

DISCIPLINARY HEARING DISPOSITION

Superintendent

Bureau Commander

Bureau Commander's Committee

Commander

To: Superintendent Shaun D. Ferguson

Date: August 12, 2019

From: Commander Lejon Roberts / 1st District

P.I.B. Complaint #: 2017-0630-R

On Monday, August 12 2019, a Disciplinary Hearing was held on the above referenced P.I.B. case. As the Hearing Officer, I reviewed the charge(s) against **Lieutenant John O' Brien**, employee #14663, assigned to First District. After consideration of the evidence presented, it is my opinion that the charge(s) should be classified as follows:

check (✓) if additional sustained violation(s) (ASV)

	<u>RULE NUMBER & NAME</u>	<u>AS</u>	<u>DISPOSITION</u>
1	Rule 2: Moral Conduct; Paragraph 1: Adherence to Law, to wit R.S. 14:46 Relative to False Imprisonment	<input type="checkbox"/>	NOT SUSTAINED
2	Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6, failing to comply with instructions, oral or written from an authoritative source, to wit NOPD Policy 344.1.1 Report Preparation	<input type="checkbox"/>	SUSTAINED
3	Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6, failing to comply with instructions, oral or written from an authoritative source, to wit NOPD Chapter 1.2.4 Search and Seizure, Paragraph 47, Strip Search shall be conducted in a secure area of the NOPD facilities unless exigent circumstances exist	<input type="checkbox"/>	SUSTAINED
4	Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6, failing to comply with instructions, oral or written from an authoritative source, to wit Chapter 1.2.4 Search and Seizure, Paragraph 51, Body Cavity Search, No person may be subject to a body cavity search without a search warrant	<input type="checkbox"/>	SUSTAINED
5	Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, Subsection (b), An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures to wit Chapter 1.9 Arrests, Paragraph 12-Supervisor Responsibilities- The supervisor shall approve officer's arrest recommendation based on the existence of probable cause and consistent with NOPD regulations (Traffic Affidavit #J869655	<input type="checkbox"/>	NOT SUSTAINED

6	<p>Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, Subsection (b), An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures, to wit Chapter 1.2.4, Search and Seizure, paragraph 5 Search prescribed the following. (Ordered Officer McKay to conduct a warrantless search of a child without probable cause)</p>	<input type="checkbox"/>	SUSTAINED
7	<p>Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6, failing to comply with instructions, oral or written from an authoritative source, to wit NOPD L.A. RS32:391 Part VII Procedure and Reports, Appearance upon arrest paragraph C</p>	<input type="checkbox"/>	UNFOUNDED
8	<p>Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, Subsection (b), An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures, Chapter 1.2.4 Search and Seizure Paragraph 5, Search and Seizure (warrantless search of Mr. Bailey for illicit narcotics no probable cause</p>	<input type="checkbox"/>	SUSTAINED
9	<p>Rule IX, Section 1, Paragraph 1.1, of the City Civil Service Rules Relative to "Maintaining Standards of Service."</p>	<input type="checkbox"/>	SUSTAINED

As a Result, it is my / our recommendation that **Lieutenant John O' Brien** should:

(check (✓) one) *not be disciplined* *be disciplined* as follows:

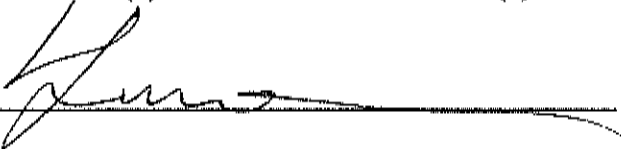
<u>RULE NAME</u>	<u>PENALTY</u>
<p>1 Rule 2: Moral Conduct; Paragraph 1: Adherence to Law, to wit R.S. 14:46 Relative to False Imprisonment</p>	NONE
<p>2 Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6, failing to comply with instructions, oral or written from an authoritative source, to wit NOPD Policy 344.1.1 Report Preparation</p>	<p>Level B 1st Offense 1 Day Suspension</p>
<p>3 Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6, failing to comply with instructions, oral or written from an authoritative source, to wit NOPD Chapter 1.2.4 Search and Seizure, Paragraph 47, Strip Search shall be conducted in a secure area of the NOPD facilities unless exigent circumstances exist</p>	<p>Level B 1st Offense 1 Day Suspension</p>

<p>4 Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6, failing to comply with instructions, oral or written from an authoritative source, to wit Chapter 1.2.4 Search and Seizure, Paragraph 51, Body Cavity Search, No person may be subject to a body cavity search without a search warrant</p>	<p>Level B 1st Offense 1 Day Suspension</p>
<p>5 Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, Subsection (b), An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures to wit Chapter 1.9 Arrests, Paragraph 12- Supervisor Responsibilities- The supervisor shall approve officer's arrest recommendation based on the existence of probable cause and consistent with NOPD regulations (Traffic Affidavit #J869655</p>	<p>NONE</p>
<p>6 Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, Subsection (b), An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures, to wit Chapter 1.2.4, Search and Seizure, paragraph 5 Search prescribed the following.(Ordered Officer McKay to conduct a warrantless search of a child without probable cause)</p>	<p>Level B 1st Offense 1 Day Suspension</p>
<p>7 Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6, failing to comply with instructions, oral or written from an authoritative source, to wit NOPD L.A. RS32:391Part VII Procedure and Reports, Appearance upon arrest paragraph C</p>	<p>NONE</p>
<p>8 Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, Subsection (b), An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures, Chapter 1.2.4 Search and Seizure Paragraph 5, Search and Seizure (Warrantless search of Mr. Bailey for illicit narcotics no probable cause</p>	<p>Level B 1st Offense 1 Day Suspension</p>
<p>9 Rule IX, Section 1, Paragraph 1.1, of the City Civil Service Rules Relative to "Maintaining Standards of Service."</p>	<p>NONE</p>

COMMENTS (optional):

IF AN ADDITIONAL SUSTAINED VIOLATION(S) IS RECOMMENDED, A 105 ARTICULATING HOW THE ADDITIONAL VIOLATION(S) WAS DETERMINED SHALL BE ATTACHED, AND MADE A PAGE OF THIS FORM.

SIGNATURE(S) OF HEARING OFFICER(S)

 Date: 8/12/19

 Date: 8/12/19

CONCUR / DO NOT CONCUR

 Date: 8.15.19

SIGNATURE OF Bureau Commander

CONCUR / DO NOT CONCUR

 Date: 9/23/19

SIGNATURE OF SUPERINTENDENT OF POLICE

COMMENTS:

INSTRUCTIONS: The Hearing Officer shall be responsible for forwarding to P.I.B., via appropriate chain of command, both the *original* Hearing Notification and the *original* Hearing Disposition, along with the entire investigative report.

Original - PIB investigative report file

DISCIPLINARY HEARING NOTIFICATION

Superintendent
 Bureau Commander's Committee

Bureau Commander
 Commander

DATE: 08/5/2019
P.I.B. CONTROL #: 2017-0630-R

TO: Lieutenant John O'Brien; F.O.B., First District

FROM: Commander Lejon Roberts, First District

An administrative investigation was conducted by Sergeant Omar Diaz, alleging that you conducted an unjustified strip search, which may have been a cavity search of an individual during an investigation of illegal narcotics. Sgt. Diaz sustained allegation #7; however, it was overturned in the Pre-Disposition Hearing held at the Public Integrity Bureau on April 9, 2019.

Such conduct may be a violation of:

1. Rule 2: Moral Conduct; Paragraph 1: Adherence to Law, to wit R.S. 14:46 Relative to False Imprisonment.....NOT SUSTAINED
2. Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6, failing to comply with instructions, oral or written from an authoritative source, to wit NOPD Policy 344.1.1 Report Preparation.....SUSTAINED
3. Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6, failing to comply with instructions, oral or written from an authoritative source, to wit NOPD Chapter 1.2.4 Search and Seizure, Paragraph 47, Strip Search shall be conducted in a secure area of the NOPD facilities unless exigent circumstances exist.....SUSTAINED
4. Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6, failing to comply with instructions, oral or written from an authoritative source, to wit Chapter 1.2.4 Search and Seizure, Paragraph 51, Body Cavity Search, No person may be subject to a body cavity search without a search warrant.....SUSTAINED
5. Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, Subsection (b), An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures to wit Chapter 1.9 Arrests, Paragraph 12- Supervisor Responsibilities- The supervisor shall approve officer's arrest recommendation based on the existence of probable cause and consistent with NOPD regulations (Traffic Affidavit #J869655).....NOT SUSTAINED

6. Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, Subsection (b), An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures, to wit Chapter 1.2.4, Search and Seizure, paragraph 5 Search prescribed the following. The U.S. Constitution generally requires law enforcement to obtain a warrant prior to conducting a search.....SUSTAINED

7. Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6, failing to comply with instructions, oral or written from an authoritative source, to wit NOPD L.A. RS32:391Part VII Procedure and Reports, Appearance upon arrest paragraph C.....UNFOUNDED

8. Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, Subsection (b), An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures, Chapter 1.2.4 Search and Seizure Paragraph 5, Search and Seizure (warrantless search of Mr. Bailey for illicit narcotics no probable cause).....SUSTAINED

As well as a violation of:

Rule IX, Section 1, and Paragraph 1.1, of the City Civil Service Rules relative to "Maintaining Standards of Service."

Rule IX prescribes

RULE IX

DISCIPLINARY ACTIONS


SECTION 1. MAINTAINING STANDARDS OF SERVICE

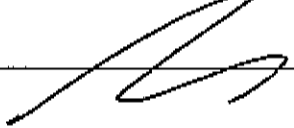
1.1 When an employee in the classified service is unable or unwilling to perform the duties of his/her position in a satisfactory manner, or has committed any act to the prejudice of the service, or has omitted to perform any act it was his/her duty to perform, or otherwise has become subject to corrective action, the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service. The action may include one or more of the following:

- (1) removal from the service.
- (2) involuntary retirement.
- (3) reduction in pay within the salary range for the employee's classification, subject to the provisions of Rule IV, Section 3.
- (4) demotion to any position of a lower classification that the employee is deemed by the appointing authority and the Director to be competent to fill, accompanied by a reduction in pay, which is within the salary range for the lower classification, subject to the provisions of Rule IV, Section 3.
- (5) suspension without pay not exceeding one hundred twenty (120) calendar days.
- (6) fine.

(as amended June 10, 1982, effective June 10, 1982)

You are hereby instructed to appear in the uniform of the day, or coat and tie or appropriate dress for female employees, UNARMED, on **Monday, August, 12, 2019 @ 10:00 am**, at the **First District Station Located at 51 North Rampart Street** for a Disciplinary Hearing before **Commander Lejon Roberts**. At that time you will be afforded an opportunity to present any mitigating circumstance, justification, or explanation you may have to offer. You may also have legal counsel or other representative, or both, present at the disciplinary hearing in the capacity of an observer to the proceedings.

SIGNATURE OF HEARING OFFICER:  Date: 8/10/19

SIGNATURE of EMPLOYEE:  Date: 8-7-19

INSTRUCTIONS: Appendix "A" shall be completed by the Hearing Officer or designee. It shall be used to formally notify the accused employee, (1) that a disciplinary hearing will be conducted; (2) the time, date, and location of the hearing; (3) the identity of the Hearing Officer; (4) the nature of the violation(s); and (5) a synopsis of the incident upon which the allegation(s) was based.

APPENDIX "A" SHALL BE ISSUED TO AND SIGNED FOR BY THE ACCUSED EMPLOYEE AT LEAST FIVE (5) CALENDAR DAYS PRIOR TO THE DATE OF THE HEARING.

PRE-DISCIPLINARY HEARING DISPOSITION

Superintendent Superintendent Committee Dpty. Superintendent Commander

To: Superintendent Suaun P. Ferguson

Date: 05-14-19

From: Captain Simon Hargrove

P.I.B. CTN #: 2017-0630-R

 On Tuesday, April 9, 2019, a Pre-Disciplinary Hearing was held on the above-referenced P.I.B. case. As the Hearing Officer, I reviewed the charge(s) against Lt. John O'Brien; Emp #41633; First District District. The following witnesses testified: NONE. The following persons were present Captain Simon Hargrove (Hearing Officer), Commander Sabrina Richardson (Public Integrity Bureau) Lt. John O'Brien (The Accused), Sgt. Omar Diaz (Investigator) Donovan Livicarri (Accused Attorney) Stella Cziment (IPM's Office), and Chaclyn Hunt (from IPM partner Invisible Institute).

After consideration of the evidence presented, it is my opinion that the charge(s) should be classified as follows:

Check for additional sustained violation(s) (ASV)

<u>RULE VIOLATION [by number, name]</u>	ASV	<u>DISPOSITION</u>
1 <u>Rule 2: Moral Conduct; Paragraph 1 Adherence to law to wit: RS 14:46. Relative to False Imprisonment</u>	<input type="radio"/>	<u>Not Sustained</u>
2 <u>Performance of Duty; para 4Neglect of Duty, C-6; Failing to comply with, oral or written, from an Authoritative source; to wit, NOPD Policy 344.1.1 Report Preparation</u>	<input type="radio"/>	<u>Sustained</u>
3 <u>Performance of Duty; para 4Neglect of Duty, C-6; Failing to comply with, oral or written, from an Authoritative source; to wit, NOPD Chapter 1.2.4 Search and Seizure paragraph 47, Strip Search, shall be conducted in a secure area of the NOPD facility unless exigent circumstances exist</u>	<input type="radio"/>	<u>Sustained</u>
4 <u>Performance of Duty; para 4Neglect of Duty, C-6; Failing to comply with, oral or written, from an Authoritative source; to wit, NOPD Chapter 1.2.4 Search and Seizure para 51, Body Cavity Search, No person may be subject to a body cavity search without a search warrant</u>	<input type="radio"/>	<u>Sustained</u>
5 <u>Rule 4: Performance of Duty; Paragraph 4 Neglect of Duty, Subparagraph (b): An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures to wit:</u>	<input type="radio"/>	<u>Not Sustained</u>

Chapter 1.9 Arrests – Paragraph 12 Supervisor's Responsibilities – The Supervisor shall approve the officer's arrest recommendation based on the existence of probable cause and consistency with NOPD regulations (Traffic Affidavit #J869655)


- 6 Rule 4: Performance of Duty; Paragraph 4, Neglect of Duty. Subparagraph (b): An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures to wit: Chapter 1.2.4 Search and Seizure. para 5 Search and Seizure prescribes the following. (ordered Officer McKay to conduct a warrantless search of a child without probable casue) Sustained

- 7 Performance of Duty; para 4 Neglect of Duty. C-6: Failing to comply with, oral or written, from an Authoritative source; to wit, NOPD Louisiana Revised Statue 32 Section 391 PART VII. PROCEDURE AND REPORTS Apperance upon arrest para C Unfounded

- 8 Rule 4: Performance of Duty; Paragraph 4, Neglect of Duty, Subparagraph (b); An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures to wit: Chapter 1.2.4 Search and Seizure, Paragraph 5, Search & Seizures (Warrantless search of Mr. Bailey for illicit narcotics no probable cause). Sustained

- 4 Rule IX. Section 1, paragraph 1.1 of the City Civil Service Rules Relative to "Maintaining Standards of Service." Sustained

SIGNATURE OF PIB HEARING OFFICER

 Date: 5-16-19

•IF AN ADDITIONAL SUSTAINED VIOLATION(S) IS RECOMMENDED, A 105 ARTICULATING HOW THE ADDITIONAL VIOLATION(S) WAS DETERMINED SHALL BE ATTACHED, AND MADE A PAGE OF THIS FORM.

On [date], a Pre-Disciplinary Hearing was held on the above-referenced P.I.B. case. As the Hearing Officer, I reviewed the charge(s) against [rank /name; ID#; assignment]. The following witnesses testified: [list names, ranks, ID#, assignment and/or relationship to accused]. The following persons were present [list all persons present].

AGGRAVATING/MITIGATING CIRCUMSTANCES:

As a result, it is my/our recommendation that Lt. John O'brien should be disciplined as follows:

	<u>RULE VIOLATION</u>	<u>PENALTY</u>
1	_____	_____
2	_____	_____
3	_____	_____
4	_____	_____
5	_____	_____
6	_____	_____

COMMENTS (If you are deviating from the presumptive penalty, explain the deviation here):

SIGNATURE(S) OF HEARING OFFICER(S)

_____ Date:

_____ Date:

CONCUR / DO NOT CONCUR

_____ Date:

SIGNATURE OF Deputy Superintendent of accused employee's Bureau

COMMENTS:

CONCUR / DO NOT CONCUR

_____ Date: _____

SIGNATURE OF SUPERINTENDENT OF POLICE

COMMENTS:

INSTRUCTIONS: The Hearing Officer shall be responsible for forwarding to P.I.B., via appropriate chain of command, the *original Pre-Disciplinary Hearing Disposition form*, along with any notifications or waivers, and the entire investigative report.

Original - P.I.B. investigative report file

NOPD Form 214

PREDISPOSITION CONFERENCE NOTIFICATION

Forum (circle one):

PIB

Commander Deputy Superintendent Superintendent's Committee Superintendent

DATE: 04-03-2019
P.I.B. CTN #: 2017-0630-R

TO: LT. / John O'Brien / 41633 / 1st District

FROM: Commander Sabrina Richardson, Public Integrity Bureau

An investigation conducted by Sergeant Omar Diaz, PIB has revealed that on or about you allegedly:

On Saturday, September 23, 2017, you may have conducted an unjustifiable strip search, which may have been a cavity search, of an individual during an investigation for illegal narcotics. The search ended up with the discovery of illegal narcotics hidden upon the individual that was subjected to the search. Because of the findings, the subject was arrested and charged accordingly.

Based upon the initial inquire, you may have violated the Louisiana Statutory Criminal Law relative to False Imprisonments and numerous violations of the rules, policies and/or procedures of the New Orleans Police Department.

Sergeant Diaz recommended the following dispositions:

V1. Rule 2: Moral Conduct; Paragraph 1, Adherence to law to wit: RS 14:46, Relative to False Imprisonment.....NOT SUSTAINED

V2. Rule 4: Performance of Duty; Paragraph h 4: Neglect of Duty: c(6) Failing to comply with instructions, oral or written, from any authoritative source; to wit Policy 344.I.1 Report PreparationSUSTAINED

- You incorrectly documented that money and illegal narcotics found on driver's person during the warrantless search on the search warrant ; thus giving the impression that the narcotics was located within the vehicle.
- You violated this rule when you inappropriately documented the order of search issued by a judge, incorrectly wrote the sequence of events in the gist section of the report, which gave the impression that the driver was arrested for traffic violation and a full search of the driver, incident to arrest lead to the discovery of illegal narcotics. When according to your statement the stop was secondary to the warrant less search that produces the narcotics.
- You failed to obtain identifying information about the adult to whose custody a six-year-old male was released to by police, and when he documented the contraband found on the arrestee on the return of search Lt. O'Brien ordered an officer to stop a black male because he believed the subject matched the description of Mr. Bailey.

NEW ORLEANS DEPARTMENT OF POLICE
REFERENCE SLIP

NAME OR TITLE
LEJON ROBERTS
COMMANDER, FIRST DISTRICT

PLEASE SET AND CONDUCT A COMMANDER'S HEARING ON THE ATTACHED D.I.-1 # 17-0630-R ON POLICE LIEUTENANT JOHN O'BRIEN.

The Office of the Consent Decree Monitor "OCDM" now requires that Notices and support documentation be provided within 48 hours after the Hearing date has been set; or at least one week prior to the scheduled hearing.

Please e-mail a copy of the **completed and acknowledged Hearing Notification Form** to Sgt. Christopher Johnson of FOB.

- Hearing Officer: *Name & Contact Info*
- Date – Time – Location of Hearing
- Name of Accused Employee
- Nature of the Allegations/Charges

THE HEARING MUST BE HELD BEFORE AUGUST 9, 2019.

RETURN THE COMPLETED HEARING PACKET TO THE FIELD OPERATIONS BUREAU BY AUGUST 16, 2019.

FROM:

PAUL NOEL
DEPUTY SUPERINTENDENT
FIELD OPERATIONS BUREAU

DATE

7-22-2019

658-5740

FIB Officer Complaint History Short Report

FOLICE LIEUTENANT John O'brien [1828/014663]

Windows Username: 014663 Hire date: Jun 09, 2002

Current assignment(s):

Bureau: FOB - Field Operations Bureau

District / Division: First District

Division Assignment: 1st Platoon

Rank Initiated

Received: Sep 26, 2005

FIB Control Number: 2005-1025-R

Item Number: 05-1025-

Priority: DI-1

Allegations:

RULE 4: PERF OF DUTY: PARAGRAPH 04 - NEGLIGENCE OF DUTY - - SUSTAINED -

Actions taken:

Nov 22, 2005 - Suspension Days/hrs suspended:

Hurricane Katrina ANCL Case

Public Initiated

Received: Mar 30, 2007

FIB Control Number: 2007-0223-C

Item Number: 070223

Priority: DI-1

Allegations:

RULE 2: MORAL CONDUCT: PARAGRAPH 01 - ADHERENCE TO LAW - - NOT SUSTAINED -

RULE 3: PROF CONDUCT: PARAGRAPH 01 - PROFESSIONALISM - - NOT SUSTAINED -

Actions taken:

- None Days/hrs suspended:

- None Days/hrs suspended:

THEFT IN THE AMOUNT OF \$200.00

Public Initiated

Received: Jun 05, 2008

FIB Control Number: 2008-0419-C

Item Number: 080419

Priority: DI-1

Allegations:

RULE 2: MORAL CONDUCT: PARAGRAPH 06 - UNAUTHORIZED FORCE - - NOT SUSTAINED -

Actions taken:

- None Days/hrs suspended:

Public Initiated

Received: Aug 01, 2008

FIB Control Number: 2008-0582-C

Item Number: 080582

Priority: DI-1

Allegations:

RULE 2: MORAL CONDUCT: PARAGRAPH 01 - ADHERENCE TO LAW - - NOT SUSTAINED -

RULE 2: MORAL CONDUCT: PARAGRAPH 05 - VERBAL INTIMIDATION - - NOT SUSTAINED -

RULE 2: MORAL CONDUCT: PARAGRAPH 06 - UNAUTHORIZED FORCE - - NOT SUSTAINED -

RULE 4: PERF OF DUTY: PARAGRAPH 02 - INSTRUCTIONS FROM AUTHORITY SOURCE - - NOT SUSTAINED -

Actions taken:

- None Days/hrs suspended:

- None Days/hrs suspended:

- None Days/hrs suspended:

- None Days/hrs suspended:

TO WIT CRIMINAL DAMAGE

Public Initiated
Received: Jul 28, 2009

PIB Control Number: 2009-0756-C

Item Number: 090756
Priority: DI-1

Allegations:
RULE 2: MORAL CONDUCT: PARAGRAPH 01 - ADHERENCE TO LAW - - NOT SUSTAINED -
Actions taken:
- None Days/hrs suspended:

THEFT IN THE AMOUNT OF \$4060.00

Public Initiated
Received: Jun 14, 2010

PIB Control Number: 2010-0833-C

Item Number: 100833
Priority: DI-1

Allegations:
2012 RULE 2: MORAL CONDUCT: PARAGRAPH 05 - VERBAL INTIMIDATION - - NOT SUSTAINED - Jul 26,

Actions taken:
Jul 26, 2012 - None Days/hrs suspended:

2012 RULE 2: MORAL CONDUCT: PARAGRAPH 06 - UNAUTHORIZED FORCE - - NOT SUSTAINED - Jul 26,

Actions taken:
Jul 26, 2012 - None Days/hrs suspended:

SUSTAINED - Jul 26, 2012

2012 RULE 4: PERF OF DUTY: PARAGRAPH 02 - INSTRUCTIONS FROM AUTHORITATIVE SOURCE - - NOT
SUSTAINED - Jul 26, 2012

Actions taken:
Jul 26, 2012 - None Days/hrs suspended:

Public Initiated
Received: Aug 16, 2010

PIB Control Number: 2010-1139-C

Item Number:
Priority: DI-1

Allegations:
RULE 2: MORAL CONDUCT: PARAGRAPH 01 - ADHERENCE TO LAW - - NOT SUSTAINED - Jun 30, 2011
Actions taken:
Jun 30, 2011 - None Days/hrs suspended:

Public Initiated
Received: Nov 11, 2010

PIB Control Number: 2010-1472-C

Item Number:
Priority: DI-1

Allegations:
RULE 2: MORAL CONDUCT: PARAGRAPH 01 - ADHERENCE TO LAW - (See Attached Criminal Charges)
- NOT SUSTAINED - Dec 27, 2011

Actions taken:
Dec 27, 2011 - None Days/hrs suspended:

2011 RULE 2: MORAL CONDUCT: PARAGRAPH 06 - UNAUTHORIZED FORCE - - NOT SUSTAINED - Dec 27,

Actions taken:
Dec 27, 2011 - None Days/hrs suspended:

RULE 3: PROF CONDUCT: PARAGRAPH 01 - Professionalism - - NOT SUSTAINED - Dec 27, 2011

Actions taken:
Dec 27, 2011 - None Days/hrs suspended:

Charges:

State Misdemeanor Law Violation 10/22/2010 (Theft) -

Public Initiated
Received: Dec 27, 2010

PIB Control Number: 2010-1614-C

Item Number:
Priority: DI-1

Allegations:
RULE 2: MORAL CONDUCT: PARAGRAPH 01 - ADHERENCE TO LAW - - NOT SUSTAINED - Dec 31, 2011

RULE 3: PROF CONDUCT: PARAGRAPH 01 - PROFESSIONALISM - - NOT SUSTAINED - Dec 01, 2011

Actions taken:

Dec 01, 2011 - None Days/hrs suspended:
Dec 01, 2011 - None Days/hrs suspended:

Public Initiated

FIB Control Number: 2012-0635-C

Received: Jul 11, 2012 11:

Item Number:
Priority: DI-1

Allegations:

RULE 4: PERF OF DUTY: PARAGRAPH 02 - INSTRUCTIONS FROM AUTHORITATIVE SOURCE - - NOT SUSTAINED - Oct 29, 2012

Actions taken:

Oct 29, 2012 - None Days/hrs suspended:

Public Initiated

FIB Control Number: 2014-0144-C

Received: Mar 05, 2014

Item Number:
Priority: DI-1

Allegations:

RULE 2: MORAL CONDUCT: PARAGRAPH 01 - ADHERENCE TO LAW - (See Attached Criminal Charges) - NOT SUSTAINED - Nov 10, 2016

Actions taken:

Dec 23, 2016 - None - Not Sustained Days/hrs suspended:

RULE 6: OFFICIAL INFO: PARAGRAPH 02 - FALSE OR INACCURATE REPORTS - - NOT SUSTAINED - Nov 10, 2016

Actions taken:

Dec 23, 2016 - None - Not Sustained Days/hrs suspended:

Charges:

State Felony Law Violation (Misfeasance In Office) -

Public Initiated

FIB Control Number: 2016-0972-P

Received: May 26, 2016

Item Number:
Priority: DI-1

Allegations:

RULE 3: PROF CONDUCT: PARAGRAPH 01 - Professionalism - - NOT SUSTAINED - Jun 15, 2016

Actions taken:

Apr 03, 2017 - None - Not Sustained Days/hrs suspended:

Rank Initiated

FIB Control Number: 2017-0630-R

Received: Nov 03, 2017 06:

Item Number: I-30056-17
Priority: DI-1

Allegations:

RULE 4: PERF OF DUTY: PARAGRAPH 04 - NEGLECT OF DUTY - Policy # 300 - Procedures; Policy 344 - FR344 - Report Preparation; Paragraph 344.1.1 - Report Preparation - SUSTAINED - May 23, 2018

Actions taken:

Jan 07, 2019 - Awaiting Hearing Days/hrs suspended:

RULE 4: PERF OF DUTY: PARAGRAPH 04 - NEGLECT OF DUTY - NOPD Policy: Chapter 1.2.4 - Search and Seizure Paragraph 47, Strip Searches - SUSTAINED - May 23, 2018

Actions taken:

Jan 07, 2019 - Awaiting Pre-Dispo Conference Days/hrs suspended:

RULE 4: PERF OF DUTY: PARAGRAPH 04 - NEGLECT OF DUTY - NOPD Policy: Chapter 1.9 - Arrest, Paragraph 12 - NOT SUSTAINED - May 23, 2018

Actions taken:

Jan 07, 2019 - Awaiting Pre-Dispo Conference Days/hrs suspended:

RULE 4: PERF OF DUTY: PARAGRAPH 04 - NEGLECT OF DUTY - NOPD Policy: Chapter 1.2.4 - Search and Seizure, Paragraph 51 - SUSTAINED - May 23, 2018

Actions taken:

Jan 07, 2019 - Awaiting Pre-Dispo Conference Days/hrs suspended:

RULE 4: PERF OF DUTY: PARAGRAPH 04 - NEGLECT OF DUTY - NOPD Policy: Chapter 1.2.4 - Search and Seizure, Paragraph 5 - SUSTAINED - May 23, 2018

Actions taken:

B, 157

B, 157

B, 157

B, 157

Jan 07, 2019 - Awaiting Pre-Dispo Conference Days/hrs suspended:
RULE 2: MORAL CONDUCT: PARAGRAPH 01 - ADHERENCE TO LAW - R.S. 32:391 - Appearance upon
arrest - SUSTAINED - May 23, 2018

← MADE UNFOUNDED IN PLE DISPO.

Actions taken:

~~Jan 07, 2019 - Awaiting Pre-Dispo Conference Days/hrs suspended:
RULE 2: MORAL CONDUCT: PARAGRAPH 01 - ADHERENCE TO LAW - R.S. 14:46 Relative to False
Imprisonment - NOT SUSTAINED - May 23, 2018~~

~~RULE 4: PERF OF DUTY: PARAGRAPH 04 - NEGLECT OF DUTY - NOPD Policy: Chapter i.2.4 - Search
and Seizure, Paragraph 5 - SUSTAINED - May 23, 2018~~

~~Actions taken:~~

~~Jan 07, 2019 - Awaiting Pre-Dispo Conference Days/hrs suspended:~~

B, 1st

Charges:

11/03/2017 {} -

Printed: Jun 17, 2019 12:58 By: POLICE SERGEANT Jean Jordan

**DEPARTMENT OF POLICE
INTEROFFICE CORRESPONDENCE**

TO: Shaun D. Ferguson
Superintendent of Police

DATE: 8/23/19

FROM: Chief Arlinda Westbrook
Public Integrity Bureau

SUBJECT: Completed Commanders Disciplinary Hearing
2017-0630-R – John O'Brien

Attached is a completed Disciplinary Hearing. This hearing is being forwarded to you for your approval. The Public Integrity Bureau has reviewed the hearing documents per Chapter 26.2, Adjudication of Misconduct and determined the penalties are within the penalty range.



Chief Arlinda Westbrook
Public Integrity Bureau

Received by:

Elaine Washington

Received date:

9/3/19