Loyola University New Orleans College of Law

7214 St. Charles Avenue

Campus Box 902

New Orleans, LA 70118

[Quigley77@gmail.com](mailto:Quigley77@gmail.com)

April 15, 2013

Honorable Susie Morgan,

US District Court, Eastern District of Louisiana

500 Poydras Street, Room C-508

New Orleans, LA 70130

Richard Cortizas, New Orleans City Attorney, [rfcortizas@nola.gov](mailto:rfcortizas@nola.gov)

Sharonda R. Williams, New Orleans City Attorney’s Office, [shrwilliams@nola.gov](mailto:shrwilliams@nola.gov)

Emily A. Gunston, US Department of Justice, [Emily.gunston@usdoj.gov](mailto:Emily.gunston@usdoj.gov)

Re: NOPD Consent Decree Monitor/ Final Two Candidates

Friends:

I write at the request of Community United for Change (CUC) to outline their position on the final two candidates for the Court Monitor in this matter.

CUC finds Hillard Heintze absolutely unqualified and asks the parties and the Court to push Shepard to create a robust and independent community component.

CUC is a community organization composed of people in New Orleans who have been fighting against police abuse for decades. CUC contains many survivors of the illegal and unconstitutional abuses by NOPD. Together they have been seeking to have NOPD held accountable to the people of New Orleans. CUC called for the Department of Justice intervention into the NOPD before anyone, assisted DOJ in community meetings and meetings with survivors of police abuse of force, testified in federal court and offered information to all parties.[[1]](#footnote-1)

CUC has observed and made comments in the selection process. While members of the public were allowed to speak for two minutes each, there was no evidence that community positions or comments were taken into consideration at any stage of the process. There is a substantial difference between being able to give a two minute comment and real community participation.

CUC and other community organizations should have had a real part in the decision-making about who the monitor should be. For example, the community was not involved in narrowing the applicant field to the two final proposals. Indeed the City, as an example of its overall disrespect and disregard of community input, chose as its final candidate the one applicant which was most vehemently objected to by community observers of the process.

Turning to the two remaining candidates, CUC position is that Hillard Heintze is patently unqualified for the position and the Shepard proposal still has work to do in order to gain the trust of the New Orleans community.

Shepard has yet to create a robust community component. It needs to do serious work in that area in order to have a realistic chance of being effective as a monitor of the NOPD. Absent vital community input and trust, the monitor will have little chance of success.

Hillard Heintze (HH) has identified who its local partners are and in CUC’s view those local partners disqualify them as a valid applicant for this important position.

The main reason that HH is unqualified is that it has chosen to work with local partners whose commitment to vigorous oversight of the NOPD and independence from City Hall is questionable. This position will be a challenging and difficult job. Trying to remake the NOPD into a constitutional policing force which respects all the women and men in New Orleans is going to be demanding and controversial. Without absolute independence from City Hall, the community will never believe the monitor is doing a full and fair job in what promises to be a very tough job. This job cannot be a political one.

HH relies on local partners whose independence from City Hall is questionable and who display insufficient confidence in the community need for a vigorous independent monitor of the NOPD.

Dr. Charles Southall is one listed local partner of HH. He did the invocation for the inauguration of the Mayor who now tries to reverse the NOPD consent decree. Southall has many businesses in New Orleans and Baton Rouge and owns homes in both places. One of the businesses in which he is a co-owner, a Mortuary, received a donation of funds from the Mayor’s campaign fund in 2012 to help bury a victim of a police shooting. Campaign disclosure forms indicate he also contributed $4600 to the campaign of US Senator Mary Landrieu in 2008, the Mayor’s sister. Rev Southall may well be a wonderful minister, but he is hardly independent of the Mayor whose NOPD he is supposed to be able to independently monitor.

Peter Scharf is also listed as a local partner for HH. Scharf has already served on one task force for the Mayor who seeks to get out of the consent decree. Further, in comments in the New York Times about the consent decree, Scharf is quoted as saying local NOPD officers fear the new initiative “targets the police officers in New Orleans, not works with them,” and worried that it requires the city to “dismember” its Police Department in the midst of a murder epidemic. <http://www.nytimes.com/2012/07/25/us/plan-to-reform-new-orleans-police-department.html?pagewanted=all&_r=0> He also wrote an article about consent decree (found at http://www.thecrimereport.org/news/inside-criminal-justice/2012-10-the-perils-of-police-reform)

in which he concluded: “I believe those charged with overseeing NOPD compliance with the Consent Decree will need to be vigilant and proactive in helping to head off two potential negative consequences of the Decree itself: a near-term reduction in available NOPD experienced officers, and a corresponding increase in violence in key neighborhoods across the city.” CUC views him as not committed enough to a tough independent monitor capable of challenging the deep problems of the NOPD. Professor Scharf may well be a respected academic, but CUC concludes that he, like Rev Southall, is not independent enough of the Mayor who is now opposing and trying to be released from this decree and thus not an appropriate part of a vigorous independent monitor of NOPD.

The job of the monitor, if done well, is going to be far too difficult to be held back by political considerations. Independence is absolutely necessary and the HH proposal does not display a commitment to independence.

In sum, CUC finds HH absolutely unqualified and asks the parties and the Court to push the remaining applicant Shepard to create a robust and independent community component.

Sincerely,

William P Quigley

For Community United for Change

1. CUC’s effort to intervene into the consent decree litigation was denied and is now on appeal to the US Fifth Circuit Court of Appeals. [↑](#footnote-ref-1)