


# EXHIBITS

Investigating Officer's Initials: 

**EXHIBITS**

Exhibit A.....Transmittal Form; PIB Misconduct Complaint Determination Form, Intake case tracking form, three (3) page, photocopy

Exhibit B.....Initial DI-1 # 2017-0630-R and attachments, fifty-one (51) pages, photocopy

Exhibit C.....NOPD Field Interview Card (Robert Riley), one (1) page, photocopy.

Exhibit D.....Extension request letter to Civil Service, one (1) page, photocopy

Exhibit E.....Extension request granted, one (1) page, photocopy

Exhibit F.....Officer Vitrano BWC Footage, one (1) cd, copy

Exhibit G.... Officer McKay BWC Footage, one (1) cd, copy

Exhibit H... Officer Sallier BWC Footage, one (1) cd, copy

Exhibit I... Sgt. Tallion BWC Footage, one (1) cd, copy

Exhibit J.... Officer Verrett BWC Footage, one (1) cd, copy

Exhibit K... Video footage from 1<sup>st</sup> District handheld camera operated by Officer Cleveland, one (1) cd, copy

Exhibit L.... Statement of Officer Vitrano, one (1) cd, copy; transcription \*\* ( ) pages, photocopy \*\*\*\*\* Copies of all audio recording sent to the transcriber Ms. E. Triplett on 05/31/2018. Ms. Triplett advised I was on the waiting list due to backlog. \*\*\*\*\*

Exhibit M.... Statement of Officer McKay, one (1) cd, copy; transcription \*\* ( ) pages, photocopy

Exhibit N.... Statement of Officer Cleveland, one (1) cd, copy; transcription \*\* ( ) pages, photocopy

Exhibit O.... Statement of Officer Verrett, one (1) cd, copy; transcription \*\* ( ) pages, photocopy

Exhibit P.... Notice to render statement- Sgt. Taillon, one (1) page, photocopy

Exhibit Q.... Statement of Sgt. Taillon, one (1) cd, copy; transcription \*\* ( ) pages, photocopy

Exhibit R.... Notice to render statement- Lt. O'Brien, one (1) page, photocopy

Exhibit S....E-mails provided to the investigator by Lt. O'Brien, eight (8) pages, photocopy

Exhibit T....Supplemental statement given by Officer Vitrano, one (1) cd, copy; transcription


Investigating Officer's Initials: 

Exhibit U.... Still photo from search video shown to Officer Vitrano, one (1) page, original

Exhibit V.... Picture of Buttock shown to Officer Vitrano, one (1) page, original

Exhibit W.... Notice to render statement- Lt. O'Brien, one (1) page, photocopy

Exhibit X.... Statement of Lt. O'Brien, one (1) cd, copy; transcription \*\* ( ) pages, photocopy

Exhibit Y.... Still photo from search video shown to Officer Vitrano, one (1) page, original


Exhibit Z....Picture of Buttock shown to Lt. O'Brien, one (1) page, original

Exhibit AA.... Notice to the Accused of Completed Investigation and Notice of Pre-Disciplinary Hearing, one (1) page, photocopy

Exhibit BB.... Notice to the Accused of Completed Investigation and Notice of Pre-Disciplinary Hearing, one (1) page, photocopy

Exhibit CC.... Disposition Letter mailed to complainant, three (3) pages, photocopy.

Exhibit DD.... Audio Video of BWC regarding Officer Vitrano's stop of a male, one (1) DVD, copy

Investigating Officer's Initials: 

# **INITIAL COMPLAINT**

INITIATION OF A FORMAL DISCIPLINARY INVESTIGATION

TRACKING NUMBER: 2017-0630-R DATE COMPLAINT RECEIVED: 10/31/2017

DATE FORM COMPLETED: 11/07/2017 DATE FORM RECEIVED BY PIB: 11/03/2017

DOMESTIC INCIDENT: \_\_\_

SEXUAL HARASSMENT: \_\_\_

Source		
Citizen Complaint	NOPD Supervisor <input checked="" type="checkbox"/>	NOPD Employee

How Complaint Received				
Violation Observed	In Person	Telephone	Correspondence <input checked="" type="checkbox"/>	Investigation

**Supervisor Initiating Complaint:** Investigator Arlen S. Barnes  
**Assignment:** Public Integrity Bureau

**Complainant's Name, Employee No.** Commander Gwendolyn Nolan  
 Employee No. 07925

**Complainant's Address, Zip Code, Home and Business Phone:** 1340 Poydras St. Suite 1900  
 New Orleans, LA 70112  
 (504) 658-6800

**Date and Time Incident of Complaint Occurred:** 09/23/2017 @ 11:53A.M.

**Location Where Incident of Complaint Occurred:** 501 N. Rampart St.

Duty Status:	Shift:	Clothing:
On Duty <input checked="" type="checkbox"/> / Off ___ Detail ___ 1 <sup>st</sup> <input checked="" type="checkbox"/> / 2 <sup>nd</sup> ___ / 3 <sup>rd</sup> ___ Regular Uniform <input checked="" type="checkbox"/> Task Force Uniform ___ Plainclothes ___		

**Total Number of Accused Employees:** two (2)

**Accused Member:** (A-1) Lieutenant John O'Brien, F.O.B. First District "A" Platoon, Employee No. 14633

Suspended: ___
Reassigned: ___

**Alleged Rule Violation/s:** (V-1) Rule 2: Moral Conduct; Paragraph 1, Adherence to law to wit: RS 14:46, Relative to False Imprisonment.

(V-2) Rule 4, Performance of Duty, Paragraph 4, Neglect of Duty, Subparagraph c-6; failing to comply with instructions, oral or written, from any authoritative source to wit: Policy 344.1.1 Report Preparation - Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where he suspect remains in custody should not be delayed.



**Alleged Rule Violation/s continued:**

All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such (item # 1-30056-17).

(V-3) Rule 4, Performance of Duty, Paragraph 4, Neglect of Duty, Subparagraph c-6; failing to comply with instructions, oral or written, from any authoritative source to wit: Chapter 1.2.4 Search and Seizure, Paragraph 47, Strip Searches – Strip Searches shall be conducted in a Secure Area of a NOPD Facility unless exigent circumstances exist. The following requirements apply to all strip searches: (a) The officer shall obtain written authorization from his or her supervisor prior to the strip search, and the supervisor shall be on-scene at all times during the search. (k) Strip searches shall not be video recorded or photographed unless required for evidentiary reasons and specifically authorized in writing, in advance, by a supervisor.

(V-4) Rule 4, Performance of Duty, Paragraph 4, Neglect of Duty, Subparagraph c-6; failing to comply with instructions, oral or written, from any 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.

(V-5) 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 1.9 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 #I869655).

(V-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, Paragraph 5, Search & Seizures - The U.S. Constitution generally requires law enforcement to obtain a warrant prior to conducting a search. There are, however, limited exceptions to the warrant requirement, such as valid consent, incident to a lawful arrest, and exigent circumstances. (Instructed Officer Anita McKay to search minor child for illicit narcotics).

**Accused Member's Supervisor (Name, Rank):** Commander Hans Ganthier #06045

INITIATION OF A FORMAL DISCIPLINARY INVESTIGATION

TRACKING NUMBER: 2017-0630-R DATE COMPLAINT RECEIVED: 10/31/2017

DATE FORM COMPLETED: 11/07/2017 DATE FORM RECEIVED BY PIB: 11/03/2017

DOMESTIC INCIDENT: \_\_\_

SEXUAL HARASSMENT: \_\_\_

<u>Source</u>		
Citizen Complaint	NOPD Supervisor <input checked="" type="checkbox"/>	NOPD Employee

<u>How Complaint Received</u>				
Violation Observed	In Person	Telephone	Correspondence <input checked="" type="checkbox"/>	Investigation

Supervisor Initiating Complaint:  
Assignment:

Investigator Arlen S. Barnes  
Public Integrity Bureau

Complainant's Name, Employee  
No.

Commander Gwendolyn Nolan  
Employee No. 7925

Complainant's Address, Zip  
Code, Home and Business Phone:

1340 Poydras St. Suite 1900  
New Orleans, LA 70112  
(504) 658-6800

Date and Time Incident of  
Complaint Occurred:

09/23/2017 @ 11:53 A.M.

Location Where Incident of  
Complaint Occurred:

501 N. Rampart St.

<u>Duty Status:</u>		<u>Shift:</u>		<u>Clothing</u>				
On Duty <input checked="" type="checkbox"/>	Off ___	Detail ___	1 <sup>st</sup> <input checked="" type="checkbox"/>	2 <sup>nd</sup> ___	3 <sup>rd</sup> ___	Regular Uniform <input checked="" type="checkbox"/>	Task Force Uniform ___	Plainclothes ___

Total Number of Accused Employees: two (2)

Accused Member: (A-2) Sergeant Stephanie Taillon, F.O.B. First District Staff,  
Employee No. 12967

Suspended: ___
Reassigned: ___

Alleged Rule Violation/s: (V-1) 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 1.9 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 (NOPD Item # I-30056-17)

Accused Member's Supervisor (Name, Rank): Commander Hans Ganthier #06045

## INITIATION OF A FORMAL DISCIPLINARY INVESTIGATION

**WITNESSES:** (W-1) Officer Frank Vitrano #26938, 501 N. Rampart St., New Orleans, La. 70112 (504) 658-6010

(W-2) Officer Arthur Cleveland #09373 501 N. Rampart St., New Orleans, La. 70112 (504) 658-6010

(W-3) Officer Anita McKay #19423, 501 N. Rampart St., New Orleans, La. 70112 (504) 658-6010

**GIST OF COMPLAINT:** On Tuesday, October 31, 2017, at about 2:30PM, Public Integrity Bureau Commander Gwendolyn Nolan, directed Investigator Arlen Barnes to review an e-mail complaint received via the OCDM/DOJ (Office of the Consent Decree Monitor / Department of Justice), regarding N.O.P.D. item # I-30045-17 & I-30056-17. The e-mail, dated October 30, 2017, was authored by Mr. Matt Seagraves, Compliance Manager, of the N.O.P.D. Compliance Bureau. The e-mail indicated the following:

*"OCDM and DOJ are concerned about this one. They don't think the officers had PC to conduct a strip search. The Lt. who was involved in the case approved the strip search. They think it was a cavity search (not a strip search) and should have had a search warrant. They don't think the officers had PC to search the kid in the car at the time of the stop.*

*The admin sgt approved the epr which was created by the Lt."*

Investigator Barnes reviewed the attachments included in the e-mail complaint which was recorded under item I-30056-17. One of the attachments was a copy of a Traffic Affidavit #J869655, which documented the arrest of Mr. William Bailey, of 2533 Gravier St., New Orleans, La. 70119, for violation of traffic statues R.S. 32:295 (Child Seat Belt Required Usage) and R.S. 32:295.1, (Seat Belt Required Usage) under N.O.P.D. Item I-30045-17. The affidavit indicated the arrest took place on Saturday, September 23, 2017, at 11:53AM; the violation occurred at the intersection of Orleans Ave. & N. Rocheblave St. Officer Frank Vitrano, assigned to the F.O.B. First District, was listed as the affiant. Lieutenant John O'Brien was listed as the supervisor who authorized the arrest of Mr. William Bailey.

The investigator obtained a copy of the N.O.P.D. Field Interview authored by Officer Vitrano of the detention of William Bailey under item I-30045-17.

The investigator also obtained a copy of the N.O.P.D. arrest report recorded under N.O.P.D. item I-30056-17. The report was classified as a signal 966 – Drug Law Violation which occurred on Saturday, September 23, 2017, at 11:53AM. The arrest location was indicated as the 2200 block of Orleans Ave. The Offender section indicated Mr. William Bailey, of 25 [REDACTED] Gravier St., New Orleans, La. 70119 was arrested by Lieutenant John O'Brien, assigned to the F.O.B. First District.



The report indicated Bailey was charged with violation of R.S. 40:967, Prohibited Acts – Schedule II Drugs: Relative to Possession with Intent to Distribute a Schedule Two Controlled Dangerous Substance to wit: Crack Cocaine (Several Rocks, Approx. 5.1 Grams). He was also charged with La. R.S. 14:91.13, Illegal Use of a C.D.S. in Minor Presence: Relative to possession of a Controlled Dangerous Substance in the Presence of a Minor (6 year old male child).

The offender section of the report indicated Mr. William Bailey had a Texas Driver's License (23947488) at the time of his arrest. Officer Frank Vitrano was listed as the transporting officer. Sergeant Stephanie Taillon, badge 290, was listed as the approving supervisor.

The narrative of the report indicated Lieutenant O'Brien, assisted by Officers Frank Vitrano, Anita McKay and Brianne Verrett; arrested Mr. William Bailey for the aforementioned narcotics and traffic violations. Lieutenant O'Brien indicated at the time of the arrest he was attired in plain clothes and operated a surveillance vehicle. The assisting officers were attired in N.O.P.D. (short sleeve) uniforms with Body Worn Cameras and operated marked police vehicles equipped with Mobile Video Units.

The report indicated on Friday, September 22, 2017, Lieutenant O'Brien obtained a Search Warrant from Criminal District Court to search a 2016 Nissan Maxima, white in color, bearing La. license plate 511 AUT.

The report indicated on the morning of Saturday, September 23, 2017, he relocated to the area of Orleans Ave. & S. Galvez St. to conduct a pre-search warrant surveillance of the Nissan Maxima. He indicated he had previous information and knowledge the vehicle and target of the investigation (William Bailey) frequented the area where he would sell illicit narcotics, and store drugs in the vehicle. He informed Officer Vitrano his intentions were to observe William Bailey in or near the vehicle; then directing Officer Vitrano to conduct a take-down stop in order to conduct a search of the vehicle.

The report indicated on Saturday, September 23, 2017, at about 11:00AM, he observed the unoccupied Nissan Maxima parked in the 2200 block of Orleans Ave. He conducted a surveillance of the vehicle until 11:50AM, when he observed a subject fitting the description of Bailey enter the vehicle, and drive away. He noted the driver was not wearing his seat belt. He radioed the vehicle's path of travel to Officer Vitrano, who located the vehicle and conducted a traffic stop.

The report indicated Officer Vitrano came in contact with the driver of the vehicle, (William Bailey) and a male child (Bailey's nephew) who was standing unrestrained in the front passenger seat of the vehicle. Officer Vitrano handcuffed Bailey, conducted a "pat down" for weapons, and then placed him in the rear of his police vehicle. Officer Vitrano advised Mr. Bailey of his Miranda rights and told him Lieutenant O'Brien would apprise him of the investigation.

The report indicated Lieutenant O'Brien, while on scene, instructed Officer Anita McKay to check the small child (Bailey's nephew) before turning the child over to a relative. The report indicated the reason for the search was **"due to Lieutenant O'Brien's prior experience in narcotic investigations where drug dealers would conceal contraband on small children in the belief that police officers won't search small children"**. Officer McKay searched the small child, which yielded no contraband being found. The report also indicated the child was released to an unidentified family member who arrived on scene.

The report indicated Lieutenant O'Brien instructed Officer Verrett to relocate the Nissan Maxima to the First District Police Station's sally port located at conduct at 501 N. Rampart St. Officer Vitrano transported Bailey to the First District Station. Lieutenant O'Brien showed the search warrant to Bailey and explained the investigation to him. He informed Bailey that he would be provided with a copy of the search warrant and a handwritten inventory on the rear of the warrant for any confiscated items. Bailey remained in the lobby area of the station, with Officer Vitrano, while Lieutenant O'Brien and Officer Verrett searched the Nissan Maxima. After approximately an hour into the search, no contraband was found.

*The report indicated "based on Lieutenant O'Brien's previous information on Bailey, in addition to his experience in street level illegal drug activity, Lieutenant O'Brien had a strong reason to believe that Bailey was concealing contraband within his inner clothing garments. Based on that Lieutenant O'Brien decided to perform a strip search on Bailey per N.O.P.D. Policy 1.2.4".*

The report indicated Lieutenant O'Brien explained to Bailey a strip search would be conducted. Lieutenant O'Brien, along with Officer Vitrano and Officer Arthur Cleveland, escorted Bailey to the men's locker room located inside of the police station. *Officer Vitrano's Body Worn Camera was activated. Officer Cleveland utilized a Departmental digital camera in record mode during the escort and search of Bailey.*

The report indicated Lieutenant O'Brien located \$612.00 in various denominations in Bailey's right rear pants pocket. The report also indicated *"Lieutenant O'Brien continued to search Bailey while using a handheld flashlight, all the while being recorded on Officer Vitrano's Body Worn Camera and the Digital Recorder held by Officer Cleveland. As Lieutenant O'Brien held back the rear portion of the inner boxer shorts worn by Bailey, he (O'Brien) could clearly see in plain view a piece of clear plastic paper sticking out between Bailey's buttocks. The paper was sticking out approximately a half-inch. Upon observing the plastic paper, Lieutenant O'Brien instructed Bailey to spread his legs further and not to clinch his buttocks. Lieutenant O'Brien removed the plastic with his right hand and immediately observed it was a small clear wrapped bag containing what appeared to be several small pieces of crack cocaine. Lieutenant O'Brien dropped the bag on the locker room floor and instructed Officer Cleveland to record the bag"*.

The report indicated, *“Lieutenant O’Brien asked Bailey if he had anything else on his person, in which Bailey did not answer. Lieutenant O’Brien believed that Bailey may have had additional contraband hidden on his person. At that point Lieutenant O’Brien and Officer Vitrano removed Bailey’s boxer shorts completely. Lieutenant O’Brien, with the aid of the handheld flashlight, visually checked under Bailey’s genitals for any additional contraband in which no further contraband was found”.*

The report indicated the contraband was field tested by Officer Vitrano and Lieutenant O’Brien, which showed a positive test result for cocaine. He also indicated he conducted a handwritten inventory of the confiscated items on the rear of the search warrant which was provided to Bailey.

The report indicated Officer Vitrano completed a traffic affidavit charging Bailey with traffic violations of no seat belt and no child restraint. The affidavit was reviewed and signed by Lieutenant O’Brien.

The report indicated Lieutenant O’Brien completed a handwritten arrest gist which was reviewed and signed by Sergeant Stephanie Taillon. The report also indicated Sergeant Taillon assisted Lieutenant O’Brien in preparing the interoffice correspondence for the strip search policy.

The investigator reviewed the handwritten gist authored by Lieutenant O’Brien and approved by Sergeant Taillon. The gist indicated Bailey was arrested following a traffic stop of a vehicle which was the target of a search warrant. The gist did not explain the justification for the “strip search” or the reason Bailey was charged with Illegal Use of a Controlled Dangerous Substance in the Presence of a Minor.

The investigator reviewed Officer Frank Vitrano’s Body Worn Camera footage of the traffic stop and subsequent arrest of William Bailey. The footage confirmed Officer Vitrano was directed by Lieutenant O’Brien to stop the vehicle being operated by William Bailey. Lieutenant O’Brien came to the location of the stop and instructed Officer Vitrano to place Bailey in the rear of his patrol vehicle and inform him of his Miranda warnings and the narcotics investigation and the search warrant for the vehicle. Officer Vitrano’s Body Worn Camera Footage also confirmed he assisted Lieutenant O’Brien conduct the strip search of William Bailey.

The investigator reviewed Officer Anita McKay’s Body Worn Camera footage of the search of the child, who identified himself as “Terrance”. The footage confirmed Officer McKay was directed to search the child by Lieutenant O’Brien.

The investigator reviewed the Application for a Search Warrant and Order of Search obtained by Lieutenant O’Brien for the 2016 Nissan Maxima bearing La. License 511 AUT. The Return on Search Warrant indicated \$612.00 and a clear bag containing several pieces of rock substances (5.1GM) were seized pursuant to the Search Warrant.

Based on the information reviewed, a Formal Disciplinary Investigation was initiated to determine if Lieutenant John O'Brien violated Rule 2: Moral Conduct; Paragraph 1, Adherence to law to wit: Rule 2: Moral Conduct; Paragraph 1, Adherence to law to wit: RS 14:46, Relative to False Imprisonment by conducting a strip and / or body cavity search of William Bailey which resulted in his arrest for violation of R.S. 40:967, Prohibited Acts – Schedule II Drugs: Relative to Possession with Intent to Distribute a Schedule Two Controlled Dangerous Substance to wit: Crack Cocaine (Several Rocks, Approx. 5.1 Grams). He was also charged with La. R.S. 14:91.13, Illegal Use of a C.D.S. in Minor Presence: Relative to possession of a Controlled Dangerous Substance in the Presence of a Minor under N.O.P.D. item number I-30056-17.

The investigation should also determine if Lieutenant John O'Brien violated Rule 4: Performance of Duty; Paragraph 4, Neglect of Duty, Subparagraph c-6; failing to comply with instructions, oral or written, from any authoritative source to wit: Policy 344.1.1 Report Preparation by failing to document justification for the search of the six year old child (Terrance) and justification for the strip search of William Bailey in the incident report recorded under item I-30056-17. The investigation should also determine why Lieutenant O'Brien listed the monies and narcotics found during the strip search of William Bailey on the Return of Search Warrant. The investigation should also determine why the six year old child (Terrance) was not listed as the victim in the incident report.

The investigation should also determine if Lieutenant John O'Brien violated Rule 4: Performance of Duty; Paragraph 4, Neglect of Duty, Subparagraph c-6; failing to comply with instructions, oral or written, from any authoritative source to wit: Chapter 1.2.4 Search and Seizure, Paragraph 47, Strip Searches. Subparagraph (a) states: The officer shall obtain written authorization from his or her supervisor prior to the strip search, and the supervisor shall be on-scene at all times during the search. Subparagraph (k) states: Strip searches shall not be video recorded or photographed unless required for evidentiary reasons and specifically authorized in writing, in advance, by a supervisor. The investigation should determine why Lieutenant O'Brien did not obtain written authorization from a supervisor to conduct a strip search of William Bailey and have the supervisor present at the scene when the strip search was conducted. The investigation should also determine why Lieutenant O'Brien did not obtain written authorization to video record the strip search of William Bailey.

The investigation should also determine if Lieutenant John O'Brien violated Rule 4: Performance of Duty; Paragraph 4, Neglect of Duty, Subparagraph c-6; failing to comply with instructions, oral or written, from any authoritative source to wit: Chapter 1.2.4 Search and Seizure, Paragraph 51, Body Cavity Searches. The investigation should determine if Lieutenant O'Brien conducted a Body Cavity Search of William Bailey without obtaining a search warrant in accordance with Departmental policy.

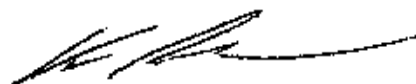
The investigation should also determine if Lieutenant John O'Brien violated Rule 4: Performance of Duty; Paragraph 4, Neglect of Duty, Subparagraph (b); An employee with supervisory responsibility shall be in neglect of duty whenever he fails to properly supervise subordinates, or when his actions in matters relating to discipline fail to conform with the dictates of Departmental Rules, Policies and Procedures to wit: Chapter 1.9 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). The investigation should determine if William Bailey should have been issued a traffic summons in lieu of arrest in accordance with N.O.P.D. Policy 516 – Traffic Citations, Procedure 516.4 and Article 211 of the La. Criminal Code of Procedure (summons by officer instead of arrest and booking) under item I-30045-17.

The investigation should also determine if Lieutenant John O'Brien violated 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. The investigation should determine if Lieutenant O'Brien had justification to instruct Officer Anita McKay to search a child "Terrance" for illicit narcotics before releasing the child to a relative.

The investigation should also determine if Sergeant Stephanie Taillon violated 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 1.9 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. The investigation should determine if Sergeant Taillon approved the gist and subsequent incident report authored by Lieutenant John O'Brien with did not contain justification for the strip search and arrest of William Bailey under N.O.P.D. item I-30056-17.

**Attachments:**

- 1) E-mail from Commander Gwendolyn Nolan
- 2) P.I.B. Initial Intake Form #2017-0630-R
- 3) N.O.P.D. Field Interview under item I-30045-17
- 4) N.O.P.D. Incident Report under item I-30056-17
- 5) BWC footage of Officer Frank Vitrano
- 6) BWC footage of Officer Anita McKay

  
Inv. Arlen S. Barnes

2017-0630-R

**Arlen S. Barnes**

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**From:** Gwen M. Nolan  
**Sent:** Tuesday, October 31, 2017 2:26 PM  
**To:** Arlen S. Barnes; Precious M. Banks; Arlinda P. Westbrook  
**Subject:** FW: I-30045-17 and I-30056-17  
**Attachments:** I-30056-17 Attachments.pdf

**From:** Daniel P. Murphy  
**Sent:** Tuesday, October 31, 2017 12:27 PM  
**To:** Gwen M. Nolan <gmnolan@nola.gov>  
**Cc:** Arlinda P. Westbrook <apwestbrook@nola.gov>; Simon B. Hargrove <sbhargrove@nola.gov>; Otha Sandifer <osandifer@nola.gov>; Matthew H. Segraves <mhsegraves@nola.gov>; Paul M. Noel <PM.Noel@nola.gov>  
**Subject:** FW: I-30045-17 and I-30056-17

Commander Nolan – OCDM is planning to initiate an immediate action request on this item. OCDM has multiple concerns with it: mainly, a lieutenant authorizing a possible cavity search where there may not have been PC for the search. FOB has reviewed and likewise finds it problematic. Can P/B review and propose a course of action? Let us know if you would like to discuss.

Thanks,  
Danny

**From:** Matthew H. Segraves  
**Sent:** Monday, October 30, 2017 4:23 PM  
**To:** Daniel P. Murphy <dpmurphy@nola.gov>; Otha Sandifer <osandifer@nola.gov>  
**Cc:** Paul M. Noel <PM.Noel@nola.gov>  
**Subject:** RE: I-30045-17 and I-30056-17

EPR attachments attached  
FIC <http://cno-eprweb01.cityofno.com/fic/editFieldInterview.aspx?fid=421401>  
EPR <http://cno-eprweb01.cityofno.com/epr/facesheet/event.aspx?rid=582999>

Monitors think Lt O'Brien should have applied for an arrest warrant

I haven't watched any video. The reports say the strip search was video-ed (another policy violation mentioned by OCDM/DOJ)

**From:** Daniel P. Murphy  
**Sent:** Monday, October 30, 2017 4:07 PM  
**To:** Matthew H. Segraves <mhsegraves@nola.gov>; Otha Sandifer <osandifer@nola.gov>  
**Cc:** Paul M. Noel <PM.Noel@nola.gov>  
**Subject:** RE: I-30045-17 and I-30056-17

Matt – I'm with Chief Noel. Can you point us to the relevant documentation on the strip search?

011-1021-1

From: Matthew H. Segraves

Sent: Monday, October 30, 2017 3:34 PM

To: Daniel P. Murphy <[dpmurphy@nola.gov](mailto:dpmurphy@nola.gov)>; Otha Sandifer <[osandifer@nola.gov](mailto:osandifer@nola.gov)>

Subject: I-30045-17 and I-30056-17

OCDM and DOJ are concerned about this one. They don't think the officers had PC to conduct a strip search. The Lt. who was involved in the case approved the strip search. They think it was a cavity search (not a strip search) and should have had a search warrant. They don't think the officers had PC to search the kid in the car at the time of the stop.

The admin sgt approved the epr which was created by the Lt.

Matt Segraves

Compliance Manager

Compliance Bureau, New Orleans Police Department

Cell (504) 235-6965 Office (504) 658-5088

[mhsegraves@nola.gov](mailto:mhsegraves@nola.gov) HQ 515



CITY OF NEW ORLEANS

DEPARTMENT OF POLICE

P.O. Box 51480
New Orleans, Louisiana 70151



MITCHELL J. LANDRIEU
MAYOR

"to protect and to serve"

MICHAEL S. HARRISON
SUPERINTENDENT

PUBLIC INTEGRITY BUREAU INITIAL INTAKE FORM

(circle one)

COMMENDATION, COMPLAINT OR DOCUMENTATION OF MINOR VIOLATION

(NOPD Only) PIB CTN #: 2017-0630-R Today's Date: 11/02/2017 Time: 4:30PM
Complainant's Last Name: Nolan First Name: Gwendolyn Race: W Sex: F DOB:
Address: 1340 Poydras St. Suite 1900 City: New Orleans State: LA ZIP: 70112
Contact #1: (504) 658-6800 Contact #2: Email: gmnolan@nola.gov
Location(s) Incident Occurred: 501 N. Rampart

Date & Time Incident(s) Occurred: 09/23/2017 @ 11:53AM NOPD Item# I-30056-17

Do you have a COMMENDATION for [ ] or COMPLAINT against [X] an NOPD employee? (Circle one)

Accused Officer 1: John O'Brien Rank: Lt. Badge #: 110

Accused Officer 2: Stephanie Tailon Rank: Sgt. Badge #: 290

(Please list additional officers in narrative) Were you directly involved in the incident? YES [ ] NO [X]

Please list the names and contact information for all witnesses: Officers Anita Mckay, Frank Vitrano &

Arthur Cleveland, 501 N. Rampart St., New Orleans, LA. 70112 (504) 658-6010

Were you arrested? YES [ ] NO [X] Did you receive a ticket and/or summons for this incident? YES [ ] NO [X]

Were you injured during this incident? YES [ ] NO [X] If so, did you seek medical attention? YES [ ] NO [X]

If injured, please describe the injury and how it occurred.

The below section is to be completed by NOPD supervisors ONLY

If this is a public complaint, immediately obtain a complaint tracking number and provide it to the complainant along with a copy of this form. Submit this form to PIB before your tour of duty ends.

Was the complainant's interview recorded? YES [ ] NO [X] (If no, explain why)

Internally generated complaint

Shift designation (Circle One) 1st [X] 2nd [ ] 3rd [ ] Duty Status (Check One) On duty [X] Off [ ]

Please print your name: Arlen S. Barnes Rank: Investigator Assignment: P.I.B.

Signature: [Signature] Phone #: 504 658-6825 Today's Date: 11/03/2017

NARRATIVE PAGE





NARRATIVE CONTINUED

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**The below section to be completed by NOPD supervisors for reporting minor violations/infractions ONLY\*\*\***

Please list the NOPD Rule and Paragraph, Chapter, or General Order violated:

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The disciplinary action taken against the accused employee is one or more of the following (check one):

Verbal Counseling  Remedial Training  Other  (provide attachments to document other actions)

**Accused Employee's Information**

Name: \_\_\_\_\_ Date of violation: \_\_\_\_\_

Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Empl ID #: \_\_\_\_\_ Rank: \_\_\_\_\_ Assignment: \_\_\_\_\_

Shift designation (Circle One) 1<sup>st</sup>  2<sup>nd</sup>  3<sup>rd</sup>  Duty Status (Check One) On duty  Off

Issuing Supervisor Name: \_\_\_\_\_ Title/Rank, Employee ID #: \_\_\_\_\_

Signature of Accused: \_\_\_\_\_ Date of signature \_\_\_\_\_

<i>PIB USE ONLY</i>	NON-DISCIPLINARY COUNSELING FOR MINOR VIOLATION
APPROVED BY: _____	DISAPPROVED BY: _____
FORMAL DISCIPLINARY INVESTIGATION INITIATED BY: _____	



## NOPD Field Interview

### OFFICER INFO

Event Date:	Time:	Location	District:	Zone:	Duration Of Stop:
09/23/2017	11:53	ORLEANS AVENUE / NORTH ROCHEBLAVE	1	I	20 min

Officer 1:	Badge #:	Employee ID#:
FRANK VITRANO	1519	26938

Officer 2:	Badge #:	Employee ID#:

Event Type:	Car #:	Assignment:	Item No.:
TRAFFIC VIOLATION	117A	1st District	I-30045-17

### VEHICLE INFO

Year:	Make:	Model:	State:	Lic. Plate:	Style:	Color:
2016	NISSAN		LA	511-AUT	FOUR DOOR	WHITE

VIN:	Damage/Characteristics:
1N4AA6APOGC430660	

### SUBJECT INFO

Data retrieval failed for the subreport, 'Subreport1', located at: /FICReports/FICSubjectsList. Please check the log files for more information.

#### Fully Articulate Reason for Stop of Each Person

ON SATURDAY, SEPTEMBER 23, 2017 IN THE MID-MORNING HOURS, OFFICER FRANK VITRANO, MANNING UNIT #117A OF THE NOPD FIRST DISTRICT A PLATOON, CONDUCTED A SIGNAL 18 STOP, RELATIVE TO A TRAFFIC VIOLATION, AT ORLEANS AVENUE AND NORTH ROCHEBLAVE STREET UNDER NOPD ITEM NUMBER I-30045-17, AS PER THE DIRECTION OF NEW ORLEANS POLICE DEPARTMENT FIRST DISTRICT LIEUTENANT JOHN O'BRIEN, UNIT #10-A. OFFICER VITRANO WAS OPERATING FULLY MARKED NOPD SUV MARKED UNIT #15037, AS A ONE PERSON UNIT AS THE DRIVER. OFFICER VITRANO WAS DRESSED IN FULL NOPD CLASS "B" UNIFORM. OFFICER VITRANO WAS EQUIPPED WITH NOPD DEPARTMENT BWC(BODY WORN CAMERA), AND VEHICLE #15037 WAS EQUIPPED WITH AN ACTIVE MVU (MOBILE VIDEO UNIT). BOTH WERE ACTIVATED AND REMAINED ON FOR THE DURATION OF THE AFOREMENTIONED TRAFFIC STOP.

IT SHOULD BE NOTED; OFFICER VITRANO WAS ON STAND-BY WITHIN THE LOGISTICAL NEIGHBORHOOD, AS PER LIEUTENANT O'BRIEN, WHO WAS THE PRIMARY SURVEILLANCE UNIT CONDUCTING SURVEILLANCE WITHIN THE VICINITY OF ORLEANS AVENUE AND NORTH GALVEZ STREET.

LIEUTENANT O'BRIEN WAS IN POSSESSION OF A SEARCH WARRANT FROM THE CRIMINAL DISTRICT COURT FOR THE PARISH OF ORLEANS, STATE OF LOUISIANA THAT HE AUTHORED ON SEPTEMBER 22, 2017. SAID SEARCH WARRANT WAS LISTED AS A NARCOTIC SEARCH WARRANT IN REFERENCE TO THE SUBJECT MR. WILLIAM BAILEY III, (B/M, DOB: 02/01/1979) WHO WAS THE LISTED OWNER OF A 2016 NISSAN MAXIMA, VIN #1N4AA6APOGC430660, BEARING LOUISIANA LICENSE PLATE # 511-AUT.

ON THE ABOVE MENTIONED DATE AND IN THE MID-MORNING HOURS, OFFICER VITRANO RECEIVED TWO-WAY RADIO COMMUNICATIONS FROM LIEUTENANT O'BRIEN, THAT STATED HE OBSERVED THE SUBJECT WILLIAM BAILEY DRIVING THE AFOREMENTIONED VEHICLE ON ORLEANS AVENUE TRAVELING TOWARDS NORTH GALVEZ STREET. HE FURTHER STATED HE WAS PREPARED TO EXECUTE THE AFOREMENTIONED SEARCH WARRANT CONCERNING THE AFOREMENTIONED SUBJECT AND VEHICLE. OFFICER VITRANO WAS INSTRUCTED TO CONDUCT A SIGNAL 18 STOP. DURING WHICH TIME, OFFICER VITRANO OBSERVED THE SUBJECT DRIVING THE AFOREMENTIONED VEHICLE AS HE INITIATED AND COMPLETED A U-TURN AT THE

INTERSECTION OF ORLEANS AVENUE AND NORTH GALVEZ. THE SUBJECT BEGAN TO TRAVEL ON ORLEANS AVENUE TOWARDS NORTH ROCHEBLAVE STREET WHEN OFFICER VITRANO NOTICED THE SUBJECT WAS NOT WEARING HIS DRIVER'S SIDE SEAT-BELT. OFFICER VITRANO ALSO NOTICED INSIDE THE VEHICLE WAS A MALE YOUTH WHO WAS STANDING UP IN THE RIGHT FRONT SIDE PASSENGER SEAT OF THE AFOREMENTIONED VEHICLE. OFFICER ACTIVATED HIS PATROL UNIT OVERHEAD LIGHTS AND SIREN THEN POSITIONED HIS PATROL UNIT BEHIND THE SUBJECT VEHICLE. SUBSEQUENTLY, THE SUBJECT STOPPED HIS VEHICLE AND REMAINED SEATED IN THE DRIVER'S SEAT AS THE AFOREMENTIONED MALE YOUTH WAS STANDING IN THE PASSENGER SEAT. OFFICER VITRANO APPROACHED THE DRIVER'S SIDE DOOR/WINDOW, THEN INTRODUCED HIMSELF BUT RESERVED THE REASON FOR THE STOP UNTIL A LATER POINT IN TIME.

UNDER THE DIRECTION OF LIEUTENANT O'BRIEN, OFFICER VITRANO ASKED THE SUBJECT TO EXIT THE VEHICLE, FROM WHICH HE COMPLIED WITHOUT INCIDENT. OFFICER VITRANO PLACED THE SUBJECT IN HANDCUFFS BEHIND HIS BACK, CHECKED THEM TWO TIMES FOR PROPER FIT AND TIGHTNESS, THEN DOUBLE LOCKED EACH HANDCUFF. OFFICER VITRANO CONDUCTED A PAT-DOWN SEARCH FOR WEAPONS WITH NEGATIVE FINDINGS. AFTERWARD, OFFICER VITRANO ESCORTED THE SUBJECT TO OFFICER VITRANO'S NOPD PATROL UNIT, WHERE THE SUBJECT VOLUNTARILY ENTERED THE REAR SEAT AREA ON THE RIGHT SIDE WITHOUT INCIDENT. OFFICER VITRANO SECURED THE SUBJECT WITH A SEAT-BELT, THEN ACTIVATED THE REAR SEAT MOBILE MVU (VIDEO CAMERA UNIT) CONCERNING THE DIRECT OBSERVATION OF THE SUBJECT AS HE REMAINED SEATED INSIDE THE PATROL UNIT. OFFICER VITRANO READ THE SUBJECT HIS MIRANDA RIGHTS VIA A MIRANDA CARD. THE SUBJECT AGREED HE UNDERSTOOD BY VERBALLY STATING "YES" HE UNDERSTOOD HIS RIGHTS AND VERBALLY STATED "YES" HE AGREED TO WAIVE HIS RIGHTS. IT SHOULD BE NOTED, THE SUBJECT WAS ARRESTED AND CITED UNDER ITEM #I-30045-17, AND CITED UNDER TICKET #J869655 FOR 32:295 (CHILD PASSENGER RESTRAINT SYSTEM) AND 32:295.1 (SAFETY BELT USE).

SUBSEQUENTLY, FIRST DISTRICT NEW ORLEANS POLICE OFFICERS BRIANNE VERRETT, UNIT #103A AND ANITA MCKAY, UNIT #115A ARRIVED ON SCENE, AND TOOK CUSTODY OF THE MALE YOUTH INSIDE THE SUBJECT'S VEHICLE. THAT YOUTH WAS IDENTIFIED BY THE SUBJECT AS "TERRANCE" (B/M, AGE:6). ADDITIONALLY, THE SUBJECT STATED "TERRANCE WAS HIS NEPHEW. OFFICERS VERRETT AND MCKAY RELOCATED "TERRANCE" TO HIS MOTHER'S RESIDENCE.

UNDER THE DIRECTION OF LIEUTENANT O'BRIEN, OFFICER VITRANO RELOCATED THE SUBJECT TO THE FIRST DISTRICT STATION WHERE A FULL SEARCH WAS CONDUCTED (NOPD POLICY CH. 1.2.4 STRIP SEARCH) DURING THE COURSE OF THE SEARCH, THE A/S WAS FOUND IN POSSESSION OF \$612.00 IN HIS REAR PANTS POCKET AND ONE BAG CONTAINING SEVERAL PIECES OF CRACK COCAINE (APPROXIMATELY 5.3 GRAMS) HIDDEN BETWEEN HIS BUTTOCKS. NOTE: THE CONTRABAND PLASTIC BAG WAS STICKING OUT IN PLAIN VIEW, THE CONTRABAND WAS NOT INSIDE THE A/S CAVITY. THE SUBJECT'S VEHICLE (2016 NISSAN MAXIMA, LA TAG # 511-AUT) WAS ALSO RELOCATED TO THE FIRST DISTRICT STATION BY OFFICER VERRETT AND SUBSEQUENTLY SEARCHED PURSUANT TO THE SEARCH WARRANT BY LIEUTENANT O'BRIEN AND OFFICER VERRETT. NO CONTRABAND WAS FOUND. A/S SUBJECT WAS BOOKED WITH R.S. 40:967 (PWIT CRACK COCAINE) AND R.S. 14:91.13 CDS IN PRESENCE OF A (6-YEAR OLD MALE CHILD)

IT SHOULD ALSO BE NOTED, THE SUBJECT WAS ON PAROLE UNTIL THE YEAR 2000 FOR DRUG LAW VIOLATION AND A FIELD TEST SHOWED POSITIVE RESULT FOR COCAINE. OFFICER VITRANO RELOCATED THE SUBJECT TO ORLEANS PARISH CENTRAL LOCK-UP WHERE HIS CUSTODY WAS THEN TURNED OVER TO THE ON-DUTY DEPUTIES AND HE WAS BOOKED ACCORDINGLY.

*Cut/Asst  
From Gist*

2017-0630-R

NEW ORLEANS POLICE DEPARTMENT  
INCIDENT 1-30056-17

Signal Incident	Occurrence Date/Time	Reported Date/Time	Status	Bulletin	Domestic Violence	State Crime
969 DRUG LAW VIOLATION	9/23/2017 11:53 AM	9/23/2017 11:53 AM	CLEARED BY ARREST	NO	NO	NO
Location					Dist/Zone/Sub	Lighting
2205 ORLEANS AV					1101	GOOD

VICTIM PERSONS

VICTIM				
Last Name	First Name	Race	Sex	DOB
STATE OF LOUISIANA				
Home Address	Home Phone	SSN	Driver's License	
Work Address	Work Phone	Occupation		
Sobriety	Injury	Treated	Victim Type	Email Address
	NONE		GOVERNMENT	
English Proficiency	Language Access	Language		

OFFENDERS

OFFENDER ARRESTED								
Last Name	First Name	Nickname	Race	Sex	DOB	Height	Weight	
BAILEY	WILLIAM	NONE GIVEN	BLACK	MALE	2/1/1979	5'7"	207	
Home Address	SSN		Driver's License					
25 GRAVIER ST, NEW ORLEANS, LA 70116								
Arrest Location	Dist/Zone/Sub	Arrest Date/Time		Arrest Credit				
2200 ORLEANS AV	1101	9/23/2017 11:53 AM		01				
Sobriety	Injury	Treated	Rights Form	Transported By	Unit			
UNKNOWN	NONE		181328	OFFICER FRANK VITRANO	117-A			
Arrest Type	Resident Status	Juvenile Disposition						
ON VIEW	ORLEANS RESIDENT							
English Proficiency	Language Access	Language						
Injured While in Custody	Injured While in Custody - Injury type			Died While in Custody				
NO				NO				

Reporting Officer: [Redacted] Badge: [Redacted] Dispatching Officer: [Redacted] Email: [Redacted] Control Number: [Redacted]

LIEUTENANT JOHN O'BRIEN

Officer's Signature: [Redacted] Approving Supervisor: [Redacted] On-duty Officer: [Redacted]

SERGEANT STEPHANIE [Redacted] OFFICER FRANK VITRANO

**CHARGE(S)**

Charge	Victim No.	Relationship
LA R.S. 40:987 PROHIBITED ACTS—SCHEDULE II DRUGS: RELATIVE TO POSSESSION WITH INTENT TO DISTRIBUTE A SCHEDULE TWO CONTROLLED DANGEROUS SUBSTANCE TO WIT: CRACK COCAINE (SEVERAL ROCKS, APPROX 5.1 GRAMS)	1	STRANGER
LA R.S. 14:91.13 ILLEGAL USE OF CDS IN MINOR PRESENCE: RELATIVE TO POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE IN THE PRESENCE OF A MINOR (6 YEAR OLD MALE CHILD)	1	STRANGER

**OFFENDER DESCRIPTION**

01 Build	02 Odors	03 Scars	04 Tattoos	05 Apparel
06 Fatboy				
06 Speech	07 Accent	08 Facial Hair	09 Eyes	10 Nose
01 Soft/Polite		01 African	02 Brown	
11 Teeth	12 Hair Color	13 Hair Style	14 Facial Hair	15 Complexion
	03 Brown	07 Short	08 Unshaven	06 Brown

**Additional Description**

WHITE TANK TOP, DARK CLOTH PANTS

**MODUS OPERANDI**

16 Criminal Activity	17 Motive	18 Targets
05 Possession w/ Intent to Sell 07 Possessing/Concealing	16 Unknown	
19 Method of Entry	20 Point of Entry/Exit	21 Security Used
		Security Detained
22 Residential	23 Outdoor Area	24 Comm. Establishment
	01 Street/Road/Alley	
26 Movable	27 Structure Type	28 Structure Status
04 Personal Vehicle		
29 Off. Approach	30 Impersonated	31 Weapon
		32 Firearm Features
33 Property Crimes	34 Person Crimes	Sex-Crime Specific

**Additional Descriptions**

**EVIDENCE**

Loss Type	Type	Qty	Mark	Weight	Mark Type	Description	Brand	Serial No.	Value
CONFISCATED / SEIZED	CURRENCY / COIN	1				\$612.00 IN VARIOUS DENOMINATIONS	UNITED STATES		NONE
CONFISCATED / SEIZED	DRUGS	5	GRAM		CRACK COCAINE	(1) CLEAR BAG CONTAINING (1) CLEAR BAG CONTAINING SEVERAL PIECES OF ROCK SUBSTANCES, 5.1 GRAMS	N/A		NONE
CONFISCATED / SEIZED	OTHER PROPERTY	1				DISC	MEMOREX		NONE

2017-0642-R

## NARRATIVE

CASE INVESTIGATOR: LIEUTENANT JOHN O'BRIEN (UNIT 110-A)

ASSISTING CASE INVESTIGATORS: OFFICER FRANK VITRANO (UNIT 117-A), OFFICER ANITA HICKAY (UNIT 115-A) AND OFFICER BRIANNE VERRETT (UNIT 103-A)

ON SATURDAY, SEPTEMBER 23RD, 2017 AT APPROXIMATELY 11:53 A.M., THE AFOREMENTIONED CASE INVESTIGATORS, WHO WERE ASSIGNED TO THE NEW ORLEANS POLICE DEPARTMENT FIRST DISTRICT A-PLATOON (DAYWATCH), ARRESTED WILLIAM BAILEY (BLACK MALE, D.O.B. 2/1/1979) FOR LOUISIANA STATE CHARGES OF POSSESSION WITH INTENT TO DISTRIBUTE CRACK COCAINE AND POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE IN THE PRESENCE OF A MINOR (6 YEAR OLD MALE CHILD). BAILEY WAS ALSO ARRESTED FOR TRAFFIC VIOLATIONS FOR NO SEAT BELT AND NO CHILD RESTRAINT. DURING THE TIME OF THAT ARREST, LIEUTENANT O'BRIEN WAS ATTIRED IN FLAN CLOTHES AND OPERATED AN UNMARKED SURVEILLANCE VEHICLE WITH NO PASSENGERS. THE SURVEILLANCE VEHICLE WAS NOT EQUIPPED WITH RECORDING DEVICES AND LIEUTENANT O'BRIEN WAS NOT EQUIPPED WITH A BWC (BODY WORN CAMERA). THE ASSISTING INVESTIGATORS WERE ALL ATTIRED IN N.O.P.D. CLASS "B" UNIFORM AND OPERATED FULLY MARKED N.O.P.D. SUV'S WITH NO PASSENGERS. THE ASSISTING INVESTIGATORS WERE ALL EQUIPPED WITH BWC'S AND THE SUV'S WERE EQUIPPED WITH MVU'S (MOBILE VIDEO UNITS). THE FACTS AND CIRCUMSTANCES SURROUNDING THAT INVESTIGATION ARE AS FOLLOWS.

ON FRIDAY, SEPTEMBER 22ND, 2017 AT APPROXIMATELY 3:00 P.M., LIEUTENANT O'BRIEN MET WITH THE HONORABLE JUDGE BRIGID COLLINS OF ORLEANS PARISH MAGISTRATE COURT SECTION M-2 AT 2700 TULANE AVENUE (ORLEANS PARISH CRIMINAL DISTRICT COURT). LIEUTENANT O'BRIEN PRESENTED A SEARCH WARRANT AND APPLICATION FOR SEARCH WARRANT TO JUDGE COLLINS FOR AN AUTHORIZED SEARCH OF A 2016 FOUR DOOR WHITE IN COLOR NISSAN MAXIMA, BEARING LOUISIANA PLATE NUMBER 511 AUV (VIN: 1NAABAPOG6430860). AFTER REVIEWING THE AFOREMENTIONED DOCUMENTS, JUDGE COLLINS SIGNED THE SEARCH WARRANT AND APPLICATION FOR SEARCH WARRANT AUTHORIZING A SEARCH OF THE 2016 NISSAN MAXIMA. FOR THE CUMULATIVE FACTS REGARDING THAT SEARCH WARRANT, REFER TO THE ATTACHED DOCUMENTS SECTION OF THIS INCIDENT REPORT.

ON SATURDAY, SEPTEMBER 23RD, 2017, DURING MORNING DAYLIGHT HOURS, LIEUTENANT O'BRIEN RE-LOCATED TO THE AREA OF ORLEANS AVENUE AND SOUTH GALVEZ STREET WITH THE INTENTIONS OF CONDUCTING A PRE-SEARCH WARRANT SURVEILLANCE ON THE VEHICLE IN QUESTION (2016 NISSAN MAXIMA). LIEUTENANT O'BRIEN HAD PREVIOUS INFORMATION AND KNOWLEDGE THAT THE VEHICLE IN QUESTION, ALONG WITH THE TARGET OF THE INVESTIGATION (WILLIAM BAILEY) FREQUENTED THE AFOREMENTIONED AREA WHERE HE WOULD SELL ILLEGAL DRUGS, MORE SPECIFICALLY CRACK COCAINE, USING THE WHITE NISSAN MAXIMA TO STORE THE ILLEGAL DRUGS. LIEUTENANT O'BRIEN UTILIZED AN UNMARKED SURVEILLANCE VEHICLE AND WAS ATTIRED IN FLAN CLOTHES WITH NO PASSENGERS. LIEUTENANT O'BRIEN BRIEFED OFFICER FRANK VITRANO ON THE CIRCUMSTANCES SURROUNDING THE VEHICLE AND PERSON IN QUESTION PRIOR TO CONDUCTING THE SURVEILLANCE. IT WAS LIEUTENANT O'BRIEN'S INTENTIONS OF OBSERVING WILLIAM BAILEY EITHER NEAR THE NISSAN OR INSIDE THE NISSAN, AND HAVING OFFICER VITRANO DO A TAKE-DOWN STOP IN ORDER TO CONDUCT A SEARCH OF THE NISSAN.

AT APPROXIMATELY 11:00 A.M. (9/23/2017), LIEUTENANT O'BRIEN OBSERVED THE VEHICLE IN QUESTION PARKED IN THE 2200 BLOCK OF ORLEANS AVENUE UNOCCUPIED. THE NISSAN WAS PARKED ON THE UPTOWN (WEST) SIDE OF THE STREET AND FACING IN A RIVER (SOUTH) DIRECTION. LIEUTENANT O'BRIEN AFFORDED HIMSELF WITH A STATIONARY SURVEILLANCE POSITION WITH A CLEAR AND UNOBSTRUCTED VIEW TOWARDS THE TARGET VEHICLE. APPROXIMATELY (10) MINUTES INTO THE SURVEILLANCE, LIEUTENANT O'BRIEN OBSERVED A BLACK MALE SUBJECT WALKING DOWN ORLEANS AVENUE AND TURNED RIGHT ONTO SOUTH GALVEZ STREET. LIEUTENANT O'BRIEN DID NOT GET A GOOD LOOK AT THAT SUBJECT, BUT BELIEVED IT MAY HAVE BEEN WILLIAM BAILEY. LIEUTENANT O'BRIEN, WHO MAINTAINED CONSTANT RADIO TRANSMISSION WITH OFFICER VITRANO ON A SEPARATE TALK CHANNEL, INSTRUCTED OFFICER VITRANO TO DO A PEDESTRIAN STOP ON THAT SUBJECT TO VERIFY IF IN FACT IT WAS WILLIAM BAILEY. LIEUTENANT O'BRIEN LEFT HIS STATIONARY SURVEILLANCE POSITION IN ORDER TO GET A VISUAL CONTACT ON THE PEDESTRIAN BELIEVED TO BE WILLIAM BAILEY. OFFICER VITRANO CONDUCTED A PEDESTRIAN STOP ON THAT SUBJECT, BUT VERIFIED IT WAS NOT WILLIAM BAILEY. THE SUBJECT WAS SUBSEQUENTLY RELEASED WITHOUT INCIDENT. OFFICER VITRANO LATER ENTERED AN ELECTRONIC FIELD INTERVIEW ON THAT SUBJECT.

AFTER THE PEDESTRIAN STOP WAS COMPLETED, LIEUTENANT O'BRIEN RE-LOCATED TO THE AREA AROUND THE 2200 BLOCK OF ORLEANS AVENUE AND ESTABLISHED ANOTHER STATIONARY SURVEILLANCE POSITION WITH A CLEAR AND UNOBSTRUCTED VIEW TOWARDS THE VEHICLE IN QUESTION. LIEUTENANT O'BRIEN DID NOT USE BINOCULARS DURING THE SURVEILLANCE DUE TO HIS UNOBSTRUCTED VIEW TOWARDS THE NISSAN.

AT APPROXIMATELY 11:50 A.M. (9/23/2017), LIEUTENANT O'BRIEN OBSERVED A BLACK MALE SUBJECT MATCHING THE DESCRIPTION OF WILLIAM BAILEY ENTER THE NISSAN ON THE FRONT DRIVER SIDE. LIEUTENANT O'BRIEN DID NOT SEE WHERE BAILEY HAD CAME FROM PRIOR TO ENTERING THE VEHICLE, BUT APPEARED HE MAY HAVE EXITED A NEARBY RESIDENCE IN THE 2200 BLOCK OF ORLEANS AVENUE. AS BAILEY ENTERED THE NISSAN, HE DROVE OFF DOWN ORLEANS AVENUE AND MADE A U-TURN ONTO THE DOWNTOWN (EAST) SIDE OF ORLEANS AVENUE AND BEGAN TO TRAVEL IN A LAKE (NORTH) DIRECTION UP ORLEANS AVENUE. AS THE NISSAN TRAVELED UP ORLEANS AVENUE, LIEUTENANT O'BRIEN COULD CLEARLY SEE THAT THE DRIVER (BAILEY) WAS NOT WEARING A SEATBELT. LIEUTENANT O'BRIEN RELAYED THE PATH OF TRAVEL TO OFFICER VITRANO, WHO QUICKLY MADE HIS WAY ONTO ORLEANS AVENUE TO CONDUCT A VEHICLE STOP ON THE NISSAN MAXIMA. LIEUTENANT O'BRIEN TOLD OFFICER VITRANO TO SWITCH OVER TO THE OPEN RADIO CHANNEL IN ORDER TO LET OTHER UNITS KNOW ABOUT THE SITUATION AT HAND.

OFFICER VITRANO OBSERVED THE NISSAN TRAVELING UP ORLEANS AVENUE AND ACTIVATED EMERGENCY EQUIPMENT IN ORDER TO PULL THE NISSAN OVER. THE NISSAN, AT A NORMAL RATE OF SPEED, CONTINUED TO TRAVEL UP ORLEANS AVENUE FOR APPROXIMATELY 4-6 BLOCKS WITHOUT STOPPING. LIEUTENANT O'BRIEN LEFT HIS STATIONARY SURVEILLANCE AND MADE HIS WAY TO THE AREA OF OFFICER VITRANO AND THE NISSAN. THE NISSAN TOOK A LEFT TURN ONTO NORTH ROCHEBLAVE STREET AND CAME TO A

5 Top  
of  
page

STOP NEAR THE INTERSECTION OF ORLEANS AVENUE AND NORTH ROCHEBLAIVE STREET, AS THE NISSAN CAME TO A STOP, OFFICER VITRANO EXITED AND APPROACHED THE NISSAN. AS OFFICER VITRANO CAME INTO CONTACT WITH THE DRIVER, HE VERBALLY INSTRUCTED HIM TO EXIT AND ASKED FOR HIS NAME. THE DRIVER SAID HIS NAME WAS "WILLIAM" AS HE COMPLIED AND EXITED. OFFICER VITRANO OBSERVED A SMALL BLACK MALE CHILD UNRESTRAINED STANDING ON THE FRONT PASSENGER SIDE SEAT (THE CHILD WAS LATER LEARNED TO BE BAILEY'S NEPHEW AND WAS TURNED OVER CUSTODY TO A FAMILY MEMBER WHO ARRIVED ON SCENE). LIEUTENANT O'BRIEN, ALONG WITH OFFICERS ANITA MCKAY, BRIANNE VERRETT, JEFFREY CARRADINE, DWIGHT SALLIER, AND SERGEANT STEPHANIE TAILLON ARRIVED ON SCENE. LIEUTENANT O'BRIEN CONFIRMED FROM OFFICER VITRANO THAT THE DRIVER WAS IN FACT WILLIAM BAILEY. LIEUTENANT O'BRIEN ALSO RECOGNIZED BAILEY FROM A DMV "THINKSTREAM" PRINTOUT WHICH WAS PART OF THE INFORMATION REGARDING THE SEARCH WARRANT ON THE NISSAN MAXIMA (SEE ATTACHED DOCUMENTS).

OFFICER VITRANO PLACED THE SUBJECT IN HANDCUFFS BEHIND HIS BACK USING THE DOUBLE LOCK METHOD AND CONDUCTED A BRIEF OUTER CLOTHING PAT DOWN FOR WEAPONS. OFFICER VITRANO THEN ESCORTED BAILEY TO THE MARKED SUV (#15037) OPERATED BY OFFICER VITRANO. OFFICER VITRANO PUT BAILEY IN THE REAR SEAT WITH A SEATBELT OVER HIS BODY. OFFICER VITRANO ADVISED BAILEY THAT LIEUTENANT O'BRIEN WOULD EXPLAIN THE INVESTIGATION TO HIM. OFFICER VITRANO ADVISED BAILEY OF HIS MIRANDA WARNINGS FROM A CARD, IN WHICH BAILEY STATED HE UNDERSTOOD BY SAYING "YES" AND AGREED TO WAIVE HIS RIGHTS. OFFICER VITRANO LATER INFORMED LIEUTENANT O'BRIEN THAT BAILEY UNDERSTOOD AND WAIVED HIS RIGHTS.

WHILE ON SCENE, LIEUTENANT O'BRIEN INSTRUCTED OFFICER MCKAY TO CHECK THE SMALL CHILD (BAILEY'S 6 YEAR OLD NEPHEW) BEFORE RELEASING CUSTODY. THE REASON FOR THE SEARCH WAS DUE TO LIEUTENANT O'BRIEN'S PRIOR EXPERIENCE IN NARCOTICS INVESTIGATIONS WHERE DRUG DEALERS WOULD CONCEAL CONTRABAND ON SMALL CHILDREN IN THE BELIEF THAT POLICE OFFICERS WON'T SEARCH SMALL CHILDREN. OFFICER MCKAY SEARCHED THE SMALL CHILD, WHICH YIELDED IN NO CONTRABAND BEING FOUND. THE CHILD WAS THEN RELEASED CUSTODY TO A FAMILY MEMBER WHO ARRIVED ON SCENE. NOTE THE FAMILY MEMBER'S INFORMATION (UNKNOWN BLACK FEMALE) WAS NOT WRITTEN DOWN. LIEUTENANT O'BRIEN INSTRUCTED OFFICER VERRETT TO RE-LOCATE THE NISSAN MAXIMA TO THE N.O.P.D. FIRST DISTRICT STATION SALLYPORT LOCATED AT 501 NORTH RAMPART STREET, NOLA. OFFICER VERRETT RE-LOCATED THE VEHICLE IN QUESTION AND PARKED IT IN THE SALLYPORT.

OFFICER VITRANO TRANSPORTED BAILEY TO THE FIRST DISTRICT STATION WHERE HE WAS ESCORTED UPSTAIRS. LIEUTENANT O'BRIEN SHOWED THE SEARCH WARRANT TO BAILEY AND EXPLAINED THE INVESTIGATION TO HIM. LIEUTENANT O'BRIEN INFORMED BAILEY HE WOULD BE PROVIDED WITH A COPY OF THE SEARCH WARRANT WITH A HANDWRITTEN INVENTORY ON THE REAR OF THE SEARCH WARRANT FOR ANY CONFISCATED ITEMS DURING THE INVESTIGATION. BAILEY REMAINED IN THE LOBBY AREA OF THE FIRST DISTRICT STATION, ALL THE WHILE BEING MONITORED BY OFFICER VITRANO. NOTE THAT OFFICER VITRANO COMPLETED AN N.O.P.D. PRISONER LOG BOOK FOR BAILEY.

LIEUTENANT O'BRIEN, ALONG WITH OFFICER VERRETT, CONDUCTED A FULL SEARCH OF THE NISSAN MAXIMA. AFTER APPROXIMATELY AN HOUR INTO THE SEARCH, NO CONTRABAND WAS FOUND. THE VEHICLE WAS RE-LOCATED TO THE 200 BLOCK OF SAINT LOUIS STREET BY OFFICER VERRETT, WHO LOCKED AND SECURED THE VEHICLE IN A LEGAL PARKING SPOT. OFFICER VERRETT LATER GAVE THE KEYS TO LIEUTENANT O'BRIEN, WHO THEN LATER GAVE THE KEYS BACK TO BAILEY. BASED ON LIEUTENANT O'BRIEN'S PREVIOUS INFORMATION ON BAILEY, IN ADDITION TO HIS EXPERIENCE IN STREET LEVEL ILLEGAL DRUG ACTIVITY, LIEUTENANT O'BRIEN HAD A STRONG REASON TO BELIEVE THAT BAILEY WAS CONCEALING CONTRABAND WITHIN HIS INNER CLOTHING GARMENTS. BASED ON THAT, LIEUTENANT O'BRIEN DECIDED TO PERFORM A STRIP SEARCH ON BAILEY PER N.O.P.D. POLICY, CHAPTER 1.24 (SEE ATTACHED DOCUMENTS). AN N.O.P.D. INTEROFFICE CORRESPONDENCE WAS LATER COMPLETED (SEE ATTACHED DOCUMENTS) AND A COPY WAS PROVIDED TO BAILEY.

LIEUTENANT O'BRIEN EXPLAINED TO BAILEY A STRIP SEARCH WOULD BE CONDUCTED IN ACCORDANCE TO N.O.P.D. POLICY. LIEUTENANT O'BRIEN, ALONG WITH OFFICER VITRANO AND OFFICER ARTHUR CLEVELAND (DESK OFFICER) ESCORTED BAILEY INTO THE MEN'S LOCKER ROOM OF THE FIRST DISTRICT STATION. OFFICER VITRANO'S BODY WORN CAMERA WAS STILL ACTIVATED FROM THE ORIGINAL TRAFFIC STOP AND OFFICER CLEVELAND UTILIZED AN N.O.P.D. DEPARTMENTAL DIGITAL CAMERA IN RECORD MODE DURING THE ESCORT AND SUBSEQUENT SEARCH OF BAILEY.

WHILE INSIDE THE LOCKER ROOM, LIEUTENANT O'BRIEN REITERATED TO BAILEY THE REASONS WHY A STRIP SEARCH WAS TO BE CONDUCTED. LIEUTENANT O'BRIEN FOUND THAT BAILEY WAS IN POSSESSION OF VARIOUS DENOMINATIONS OF CURRENCY INSIDE HIS RIGHT REAR PANTS POCKET. THE CURRENCY WAS COUNTED BY OFFICER VITRANO (\$612.00) IN THE PRESENCE OF BAILEY. A MONEY RECEIPT WAS LATER COMPLETED BY OFFICER VITRANO (SEE ATTACHED DOCUMENTS) AND A COPY WAS SUPPLIED TO BAILEY. LIEUTENANT O'BRIEN ASKED BAILEY ABOUT THE CURRENCY. BAILEY STATED HE WAS ABOUT TO BRING HIS NEPHEW TO GET A HAIR CUT. LIEUTENANT O'BRIEN QUESTIONED BAILEY ABOUT THE REASONS WHY HE HAD THAT AMOUNT OF CURRENCY ON HIS PERSON, IN WHICH BAILEY GAVE HESITANT AND INDECISIVE ANSWERS WHICH FURTHERED LIEUTENANT O'BRIEN'S BELIEF THAT THE MONEY WAS FROM ILLEGAL DRUG SALES BY BAILEY.

LIEUTENANT O'BRIEN CONTINUED TO SEARCH BAILEY WHILE USING A HANDHELD FLASHLIGHT, ALL THE WHILE BEING RECORDED ON OFFICER VITRANO'S BODY WORN CAMERA AND THE DIGITAL RECORDER HELD BY OFFICER CLEVELAND. AS LIEUTENANT O'BRIEN PULLED BACK THE REAR PORTION OF THE INNER BOXER SHORTS WORN BY BAILEY, HE (O'BRIEN) COULD CLEARLY SEE IN PLAIN VIEW A PIECE OF CLEAR PLASTIC PAPER STICKING OUT FROM BETWEEN BAILEY'S BUTTOCKS. THE PAPER WAS STICKING OUT APPROXIMATELY A HALF-INCH. UPON OBSERVING THE PLASTIC PAPER, LIEUTENANT O'BRIEN INSTRUCTED BAILEY TO SPREAD HIS LEGS FURTHER AND NOT TO CLINCH HIS BUTTOCKS. LIEUTENANT O'BRIEN REMOVED THE PLASTIC WITH HIS RIGHT HAND AND IMMEDIATELY OBSERVED IT WAS A SMALL CLEAR WRAPPED BAG CONTAINING WHAT APPEARED TO BE SEVERAL SMALL PIECES OF CRACK COCAINE. LIEUTENANT O'BRIEN DROPPED THE BAG ON THE LOCKER ROOM FLOOR AND INSTRUCTED OFFICER CLEVELAND TO RECORD THE BAG. THE DIGITAL RECORDING OF THE ESCORT AND SUBSEQUENT SEARCH OF BAILEY WAS LATER PUT ONTO A DISC AND PLACED INTO THE FIRST DISTRICT STATION CENTRAL EVIDENCE AND PROPERTY DROPBOX BY LIEUTENANT O'BRIEN (SEE ATTACHED DOCUMENTS). LIEUTENANT O'BRIEN ASKED BAILEY IF HE HAD ANYTHING ELSE ON HIS PERSON, IN WHICH BAILEY DID NOT ANSWER. LIEUTENANT O'BRIEN BELIEVED THAT BAILEY MAY HAVE HAD ADDITIONAL CONTRABAND HIDDEN ON HIS PERSON. AT THAT POINT, LIEUTENANT O'BRIEN AND OFFICER VITRANO REMOVED BAILEY'S BOXER SHORTS COMPLETELY. LIEUTENANT O'BRIEN, WITH THE AID OF THE HANDHELD FLASHLIGHT,



VISUALLY CHECKED UNDER BAILEY'S GENITALS FOR ANY ADDITIONAL CONTRABAND, IN WHICH NO FURTHER CONTRABAND WAS FOUND. LIEUTENANT O'BRIEN DID NOT TOUCH BAILEY'S GENITALS, NOR CONDUCT A BODY CAVITY SEARCH AT ANY TIME DURING THE STRIP SEARCH. NOTE THAT PRIOR TO THE SEARCH, LIEUTENANT O'BRIEN EXPLAINED TO BAILEY THAT A BODY CAVITY SEARCH WOULD NOT BE CONDUCTED, DUE TO A SEARCH WARRANT BEING NEEDED. OFFICER VITRANO'S BODY WORN CAMERA AND THE DIGITAL RECORDER UTILIZED BY OFFICER CLEVELAND RECORDED WHAT LIEUTENANT O'BRIEN SAID TO BAILEY. LIEUTENANT O'BRIEN, AT A LATER DATE, WATCHED THE RECORDING ON OFFICER VITRANO'S BODY WORN CAMERA.

BAILEY WAS THEN ESCORTED OUT OF THE MENS LOCKER ROOM AND SEATED ON A CHAIR INSIDE THE LOBBY AREA. OFFICER VITRANO COMPLETED A RIGHTS OF ARRESTEE FORM (#261326, SEE ATTACHED DOCUMENTS), IN WHICH BAILEY REFUSED TO SIGN AND WRITE ANY REMARKS. A COPY OF THAT FORM WAS LATER PROVIDED TO BAILEY. THE BAG CONTAINING THE CONTRABAND WAS FIELD TESTED BY OFFICER VITRANO AND LIEUTENANT O'BRIEN, WHICH SHOWED A POSITIVE RESULT FOR COCAINE (SEE ATTACHED DOCUMENTS). LIEUTENANT O'BRIEN CONDUCTED A HANDWRITTEN INVENTORY OF THE CONFISCATED ITEMS ON THE REAR OF THE SEARCH WARRANT WHICH WAS EXPLAINED AND PROVIDED TO BAILEY. A COPY OF THE HANDWRITTEN INVENTORY IS INCLUDED IN THE ATTACHED DOCUMENTS SECTION.

LIEUTENANT O'BRIEN COMPLETED A HANDWRITTEN ARREST GIST (SEE ATTACHED DOCUMENTS), WHICH WAS REVIEWED AND SIGNED BY SERGEANT STEPHANIE TAILLON (UNIT 130-A). SERGEANT TAILLON ALSO ASSISTED LIEUTENANT O'BRIEN IN PREPARING THE INTEROFFICE CORRESPONDENCE FOR THE STRIP SEARCH POLICY.

OFFICER VITRANO COMPLETED A TRAFFIC AFFIDAVIT CHARGING BAILEY WITH TRAFFIC VIOLATIONS OF NO SEAT BELT AND NO CHILD RESTRAINT. THE AFFIDAVIT WAS REVIEWED AND SIGNED BY LIEUTENANT O'BRIEN (SEE ATTACHED DOCUMENTS).

AFTER ALL THE PRELIMINARY PAPERWORK WAS COMPLETED, AT APPROXIMATELY 2:40 P.M. (9/23/2017), OFFICER VITRANO ESCORTED BAILEY DOWNSTAIRS (HANDCUFFED IN FRONT OF HIS BODY) AND PLACED HIM IN THE REAR OF FULLY MARKED SUV#15037 AND SECURED A SEATBELT OVER HIS BODY. NOTE THAT BAILEY INQUIRED ABOUT HIS CELL PHONE WHILE IN THE LOBBY AREA PRIOR TO BEING ESCORTED TO THE DOWNSTAIRS SALLYPORT. LIEUTENANT O'BRIEN RECALLED PLACING THE CELL PHONE ON THE FRONT PASSENGER SIDE AREA OF THE NISSAN WHILE CONDUCTING THE VEHICLE SEARCH. LIEUTENANT O'BRIEN INFORMED BAILEY THAT OFFICER VITRANO WOULD MAKE ARRANGEMENTS FOR HIM TO RETRIEVE HIS PHONE. OFFICER VITRANO RE-LOCATED TO THE 1200 BLOCK OF SAINT LOUIS STREET AND ALLOWED BAILEY TO EXIT THE POLICE SUV AND RETRIEVE HIS PHONE. THE NISSAN WAS LEFT AT THAT LOCATION LOCKED AND SECURED IN A LEGAL PARKING SPOT. OFFICER VITRANO THEN TRANSPORTED BAILEY TO ORLEANS PARISH CENTRAL LOCK-UP WHERE BAILEY WAS BOOKED WITH LOUISIANA STATE CHARGES OF R.S. 40:987, RELATIVE TO POSSESSION WITH INTENT TO DISTRIBUTE A SCHEDULE TWO CONTROLLED DANGEROUS SUBSTANCE TO WIT: CRACK COCAINE, R.S. 14:91.13, RELATIVE TO POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE WHILE IN THE PRESENCE OF A MINOR (8 YEAR OLD CHILD) AND TRAFFIC CHARGES OF NO SEAT BELT (R.S. 92:295.1) AND NO CHILD RESTRAINT SEAT (R.S. 92:295).

LIEUTENANT O'BRIEN PLACED THE CURRENCY AND CRACK COCAINE (5.1 GRAMS) ON THE BOOKS AS EVIDENCE AT N.O.P.D. CENTRAL EVIDENCE AND PROPERTY LOCATED AT 1116 MAGNOLIA STREET, NOLA (SEE ATTACHED DOCUMENTS).

NOTE THAT DURING THE INITIAL INVESTIGATION PRIOR TO THE SEARCH WARRANT, LIEUTENANT O'BRIEN RESEARCHED BAILEY VIA THE N.O.P.D. FIELD INTERVIEW DATABASE AND LEARNED HE WAS ENTERED BY OFFICER CALVIN ROGOFF ON 8/9/2017 (SEE ATTACHED DOCUMENTS). ALSO NOTE THAT LIEUTENANT O'BRIEN COMPLETED A RETURN ON SEARCH WARRANT (SEE ATTACHED DOCUMENTS) WHICH WAS HAND DELIVERED TO MAGISTRATE COURT ON 9/23/2017 BY OFFICER VITRANO.

**ATTACHED DOCUMENTS LIST**

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- Document 1 - THINKSTREAM PRINTOUT WITH HANDWRITTEN INFORMATION
- Document 2 - MVU PRINTOUT/NISSAN/WILLIAM BAILEY (5 PAGES)
- Document 3 - FIELD INTERVIEW PRINTOUT (3 PAGES)
- Document 4 - SEARCH WARRANT
- Document 5 - APPLICATION FOR SEARCH WARRANT (5 PAGES)
- Document 6 - RETURN ON SEARCH WARRANT
- Document 7 - COPY-HANDWRITTEN INVENTORY BY LT. JOHN O'BRIEN
- Document 8 - PRELIMINARY FIELD DRUG TEST SHEET
- Document 9 - INTEROFFICE CORRESPONDENCE FOR STRIP SEARCH
- Document 10 - PRINTOUT-N.O.P.D. CHAPTER 1.2.4, PARAGRAPH 49
- Document 11 - COPY-TRAFFIC CITATION#J658655
- Document 12 - COPY-MONEY RECEIPT SIGNED BY WILLIAM BAILEY
- Document 13 - CE & P Receipt - ITEM#1-30056-17 (3 PAGES)
- Document 14 - HANDWRITTEN GIST
- Document 15 - HANDWRITTEN GIST CONTINUED

