as him. The email that was sent (**Exhibit G**) and the copy of the Detail Log Book Sheet (**Exhibit H**) indicating the day and location Officer Terrell worked the paid detail is made apart of this investigation.

SUMMARY

On Thursday, August 5, 2010 at 5:02pm, Captain Edwin Hosli Jr. Commannder of the Eighth Police District received an email from [REDACTED] regarding a marked NOPD vehicle # 823. The vehicle was occupied by Officer James Terrell. Several photographs were taken of Officer Terrell as he was observed sleeping behind the wheel of the marked unit # 823 at the intersection of St. Charles Avenue and Julia Streets. Lieutenant Frick checked the Eighth District Detail Log Book and noticed Officer James Terrell was working a "Paid Detail" at that location from 9am to 5pm. Sergeant Ernest C. Luster observed the photographs that were taken of Officer Terrell with his eyes closed sitting in the police unit. The photographs revealed that Officer Terrell failed to be alert during the time that the photographs were taken of him. According to the audio taped statement Officer Terrell admitted by his own words that he may have closed his eyes during the time he was sitting in the police unit.

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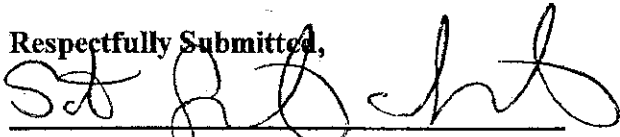
RECOMMENDATION

Based on the above administrative investigation, it is the findings of this investigator, Sergeant Ernest Luster that Officer Terrell failed to appear alert as this was also an Officer's Safety concern while working a paid detail. With this, the investigating Officer finds sufficient evidence to corroborate the allegations of the violations of: Rule 3; Professional Conduct; Paragraph 1; Professionalism.

Rule3: ProfessionalConduct; Paragraph 1; Professionalism.....SUSTAINED

Employees shall conduct themselves in a professional manner with the utmost concern for the Dignity of the individual with whom they are interacting. Employees shall not unnecessarily Inconvenience or demean any individual or otherwise act in a manner which brings discredit to the employee or the New Orleans Police Department. Through Officer Terrell's statements and all the aforementioned information above, it is the conclusion of this investigator that Officer Terrell did in fact violate Departmental policy by his failing to appear alert while working a Paid Detail.

Officer Terrell's may also have violated Rule IX of the Civil Service Rules for the City of New Orleans, Relative to Maintaining of Standards of Service.

Respectfully Submitted,


Sergeant Ernest Luster
Commander Eighth District Task Force "A"

Investigating Officer's Initials ECL

~~CONCUR / DO NOT CONCUR~~



Lieutenant Derek Frick
Eighth District, I.C.O.

CONCUR / DO NOT CONCUR



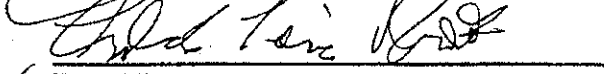
Captain Edwin Hosli
Commander, Eighth Police District

~~CONCUR / DO NOT CONCUR~~



Marlon A. Defillo
Chief of Field Operations Bureau 9/2/10

CONCUR / DO NOT CONCUR



Ronal W. Serpas
Superintendent of Police

Investigating Officer's Initials ELL