

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

BILAL HANKINS,

Plaintiff,

v.

KEVIN WHEELER, RAMON PIERRE, CARL PERILLOUX, KERRY NAJOLIA, THE HOUSING AUTHORITY OF NEW ORLEANS, THE HURSTVILLE SECURITY AND NEIGHBORHOOD IMPROVEMENT DISTRICT, THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST, LAKEFRONT MANAGEMENT AUTHORITY, MICHAEL BRENCKLE, DARNELL LAURENT, THADDEUS PETIT, JAMEL BROWN, TYRONE MARTIN, DEMETRIUS JACKSON, TOMMY MERCADAL, LEONTINE MULLINS, and DOE INSURANCE COMPANIES 1-6,

Defendants.

Case No. 2:21-cv-01129

Judge: Eldon E. Fallon

Magistrate Judge: Donna Phillips
Currault

Jury Trial Demanded

FIRST AMENDED COMPLAINT

Plaintiff Bilal Hankins (“Bilal” or “Plaintiff”), alleges Defendants—Officers Kevin Wheeler, Ramon Pierre, Carl Perilloux, and their employers the Hurstville Security and Neighborhood Improvement District (“Hurstville”), the Southeast Louisiana Flood Protection Authority-East (“SLFPA-E”), the Lakefront Management Authority (“LMA”), and/or the Housing Authority of New Orleans (“HANO”), and other employees of these entities—violated his federal constitutional rights and the laws of the State of Louisiana, as follows:

I. NATURE OF THE ACTION

1. This is a civil action brought pursuant to, inter alia, 42 U.S.C. § 1983 based on violations of Plaintiff’s rights under the Fourth and Fourteenth Amendments of the United States Constitution, and attendant state law claims.

2. 18-year-old Bilal Hankins and two of his friends—a college student and a 12-year-old child—were innocently looking for a lost chihuahua when Defendants Wheeler and Pierre violated Bilal’s clearly established rights under the U.S. Constitution and Louisiana law.

3. Bilal and his friends were driving through Bilal’s New Orleans neighborhood looking for the dog, when the friends saw Defendant Wheeler, a uniformed police officer in a marked police car. The friends stopped and asked Defendant Wheeler whether he had seen a dog. When he replied no, they asked him for help with their search. They even specifically told him that they were searching for a white chihuahua with brown spots. Excited that Defendant Wheeler had seemingly agreed to help, they continued searching, driving down the road.

4. Instead of providing the requested assistance, Defendant Wheeler called Defendant Pierre, a plainclothes officer in an unmarked vehicle, for backup. Together, Defendants Wheeler and Pierre followed Bilal and his friends and decided to conduct an unlawful traffic stop. The officers turned on their cars’ flashing lights, pulled Bilal and his friends over, questioned them at gunpoint, and accused them of lying about their search for a lost dog. After Bilal and his friends proved they were telling the truth, they were finally allowed to leave.

5. This encounter with Defendants Wheeler and Pierre terrified Bilal then and continues to terrify him now, more than a year later. It occurred against a broader backdrop of racially motivated policing and a disturbing trend of police misconduct across the United States. Just three weeks before the incident, George Floyd was murdered by police officer Derek Chauvin and footage of the killing sparked national outrage.¹ The country was forced to reckon with the reality

¹ Associated Press, *Death of George Floyd, trial of Derek Chauvin: Timeline of key events* (April 19, 2021), available at <https://www.latimes.com/world-nation/story/2021-04-19/timeline-key-events-george-floyd-death-derek-chauvin-trial> (“George Floyd’s death in police custody in Minneapolis on May 25, 2020, touched off a nationwide reckoning on race and led to the trial of ex-officer Derek Chauvin.”).

that Black men are more likely than their white counterparts to be stopped by the police,² and to be subjected to the use of force.³ Violent police stops can lead to a host of negative consequences, including provoking post-traumatic stress disorder-like physical and psychological responses.⁴ Defendant Wheeler’s and Pierre’s pointing of their guns in his direction starkly reminded Bilal that, as a Black youth, he is more likely than his white peers to be perceived and treated as a threat *even when he asks the police for help*.

6. No reasonable suspicion justified Defendants Wheeler’s and Pierre’s stop of Bilal and his friends—especially given that Bilal and his friends voluntarily approached Defendant Wheeler first and requested his help. Nor was it reasonable for Defendants Wheeler and Pierre to draw their weapons and threaten deadly force. The missing dog was found the following day, but Bilal already has suffered trauma from this event and will continue to suffer trauma from this event for the rest of his life.

II. PARTIES

7. Plaintiff Bilal Hankins is a person of majority and, at all relevant times, was a resident of New Orleans, Louisiana.

8. Defendant Kevin Wheeler is currently, and was at the time of the events set forth in

² Emma Pierson et al., *A Large-Scale Analysis of Racial Disparities in Police Stops Across the United States*, NATURE HUMAN BEHAVIOR, 736 (July 2020), available at <https://www.nature.com/articles/s41562-020-0858-1> (finding “that decisions about whom to stop and, subsequently, whom to search are biased against Black and Hispanic drivers”).

³ Phillip Goff, et al., *The Science of Justice: Race, Arrests, and Police Use of Force*, CENTER FOR POLICING EQUITY, 1, 15 (July 2016), available at https://policingequity.org/images/pdfs-doc/CPE_SoJ_Race-Arrests-UoF_2016-07-08-1130.pdf (finding that the rate of use of force on Black people was 3.6 times as high as the rate for white people); see also Associated Press, *Beatings And Buried Videos Are A Pattern With The Louisiana State Police* (Sept. 9, 2021), available at <https://www.npr.org/2021/09/09/1035446605/louisiana-state-police-bodycam-videos-beatings> (describing Louisiana state police’s “deadly 2019 arrest of Ronald Greene” and observing that the Louisiana state police had found “that 67% of its uses of force in recent years have targeted Black people,” which is “double the percentage of the state’s Black population”).

⁴ Amanda Geller et al., *Aggressive Policing and the Mental Health of Young Urban Men*, AMERICAN JOURNAL OF PUBLIC HEALTH, 104(12): 2321-2327 (2014), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4232139>.

this Complaint, a police officer employed by both Hurstville and the Orleans Levee District Police Department (“OLD-PD”). Defendant Wheeler is sued in his individual capacity and is directly liable for the actions complained of herein. At all times described herein, Defendant Wheeler was a citizen of the United States and a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

9. Defendant Ramon Pierre is currently, and was at the time of the events set forth in this Complaint, an officer employed by both Hurstville and the HANO police department. He is sued in his individual capacity and is directly liable for the actions complained of herein. At all times described herein, Defendant Pierre was a citizen of the United States and a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

10. Defendant Carl Perilloux is currently, and was at the time of the events set forth in this Complaint, an officer employed by both Hurstville and the OLD-PD Officer Reserve Division. On information and belief, Defendant Perilloux, at all relevant times, was the supervisor and coordinator of Defendant Hurstville’s security detail, including of Defendants Wheeler and Pierre. At all times described herein, Defendant Perilloux was in charge of the hiring, training, supervision, discipline, and control of appropriate staff to carry out the functions of the Hurstville security detail. He was also responsible for the supervision, administration, policies, practices, customs, and operations of Hurstville security detail. He was and is a final policymaker for Hurstville. He is sued in his individual and official capacities,⁵ and is liable both directly and vicariously for the actions complained of herein. At all times described herein, Defendant Perilloux was a citizen of the United States and a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

⁵ To identify the parties whose conduct has caused Plaintiff harm (especially as certain individual Defendants held employment with multiple entity Defendants), Plaintiff has named as Defendants both certain individual Defendants in their official capacity and also the government entity or entities who employed these individual Defendants.

11. Defendant Hurstville is a political entity capable of suing and being sued. Hurstville is the entity having ultimate authority, oversight, responsibility and control over decisions affecting, and funding of, the Hurstville Neighborhood Patrol and its patrol officers, including the individually-named Defendants employed by Hurstville and sued in their personal capacities. Therefore, Hurstville is ultimately responsible for all policies, procedures, practices, decisions and customs employed by its law enforcement officials, supervisors and officers, including appropriate training and supervision of all sworn police officers acting under their authority and the color of law.

12. Defendant Southeast Louisiana Flood Protection Authority-East (“SLFPA-E”) is a political entity capable of suing and being sued. SLFPA-E is a flood protection authority operating across the Jefferson, Orleans, and St. Bernard parishes. The SLFPA-E directly employs a superintendent of police who is responsible for supervising the police security personnel of all levee districts within the SLFPA-E’s territorial jurisdiction, including the security personnel of the Orleans Levee District. The authority of the OLD-PD is derived from a grant of the SLFPA-E.

13. Defendant Lakefront Management Authority (“LMA”) is a political subdivision capable of suing and being sued. LMA has authority over and manages the non-flood assets in the Orleans Levee District, including the OLD-PD. The OLD-PD authority is derived from a grant of the LMA.

14. Defendant HANO is a political entity capable of suing and being sued. HANO is the entity having ultimate authority, oversight, responsibility and control over decisions affecting, and the funding of, the HANO Police Department and its police officers, including the individually-named Defendants employed by HANO and sued in their personal capacities. Therefore, HANO is ultimately responsible for all policies, procedures, practices, decisions and customs employed by its law enforcement officials, supervisors and officers, including appropriate training and supervision of all sworn police officers acting under their authority and the color of law.

15. Defendant Kerry Najolia is currently, and was at the time of the events set forth in this Complaint, the superintendent of the OLD-PD for the SLFPA-E. At all times described herein, Defendant Najolia was in charge of the hiring, training, supervision, discipline, and control of appropriate staff to carry out the functions of the OLD-PD. He was also responsible for the supervision, administration, policies, practices, customs, and operations of OLD-PD. He was and is a final policymaker. He is sued in his individual and official capacities and is liable both directly and vicariously for the actions complained of herein. At all times described herein, Defendant Najolia was a citizen of the United States and a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

16. Defendant Michael Brenckle is the Captain and commander of the OLD-PD, and is sued in his individual capacity. At all times described herein, Defendant Brenckle was in charge of the hiring, training, supervision, discipline, and control of appropriate staff to carry out the functions of the OLD-PD; this included Officer Wheeler. He was also responsible for the supervision, administration, policies, practices, customs, and operations of OLD-PD. He was and is a final policymaker, and at all pertinent times was acting under color of law. He is liable both directly and vicariously for the actions complained of herein. At all times described herein, Defendant Brenckle was a citizen of the United States and a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

17. Defendant Darnell Laurent is a Lieutenant and internal affairs commander of the OLD-PD and is sued in his individual capacity. On information and belief, Defendant Laurent was and is the B Platoon Commander and POST Firearm Instructor/Training Coordinator for OLD-PD. At all times described herein, Laurent was responsible for the firearms training, supervision, discipline, and control of OLD-PD officers, including Defendant Wheeler. He was also responsible for the firearms supervision, administration, policies, practices, customs, and operations of OLD-PD. He is liable both directly and vicariously for the actions complained of herein. At all times

described herein, Defendant Laurent was a citizen of the United States and a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

18. Defendant Thaddeus Petit is a Sergeant of the OLD-PD and is sued in his individual capacity. At all times described herein, Defendant Petit was responsible for the training, supervision, discipline, and control of OLD-PD officers under his command, including Defendant Wheeler. He is liable both directly and vicariously for the actions complained of herein. At all times described herein, Defendant Petit was a citizen of the United States and a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

19. Defendant Jamel Brown is a police officer of the OLD-PD and is sued in his individual capacity. At all times described herein, Defendant Brown was responsible for the training, supervision, discipline, and control of OLD-PD officers under his command, including Defendant Wheeler. He is liable both directly and vicariously for the actions complained of herein. At all times described herein, Defendant Brown was a citizen of the United States and a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

20. Defendant Tyrone Martin is the Lieutenant/Operations Commander of the HANO Police Department and is sued in his individual and official capacities. At all times described herein, Defendant Martin was responsible for the training, supervision, discipline, and control of HANO officers, including Defendant Pierre. He was also responsible for the supervision, administration, policies, practices, customs, and operations of HANO. He is liable both directly and vicariously for the actions complained of herein. At all times described herein, Defendant Martin was a citizen of the United States and a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

21. Defendant Demetrius Jackson is a Sergeant of the HANO Police Department and is sued in his individual capacity. At all times described herein, Defendant Jackson was responsible for the training, supervision, discipline, and control of HANO officers under his command, including Defendant Pierre. He is liable both directly and vicariously for the actions complained of herein. At all times described herein, Defendant Jackson was a citizen of the United States and a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

22. Defendant Tommy Mercadal is a Sergeant of the HANO Police Department and is sued in his individual capacity. At all times described herein, Defendant Mercadal was responsible for the training, supervision, discipline, and control of HANO officers under his command, including Defendant Pierre. He is liable both directly and vicariously for the actions complained of herein. At all times described herein, Defendant Mercadal was a citizen of the United States and a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

23. Defendant Leontine Mullins is a Sergeant of the HANO Police Department and is sued in his individual capacity. At all times described herein, Defendant Mullins was responsible for the training, supervision, discipline, and control of HANO officers under his command, including Defendant Pierre. He is liable both directly and vicariously for the actions complained of herein. At all times described herein, Defendant Mullins was a citizen of the United States and a resident of the Eastern District of Louisiana, and was acting under the color of law and in the course and scope of his employment.

24. Defendants Doe Insurance Companies 1-10 are yet unknown insurance agencies that are doing business in the state of Louisiana and that provide or provided insurance to cover the kind of claims contained herein.

25. All Defendants are jointly and severally liable for the tortious conduct described herein.

III. JURISDICTION AND VENUE

26. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) because Plaintiff's claims of federal civil rights violations arise under the Constitution and laws of the United States, including 42 U.S.C. § 1983. This Court has supplemental jurisdiction over Plaintiff's Louisiana state law claims pursuant to 28 U.S.C. § 1367.

27. Venue in the Eastern District of Louisiana is proper pursuant to 28 U.S.C. § 1391(b)(2) because the wrongful conduct giving rise to Plaintiff's claims occurred in Orleans Parish, Louisiana, which is located within the Eastern District of Louisiana.

28. Declaratory relief is authorized by 28 U.S.C. § 2201. A declaration of law is necessary to determine the respective rights and duties of the parties.

IV. FACTS

A. Private Security Districts, "Paid Details," and Police Misconduct In New Orleans

29. These events took place within a private policing district in New Orleans—a construct that many citizens do not even know exists. New Orleans has approximately twelve different law enforcement agencies, including the New Orleans Police Department ("NOPD"), Orleans Parish Sheriff's Office, and Louisiana State Police, accompanied by smaller agencies like the Orleans Parish Constable, HANO police, harbor police, levee police, and military police.⁶ Yet residents of certain neighborhoods, dissatisfied with the already existing myriad of services provided by these multiple agencies, have decided to employ their own additional police forces. Louisiana state law allows the residents in these neighborhoods, historically whiter and wealthier than the rest of New Orleans, to self-impose a special tax to fund this increased police presence in their area.⁷ This

⁶ Ryan Whirly, *Does NOLA have too many law enforcement agencies?*, THE LOUISIANA WEEKLY (September 3, 2020), <http://www.louisianaweekly.com/does-nola-have-too-many-law-enforcement-agencies-2/> (noting that the numerous law enforcement agencies "jockey for funding, hold territorial rivalries with each other, and can at times blur together in the eyes of the public").

⁷ RYAN GALVIN WISE, PUBLIC GOODS FOR A FEW: THE ROLE OF CRIME PREVENTION AND SECURITY DISTRICTS IN NEW ORLEANS 35 (2015), available at <https://scholarworks.uno.edu/td/1627> (finding that the median income of households in security districts is higher than the median income of the city at large and that residents in the security districts are whiter than residents of the city at large).

creates special security districts such as the Hurstville security district involved in this case.

30. These semi-public, semi-private districts are governed by a mix of state, city, and local authority. Each district is sanctioned by Louisiana state law and created by a vote of the Louisiana state legislature. The self-imposed taxes are collected through the governing city authority. At the local level, each security district is governed by a board of commissioners who are residents of the neighborhood and are appointed by the mayor, the city council, the relevant Louisiana House of Representatives and Senate members, and other board members.⁸

31. These neighborhood-specific security districts often employ police officers from other law enforcement agencies in New Orleans for security patrols, also known as “paid details.” With so many independent agencies, it has been reported that officers who are fired or forced to resign from one for misconduct can easily find employment at another.⁹ Indeed, Defendant Wheeler is one such example. The NOPD fired him for misconduct, giving him a troubling track record. But he readily found employment at Hurstville and the OLD-PD.¹⁰

32. Each neighborhood-specific security district operates independently and this insulates each district from public accountability. Some districts, like Hurstville, employ off-duty police officers for “paid details,” while others employ private security officers.¹¹ Frequently, off-duty officers on “paid detail” wear publicly-funded police uniforms, drive publicly-funded police cars, and use publicly-funded police resources—as Defendant Wheeler did in this case. Hurstville in

⁸ See **Exhibit 1** (HSD Legislation Act 151).

⁹ Kimbriell Kelly et al., *Forced out over sex, drugs and other infractions, fired officers find work in other departments*, The Washington Post (December 28, 2017), http://wapo.st/2zgVW3S?tid=ss_mail (finding that 53 officers who were fired or pushed out of the New Orleans Police Department were hired by other police departments).

¹⁰ See **Exhibit 2** (Wheeler v. Dep’t of Police, City of New Orleans Civil Service Commission Dkt. No. 8109 (Nov. 30, 2015), available at <https://www.nola.gov/getattachment/e30c3d97-406d-41ff-9274-5e2f1520c785/Vara,-J-Wheeler,-K-,-8106-8109>); see **Exhibit 3** (Flood Protection Authority Hiring Letter for Kevin Wheeler (Dec. 23, 2019)).

¹¹ Brendan McCarthy, *N.O. residents increasingly turning to private police patrols*, WWLTV (8:08 AM CDT October 30, 2013), <https://www.wwltv.com/article/news/investigations/no-residents-increasingly-turning-to-private-police-patrols/289-319979422>.

particular hires only commissioned law enforcement officers so that the officers can wield public policing powers—such as making stops like the unreasonable one Defendants Wheeler and Pierre conducted on Bilal. However, the Hurstville officers do not serve the public at large. They serve the more affluent residents of the neighborhood that hired them. Even more dangerous is that they operate with scant policy or accountability, often loosely answering only to the neighborhood board.¹²

33. In 2011, the United States Department of Justice (“DOJ”) issued a consent decree requiring the NOPD to “completely restructure” a similar “paid detail” system.¹³ Just like the OLD-PD and HANO “paid detail” systems at issue in this case, the NOPD’s “paid detail” system allowed off-duty officers to work private security patrols for neighborhoods and businesses, among other duties.¹⁴ In its investigation report, the DOJ concluded that “few aspects of NOPD [were] more broadly troubling” than this “paid detail” system.¹⁵ The DOJ also observed that NOPD’s system of “privatized officer overtime [...] facilitate[d] abuse and corruption” and “contribute[d] to inequitable policing.”¹⁶ The consent decree mandated “broad changes in policies and practices” to ensure “NOPD employees’ off-duty secondary employment does not compromise or interfere with the integrity and effectiveness of [the] NOPD.”¹⁷ Notwithstanding the DOJ’s clear and unequivocal censure of the NOPD’s “paid detail” system, other law enforcement agencies not subject to the consent decree—including HANO and the OLD-PD—continue to endorse “paid

¹² *Id.*; Wise, *supra* note 7, at 24.

¹³ See Amended and Restated Consent Decree Regarding the New Orleans Police Department at 85, *USA v. City of New Orleans*, No. 12-cv-1924 (E.D. La., Oct. 2, 2018), available at <https://www.laed.uscourts.gov/sites/default/files/nopdconsent/12-1924%20%23565%20Amended%20and%20Restated%20CD.pdf>.

¹⁴ *The Consent Decree*, Consent Decree Monitor, New Orleans, Louisiana, available at <http://consentdecree-monitor.com/the-consent-decree> (last accessed Sept. 30, 2021).

¹⁵ United States Department of Justice, *Investigation of the New Orleans Police Department* at xv, 100 (2011), available at https://www.justice.gov/sites/default/files/crt/legacy/2011/03/17/nopd_report.pdf.

¹⁶ *Id.*

¹⁷ See Amended and Restated Consent Decree Regarding the New Orleans Police Department, *supra* note 13 at 85.

detail” work and take part in the “paid detail” system.

34. It is against the backdrop of the broad, unregulated powers yielded by these scattered and de-centralized policing constructs that Defendants Wheeler and Pierre unlawfully stopped and used excessive force on Bilal.

B. The Unlawful Stop

35. Bilal’s family has lived for more than sixty years in the same neighborhood in Uptown New Orleans. In June 2020, at the time the events giving rise to this Complaint took place, Bilal was only 18 years old and he had just graduated from high school. Bilal was living in his family home on Camp Street, helping his mother Lona Hankins (“Lona”) care for his grandmother.

36. At the front of the family home is a small apartment, which Lona was renting out to a tenant, Diondra Robbins (“Diondra”). Diondra was taking care of her 12-year-old nephew, L.M. (“L.M.”), for the summer. Diondra owned a white chihuahua with brown spots, affectionately named Duchess.

37. On Saturday, June 13, 2020, Bilal invited his friend Tahj Pierre (“Tahj”) over for dinner. Tahj was a few grades ahead of Bilal in school and was visiting from college. Bilal, Tahj, Diondra, and L.M. were socializing after dinner when they realized Duchess had escaped. Duchess had an underlying condition for which she needed medication, so it was important to find her quickly.

38. At around 11:30 PM that night, to search for Dutchess, Bilal, Tahj, and L.M. hopped into Tahj’s black BMW—a high school graduation present to Tahj from his mother. Tahj drove; Bilal sat in the back, directly behind the driver’s seat; and L.M. sat in the front passenger seat. They drove slowly down Camp Street heading west, calling and whistling for Duchess.

39. After driving a few blocks, the group observed a white police officer wearing an OLD-PD uniform, parked in an OLD-PD police car at the intersection of Camp Street and Valmont Street.

40. The three youths—a college student, a recent high school graduate, and a twelve-year-old child—were hesitant to approach the police officer. They were aware of recent racial violence across the nation, and accounts of police mistreating Black men and boys especially. But hopeful the officer could help them with their search, they decided to ask the officer for assistance.

41. Unfortunately, the events that followed would confirm Bilal’s and his friends’ worst fears. As Bilal would later learn, that officer in the OLD-PD car was Defendant Wheeler, a former NOPD officer who had been fired twice, including once for dishonesty after tasing an unarmed suspect and lying about it. Defendant Wheeler’s “day job” was working with the OLD-PD. But that evening, he was off-duty, working a private paid security detail for the neighborhood adjoining Bilal’s own—the Hurstville Security District.

42. As Tahj drove up alongside Defendant Wheeler’s car, Bilal waved to Defendant Wheeler and asked if he had seen a dog. When Defendant Wheeler said no, Bilal explained that they were searching for a white chihuahua with brown spots. Bilal gave Defendant Wheeler his home address and asked for Defendant Wheeler’s help with the search.

43. In their complaints and interviews regarding what had transpired that evening, Bilal, Tahj, and L.M. all consistently describe voluntarily and proactively approaching Defendant Wheeler and asking for his help finding the lost dog. Importantly, Defendant Wheeler’s and Pierre’s *own* reports of the incident on June 13 *confirm* that Bilal and his friends approached Defendant Wheeler first and asked for help finding their lost dog. Defendant Wheeler reported that Bilal and his friends approached the OLD-PD vehicle and asked him for help finding a lost dog. Defendant Pierre’s report describes how Defendant Wheeler radioed Defendant Pierre, reported encountering Bilal and his friends, and again noted the request to help find the lost dog.

44. After asking Defendant Wheeler for help, Bilal and his friends continued their search. After driving for a few blocks, they noticed Defendant Wheeler and another unmarked vehicle following behind them. That unmarked vehicle belonged to the second officer at the scene,

Defendant Pierre. Defendant Pierre was in plain clothes, driving his personal vehicle.

45. Defendant Pierre’s primary employer is the HANO police department. But at the time, Defendant Pierre, like Defendant Wheeler, was off-duty, and working as private patrol for Hurstville.

46. Defendant Wheeler had called Defendant Pierre in for backup. Defendant Wheeler informed Defendant Pierre of his encounter with Bilal and Bilal’s request to help find a lost dog. Defendant Wheeler expressed skepticism that Bilal was truly searching for a dog, based on his observation of three Black males in a nice car in a nice neighborhood—classic racial profiling.¹⁸ Defendant Wheeler claimed to be skeptical because Bilal and his friends were driving slowly, and it was common for “certain people” to drive slowly down the street in search of potential targets for burglary or carjacking, leaning out the windows and pulling on car door handles to see if they were unlocked.¹⁹

47. On information and belief, by “certain people,” Defendant Wheeler means Black people.

48. On information and belief, Defendant Wheeler did not believe that it was a common tactic for would-be car burglars or carjackers to approach police and draw attention to their presence prior to committing a crime.

49. On information and belief, Defendant Wheeler ran a license plate check on Tahj’s BMW, which did not report Tahj’s BMW as stolen.

50. On information and belief, Defendants Wheeler and Pierre followed Bilal and his friends for approximately another few blocks. At the time they began following Bilal and his friends, both officers were aware that there was a reasonable explanation for Bilal’s and his friends’ behavior—leaning out of windows, driving slowly—namely that they were looking for a lost dog.

¹⁸ See **Exhibit 4** (*Statement Concerning a complaint made against Officer Pierre while working the Hurstville Detail*, HANO (June 25, 2020)).

¹⁹ See **Exhibit 5** at 5 (Transcript of Phone Interview of Kevin Wheeler (July 10, 2020)).

51. On information and belief, in the entire time they followed and observed the BMW, neither Defendant Wheeler nor Pierre reported any behavior by Bilal or his friends that was inconsistent with their given explanation that they were looking for a lost dog. Neither Defendant reported seeing Bilal, Tahj, or L.M. reaching towards car door handles, pulling on car door handles, or otherwise touching or attempting to engage with cars parked on the street as they were driving by. Neither Defendant ever reported that Bilal or his friends appeared nervous, unfriendly, or threatening, or that they attempted to evade the police.

52. In spite of having full knowledge of Bilal's request for help, Defendants Wheeler and Pierre decided together to conduct an illegal traffic stop, pulling Bilal and his friends over without reasonable suspicion.

53. Bilal and his friends were confused as to why Defendants Wheeler and Pierre were following them. They thought it would make more sense to split up and cover more ground in their search. But they trusted Defendant Wheeler knew what he was doing.

54. After a few more blocks of slow driving, Bilal and his friends observed Defendants Wheeler and Pierre turning on their cars' flashing lights. Bilal and his friends kept driving at the same slow pace. At first, they didn't believe the flashing lights were for them—they had just asked for help. Bilal and his friends thought that the police must have been called to some other emergency, and that they were flashing their car lights to signal the need to pass. So Bilal and his friends turned down a side street to allow Defendants Wheeler and Pierre to continue along the narrow main road.

55. Bilal and his friends were surprised when both Defendants Wheeler and Pierre turned down the same side street, and even more surprised when Defendant Wheeler began shouting over the intercom for the driver to exit the car, with his hands up. Bilal and his friends remained confused, thinking that perhaps Defendants Wheeler and Pierre were trying to signal that they had found the dog. Confusion and disbelief turned into the realization that they were being pulled over,

despite having just asked Defendant Wheeler for help and having done nothing wrong.

56. Once that realization hit, the driver Tahj quickly complied, pulling over near the neighborhood elementary school and exiting the car with his hands up. Bilal put his hands out the car window to show he was unarmed, and L.M. put his head out the window to see what was happening.

57. What Bilal and his friends saw was both Defendants Wheeler and Pierre brandishing guns at them. Defendants Wheeler and Pierre brandished their guns, even though Bilal's, Tahj's, and L.M.'s actions were entirely peaceful and compliant, and even though both Defendants Wheeler and Pierre recognized that Bilal and his friends were youths (Defendant Wheeler later referred to all three as "kids").²⁰

58. This stop and display of deadly force were objectively unreasonable. When Defendants Wheeler and Pierre conducted the stop and threatened deadly force by brandishing their guns, they knew or should have known—as a reasonable officer would have known—that their actions were objectively unreasonable.

59. The OLD-PD manual, for example, states that "[c]itizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law," and that "racial and ethnic profiling are totally unacceptable patrol tactics."²¹

60. The OLD-PD manual further instructs that "[t]he use of a firearm is in all probability the most serious act in which a law enforcement officer will engage," and that "the use of deadly force is not justified merely to protect property interests."²² OLD-PD guidelines caution against "[u]nnecessarily or prematurely drawing or exhibiting a firearm," noting that it "creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental

²⁰ **Exhibit 5** at 6–7 (Transcript of Phone Interview of Kevin Wheeler (July 10, 2020)).

²¹ See **Exhibit 6** (Orleans Levee District Police Operations Manual, TRAFFIC, PEDESTRIAN STOPS AND FIELD INTERVIEWS, Section 6.1 (Dated Aug. 1, 2001, revised Sept. 29, 2010)).

²² See **Exhibit 7** (Orleans Levee District Police Operations Manual, USE OF FORCE, Section 9.0 (Dated Sep. 26, 1997, revised Oct. 13, 2009)).

discharge of the firearm,” and instructing officers to “not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm.”²³ The manual explains that “reasonable” force must be “necessary” (meaning that “if another alternative, such as verbal persuasion, would reasonably be expected to be effective under the particular circumstances, and this alternative was not attempted, the use of force is not legal”) and reasonable in “degree” (meaning that “[t]he officer may only use enough force to overcome the amount of resistance or aggression met,” and “[w]hen such resistance or aggression is reduced, the officer must correspondingly and immediately reduce the degree of force he is supplying, or the use of force is not legal”).²⁴

61. Terrified, but attempting to remain calm, Bilal asked the reason for the stop. Defendant Wheeler declared accusingly that he had run a license plate check, which showed the car was registered to a woman in New Orleans East (a historically Black neighborhood in a different part of the city). Thus, there was no way Bilal and his friends were really looking for a dog. Defendant Wheeler then demanded to know what Bilal and his friends were doing in this neighborhood.

62. Bilal explained that he resided in the neighborhood, that Tahj was visiting him, and that the car was registered to Tahj’s mother, who lived in New Orleans East. Bilal suggested that Defendant Wheeler check the address on Tahj’s driver’s license, which Bilal said would match the address on the car registration. Tahj then provided his license to Defendant Wheeler. Defendant Wheeler took Tahj’s license and returned to his vehicle, while Defendant Pierre kept his weapon up, providing cover.

63. When Defendant Wheeler returned from his vehicle, his whole demeanor had changed. He brought a notepad, and he asked Bilal to repeat the details about the lost dog and to provide his address. He said, “I thought you guys were yanking my chain,” and tried to joke with them, saying, “you know, three young men, in a nice car, in this neighborhood.” Realizing that their behavior

²³ *Id.*

²⁴ *Id.*

was unlawful, Defendants Wheeler and Pierre finally allowed Bilal and his friends to leave.

C. The Attempted Coverup

64. Following the stop, Defendants Wheeler and Pierre conspired to hide their misdeeds and stage excuses for their unlawful behavior. Specifically, Defendant Wheeler submitted false narratives in his official records, making material misstatements of fact. Defendant Pierre's report omitted material facts to create the misleading impression that Defendant Wheeler's version of the facts was correct. Defendant Pierre also made material misstatements of fact in interviews. Defendants Wheeler and Pierre thereby intentionally corrupted the official written record—for Defendant Wheeler, at least, not for the first time.

65. Defendant Wheeler's fabrications in his reports and interviews include, but are not limited to, the following. These statements are false, and Defendant Wheeler knew they were false at the time he made these statements:

- a. Defendants Wheeler and Pierre decided jointly to conduct the stop based on their shared suspicion that Bilal and his friends were engaged or about to engage in a car burglary or carjacking. In fact, Bilal approached Defendant Wheeler, drawing attention to his and his friends' presence, and asked for help finding a lost dog. Defendant Pierre was made aware of this encounter by Defendant Wheeler. These facts are incompatible with any claimed suspicion of criminal activity.
- b. Bilal did not leave or try to leave any contact information with Defendant Wheeler when he asked for help finding Duchess.²⁵ In fact, Bilal provided the address of his family home to Defendant Wheeler, as confirmed by Bilal's initial complaint to and subsequent interview with the OLD-PD.²⁶

²⁵ See **Exhibit 8** at 1 (Orleans Levee District Police Department White Paper Report Regarding June 13, 2020); **Exhibit 5** at 5, 19–20 (Transcript of Phone Interview of Kevin Wheeler (July 10, 2020)).

²⁶ See **Exhibit 9** (East Jefferson/Orleans Levee District Citizen Complaint Form of Bilal Jules Hankins); **Exhibit 10** at 5 (Transcript of Phone Interview of Bilal Hankins (July 10, 2020)).

- c. Bilal and his friends violated traffic laws, including failing to wear a seatbelt or driving the wrong way on a one-way street.²⁷ In fact, neither Defendant Wheeler nor Defendant Pierre reported any traffic violation at the time the incident occurred. No ticket or citation was ever issued for any traffic violation. Defendant Wheeler only reported these alleged traffic violations as a post-hoc justification after Bilal filed a complaint and the OLD-PD began its investigation.
- d. Defendant Wheeler did not use his intercom or PA system to command the BMW to stop, only a “firm, but polite tone of voice.”²⁸ In fact, the statements of Bilal, Tahj, and L.M. all consistently recount Defendant Wheeler commanding the vehicle to stop over his intercom,²⁹ which is further confirmed by the report of Defendant Pierre.³⁰
- e. Neither officer drew his weapon at any point, and no force or threat of force was used during the stop.³¹ In fact, the statements of Bilal, Tahj, and L.M. consistently recount Defendants Wheeler and Pierre brandishing their weapons and using the threat of deadly force to conduct the unlawful traffic stop.³²

66. Defendant Pierre omitted multiple material facts from his report, including key details that would contradict Defendant Wheeler’s version of events. For example, Defendant Pierre’s report did not mention:

²⁷ See **Exhibit 8** at 2.

²⁸ See *id.*

²⁹ See, e.g., **Exhibit 9**; **Exhibit 11** at 3 (June 23, 2020 Email from Tam Pierre Re: New Orleans Incident).

³⁰ See **Exhibit 4** (*Statement Concerning a complaint made against Officer Pierre while working the Hurstville Detail*, HANO (June 25, 2020)).

³¹ See **Exhibit 8** at 2 (Orleans Levee District Police Department White Paper Report Regarding June 13, 2020); **Exhibit 5** at 12, 24 (Transcript of Phone Interview of Kevin Wheeler (July 10, 2020)).

³² See, e.g., **Exhibit 9** (East Jefferson/Orleans Levee District Citizen Complaint Form of Bilal Jules Hankins); **Exhibit 11** at 3 (June 23, 2020 Email from Tam Pierre Re: New Orleans Incident); **Exhibit 12** (June 21, 2020 Email from Lona Hankins RE: Guns Drawn on Youth by Security Detail).

- a. Details of the discussion in which Defendants Pierre and Wheeler agreed to conduct the unlawful traffic stop;
- b. The length of time that the officers followed Bilal and his friends before conducting the unlawful traffic stop;
- c. Whether he observed any traffic violations prior to conducting the traffic stop;
- d. The exact location and positioning of the traffic stop;
- e. Whether he put on body armor;
- f. Whether he or Defendant Wheeler at any point drew their weapons; or
- g. Details of Defendant Wheeler's discussions with Bilal and Tahj during the unlawful traffic stop.

67. In a subsequent interview, Defendant Pierre was asked "did you or any other officer remove their firearm and point it at [Bilal or his companions]"? Defendant Pierre responded, "No."³³ This statement was false, and Defendant Pierre knew it was false at the time he made this statement.

68. These intentional, material omissions and misstatements were designed to create the misleading impression that Defendant Wheeler's version of the facts is correct.

D. Harm To Bilal

69. Bilal was and remains deeply traumatized by the events of that night. At first, he did not want to tell his parents what had happened. Eventually, Bilal mustered the courage to tell his mother Lona about what happened. Lona was upset and worried, but questions quickly replaced any concerns. Lona wondered: Who were these officers? What was an OLD-PD officer (whose responsibility it is to patrol the lake front) doing uptown? What authority did this officer have to conduct a traffic stop? Defendant Wheeler appeared to be associated with the OLD-PD, but Bilal and Lona had no way of identifying the second plainclothes officer in the unmarked car, and the

³³ See **Exhibit 13** (July 25, 2020 HANO Memorandum Re: Misconduct Complaint – Ramon Pierre).

OLD-PD did not know his identity. The investigation that followed revealed even more troubling findings.

70. It took Lona multiple phone calls to various contacts and agencies before she could determine that Defendants Wheeler and Pierre were, in fact, working for Hurstville the night of June 13, 2020. But Hurstville did not publish its rules or policies, and there was no way to file a complaint through the Hurstville website. When Lona was finally able to find contact information for Defendant Perilloux, the Hurstville patrol supervisor, he claimed to have no written or verbal report of the incident.³⁴

71. Subsequent inquiries revealed that Hurstville provides no training whatsoever to its officers on any aspects of their job, including their use of force and their execution of investigatory stops. Hurstville conceded, in response to a public records request, that it has no written documents or policies regarding training or supervising its patrol officers, or regarding tracking its officers' use of force during investigatory stops.³⁵ When asked to provide all policies relating to officer conduct, traffic stops, racial profiling, and use of force, Hurstville produced a single page of instructions given to patrol officers. Nowhere in these instructions is there any mention of training. These instructions merely state that Hurstville patrol officers should "conduct themselves in accordance with all their Agencies Rules and Regulations at all times."³⁶ A December 2020 email among the Hurstville's board of commissioners further indicates that Hurstville does not train its officers on use of force, investigatory stops, or any other aspects of their official duties.³⁷ In that email, a member of Hurstville's board acknowledged that Hurstville's board is heavily reliant on Defendant Perilloux with respect to "managing the patrol-related aspects of" Hurstville's police

³⁴ See **Exhibit 12** (June 21, 2020 Email from Lona Hankins RE: Guns Drawn on Youth by Security Detail).

³⁵ See **Exhibit 14** at 2–3 (April 23, 2021 Hurstville Response to Public Records Request).

³⁶ See **Exhibit 15** (Hurstville Neighborhood Security Patrol Instructions).

³⁷ See **Exhibit 16** (December 5, 2020 Email from Marshall Page regarding Hurstville patrol officers).

force, in part because Hurstville board members “don’t have that kind of expertise.”³⁸

72. Hurstville and Defendant Perilloux failed to provide Defendants Wheeler and Pierre with any training whatsoever regarding use of force or investigatory stops, although it was substantially certain that Defendants Wheeler and Pierre would face the prospect of using force or conducting investigatory stops. Hurstville patrol officers’ primary responsibility for Hurstville is to serve as Hurstville’s police force. Hurstville instructs officers to “monitor the NOPD radio and respond to all calls for service within the Hurstville Security District Boundaries” and to “patrol each street within the Hurstville Security District Boundaries several times during their shift.”³⁹ Hurstville also advises residents to call its patrol officers “to report a crime in action or after the fact” or “to report any suspicious activity.”⁴⁰ Hurstville also represents that it has hired patrol officers, including Defendants Wheeler and Pierre, “to provide enhanced security services in the neighborhood, monitor the activity in the area and direct the necessary security resources to keep criminal activity to a minimum.”⁴¹

73. Moreover, these exact the same responsibilities make it imperative that Hurstville implement proper practices for hiring, firing, or conducting background checks on its patrol officers. Hurstville, however, has not a single document or written policy regarding its qualifications for hiring, firing, or conducting background checks on its patrol officers. Hurstville claimed that it had no documents in its possession responsive to a public records request for documents regarding Hurstville’s qualifications for, hiring and firing of, and background checks for Hurstville patrol officers. And the same Hurstville board member who acknowledged that Hurstville was incredibly reliant on Defendant Perilloux for managing patrol officers also admitted that Hurstville is similarly dependent on Defendant Perilloux for “identifying and vetting

³⁸ See *id.*

³⁹ See **Exhibit 15** (Hurstville Neighborhood Security Patrol Instructions).

⁴⁰ See Neighborhood Patrol, Hurstville, available at <https://hurstvillesecurity.com/neighborhood-patrol/>

⁴¹ See *id.*

officers.”⁴² Tellingly, this Hurstville board member conceded that Hurstville officials “don’t have the knowledge or resources ... for that part of what we do,” i.e., training, supervising, and other aspects related to Hurstville’s employment of a police force.⁴³ This statement is troubling, as Hurstville employs nearly twenty patrol officers and has patrol officers on duty around the clock.⁴⁴

74. Hurstville’s lack of appropriate oversight, and obvious need for appropriate hiring practices, became even more apparent when Lona began researching the backgrounds of Defendants Wheeler and Pierre. Multiple news reports confirmed that the NOPD fired Defendant Wheeler in 2012 for tasing an unarmed suspect and lying about it, colluding with his partner to falsely report that the man was armed and dangerous.⁴⁵ In 2012, however, Defendant Wheeler was caught after a video recording from his Taser “clearly contradict[ed]” his reports and the statements he made to investigators; his dismissal for dishonesty was upheld by the State of Louisiana Fourth Circuit Court of Appeal.⁴⁶ These facts are concerningly similar to the facts of Bilal’s case. Additionally, even before he was fired, Defendant Wheeler had numerous “moral conduct” complaints filed against him in 2009 and 2010 for “unauthorized force,” “false or inaccurate reports,” and “adherence to law” violations—although these complaints were not sustained.⁴⁷

75. Nor did Defendant Perilloux or Hurstville conduct their own investigation into their officers’ misconduct. Hurstville relied on the investigative capacity of OLD-PD and HANO, which

⁴² See **Exhibit 16** (December 5, 2020 Email from Marshall Page regarding Hurstville patrol officers).

⁴³ See *id.*

⁴⁴ See Patrol Officer Bios, Hurstville, available at <https://hurstvillesecurity.com/neighborhood-patrol/patrol-officer-bios/>; see also Neighborhood Patrol, Hurstville, available at <https://hurstvillesecurity.com/neighborhood-patrol/>.

⁴⁵ See *3 officers dismissed, 1 suspended from NOPD for truthfulness violations*, WDSU (Nov. 28, 2012), available at <https://www.wdsu.com/article/3-officers-dismissed-1-suspended-from-nopd-for-truthfulness-violatons/3359919>; Brendan McCarthy, *NOPD dismisses three officers for lying*, WWLTV (Dec. 12, 2012), available at <https://www.wwltv.com/article/news/local/investigations/nopd-dismisses-three-officers-for-lying/289-346600818>; *Vara & Wheeler v. Dep’t of Police*, No. 2016-CA-0036 (La .Ct. App. Jun. 29, 2016).

⁴⁶ *Vara & Wheeler v. Dep’t of Police*, No. 2016-CA-0036 (La .Ct. App. Jun. 29, 2016).

⁴⁷ See **Exhibit 17** (Kevin Wheeler - Officer Complaint History).

found no wrongdoing after a perfunctory inquiry. Defendant Perilloux noted that the agencies conducted their investigations without statements from Bilal, Tahj, or L.M., and even when those statements were provided it “did not change the final result of [either] agency’s investigation.”⁴⁸

76. Defendants Wheeler and Pierre were suspended briefly from Hurstville, but neither Defendant Wheeler nor Defendant Pierre was otherwise “restricted from their normal patrol duties or restricted from working outside details.”⁴⁹ Even while the investigations were pending, Defendants Wheeler’s and Pierre’s innocence appears to have been a foregone conclusion; a representative for Hurstville emailed HANO stating they were “eager to get Officer Pierre back to work with Hurstville as soon as the investigation is concluded and he has been cleared.”⁵⁰

77. In short, both Defendants Pierre and Wheeler emerged from this incident with little or no consequences, essentially entirely unscathed. For Bilal, on the other hand, Defendants Wheeler’s and Pierre’s unlawful conduct continues to cause him harm—harm that has continued to manifest over the past year. Bilal has developed repeated nightmares and a deep distrust of the police. Bilal even disabled his social media accounts, unable to view reports and stories of others encountering police violence without experiencing flashbacks to his own harrowing experience. Bilal also has experienced anxiety and distress when just seeing an OLD-PD vehicle similar to that which Defendant Wheeler was driving during the incident.

78. Bilal is one of innumerable Black youth who have been unjustly traumatized by law enforcement. Bilal, Tahj, L.M., and their families are all painfully aware that they could have become the next George Floyd or Trayvon Martin. Without accountability, law enforcement will continue to violate the rights of Black youth and shatter their sense of trust and security. Officers, and the organizations that enable them, must be held accountable for such misconduct. By bringing this case, Bilal seeks to hold Defendants Wheeler and Pierre, their supervisors, including

⁴⁸ See **Exhibit 18** at 1 (July 28, 2020 Email from Carl Perilloux re: Update – Officer’s Wheeler and Pierre’s Internal Investigation).

⁴⁹ See *id.*

⁵⁰ See **Exhibit 19** at 2. (August 10, 2020 Email from Marshall Page re: Ramon Pierre).

Defendant Perilloux, and their employers accountable for their violations of his rights under the U.S. Constitution and Louisiana state common and statutory laws.

COUNT I
Violation of 42 U.S.C. § 1983 Excessive Force
Fourth and Fourteenth Amendments
(Against Defendants Wheeler and Pierre)

79. Bilal repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

80. Defendants Wheeler's and Pierre's actions, including pulling over the car in which Bilal was a passenger and brandishing their weapons—despite, inter alia, Bilal's and his friends' request that Defendants Wheeler and Pierre assist them in locating the white chihuahua—as fully described herein, was malicious and constituted reckless, callous, and deliberate indifference to Bilal's clearly established and federally protected rights.

81. Defendants Wheeler and Pierre, as complained of herein, deployed objectively unreasonable force against Bilal.

82. Defendants Wheeler and Pierre, at all relevant times, were acting under the color of state law in their capacity as an OLD-PD and HANO officers, respectively. Their actions were within the course and scope of their employment with OLD-PD, HANO, and Hurstville.

83. Bilal, at the time of the complained of events, had clearly established constitutional rights under the Fourth and Fourteenth Amendments to be secure in his person from unreasonable seizure through excessive force.

84. At the time when Defendants Wheeler and Pierre used this force on Bilal, there were no factual circumstances that would have led a reasonable person to believe that Bilal posed a threat to Defendants Wheeler and Pierre.

85. Defendants Wheeler and Pierre are not entitled to qualified immunity, because their conduct violated Bilal's constitutional rights and was objectively unreasonable.

86. Defendants Wheeler's and Pierre's actions further were a result of Hurstville's and

Defendant Perilloux's failure to implement proper policies and procedures and provide any training whatsoever for use of force, and Hurstville's practice of dispatching inadequately trained or screened officers and failing to adequately supervise officer encounters involving use of force.

87. Therefore, Bilal is entitled to compensatory damages, costs, and attorney's fees under 42 U.S.C. §§ 1983 and 1988, jointly and severally, because Defendants Wheeler and Pierre violated Bilal's clearly established rights.

COUNT II
Violation of 42 U.S.C. § 1983 Unreasonable Seizure
Fourth and Fourteenth Amendments
(Against Defendants Wheeler and Pierre)

88. Bilal repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

89. Defendants Wheeler and Pierre seized Bilal, using force and words a reasonable person would be afraid to ignore by, inter alia, pulling over the car in which Bilal was a passenger, using their sirens and flashing lights, and then by pulling their firearms on Bilal.

90. At the time Defendants Wheeler and Pierre seized Bilal, Bilal had clearly established rights under the Fourth and Fourteenth Amendments to be free from unreasonable search and seizure.

91. Defendants Wheeler's and Pierre's seizure of Bilal was objectively unreasonable, because of the facts and circumstances complained of herein, including, among other things, that Bilal and his friends had only shortly before requested Defendant Wheeler's assistance in locating the lost chihuahua.

92. As a direct and proximate consequence of Defendants Wheeler and Pierre's acts and omissions, including the use of force, Bilal has suffered, and continues to suffer, damages including through emotional injury.

93. Defendants Wheeler and Pierre, at all relevant times, were acting under the color of state law in their capacity as an OLD-PD and HANO officers, respectively. Their actions were

taken within the course and scope of their employment with OLD-PD, HANO, and Hurstville.

94. Defendants Wheeler and Pierre are not entitled to qualified immunity, because their conduct violated Bilal's constitutional rights and was objectively unreasonable.

95. Defendants Wheeler's and Pierre's actions further were a result of Hurstville's and Defendant Perilloux's failure to implement proper policies and procedures and to provide any training whatsoever regarding traffic stops and racial profiling, and Hurstville's practice of dispatching inadequately trained or screened officers and failing to adequately supervise officer encounters involving traffic stops or racial profiling.

96. Because of Defendants Wheeler's and Pierre's acts and omissions, Bilal seeks and is entitled to compensatory damages, costs, and attorney's fees as provided for under 42 U.S.C. §§ 1983 and 1988 for Defendants Wheeler's and Pierre's violation of Bilal's clearly established rights to be free of unreasonable search and seizure.

97. Moreover, the facts and circumstances complained of herein demonstrate that Defendants Wheeler and Pierre engaged in this conduct willfully, intentionally, and with reckless disregard for Bilal's constitutionally protected rights. Accordingly, Defendants Wheeler and Pierre are liable to Bilal for punitive damages for their unreasonable seizure of Bilal.

COUNT III
42 U.S.C. §§ 1983 and 1985 - Conspiracy
Fourth and Fourteenth Amendments
(Against Defendants Wheeler and Pierre)

98. Bilal repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

99. Defendants Wheeler and Pierre knowingly, willfully, and intentionally conspired to deprive Bilal of his clearly established constitutionally protected rights.

100. Defendants Wheeler and Pierre committed numerous acts and omissions in furtherance of the conspiracy by, inter alia, pulling over the car in which Bilal was a passenger and pointing their guns at Bilal as complained of herein.

101. As complained of herein, Defendants Wheeler and Pierre knowingly, willfully, and intentionally committed these acts because they racially profiled Bilal on the basis that he was in a luxury vehicle with two other Black youth, in an affluent neighborhood.

102. Defendants Wheeler and Pierre, at all relevant times, were acting under the color of state law in their capacity as an OLD-PD and HANO officers, respectively. Their actions were within the course and scope of their employment with OLD-PD, HANO, and Hurstville.

103. Defendants Wheeler and Pierre are not entitled to qualified immunity, because their conduct violated Bilal's constitutional rights and was objectively unreasonable.

104. As a direct and proximate consequence of Defendant Wheeler's and Pierre's acts and omissions, Bilal has suffered, and continues to suffer, damages including through emotional injury.

105. Therefore, Bilal is entitled to damages in an amount to be proven at trial.

COUNT IV

Failure to Train, Supervise, and Discipline Officers Wheeler & Pierre

Pursuant to 42 U.S.C. § 1983

(Against Defendants Hurstville, HANO, SLFPA-E, LMA, Najolia, Brenckle, Laurent, Petit, Brown, Perilloux, Martin, Jackson, Mercadal, Mullins)

106. Bilal repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

107. Defendants named in this Count, acting individually and together, under color of law, violated Bilal's rights to due process of law and to be free from excessive force and unreasonable searches protected under the Fourth and Fourteenth Amendments.

108. Defendants HANO, Hurstville, SLFPA-E, and LMA, and Defendants Najolia, Perilloux, and Martin in their individual and official capacities, and Defendants Brenckle, Laurent, Petit, Brown, Jackson, Mercadal, and Mullins in their individual capacities, failed to train and/or supervise their subordinate, namely Defendants Wheeler and/or Pierre, to ensure that this subordinate did not violate members of the public's rights protected under the Fourth and Fourteenth Amendments. This failure to train and/or supervise was a moving force behind

Defendants Wheeler's and Pierre's use of excessive force against Bilal. At all pertinent times herein, Defendants HANO, Hurstville, SLFPA-E, LMA, Najolia, Brenckle, Laurent, Petit, Brown, Perilloux, Martin, Jackson, Mercadal, and Mullins were aware of the need to supervise, train, investigate, and discipline their subordinates in order to ensure that they did not violate the rights of members of the public. These Defendants ignored that need and acted unreasonably and with deliberate indifference and disregard for Bilal's constitutional rights as described above.

109. At all pertinent times, Defendants named in this Count, individually and collectively, were acting under color of law and in the course and scope of their employment. Defendants named in this Count acted unreasonably, recklessly, and with deliberate indifference and disregard for the safety and constitutional rights of Bilal by failing to prevent the misconduct of officers under their command.

COUNT V

***Monell* Violation of Bilal's Civil Rights Based on Policies, Patterns, or Practices That Subjected Bilal to Excessive Use of Force and an Unreasonable Search Pursuant to 42 U.S.C. § 1983 (Against Defendants Hurstville, HANO, SFLPA-E, and LMA)**

110. Bilal repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

111. Defendants named in this Count, HANO, Hurstville, the SLFPA-E and LMA, acting individually and together, under color of law, violated Bilal's right to be free from excessive use of force and unreasonable searches, and his right to due process and equal protection of the laws as protected by the Fourth and Fourteenth Amendments of the United States Constitution.

112. They did so by establishing and maintaining insufficient policies, patterns, customs, trainings, or practices that they knew would fail to prevent excessive uses of force against members of the public. On information and belief, there was a policy, pattern, and/or practice of HANO, Hurstville, and OLD-PD officers engaging in unjustified, unreasonable, and excessive uses of force and unreasonable searches. Further, on information and belief, there was a pattern and/or

practice of failing to adequately, promptly, and properly investigate misconduct and discipline officers for infractions of policy and constitutional rights. Finally, on information and belief, there was a pattern and/or practice of failing to establish adequate policies and/or of maintaining inadequate policies. All of these patterns and/or practices resulted in known deficiencies in training, supervision, and policy, which resulted in acts of unconstitutional policing.

113. Bilal was individually harmed by these policies, patterns, and/or practices because they resulted in the unreasonable stop and excessive use of force by Defendants Wheeler and Pierre.

114. At all pertinent times, Defendants named in this Count, individually and collectively, acted unreasonably, recklessly, and with deliberate indifference and disregard for the safety and constitutional rights of Bilal by establishing the above-described policies, patterns, or practices.

115. The above-named Defendants are therefore liable to Bilal for the violation of constitutional rights described above pursuant to *Monell v. Dept. of Soc. Servs.*, 436 U.S. 658 (1978).

COUNT VI

Aggravated Assault

(Against Defendants Wheeler and Pierre)

116. Bilal repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

117. This is a claim for aggravated assault against Defendants Wheeler and Pierre.

118. Defendants Wheeler and Pierre threatened to cause physical injury to Bilal with the use of a firearm, which is a dangerous weapon.

119. Defendants Wheeler and Pierre knowingly, willfully, intentionally, and directly, and/or by being present and encouraging such behavior, assaulted Bilal by detaining him at gunpoint.

120. Defendants Wheeler and Pierre were aware that they detained Bilal at gunpoint and, as a result of such conduct, put Bilal in reasonable fear of harmful or offensive contact constituting an imminent threat of battery.

121. Defendant Wheeler was acting within the course and scope of his employment with the

OLD-PD, and Defendant Ramon Pierre was acting within the course and scope of his employment with the HANO, and both Defendants were acting within the course and scope of their employment with Hurstville. Defendants were at all times relevant hereto acting under the color of state law.

122. Defendants Wheeler and Pierre lacked any legal justification or excuse for their conduct.

123. Defendants Wheeler and Pierre's actions were the legal and proximate cause of Bilal's damages as complained of herein, including Bilal's continued suffering of emotional injury and psychiatric distress. Bilal continues to suffer from severe distress, shock, anguish, humiliation, and loss of enjoyment of life.

124. Defendants Wheeler and Pierre engaged in extreme and outrageous acts and omissions with the specific intent to cause Bilal harm. Accordingly, Bilal is entitled to damages in an amount to be proven at trial.

COUNT VII

Assault

(Defendants Wheeler and Pierre)

125. Bilal repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

126. This is a claim for assault against Defendants Wheeler and Pierre.

127. Defendants Wheeler and Pierre knowingly, willfully, intentionally, and directly, and/or by being present and encouraging such behavior, assaulted Bilal by detaining him at gunpoint.

128. Defendants Wheeler and Pierre were aware that they detained Bilal at gunpoint and, as a result of such conduct, put Bilal in reasonable fear of harmful or offensive contact constituting an imminent threat of battery.

129. Defendant Wheeler was acting within the course and scope of his employment with the OLD-PD, and Defendant Ramon Pierre was acting within the course and scope of his employment with HANO, and both Defendants were acting within the course and scope of their employment with Hurstville. Defendants were at all times relevant hereto acting under the color of state law.

130. Defendants Wheeler and Pierre lacked any legal justification or excuse for their conduct.

131. Defendants Wheeler's and Pierre's actions were the legal and proximate cause of Bilal's damages as complained of herein, including Bilal's continued suffering of emotional injury and psychiatric distress. Bilal continues to suffer from severe distress, shock, anguish, humiliation, and loss of enjoyment of life.

132. Defendants Wheeler and Pierre engaged in extreme and outrageous acts and omissions with the specific intent to cause Bilal harm. Accordingly, Bilal is entitled to damages in an amount to be proven at trial.

COUNT VIII
Intentional Infliction of Emotional Distress
(Against Defendants Wheeler and Pierre)

133. Bilal repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

134. Bilal asserts that Defendants Wheeler and Pierre violated Louisiana law by committing intentional torts, while acting within the course and scope of their employment at OLD-PD and HANO, respectively.

135. As a direct and proximate cause of the intentional torts that Defendants Wheeler and Pierre committed as complained of herein, Bilal continues to suffer emotional injury and psychiatric distress. Bilal further continues to suffer from severe distress, shock, anguish, humiliation, and loss of enjoyment of life.

136. Defendants Wheeler's and Pierre's intentional and reckless acts are the sole cause of the aforementioned injuries that Bilal has suffered.

137. Defendants Wheeler's and Pierre's conduct was extreme and outrageous. They acted maliciously with specific intent to cause Bilal harm, and with reckless disregard for the consequences of their actions. Accordingly, Bilal is entitled to damages in an amount to be proven at trial.

COUNT IX
Negligent Infliction of Emotional Distress
(Against Defendants Wheeler and Pierre)

138. Bilal repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

139. Bilal asserts that Defendants Wheeler and Pierre violated Louisiana law by committing negligent torts, while acting within the course and scope of their employment at OLD-PD and HANO, respectively.

140. Defendants Wheeler and Pierre owed Bilal a duty of care and breached that duty of care causing Bilal harm within the scope of protection of the duty they owed him. Because of Defendants Wheeler's and Pierre's negligent acts and omissions, Bilal continues to suffer emotional injury and psychiatric distress. Bilal further continues to suffer from severe distress, shock, anguish, humiliation, and loss of enjoyment of life.

141. Defendant Wheeler's and Defendant Pierre's negligent acts are the sole cause of the aforementioned injuries that Bilal has suffered.

142. Defendants Wheeler and Pierre acted with reckless disregard for the consequences of their actions and omissions. Therefore, Bilal is entitled to damages in an amount to be proven at trial.

COUNT X
Negligent Hiring/Supervision
(Against Hurstville, Defendant Perilloux, SFLPA-E, and LMA)

143. Bilal repeats and re-alleges the allegations set forth in the preceding paragraphs of the Complaint by reference or incorporation as if fully set forth herein.

144. Bilal asserts that Defendants Hurstville, Perilloux, SFLPA-E, and LMA violated Louisiana law because of their negligence in hiring Defendant Wheeler. Bilal asserts that these Defendants violated Louisiana law because of their negligence in failing to supervise both Defendants Wheeler and Pierre.

145. Defendant Perilloux was, at all relevant times, employed by the OLD-PD and by

Hurstville.

146. Defendant Perilloux was directly responsible for hiring, supervising, and training Hurstville patrol officers, including Defendants Wheeler and Pierre. Defendant Hurstville authorized Defendant Perilloux to hire, supervise, and train Defendants Wheeler and Pierre.

147. The Defendants named in this Count failed to exercise reasonable care in the selection of Defendant Wheeler as an employee. As alleged herein, Defendant Wheeler's employment with the NOPD was terminated, because of his use of excessive force and dishonesty regarding the events involving his use of excessive force. As also alleged herein, Defendant Wheeler was the subject of numerous other complaints regarding his use of excessive force.

148. The Defendants named in this Count failed to exercise reasonable care regarding the hiring, firing, and supervision of Defendants Wheeler and Pierre, and regarding the use of excessive force, racial profiling, or any other policing matters. Because of their failure, Bilal suffered injury.

149. The Defendants named in this Count knew or reasonably should have known these failures would result in harm to Bilal.

150. As a direct proximate cause of these Defendants' conduct, Bilal has suffered damages, including through emotional injury.

151. Therefore, Bilal is entitled to damages in an amount to be proven at trial.

V. DEMAND FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

- 1.** Compensatory damages;
- 2.** Punitive damages on all claims allowed by law against individual Defendants and in an amount to be determined at trial;
- 3.** Special damages in an amount to be determined at trial;
- 4.** Reasonable attorneys' fees and costs;
- 5.** Pre and post-judgment interest; and

6. Such other relief as this Court may deem just and proper.

Dated: October 5, 2021

Respectfully submitted,

/s/ Stephanie Willis

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ACT No. 151

Regular Session, 2007

HOUSE BILL NO. 490

BY REPRESENTATIVE GRAY

AN ACT

To enact R.S. 33:9091.11, relative to the Hurstville Security and Neighborhood Improvement District in Orleans Parish; to create and provide relative to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for the imposition and collection of a parcel fee and for the use thereof; to provide relative to liability of board members and officers; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9091.11 is hereby enacted to read as follows:

§9091.11. Hurstville Security and Neighborhood Improvement District

A. Creation. There is hereby created within the parish of Orleans, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the Hurstville Security and Neighborhood Improvement District, referred to in this Section as the "district". The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

B. Boundaries. The boundaries of the district shall be that area within and including the following perimeter streets and avenues: Magazine Street (both sides) from Valmont Street to Nashville Avenue (downtown side only), to Hurst Street (river side only), to Arabella Street (downtown side only), to St. Charles Avenue (lake side only), including the parcel at the corner of the river side of St. Charles

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1 Avenue and the downtown side of Arabella Street, to Nashville Avenue (downtown
 2 side only), to Loyola Avenue (both sides), to Octavia Street (both sides), to Liberty
 3 Street (both sides), to Jefferson Avenue (uptown side only), to Prytania Street
 4 (excluding all municipal numbers in this portion of Prytania Street), to Valmont
 5 Street (both sides), to Magazine Street.

6 C. Purpose. The district is established for the purpose of promoting and
 7 encouraging security in the area included within the district and promoting and
 8 encouraging the beautification and overall betterment of the district.

9 D. Governance. (1) The district shall be governed by a nine-member board
 10 of commissioners, referred to in this Section as the "board". The board shall be
 11 composed as follows:

12 (a) The president of the Hurstville Neighborhood Association, Inc., referred
 13 to in this Section as the "association".

14 (b) The board of directors of the association shall appoint four members.

15 (c) The mayor of the city of New Orleans shall appoint one member from a
 16 list of nominations submitted by the association.

17 (d) The member of the governing authority of the city of New Orleans whose
 18 council district encompasses all or the greater portion of the area of the district shall
 19 appoint one member from a list of nominations submitted by the association.

20 (e) The member of the Louisiana House of Representatives whose district
 21 encompasses all or the greater portion of the area of the district shall appoint one
 22 member from a list of nominations submitted by the association.

23 (f) The member of the Louisiana Senate whose district encompasses all or
 24 the greater portion of the area of the district shall appoint one member from a list of
 25 nominations submitted by the association.

26 (2) All members of the board shall be residents of the district.

27 (3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (f)
 28 of this Subsection shall serve four-year terms after initial terms as provided in this
 29 Subparagraph. Two members shall serve initial terms of one year; two shall serve
 30 initial terms of two years; two shall serve initial terms of three years; and two shall

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1 serve initial terms of four years, as determined by lot at the first meeting of the
2 board.

3 (b) The member serving pursuant to Subparagraph (1)(a) of this Subsection
4 shall serve during his term of office as president of the association.

5 (c) Any vacancy which occurs prior to the expiration of the terms for which
6 a member of the board has been appointed shall be filled for the remainder of the
7 unexpired term in the same manner as the original appointment. Board members
8 shall be eligible for reappointment.

9 (4) The board shall elect from its members a chairman, a vice chairman, a
10 secretary-treasurer, and such other officers as it may deem necessary. The duties of
11 the officers shall be fixed by the bylaws adopted by the board.

12 (5) The minute books and archives of the district shall be maintained by the
13 secretary-treasurer of the board. The monies, funds, and accounts of the district shall
14 be in the official custody of the board.

15 (6) The board shall adopt such rules and regulations as it deems necessary
16 or advisable for conducting its business affairs. Rules and regulations of the board
17 relative to the notice and conduct of meetings shall conform to applicable law,
18 including, if applicable, R.S. 42:4.1 et seq., relative to open meetings. The board
19 shall hold regular meetings as shall be provided for in the bylaws and may hold
20 special meetings at such times and places within the district as may be prescribed in
21 the bylaws.

22 (7) A majority of the members of the board shall constitute a quorum for the
23 transaction of business. The board shall keep minutes of all meetings and shall make
24 them available through the secretary-treasurer of the board.

25 (8) Each member of the board shall have one vote, and the vote of a majority
26 of the members of the board present and voting, a quorum being present, shall be
27 required to decide any question upon which the board takes action.

28 (9) The members of the board shall serve without compensation but shall be
29 reimbursed for their reasonable out-of-pocket expenses directly related to the
30 governance of the district.

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1 E. Powers and Duties. The district, acting through its board, shall have the
2 following powers and duties:

3 (1) To sue and be sued.
4 (2) To adopt, use, and alter at will a corporate seal.
5 (3) To receive and expend funds collected pursuant to Subsection F of this
6 Section and in accordance with a budget adopted as provided by Subsection H of this
7 Section.

8 (4) To enter into contracts with individuals or entities, private or public.
9 (5) To provide or enhance security patrols in the district, to provide for
10 improved lighting, signage, or matters relating to the security of the district, to
11 provide for the beautification of and improvements for the district, or to provide
12 generally for the overall betterment of the district.

13 (6) To enter into contracts and agreements with one or more other districts
14 for the joint security, improvement, or betterment of all participating districts.

15 (7) To provide for such services and make such expenditures as the board
16 deems proper for the upkeep of the district.

17 (8) To acquire or lease items and supplies which the board deems
18 instrumental to achieving the purposes of the district.

19 (9) To acquire, lease, insure, and sell real property within the boundaries of
20 the district in accordance with district plans.

21 (10) To procure and maintain liability insurance against any personal or legal
22 liability of a board member that may be asserted or incurred based upon his service
23 as a member of the board or that may arise as a result of his actions taken within the
24 scope and discharge of his duties as a member of the board.

25 (11) To perform or have performed any other function or activity necessary
26 or appropriate to carry out the purposes of the district or for the overall betterment
27 of the district.

28 F. Parcel Fee. The governing authority of the city of New Orleans is hereby
29 authorized to impose and collect a parcel fee within the district subject to and in
30 accordance with the provisions of this Subsection.

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1 (1) The amount of the fee shall be as requested by duly adopted resolution
 2 of the board. The fee shall be a flat fee per improved parcel of land not to exceed
 3 five hundred dollars per year for each improved parcel for calendar year 2008,
 4 provided that the maximum shall be increased by twenty-five dollars per year for
 5 each calendar year after 2008.

6 (2) The fee shall be imposed on each improved parcel located within the
 7 district except as provided in Paragraph (4) of this Subsection.

8 (a) For purposes of this Section, "parcel" means a lot, a subdivided portion
 9 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
 10 9:1121.103.

11 (b) The owner of each parcel shall be responsible for payment of the fee.

12 (3)(a) The fee shall be imposed only after the question of its imposition has
 13 been approved by a majority of the registered voters of the district who vote on the
 14 proposition at an election held for that purpose in accordance with the Louisiana
 15 Election Code. The amount of the fee may be changed by duly adopted resolution
 16 of the board, not to exceed the maximum amount authorized as provided in this
 17 Subsection. No other election shall be required except as provided by this
 18 Paragraph.

19 (b) The initial election on the question of the imposition of the fee shall be
 20 held at the same time as a regularly scheduled election in the city of New Orleans.

21 (c) If approved, the fee shall expire on December 31, 2014, but the fee may
 22 be renewed if approved by a majority of the registered voters of the district voting
 23 on the proposition at an election as provided in Subparagraph (a) of this Paragraph.
 24 Any election to authorize the renewal of the fee shall be held only at the same time
 25 as the mayoral primary election for the city of New Orleans. If the fee is renewed,
 26 the term of the imposition of the fee shall be as provided in the proposition
 27 authorizing such renewal, not to exceed eight years.

28 (4) No fee shall be imposed upon any parcel whose owner qualified for the
 29 special assessment level provided by Article VII, Section 18(G)(1) of the
 30 Constitution of Louisiana.

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1 (5) The fee shall be collected at the same time and in the same manner as ad
 2 valorem taxes on property subject to taxation by the city are collected.

3 (6) Any parcel fee which is unpaid shall be added to the tax rolls of the city
 4 and shall be enforced with the same authority and subject to the same penalties and
 5 procedures as unpaid ad valorem taxes.

6 (7)(a) The proceeds of the fee shall be used solely and exclusively for the
 7 purpose and benefit of the district; however, the city may retain one percent of the
 8 amount collected as a collection fee.

9 (b) The city of New Orleans shall remit to the district all amounts collected
 10 not more than sixty days after collection.

11 G. Additional Contributions. The district is authorized to solicit and accept
 12 additional voluntary contributions and grants to further the purposes of the district.

13 H. Budget. (1) The board shall adopt an annual budget in accordance with
 14 the Local Government Budget Act, R.S. 39:1301 et seq.

15 (2) The district shall be subject to audit by the legislative auditor pursuant
 16 to R.S. 24:513.

17 I. Miscellaneous. It is the purpose and intent of this Section that any
 18 additional security patrols, public or private, or any other security or other services
 19 or betterments provided by the district shall be supplemental to and not be in lieu of
 20 personnel and services to be provided in the district by the state or the city of New
 21 Orleans or their departments or agencies or by other political subdivisions.

22 J. Dissolution. (1) The district may be dissolved without the vote of the
 23 registered voters of the district if a majority of the area covered by the district
 24 becomes included in another district that serves similar purposes but includes
 25 additional parcels of property adjacent to the district, if approved by the affirmative
 26 vote of not less than five members of the board. If the district is dissolved in
 27 accordance with this Paragraph, the funds of the district that relate to the portion of
 28 the district that is included in the new district, together with any other funds collected
 29 by the city of New Orleans pursuant to this Section that relate to such portion of the
 30 district, shall be transferred to the new district to be used for purposes of the new

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1 district. The remaining portion of funds, if any, shall be transmitted by the board to
 2 the city of New Orleans and such funds shall be used only for law enforcement,
 3 security, improvement, and beautification purposes of the area that was formerly
 4 within the district but is not included in the new district.

5 (2) If the district is dissolved pursuant to Paragraph (1) of this Subsection,
 6 the authority for the imposition of the parcel fee provided in Subsection F of this
 7 Section shall cease.

8 K. Indemnification and Exculpation. (1) The district shall indemnify its
 9 officers and board members to the fullest extent permitted by R.S. 12:227, as fully
 10 as if the district were a nonprofit corporation governed thereby, and as may be
 11 provided in the district's bylaws.

12 (2) No board member or officer of the district shall be liable to the district
 13 or to any individual who resides, owns property, visits, or otherwise conducts
 14 business in the district for monetary damages for breach of his duties as a board
 15 member or officer, provided that the foregoing provision shall not eliminate or limit
 16 the liability of a board member or officer for any of the following:

17 (a) Acts or omissions not in good faith or which involve intentional
 18 misconduct or a knowing violation of law.

19 (b) Any transaction from which he derived an improper personal benefit.

20 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 21 9:2792.1 through 2792.9, a person serving the district as a board member or officer
 22 shall not be individually liable for any act or omission arising out of the performance
 23 of his duties.

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1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS

| | |
|--|------------------|
| JUAN VARA vs. DEPARTMENT OF POLICE | DOCKET NO.: 8106 |
| KEVIN WHEELER vs. DEPARTMENT OF POLICE | DOCKET NO.: 8109 |

I. INTRODUCTION

The Department of Police (“Appointing Authority”) employed Kevin Wheeler and Juan Vara (“Appellants”) as police officers with permanent status. The Appointing Authority terminated each appellant on November 27, 2012 for violating NOPD’s rules relating to “Honesty and Truthfulness,” and, “False or Inaccurate Reports.” Each appellant was also suspended for additional alleged rule violations.¹

The matter was assigned by the Civil Service Commission to a Hearing Examiner pursuant to Article X, Section 12 of the Constitution of the State of Louisiana, 1974. Hearings were held on June 26, July 11, and September 26, 2013. The testimony presented and the matters discussed at the hearings were transcribed by a court reporter. The three undersigned members of the Civil Service Commission have reviewed a copy of the transcript and all documentary evidence.

¹ Unauthorized Force = ten days; Failure to Report Misconduct = five days. Officer Wheeler received an additional three day suspension for violating instructions on the use of an Electronic Control Device (“ECD”).

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II. FACTUAL BACKGROUND

On October 18, 2011, the Appellants responded to a domestic disturbance in which a female complainant alleged that a male suspect was armed with a machete and arguing with her. There are two videos of the incident thanks to the video recording devices attached to the Appellants' TASERS. Upon arriving at the scene, the Appellants developed a tactical plan with two other Officers, Anthony Polidore and Larry King. It was agreed that Officer Vara would enter the apartment with his TASER drawn and Officer Wheeler would provide "lethal cover" with his firearm. Upon entering the apartment, the Appellants repeatedly ask the female Complainant, "where is the guy with the knife?" The Complainant directed them to the rear of the apartment. Then, suddenly, the subject appeared.

As a preliminary matter, there is no dispute that the subject was armed with a two-foot-long machete when the Appellants first confronted him. Adding to the confusion and stress of the situation was the poor lighting of the apartment and the fact that the Appellants' tactical plan for responding to the disturbance was foiled when Officer Polidore physically intervened with the armed subject. (Tr. at 337:15-24) Officer Polidore's actions violated NOPD protocol regarding suspects with edged weapons. *Id.* Specifically, Officer Polidore maintained a very close proximity to the subject and physically grabbed the subject's arm. While Officer Polidore was successful in disarming the subject, his actions ran contrary to the plan developed by Appellants and put himself and his fellow Officers in unnecessary danger.

Appellants claim that, even after Officer Polidore's physical interaction with the subject, they believed the subject was still armed with the machete and was ignoring Appellants' instructions. The subject then slowly advanced towards the Appellants prompting both appellants to fire their TASERS into him. The deployment was almost simultaneous. Allegedly believing

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that the subject was still armed and resisting, appellant Wheeler applied a second shock to the subject seconds later. Officer Vara then secured the suspect with handcuffs. (Tr. 382:4).

It was possible, though not necessarily practical, for the Appellants to review the TASER deployment videos prior to completing their reports. However, this issue is of little import given the unequivocal nature of the Appellants' report. Had the Appellants indicated that they were not sure of what occurred during the course of the incident, or whether or not the subject was in fact armed when the Appellants discharged their weapons, then, in all likelihood, the dispute would not involve termination.

Because of the TASER deployment, a Resisting Arrest report was required from a supervisor. Appellants gave Sergeant Philibert, a responding supervisor, their version of what occurred at the scene. Appellants reported that: 1) the subject was armed with the machete, 2) did not comply with verbal demands, 3) that Officer Polidore's attempt to disarm the subject was unsuccessful, and 4) the subject was armed and advanced towards them. All of which caused the Appellants to deploy their TASERs. The Appellants further stated that a second charge was necessary in order to disarm the subject. The information appellants gave Philibert is one basis of dismissal - Honesty and Truthfulness. The second basis for dismissal was related to the information in Appellants' official police report documenting the incident. The report was completed one hour post-incident by the Appellants.

III. LEGAL STANDARD

It is well-settled that, in an appeal before the Commission, an Appointing Authority has the burden of proving, by a preponderance of the evidence: 1) the occurrence of the complained of activity, and 2) that the conduct complained of impaired the efficiency of the public service. *Gast v. Dep't of Police*, 2013-0781 (La. App. 4 Cir. 3/13/14), 137 So. 3d 731, 733 (La. Ct. App.

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2014)(quoting *Cure v. Dep't of Police*, 2007-0166 (La. App. 4 Cir. 8/1/07), 964 So. 2d 1093, 1094 (La. Ct. App. 2007)). If the Commission finds that an appointing authority has met its initial burden and had sufficient cause to issue discipline, we must then determine if that discipline “was commensurate with the infraction.” *Abbott v. New Orleans Police Dep't*, 2014-0993 (La. App. 4 Cir. 2/11/15, 7); 165 So.3d 191, 197 (citing *Walters v. Dep't of Police of City of New Orleans*, 454 So.2d 106, 113 (La. 1984)).

In the matter now before the Commission, NOPD presented un rebutted testimony that, when Officers provide false information to the Department, such conduct impairs the efficiency of NOPD. (Tr. 168:10-169:3). The Commission accepts this testimony and finds that, when an Officer intends to deceive his/her supervisors in connection with an official report, makes a knowingly false statement on an official report, or intentionally withholds information from an official report, such conduct dramatically compromises the efficiency of a police department. See *Narcisse v. Dep't of Police*, 2012-1267 (La. App. 4 Cir. 3/6/13, 18); 110 So.3d 692, 702 (holding that an officer’s dishonesty in the course of his duties bore “a real and substantial relationship to the efficient operation of the appointing authority.”). Therefore, our analysis focuses on the first part of the two-part test.

IV. ANALYSIS

A. NOPD Has Established the Occurrence of the Complained of Activity

What is unique about this matter is that video evidence is available that depicts what actually happened on the night of October 18, 2011. (NOPD Exhs. 1, 2). These videos clearly show that the subject was not armed when the Appellants discharged their weapons. Therefore, whether or not NOPD meets its burden on appeal turns on whether or not NOPD proved, by a preponderance of the evidence, that Appellants: i) “made a materially false statement with the

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intent to deceive” (NOPD Rule 2, Section 3), ii) knowingly made, or caused to be made, a false or inaccurate record or report of an official nature, or iii) intentionally withheld material matter from such report or statement. (NOPD Rule 6, Section 2). And, since Appellants were terminated for filing false or inaccurate reports, our analysis begins with the reports submitted by the Appellants.

1. Police Report

The accuracy and truthfulness of the first three paragraphs of Appellants’ report are not at issue. However, beginning in paragraph four of Appellants’ report, their account strays from what actually happened at the scene. The Appellants mention Officer Polidore’s interaction with the subject in their report, but unequivocally state that the subject “maintain[ed] a grip on the weapon.” (NOPD Exh. 3 and ¶¶4, 5.) In this same paragraph, Appellants state that the subject “appeared to be lacking the coordination to pull his pants up around his waist.” *Id.* at ¶4.

Then, Appellants reported that, not only was the subject armed, but that he “leveled” the machete at the Appellants. *Id.* at ¶5. This is an important detail given that this alleged “leveling” caused both Appellants to be concerned for their lives and the lives of others. In fact, the Appellants stated in their report that they discharged their TASERSs, “because the subject remained armed, leveled the machete, and [] he could [have] either hurt an officer or barricade[d] himself in the bedroom with the children. . . .” *Id.* at ¶5 (emphasis added). In fact, the video shows that the subject never leveled the machete at either Officer Vara or Officer Wheeler; Appellant Vega admitted as much during his testimony. (Tr. 289:2-5). Furthermore, Officer Vara equivocated during his testimony and claimed that he believed the subject was “going to level the machete.” *Id.* at 376:18-24. This is very different than reporting that the subject did actually level the machete. It also brings into serious question whether or not the Appellants truly believed that someone who appeared “lethargic,” “disorientated,” and who “lack[ed] the coordination to pull up

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his pants” could level a weapon or barricade himself in a room with one of the minor children in the apartment.

In the Appellants’ report, they repeatedly allege that they instructed the subject to “drop his weapon.” (NOPD Exh. 3. at ¶4, 5). In reviewing the video and listening to the accompanying audio, the Commission notes that the Appellants do not issue such an instruction. In the letter of termination, Superintendent Serpas makes the point that, in the video, the Appellants are not directing the subject to “drop his weapon.” From the absence of such instruction, the Superintendent makes a reasonable inference that the Appellants did not believe the subject to be armed. (Hearing Officer Exh. 1 at p. 2).

Appellants then write that the subject, upon being “tased,” “released the machete, and fell to the floor on his back.” (NOPD Exh. 3 at ¶6) However, as noted above, the machete was not on, or even very close to the subject when he was turned over. Members of NOPD testified that it should have been apparent to the Appellants that they had just tased an unarmed subject. (Tr. at 179:1-9, 224:6-14).

The expert who testified on behalf of the Appellants provided compelling testimony with respect to the mental and physical stresses on officers when responding to calls like the one at issue here. However, this case boils down to whether or not the Appellants were honest and truthful in reporting their actions to NOPD following the discharge of their weapons. Appellants’ expert rendered an opinion based in part on his finding that the Appellants “were not looking at [the subject’s] right hand.” (Appellant Exh. 4). Appellants themselves contradict such a finding by reporting:

- The subject “emerged from the hallway armed with a machete in his right hand.”
- The subject was “holding the machete by the handle in his right hand” and “using his left hand to pull his pants up”

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- Officer Polidore attempted to disarm [the subject] by grabbing his right hand, which was holding the machete by its handle.”
- Officer Polidore continued to maintain a grip on the subject's hand and the weapon.”
- The subject then leveled the machete which officer Polidore had his and on the subject's right hand (gripping the weapon).”

According to the Appellants' report, they were paying very close attention to the subject's hands and made several unequivocal statements as to what the subject was doing with his hands leading up to the Appellants' tasing the subject.

2. Resisting Arrest Report

Pursuant to NOPD policy, the Appellants' supervisor, Sergeant Russell Philibert, had to complete a “resisting arrest report” due to the fact that Appellants discharged their weapons. (Tr. at 183:2-9). This report was based upon information provided to Sgt. Philibert by the Appellants. *Id.* at 184:4-7. Based upon the information provided to him from the Appellants, Sgt. Philibert wrote that “the ECD activation caused [the suspect] to fall to the floor and disarm (sic) him.” (NOPD Exh. 4). Then, “a second [TASER] activation cycle was required to handcuff [the subject] and to remove the machete next to him.” *Id.* Both of these assertions are demonstrably false. Before the subject was tased, Officer Polidore had disarmed the suspect, and “placed [the machete] in the corner away from [the subject].” (Tr. 102:19-22). As Officer Polidore and Sgt. Smith testified, when the suspect was handcuffed and rolled over, the machete was nowhere on his person or near enough for the subject to reach. (Tr. 272:21-273:8).

The Appellants also told Sgt. Philibert that they “shouted” at the subject to “release the weapon.” (NOPD Exh. 4). As noted above, this is not true.

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3. *Video Evidence*

Upon a review of the video, the interaction between the suspect and Officer Polidore appears non-confrontational. There is little, if any, resistance offered by the subject. When Officer Polidore withdraws from the subject, the subject is unarmed and attempting to pull his pants up with both hands. (NOPD Exh. 1). When viewing the video during their testimony, both Appellants testified that they thought the subject's belt was the machete. (Tr. 306:11-16, 349:20-350:8, 350:19-22, 377:5-11). Given that this testimony came well after the Appellants submitted inaccurate reports, the Commission views it as largely self-serving and inconsistent with the definitive claims the Appellants made in their reports.

During his testimony at the appeal hearing, Appellant Wheeler said he was approximately eight (8) feet away from the subject. (Tr. at 337-338.) From a review of the video, it appears that the subject was much closer than that when the Appellants made the decision to discharge their TASERS. It is difficult to believe that, even in low light, that they could not see that the subject was not holding a two-foot-long knife. Further, Officer Vara testified that, at the time the subject was advancing on him and Officer Wheeler, Vara believed that the machete was "behind [the subject's] leg or on his side." *Id.* at 374:16-19. This is inconsistent with the account Appellants provided to NOPD in their report when they allege that the subject leveled the machete at them. Officer Vara also claims that he did not realize that the subject's belt was not the machete until he viewed the video (Tr. 377:8-11), but he was the one who handcuffed the subject and should have immediately been able to confirm that the subject's belt was not a two-foot-long knife. *See id.* at 378:4. Finally, Appellants' expert confirms that there were 11-12 seconds between the subject being disarmed and Appellants discharging their Tasers. (Tr. p. 445) During this time, the subject

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was slowly moving closer to Appellants, while trying to pull his pants up, and only passively resisting the Appellants' instructions. *Id.* at 180:17-181:2.

B. Appellants' Discipline was Commensurate with their Infraction

Since NOPD has established that Appellants knowingly provided false information in connection with an official report and that such actions compromised the efficient operation of the Department, the Commission now turns to whether or not termination is the appropriate level of discipline for such misconduct. In conducting its analysis, the Commission must determine if the Appellants' termination was "commensurate with the dereliction;" otherwise, the discipline would be "arbitrary and capricious." *Waguespack v. Dep't of Police*, 2012-1691 (La. App. 4 Cir. 6/26/13, 5); 119 So.3d 976, 978 (citing *Staehle v. Dept. of Police*, 98-0216 (La. App. 4 Cir. 11/18/98), 723 So.2d 1031, 1033).

NOPD has established a "penalty schedule" in connection with certain rule violations. PR 1021.3. For the most part, this schedule operates under a theory of progressive discipline and provides for increasing levels of discipline for subsequent rule infractions. However, there are several rule violations for which the only penalty is dismissal. For example, the only discipline listed for a violation of Rule 2, Section 2 is dismissal. PR 1021.4.3.² Likewise, a violation of Rule 6, Section 2 also carries with it the penalty of dismissal for a first offense. PR 1021.8.2.³ While there was little testimony as to the genesis of these rules and why a violation of them warrants discipline, the Commission takes a common sense approach to its analysis.

² Rule 2, Section 3 requires that all employees "be truthful at all times, in their spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to the scope of their employment and operations of the Department."

³ Rule 6, Section 2 states that, "[a]n employee shall not knowingly make, or cause or allow to be made, a false or inaccurate oral or written record or report of an official nature, or intentionally withhold material matter from such report or statement."

Vara/Wheeler
Nos.: 8106 & 8109

Official reports generated by Officers in connection with arrests, uses of force or other interactions with citizens often provide the only insight into such incidents. These records are public documents, and members of the public frequently request them. In the interest of accountability, transparency and public trust, it is essential that these records accurately reflect what happened, regardless of whether or not the Officers involved are shown in a positive light. If Officers alter, omit or misrepresent material in these reports, the essential role these reports play is drastically compromised. Therefore, the Commission finds that NOPD has a vested interest in ensuring that Officers commit to the highest level of truthfulness in making official reports and severely disciplining those Officer who fail to do so.

V. CONCLUSION

This is not a conclusion that the Commission comes to lightly. We recognize that the Appellants were good officers faced with a very difficult positon. Further, the Commission appreciates both the internal and external pressures on NOPD Officers. Nevertheless, there were numerous instances where the Appellants submitted or reported demonstrably false information to NOPD, and their belief that their reports were accurate is called into serious question by their testimony, the video evidence and their initial account of the incident. If there is any lesson to be learned from this episode, it is that Officers and supervisors must adhere to the highest standards of truthfulness and transparency when preparing reports regarding incidents when force is required. If there is any doubt about a particular situation following the heat of the moment, Officers should note that in their reports. The public must have faith that, when NOPD officers respond to a potentially dangerous situation, that they will conduct themselves in a professional, forthright manner with the health and safety of all citizens foremost in their minds.

Vara/Wheeler
Nos.: 8106 & 8109

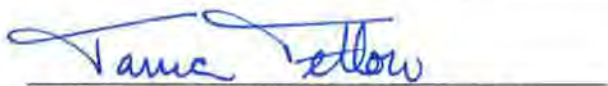
Based upon the evidence and testimony presented by the Parties during the appeal hearing, the Commission finds that NOPD has sustained its burden in showing that Appellants violated NOPD Rule 2, Section 3 and Rule 6, Section 2. The Commission further finds that violations of these rules impairs the efficiency of NOPD. Finally, the Commission finds that the nature of the Appellants' violations warrant the highest degree of discipline, termination. Therefore, Appellants' appeal is DENIED and their terminations shall stand. Given that the Commission finds that there was sufficient cause justifying Appellants' dismissal, it need not determine if there was sufficient cause to suspend Appellants for lesser violations.

RENDERED AT NEW ORLEANS, LOUISIANA THIS 30 DAY OF NOVEMBER, 2015.

CITY OF NEW ORLEANS
CIVIL SERVICE COMMISSION


MICHELLE D. CRAIG, CHAIRMAN

CONCUR:


RONALD P. McCLAIN, VICE-CHAIRMAN
TANIA TETLOW, COMMISSIONER



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ORLEANS LEVEE DISTRICT
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504.286-3100

TO: Derek Boese, CAO

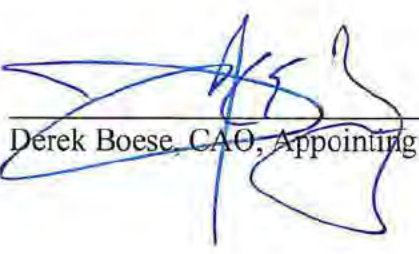
RE: Request for use of Rule 6.5g for extraordinary qualifications/credentials
For new hire Kevin Wheeler

The Orleans Levee District Police Department has an opening for a Police Officer 2-A and has interviewed eligible applicants for this position. I am requesting approval to hire Kevin Wheeler at the rate of [REDACTED] per hour as a probational appointment.

The position of a Police Officer 2-A is a PS-108 in the Civil Service pay scale. [REDACTED]

Mr. Wheeler has 10 years of experience in law enforcement, prior employment with Tangipahoa Sheriff's and NOPD where he served as a special task force officer and field training officer. His qualifications and experience surpass the minimum qualifications for this position.

We respectfully request approval to use Rule 6.5g to hire Kevin Wheeler as a Police Officer 2-A at the rate of [REDACTED] an hour.


Derek Boese, CAO, Appointing Authority

 Approved/disapproved

EXHIBIT(E)

C



Date: June 25, 2020

TO: Lt. T. Martin

LT. T.M.

Through: Sgt. Demetrius Jackson

FROM: Officer Ramon Pierre

Ramon Pierre 6/25/2020

Re: Statement concerning a complaint made against Officer Pierre while working the Hurtsville Detail.

Attn: Lt. T. Martin

While working the Hurtsville detail patrolling the area near the intersection of Joseph Street and Loyola Ave. I received a phone call on the Hurtsville issued phone from OPLB Officer Wheeler at 12:06 a.m. on June 13, 2020. Officer Wheeler had concerns about a Black BMW occupied by three males. The driver, the passenger in the front passenger seat along with a third person seated in the back seat driver's side. Officer Wheeler informed me that one the occupants approached him about a missing dog. It's my understanding that Officer Wheeler used his motion computer and was able to obtain the vehicle information. While still on the phone Officer Wheeler said he was unfamiliar with the address and said to me the zip code. [REDACTED]. I informed Officer Wheeler the zip code is from New Orleans East area, Officer Wheeler was somewhat suspicious of the story given to him and due to the slow speed of the vehicle. Also it should be noted the Passenger in the front Passenger's seat was leaning outside of the front Passenger window. Half of the passenger's body was leaning out of the vehicle. Officer Wheeler elected to conduct a vehicle investigatory stop. Officer Wheeler who was in a fully marked police unit Orleans Parish Levee District and I was in my P.V. with blue lights on my dashboard. Our lights were activated but the vehicle didn't stop initially the vehicle came to a stop at the intersection of Octavia Street and Chestnut Street after being told to stop via the loud speaker from Officer Wheeler's unit. As we exited our vehicles we asked the occupants to show us their hands. Officer Wheeler and I were able to see the occupants' hands in the vehicle. At which time the occupants were told they could put their hands down.

The driver was asked to step out of the vehicle by Officer Wheeler, which the driver complied with the request. The driver walked to the front of Officer Wheeler's police unit. The driver was asked by Officer Wheeler to tell him the story again concerning the missing dog. The driver said they were looking for his friend family dog that was missing. Officer Wheeler asked the driver what area was the dog missing from? The driver said the 1100 block of Camp Street. The driver was immediately corrected by his friend seated in the back of the BMW "No will live in the [REDACTED]"

block of Camp Street. Note: The location given by the occupant in the back seat is about 7 to 8 blocks away from where the traffic stop was conducted. Officer Wheeler asked the driver for his Driver's License. Again the driver complied with the request, Officer Wheeler went to his police unit, returned a short time later returned the driver's license back to the driver. Officer Wheeler said to all the occupants they could leave.

Respectfully Submitted by Officer Ramon Pierre
Badge #102

Interview of Kevin Wheeler
July 10, 2020

P R O C E E D I N G S

SGT. MICHAEL SCHINDLER: Wednesday, July 1st, 8:29 a.m. This is Sergeant Michael Schindler. Sergeant Vance Bieniemy, and Officer Kevin Wheeler. Taking a taped statement from Officer Wheeler in reference to Internal Affairs file 2020-0007.

Officer Wheeler, can you please state your name and spell it for the record, please?

OFFICER WHEELER: Kevin Wheeler. KEVIN, WHEELER.

SGT. MICHAEL SCHINDLER: All right. Officer Wheeler, have you been advised of your Garrity rights?

OFFICER WHEELER: Yes, sir.

SGT. MICHAEL SCHINDLER: Do you understand your Garrity rights?

OFFICER WHEELER: Yes, sir.

SGT. MICHAEL SCHINDLER: Have you signed appropriate paperwork relative to the Garrity rights?

OFFICER WHEELER: Yes, sir.

SGT. MICHAEL SCHINDLER: All right. What's your current duty assignment?

OFFICER WHEELER: I'm a Police Officer

Interview of Kevin Wheeler
July 10, 2020

1 II assigned to the New Orleans Levee District
2 Police Department.

3 SGT. MICHAEL SCHINDLER: And how long
4 have you been with the Orleans Levee District
5 Police Department?

6 OFFICER WHEELER: January 13th, 2020
7 until current.

8 SGT. MICHAEL SCHINDLER: Okay. Do you
9 have any previous law enforcement experience?

10 OFFICER WHEELER: Yes, sir.

11 SGT. MICHAEL SCHINDLER: What is that
12 experience?

13 OFFICER WHEELER: I've been a policeman
14 since March 10th, 2004, with the exception of
15 10 months.

16 SGT. MICHAEL SCHINDLER: Okay. What
17 other agencies have you worked with?

18 OFFICER WHEELER: I worked for the Tampo
19 Au Pair (phonetic) Sheriff's Office, the
20 University of Loyola Police Department, the
21 New Orleans Police Department, the City of
22 Cool Valley, Missouri. The city of Jennings,
23 Missouri.

24 SGT. MICHAEL SCHINDLER: Okay. So you
25 have a vast experience in law enforcement,

Interview of Kevin Wheeler
July 10, 2020

1 correct?

2 OFFICER WHEELER: Yes, sir.

3 SGT. MICHAEL SCHINDLER: All right.

4 What was your duty assignment on the night of
5 June 13th, 2020?

6 OFFICER WHEELER: I was working a paid
7 detail for the -- I was working a paid detail
8 for the Hurtsville Neighborhood Association.

9 SGT. MICHAEL SCHINDLER: All right. And
10 what does that detail entail?

11 OFFICER WHEELER: You patrol from
12 Nashville to Barrett to Jefferson, to
13 Brittania to Valmont to Magazine, and
14 Magazine to Nashville.

15 SGT. MICHAEL SCHINDLER: Okay. On that
16 night did you have the chance to encounter a
17 vehicle occupied by three males?

18 OFFICER WHEELER: Yes, sir.

19 SGT. MICHAEL SCHINDLER: All right.
20 What happened during that encounter?

21 OFFICER WHEELER: I was going downtown
22 on Camp Street, and the vehicle you mentioned
23 was coming uptown on Camp Street.

24 SGT. MICHAEL SCHINDLER: Okay. Go on
25 from there. Just what all happened?

Interview of Kevin Wheeler
July 10, 2020

1 OFFICER WHEELER: As the vehicle was
2 coming towards me, I saw the left rear
3 passenger hang out the window and the front
4 right passenger hanging out the window. As
5 they came past me, the guy in the left rear
6 said, hey. And it just -- I didn't like how
7 they were hanging out the window, and how he
8 was trying to converse with me car to car
9 hanging out the window because there was a
10 police officer working the detail in that
11 same area who was ambushed in a similar
12 situation, so I drove past them closer to the
13 intersection and turned my vehicle a little
14 bit and I was, like, yes, what's up? He
15 says, have you seen our dog? I was, like,
16 no, I haven't seen a dog. The guy says,
17 okay, if you see our dog, call us. And it
18 was like -- and it drove off. And I'm, like,
19 well, how am I supposed to contact you if you
20 don't provide your information to me?

21 So I was thinking that something wasn't
22 right because in my prior experiences, people
23 drive down the street and -- well, let me
24 rephrase this. Certain people drive down the
25 street committing crimes by breaking into

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July 10, 2020

1 cars, and they'll lean out the windows
2 pulling on car door handles and when they
3 find a car unlocked, they'll stop, go into
4 the car, get what they want, or not get
5 anything at all, and hurry up and get back in
6 the car and continue down the street.

7 SGT. MICHAEL SCHINDLER: Okay.

8 OFFICER WHEELER: So I thought something
9 was up. The vehicle went -- started going
10 uptown, and I turned around and ran a license
11 plate on -- on the car the guys were in.

12 SGT. MICHAEL SCHINDLER: All right. Go
13 on from there. What happened after you ran
14 the license plate?

15 OFFICER WHEELER: I saw the car
16 registered to a female, if I recall
17 correctly, and the address was in New Orleans
18 East. So, to me, I wouldn't understand why
19 someone from New Orleans East would be uptown
20 looking for a dog. And it seemed like a ruse
21 to disguise that these kids may have been up
22 to no good, and they just tried to, you know,
23 smooth me over and blow me away so they can
24 continue doing whatever they wanted to do.

25 So I called the other officer, Officer

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July 10, 2020

1 Pierre from HANO, on the detail phone. And I
2 asked him where he was. He said he was on
3 Nashville. And I was, like, okay, I need you
4 to come over to this area, turn the blue
5 lights off on your truck. I think these kids
6 might be up to something, can you watch them?
7 He's, like, yeah, no problem. So the kids
8 continue down Camp Street to where Camp
9 Street tees off. I think that's Joseph.

10 SGT. MICHAEL SCHINDLER: Um-hum.

11 OFFICER WHEELER: And they make a left.
12 I lose them around Joseph and Camp, and
13 Pierre is on the phone. He says, yeah, I got
14 them. Said something about a one way. And
15 they made a U-turn. Pierre is like, okay,
16 I'm behind them now. We're on Octavia, I
17 believe. And then I circled back and fell in
18 behind them as they were on Octavia going
19 towards the lake. So I'm on the phone with
20 Pierre. I'm like, you know, what do you
21 think? He goes, I don't know, something's
22 not right. I said, okay, cool, let's do a
23 stop.

24 So Pierre is in front of me in his truck,
25 his unmarked truck, but he has blue lights on

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1 the dashboard. He turns the blue lights on.
2 I turn my rear flashing lights on because I
3 didn't want to blind Pierre with my front
4 lights or silhouette him with them if
5 something happened. The car is not stopping.
6 So they -- we turn the lights on, like, near
7 Camp and Octavia and the car just keeps
8 going. Not speeding or anything, but just
9 creeping down the street. So I'm, like,
10 okay, are they planning to jump out, what's
11 going on, why aren't they stopping. There's
12 plenty of places to stop. So I start to
13 activate my siren in the car by pushing a
14 button, you know, giving it a couple whelps
15 or chirps, and the car makes a right to go
16 downtown on Chestnut Street and pulls over
17 not in the intersection, but on Chestnut just
18 downtown of the intersection. I got out of
19 my car real quick, and then I see Pierre is
20 getting out of his truck and he's throwing
21 his body armor on.

22 I -- I yell out to the driver in a firm
23 voice, I'm like, driver, step out. Driver
24 comes back, started talking to him. And
25 started in about the little dog thing. And

Interview of Kevin Wheeler
July 10, 2020

1 he says, oh, it's not my dog, it's my
2 friend's dog. And he motions to the kid in
3 the back seat -- or the man in the back seat.
4 And I asked him for his information and his
5 address. He said something that sounded like
6 1100 something Camp Street. And Pierre heard
7 that, and he's like, that's nowhere around
8 here. And I knew that address wasn't
9 anywhere around there because I used to work
10 the second district. And I was, like,
11 where -- what's your address again? And he
12 rattles off an address and I write it down.
13 And I was, like, okay, that makes more sense
14 because the 4300 block of Magazine is just --
15 it's on the downtown side of Napoleon and the
16 44 is on the uptown side. So, okay, it makes
17 sense.

18 I remember I was talking to the kid in the
19 back -- the man in the back, and I blinded
20 him with my flashlight on accident and I
21 apologized to him about it. And then I
22 got -- I just got -- I got his name, his
23 address, and I gave the driver his ID back,
24 and I told them hey, look, man, I'm really
25 sorry, this is why we did it, it's nothing

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1 personal, I hope y'all have a great night.
2 If we find the dog, I'll come get you, I'll
3 notify you. Sent them on their way. So they
4 drive off.

5 I called on the Levee Board radio that I
6 did a stop. I gave them the license plate
7 and I told them that they were looking for a
8 dog, it was NAT. And that was the last
9 contact I had with them -- with those folks.

10 SGT. MICHAEL SCHINDLER: Okay. From the
11 time of your initial contact to the time that
12 you lost contact with -- with the vehicle,
13 did at any time they get out of the vehicle
14 and talk to you or try to approach you or
15 anything?

16 OFFICER WHEELER: No, sir. I don't
17 remember anybody getting out of a vehicle. I
18 remember the kid and the -- sorry, I remember
19 the man in the back left hanging out the
20 window talking to me because if they would
21 have gotten out of the vehicle to come talk
22 to me, I would have gotten out of my car
23 because I don't let people walk up to me and
24 talk to me through my car window. It's not
25 safe.

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1 SGT. MICHAEL SCHINDLER: Okay. And from
2 the time that you have reacquired them with
3 Officer Pierre behind them, at what point did
4 y'all initiate your blue lights?

5 OFFICER WHEELER: I --

6 SGT. MICHAEL SCHINDLER: Or did y'all
7 initiate the stop.?

8 OFFICER WHEELER: I would say on Octavia
9 and Camp Street.

10 SGT. MICHAEL SCHINDLER: Okay. And how
11 far did they travel before coming to a stop?

12 OFFICER WHEELER: They didn't stop at
13 Octavia and Camp. They went down to the next
14 street and made a right-hand turn onto
15 Chestnut, so that would be one city block.

16 SGT. MICHAEL SCHINDLER: Okay. And at
17 the time that the vehicle did come to a stop,
18 how were you all -- how were your vehicles
19 positioned?

20 OFFICER WHEELER: Mine is a marked
21 police car.

22 SGT. MICHAEL SCHINDLER: Um-hum.

23 OFFICER WHEELER: I was on the left in
24 the oncoming -- which would be the oncoming
25 traffic lane. And Officer Pierre was on the

Interview of Kevin Wheeler
July 10, 2020

1 right. And we were all -- all three of us
2 were facing downtown.

3 SGT. MICHAEL SCHINDLER: Okay. At any
4 point did y'all draw y'all's duty weapons,
5 any other kind of weapon?

6 OFFICER WHEELER: No, sir.

7 SGT. MICHAEL SCHINDLER: There were
8 no -- at no point during the encounter?

9 OFFICER WHEELER: No, sir. I didn't see
10 Officer Pierre with his gun out, and I didn't
11 have my gun out.

12 SGT. MICHAEL SCHINDLER: Okay. Which of
13 the occupants actually exited the vehicle?

14 OFFICER WHEELER: I had the driver exit
15 and interviewed him. And while I was talking
16 to him, Pierre gave a loud verbal command to
17 the occupants, let me see your hands. And
18 then, you know, I continued my interview
19 there.

20 SGT. MICHAEL SCHINDLER: Okay. And at
21 what point did you transition from
22 interviewing the driver to the back seat
23 passenger?

24 OFFICER WHEELER: After I got the
25 driver's ID and he told me the dog belonged

Interview of Kevin Wheeler
July 10, 2020

1 to the back seat passenger. And then I got
2 the guy in the back seat, his information.

3 SGT. MICHAEL SCHINDLER: Okay.

4 OFFICER WHEELER: So --

5 SGT. MICHAEL SCHINDLER: So only the
6 driver got out of the vehicle? Neither of
7 the other occupants got out of the vehicle?

8 OFFICER WHEELER: I don't remember
9 anybody else getting out of the vehicle.
10 I -- that I can't be a hundred percent
11 certain of, but -- I can't answer that. I
12 don't remember anybody else getting out of
13 the vehicle.

14 SGT. MICHAEL SCHINDLER: Okay. Just to
15 touch on this again, what would -- what would
16 have been your reasonable suspicion to
17 initially conduct the stop?

18 OFFICER WHEELER: Well, I had twofolds
19 on the stop. I have the -- the probable
20 cause for seeing them hang out -- sorry. The
21 probable cause for seeing them hanging out
22 the window. They're obviously violating seat
23 belts. And they went down a one-way street
24 when they went to Camp Street to Joseph. And
25 then the -- but the biggest thing that drew

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July 10, 2020

1 my attention, and the reason I was
2 suspicious, was I work Hurtsville almost
3 every night I'm off. I have interrupted car
4 burglaries where guys are driving down the
5 street reaching out pulling on car door
6 handles, and when they see the car door is
7 unlocked, they'll drive past the car a little
8 bit, go into the car, they'll do their
9 burglary, get in the car and drive off. And
10 I have seen videos of it, too.

11 SGT. MICHAEL SCHINDLER: So it's fair to
12 say that a typical tactic for individuals
13 engaged in vehicle burglaries would be to
14 drive slowly down a street and people hanging
15 out of the windows just checking on cars as
16 they're moving down?

17 OFFICER WHEELER: Yes, sir.

18 SGT. MICHAEL SCHINDLER: Okay.

19 OFFICER WHEELER: It's a tactic that
20 I've witnessed myself, and also I've seen on
21 videos.

22 SGT. MICHAEL SCHINDLER: Okay.

23 OFFICER WHEELER: And, also, that's a
24 tactic I've witnessed myself in Hurtsville.

25 SGT. VANCE BIENIEMY: Take me back to

Interview of Kevin Wheeler
July 10, 2020

1 the initial time that either you noticed them
2 or they noticed you. Did anyone get out of
3 the car and come talk to you as they were --
4 when y'all initially met?

5 OFFICER WHEELER: No, sir. The man was
6 hanging out the back left window. And if he
7 would have got out of the car, I would have
8 gotten out of mine. Like I said, I don't let
9 people come walking up to my car or talk to
10 me as I'm in my car. It's a huge safety
11 issue.

12 SGT. VANCE BIENIEMY: So no one from
13 that vehicle got out and asked -- walked up
14 to you and asked that you would assist them
15 in locating a lost puppy?

16 OFFICER WHEELER: No one walked up to my
17 car, no.

18 SGT. VANCE BIENIEMY: Okay. And then
19 any time during the traffic stop that you
20 guys initiated, did anybody use a PA system
21 or --

22 OFFICER WHEELER: No, sir.

23 SGT. MICHAEL SCHINDLER: -- a loud --

24 OFFICER WHEELER: I use a loud voice.
25 Well, let's back up. While they were

Interview of Kevin Wheeler
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1 creeping down the street not stopping for
2 Pierre's blue lights, I used a siren by
3 pushing the manual button to -- to let out a
4 couple whelps or chirps to signal them to
5 pull over.

6 SGT. MICHAEL SCHINDLER: But you didn't
7 get on your PA system and give them commands
8 over the PA system --

9 OFFICER WHEELER: No.

10 SGT. MICHAEL SCHINDLER: -- to stop?

11 OFFICER WHEELER: No.

12 SGT. MICHAEL SCHINDLER: Okay. About
13 how long did the whole actual stop, from the
14 time they came to a stop and y'all initiated
15 contact, to the time that they were allowed
16 to leave, about how long would you say that
17 whole encounter took place?

18 OFFICER WHEELER: Once I realized that
19 the story -- the account they were giving was
20 plausible, I let them go. It was maybe four
21 or five minutes.

22 SGT. MICHAEL SCHINDLER: Okay. So not
23 30 or 35 minutes?

24 OFFICER WHEELER: No.

25 SGT. MICHAEL SCHINDLER: 45 minutes from

Interview of Kevin Wheeler
July 10, 2020

1 actual wheel stop to they were back in motion
2 again?

3 OFFICER WHEELER: Yes, sir.

4 SGT. VANCE BIENIEMY: To your
5 recollection, the driver was the only one out
6 of the vehicle?

7 OFFICER WHEELER: From what I remember,
8 yes. That's something I can't be a hundred
9 percent certain on, but that's what I
10 remember was the driver being out. Because I
11 remember blinding the guy in the back seat
12 with my flashlight. I remember that.

13 SGT. VANCE BIENIEMY: Was this while you
14 were talking to the driver when he was out of
15 the vehicle?

16 OFFICER WHEELER: While the driver was
17 out of the vehicle, yeah. Yes. I talked to
18 the kid -- the guy in the back seat because I
19 was writing on my notebook with my flashlight
20 under my armpit and I blinded him.

21 SGT. MICHAEL SCHINDLER: And you called
22 it into Orleans dispatch after the stop
23 was -- had completed, correct?

24 OFFICER WHEELER: Yes, sir. I did call
25 it into the Levee -- Orleans Levee Police.

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July 10, 2020

1 SGT. MICHAEL SCHINDLER: Did --

2 OFFICER WHEELER: And the exact thing I
3 told them was traffic stop, location, license
4 plate. They were looking for their dog, NAT.

5 SGT. MICHAEL SCHINDLER: And what about
6 NOPD Second District, were they notified of
7 this at all?

8 OFFICER WHEELER: I'm not certain.
9 And -- I don't remember if I called them or
10 not.

11 SGT. MICHAEL SCHINDLER: Do you know if
12 Pierre called them?

13 OFFICER WHEELER: I don't know. He may
14 have. I'm not sure.

15 SGT. MICHAEL SCHINDLER: You got
16 anything else, Vance? To your recollection,
17 how many people were in the vehicle?

18 OFFICER WHEELER: I know there were
19 three.

20 SGT. MICHAEL SCHINDLER: There were at
21 least three?

22 OFFICER WHEELER: Yes, sir. There was a
23 front -- the driver, obviously. And there
24 was a young person in the front. I thought
25 it was a -- you know, a tom - -- a girl, you

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July 10, 2020

1 know, that --

2 SGT. MICHAEL SCHINDLER: Um-hum.

3 OFFICER WHEELER: And I know there was
4 the back seat occupant.

5 SGT. MICHAEL SCHINDLER: So just to
6 recap, you're on patrol in Hurtsville?

7 OFFICER WHEELER: Yes, sir.

8 SGT. MICHAEL SCHINDLER: You're on Camp
9 Street heading in a downtown direction?

10 OFFICER WHEELER: Yes, sir.

11 SGT. MICHAEL SCHINDLER: In the area of
12 Valmont?

13 OFFICER WHEELER: Yes, I believe it was
14 Valmont.

15 SGT. MICHAEL SCHINDLER: And you see a
16 vehicle traveling in a uptown direction on
17 Camp Street with two occupants, the front
18 seat passenger and a back seat passenger,
19 hanging out on opposite side of the vehicle?

20 OFFICER WHEELER: Yes, sir.

21 SGT. MICHAEL SCHINDLER: They initiate
22 contact with you?

23 OFFICER WHEELER: Yes, sir.

24 SGT. MICHAEL SCHINDLER: And then say
25 something about looking for a lost dog, and

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1 then continued on without giving you any kind
2 of contact information to be able to contact
3 them?

4 OFFICER WHEELER: Yes, sir.

5 SGT. MICHAEL SCHINDLER: So you turn
6 around and you run the license plate and see
7 that the car is registered to a female in New
8 Orleans East?

9 OFFICER WHEELER: Yes, sir.

10 SGT. MICHAEL SCHINDLER: And that kind
11 of raises your suspicions as to why a vehicle
12 from New Orleans East would be traveling
13 around uptown looking for a dog?

14 OFFICER WHEELER: Correct.

15 SGT. MICHAEL SCHINDLER: So you initiate
16 contact with the other detail officer from
17 HANO working Hurtsville?

18 OFFICER WHEELER: Yes, sir.

19 SGT. MICHAEL SCHINDLER: And advise him
20 to be on the lookout of the vehicle?

21 OFFICER WHEELER: Yes, sir.

22 SGT. MICHAEL SCHINDLER: He picks up the
23 vehicle somewhere around Joseph and Magazine,
24 excuse me, and then they make their way back
25 to Octavia and Camp at some point in time

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1 where you pick them back up?

2 OFFICER WHEELER: Yes, sir.

3 SGT. MICHAEL SCHINDLER: So at this
4 point they are on Octavia heading lake bound.
5 You got suspect vehicle, Officer Pierre and
6 his truck?

7 OFFICER WHEELER: Yes, sir.

8 SGT. MICHAEL SCHINDLER: And then you in
9 your marked unit?

10 OFFICER WHEELER: Yes, sir.

11 SGT. MICHAEL SCHINDLER: So y'all are
12 going lake bound on Octavia?

13 OFFICER WHEELER: Can I add one thing,
14 sir?

15 SGT. MICHAEL SCHINDLER: Go ahead.

16 OFFICER WHEELER: When they passed in
17 front of me --

18 SGT. MICHAEL SCHINDLER: Um-hum.

19 OFFICER WHEELER: -- it's not like I was
20 down -- all the way down the street. I was
21 at the intersection so I had my headlights
22 on. You know, it's obvious I'm a policeman
23 in a vehicle when they passed in front of me.

24 SGT. MICHAEL SCHINDLER: So they see
25 you, and then drive past you, you fall in

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1 behind the suspect vehicle, Officer Pierre
2 and then you?

3 OFFICER WHEELER: Yes, sir, I fall in
4 behind officer Pierre.

5 SGT. MICHAEL SCHINDLER: Okay. And then
6 y'all activate your emergency lights?

7 OFFICER WHEELER: Yes, sir.

8 SGT. MICHAEL SCHINDLER: And somewhere
9 in the block between Camp Street and
10 Chestnut?

11 OFFICER WHEELER: Yes, sir.

12 SGT. MICHAEL SCHINDLER: And then they
13 continue going, they don't stop immediately?

14 OFFICER WHEELER: Correct.

15 SGT. MICHAEL SCHINDLER: They continue
16 going a block, half a block, somewhere up in
17 there, take a right onto Chestnut heading --
18 facing back towards downtown, and then they
19 come to a stop?

20 OFFICER WHEELER: Yes, sir.

21 SGT. MICHAEL SCHINDLER: Okay. Then
22 y'all get out your vehicles, you initiate
23 contact by giving a verbal order for the
24 driver to exit the vehicle?

25 OFFICER WHEELER: Yes, sir.

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1 SGT. MICHAEL SCHINDLER: And you obtain
2 his ID and try and find out what's going on?

3 OFFICER WHEELER: Yes, sir.

4 SGT. MICHAEL SCHINDLER: So -- and then
5 you go talk to the rear seat passenger who
6 provides an address on Camp Street in the
7 neighborhood in that immediate area -- well,
8 initially outside of the immediate area, and
9 then he backs it up and gives you another
10 address in the immediate area?

11 OFFICER WHEELER: Yes, sir.

12 SGT. MICHAEL SCHINDLER: Which lends
13 plausibility to their claim that they're
14 looking for an animal?

15 OFFICER WHEELER: Yes.

16 SGT. MICHAEL SCHINDLER: A dog?

17 OFFICER WHEELER: Yes, sir.

18 SGT. MICHAEL SCHINDLER: So once you
19 obtain that information, you allow them to be
20 back on their way?

21 OFFICER WHEELER: Yes, sir.

22 SGT. MICHAEL SCHINDLER: Okay. There is
23 nothing else beyond that? You obtain their
24 information, and then they are allowed to
25 leave?

F

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July 10, 2020

INTERVIEW OF:
KEVIN WHEELER

DATE OF INTERVIEW:
JULY 1, 2020

CASE NUMBER:
2020-0007

PERSONS PRESENT:
SERGEANT MICHAEL SCHINDLER
SERGEANT VANCE BIENIEMY
OFFICER KEVIN WHEELER

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1 back seat passenger getting out. He may have
2 at some time. I don't remember that.

3 SGT. VANCE BIENIEMY: What about the
4 front passenger?

5 OFFICER WHEELER: The front passenger, I
6 don't remember him being out of the car.
7 Him, her. I don't remember that person
8 getting out at all.

9 SGT. VANCE BIENIEMY: Okay.

10 OFFICER WHEELER: But I was on the
11 driver's side of the vehicle so I -- you
12 know, I didn't see that person get out. If
13 they got out, I didn't see it. And with the
14 back passenger, I'm -- I'm not certain they
15 stayed in the car or got out of the car. I
16 don't remember. But I do remember blinding
17 him because they're sitting in a car and my
18 flashlight was under my armpit at the eye
19 level.

20 SGT. VANCE BIENIEMY: And he was inside
21 the vehicle at that time?

22 OFFICER WHEELER: When I blinded him,
23 yes. Because I -- I wrote down his name in
24 my notebook and -- because I couldn't see I
25 had my notebook out and I wrote his name down

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1 while I had my flashlight -- my flashlight
2 under my armpit and I wrote down the address
3 he gave me the second time. His last name,
4 his first name, and what kind of car it was.

5 SGT. MICHAEL SCHINDLER: So there was no
6 heated exchange or anything between y'all, it
7 was just a cordial exchange?

8 OFFICER WHEELER: Yes, sir. Completely
9 cordial, and I apologized to him after we
10 were done, and I explained to him exactly why
11 we stopped him. And I told him, hey, if we
12 find your dog, or we learn where it is, I'll
13 come get you, or I'll notify you.

14 SGT. MICHAEL SCHINDLER: Okay.

15 OFFICER WHEELER: And I even told them
16 to notify the neighborhood association, too,
17 of his lost dog.

18 SGT. MICHAEL SCHINDLER: All right. Is
19 there anything else you want to add?

20 OFFICER WHEELER: No, sir.

21 SGT. MICHAEL SCHINDLER: No? Has the
22 statement you've given been completely
23 truthful to the best of your knowledge?

24 OFFICER WHEELER: Yes, sir.

25 SGT. MICHAEL SCHINDLER: All right. I

Interview of Kevin Wheeler
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1 don't have anything. If vans doesn't have
2 anything.

3 SGT. VANCE BIENIEMY: I'm good.

4 SGT. MICHAEL SCHINDLER: All right.

5 This will conclude the interview at 8:54 a.m.
6 on July the 1st.

7 (THEREUPON, the foregoing proceedings
8 were concluded.)
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July 10, 2020

C E R T I F I C A T E O F R E P O R T E R

I, Shannon Green, Registered Professional Reporter, DO HEREBY CERTIFY that I was authorized to and did stenographically report the foregoing proceedings via audio recording; and that the transcript is a true record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 18th day of July, 2020.


Shannon Green, RPR
Registered Professional Reporter



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1 OFFICER WHEELER: Correct, sir.

2 SGT. MICHAEL SCHINDLER: Y'all didn't
3 draw your weapons on them at any point?

4 OFFICER WHEELER: No, sir.

5 SGT. MICHAEL SCHINDLER: Okay.

6 OFFICER WHEELER: Nobody was handcuffed,
7 nobody was even searched. The car wasn't
8 searched. Nothing.

9 SGT. MICHAEL SCHINDLER: Okay. You got
10 anything else, Vance?

11 SGT. VANCE BIENIEMY: That about sums it
12 up for me.

13 As you were talking to the driver and
14 you say you blinded the back passenger with your
15 flashlight --

16 OFFICER WHEELER: Right.

17 SGT. VANCE BIENIEMY: -- he was still
18 inside of the vehicle. He had never gotten
19 out of the vehicle?

20 OFFICER WHEELER: Right.

21 SGT. VANCE BIENIEMY: That's what I
22 was -- okay. I just want to make sure that
23 the only person that you guys had out of the
24 vehicle was the driver.

25 OFFICER WHEELER: I don't remember the



ORLEANS LEVEE DISTRICT POLICE OPERATIONS MANUAL

TITLE: TRAFFIC, PEDESTRIAN STOPS AND FIELD INTERVIEWS

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I. PURPOSE

- A. The purpose of the policy is to provide guidelines for police officers in the enforcement of state, traffic and municipal laws and to ensure that traffic enforcement and pedestrian stops are conducted in accordance with the Constitutions of both the United States and of the State of Louisiana.
- B. In addition to the fair treatment of all citizens this policy is designed to protect the police officers, police supervisors, and the Orleans Levee District from unfair, and unwarranted accusations of misconduct when they act within the dictates of the law.
- C. Most importantly this policy is to address issues of safety for both the police officers and the public when any stop, traffic or pedestrian, is made.
- D. This policy is to assist officers in determining when field interviews and pat-down searches (stop & frisk) are warranted and the manner in which they must be conducted.
- E. The field interview is an important point of contact for officers in preventing and investigating criminal activity. But even when conducted with respect for involved citizens and in strict conformance with the law, it can be perceived by some as a means of police harassment or intimidation conducted in a discriminatory manner against groups or individuals. In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of officers in approaching suspicious individuals, law enforcement officers shall conduct field interviews and perform pat-down searches in conformance with procedures set forth in this policy.

II. DEFINITIONS

- A. **Racial Profiling.** The detention, interdiction, or other disparate treatment of any person on the basis of their racial or ethnic status or characteristics.
- B. **Reasonable Suspicion:** Also known as particularly suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.
- C. **Field Interview:** The brief detention of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

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- D. Pat Down Search: A “frisk” or external feeling of the outer garments of an individual. An officer may not manipulate objects which are discovered under the clothing.
- E. Probable Cause: More than bare suspicion; it exists when the facts and Circumstances within the officers’ knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that an offense has been or is being committed.

III. Discussion

- A. A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is the to equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.
- B. The mission of this department is to protect and preserve these rights as well as the protection of lives and property. Law enforcement officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. Proactive enforcement keeps citizens free from crime, our streets and highways safe to drive upon, and detects and apprehends criminals.
- C. This policy is intended to assist law enforcement in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter law enforcement officers.

IV. Policy

- A. All uniformed officers are expected to enforce local and state laws, stop and detain motorists or pedestrians whenever there is reasonable suspicion that they have committed, are committing, or are about to commit an infraction of the law.
- B. Officers must conduct themselves in a dignified and respectful manner at all times when with dealing the public. The Law Enforcement Code of Ethics articulates the professional and personal behavior that is expected of all law enforcement officers.
- C. Racial and ethnic profiling are totally unacceptable patrol tactics and will not be condoned. The department will utilize various management tools to ensure that racial/ethnic characteristics are not being used in traffic enforcement or pedestrian stops.

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- D. Officers are prohibited from stopping, detaining, searching or arresting anyone on the basis of illegal profiling. Officers shall make traffic stops and conduct field interviews only on the basis of reasonable suspicion, and shall make arrests only on the basis of probable cause.

V. Procedure for traffic and pedestrian stops

- A. *Training.* Officers will receive initial and ongoing training in conducting professional traffic/pedestrian stops. Training programs will emphasize the need to respect the right of all persons to be treated equally and to be free from unreasonable searches and seizures. In developing these training programs, the department shall consider the following aspects of professional traffic stops:

1. Safety and Survival
2. Courtesy/Professional Demeanor
3. Cultural Awareness/language barriers
4. Search and seizure laws, constitutional issues.
5. Interpersonal communications skills.

- B. *Supervision.* All enforcement activities shall receive consistent, ongoing supervisory attention to ensure that officers are placing sufficient emphasis on the need for proactive enforcement, are aware of its benefits, and conduct traffic and pedestrian stops in a courteous and constitutional manner. Supervisors shall familiarize themselves with this policy and shall be particularly alert to any indication of discriminatory treatment of any segment of the public by individual officers or platoons.

C. Initiating the Stop.

1. There is no such thing as a "low risk" stop. Too many officers have been hurt as the result of a sudden, unprovoked attack to regard any stop as "routine". Officer safety must be the paramount consideration in all stops, but must not subsume common courtesy and helpfulness. The risks involved in stops include not only hazards from persons being stopped, but also from other traffic, and from other persons at or near the location of the stop.
2. Prior to stopping a motorist or pedestrian, the officer shall notify the dispatcher in accordance with applicable communications protocol, and shall observe applicable safety precautions in selecting the site for the stop, signaling the individual to stop, positioning the police vehicle and approaching the motorist or pedestrian. Upon concluding the stop, the disposition should be noted in the officer's daily activity report.

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D. Officer-violator relations

1. The stopping of a motorist or a pedestrian constitutes a seizure under applicable constitutional law. It is an opportunity for the department to make a favorable or an unfavorable impression on a citizen, depending on how the officer handles the situation.
2. Officers should strive to maintain a proper balance between sufficient command presence to maintain control of the stop, and an attitude of friendliness. The key is projecting a courteous, non - confrontational attitude, being assertive without being overly aggressive; suspicious without telegraphing an overly suspicious attitude.
3. Officers should have the following objectives in mind for every traffic stop:
 - a. Prevention of traffic crashes and hazardous conditions.
 - b. Taking immediate action to interrupt an ongoing violation of the law. This is achieved by pulling the vehicle over or stopping the pedestrian.
 - c. Legal justification: Give the reason why the person is being stopped or detained. Describe the actions of the vehicle rather than personalizing the action to the driver. This will reduce tension. "I stopped you because I observed your vehicle go through the stop sign at the last intersection without coming to a complete stop". Never "lecture" the driver on his or her conduct, or say anything demeaning.
 - d. Feedback: Invite the driver to offer a reasonable excuse. "Was there some reason, ma'am, why you didn't stop?" Rather than leading to arguments, this approach allows the violator an "escape valve" and may reduce tension. Clarify any misunderstanding the motorist may have about the law(s) they violated to help them avoid future violations.
 - e. Documents: Politely ask for identification and any required documents. "May I see your license, proof of insurance, and registration, please?" When accepting the papers, have the driver reach outside the car, do not reach inside the vehicle. Take the papers with the non-gun hand, and say, "Thank you."

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1. Obtain another document of identification if the driver has no license. Inquire further if any suspicion of further infractions of the law develop based on observations with any of the five senses.
 2. Do not lecture, "talk down to", or deliberately embarrass the person you have stopped.
 3. When obtaining the person's personal information for a traffic ticket , summons, or police report, explain that you are legally required to obtain this information.
- f. Enforcement Decision: Once satisfied that there are no further violations, request that the person(s) remain in the vehicle, and return to the cruiser. "Please remain in the vehicle, for your safety and mine. I will be back shortly".
1. Take an appropriate, documented enforcement action for every stop, generally a citation, warning, or arrest.
 2. If an arrest or search of the vehicle/subjects is made, the officer should call for another officer(s) to assist him/her using contact - cover tactics. Using a cover officer protects the contact officer against assault and/or accusations of misconduct.
 3. Avoid "attitude tickets", where a person who would otherwise be given a warning is cited or arrested simply because the officer considered them to be disrespectful.
 4. Multiple citations should never be based on the person's race, ethnicity or other personal characteristics.
- g. Closing the contact: If there is no reason to hold the motorist/pedestrian further, return cautiously to the vehicle.
1. Return the person's documents, along with a copy of the citation or summons.
 2. Advise the person of the action taken and what if anything he or she needs to do as a result, such as signing the citation, appearing in court, etc. Do not attempt to predict the actions of the court.
 3. Once cited or warned, and no further reasonable suspicion exists, the individual should be free to leave.
 4. Use an appropriate closing. For example, if the person was cooperative, thank him or her for their cooperation. If the person is still angry, simply say, "Please drive safely" or some other appropriate safety message.

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5. If the driver is upset, give him or her time to calm down before they resume driving.
6. Make sure the driver is able to safely re-enter the traffic stream, then clear the stop with the dispatcher. Make sure that a disposition is given and it is entered on the daily activity report.
7. If a search was conducted and no illegal items or evidence was found, apologize sincerely for the inconvenience and be sure the vehicle is returned as closely as possible to the condition in which it was found.
8. The deliberate recording of any misleading information relating to a traffic stop or field interview is prohibited and shall be a cause for disciplinary action.

VI. Field Interviews

A. Justification for Conducting a Field Interview

1. Law enforcement officers may stop individuals for the purpose of conducting a field interview only where reasonable suspicion is present. Reasonable suspicion must be more than a hunch or feeling, but need not meet the test for probable cause sufficient to make an arrest. In justifying the stop, the officer must be able to articulate specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:
 - a. The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act;
 - b. The actions of the subject suggest that he/she is engaged in criminal activity;
 - c. the hour of day or night is inappropriate for the subject's presence in the area;
 - d. the subject's presence at a location appears inappropriate;
 - e. the subject is carrying a suspicious object;
 - f. the subject's clothing bulges in a manner that suggests he/she is carrying a weapon; the subject is located in proximate time and place to the alleged crime; or the officer has knowledge of the subject's prior criminal record or involvement in criminal activity.

B. Initiating a Field Interview

1. Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a subject if he/she has articulable, reasonable suspicion to do so. The following guidelines shall be followed when making an authorized stop to conduct a field interview.

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2. When approaching the subject, the officer shall clearly identify himself/herself as a law enforcement officer; if not in uniform, the officer shall announce his/her identity and display department identification.
 - a. Officers shall be courteous at all times during the contact, while maintaining caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.
 - b. Before approaching more than one subject, individual officers should determine whether the circumstances warrant a request for backup assistance and whether the contact can and should be delayed until such assistance arrives.
 - c. Officers shall confine their questions to those concerning the subject's identity, place of residence, and other inquiries necessary to resolve the officer's suspicions. However, in no instance shall an officer detain a subject longer than is reasonably necessary to make these limited inquiries.
 - d. Officers are not required to give subjects Miranda warnings in order to conduct field interviews.
 - e. Subjects are not required, nor can they be compelled, to answer any questions posed during field interviews. Failure to respond to an officer's inquiries is not, in and of itself, sufficient grounds to make an arrest, although it may provide sufficient justification for additional observation and investigation.
 - f. Officers must use the investigative technique which is least intrusive and reasonably available to verify or dispel the officer's suspicions.
 - g. Generally, subjects should not be handcuffed or restrained during stops based on reasonable suspicion.
 - h. If the reasonable suspicion develops into probable cause for arrest, normal arrest procedures apply.

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A law enforcement officer has the right to perform a pat-down search of the outer garments of a subject for weapons if he/she has been legitimately stopped with reasonable suspicion. Additionally, the officer must have a reasonable fear for his own or another person's safety. Clearly, not every field interview poses sufficient justification for conducting a pat-down search. These searches are only justifiable and may only be performed to protect the safety of officers and others and may never be used as a pretext for obtaining evidence. Following are some criteria that may form the basis for establishing justification for performing a pat-down search. Officers should note that these factors are not all-inclusive - there are other factors that could or should be considered. The existence of more than one of these factors may be required in order to support reasonable suspicion for the search. These factors must be articulable.

1. The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
2. Where more than one subject must be handled by a single officer.
3. The hour of the day and the location or neighborhood where the stop takes place.
4. Prior knowledge of the subject's use of force and/or propensity to carry deadly weapons.
5. The appearance and demeanor of the subject.
6. Visual indications which suggest that the subject is carrying a weapon.
7. The age and gender of the subject.

VIII. Procedures for Performing a Pat-Down Search

- A. When reasonable suspicion exists to perform a pat-down search, it should be performed with due caution, restraint, and sensitivity. Under these circumstances, pat-down searches should be conducted in the following manner:
 1. Whenever possible, pat-down searches should be conducted by at least two officers, one who performs the search while the other provides protective cover. When possible, a pat-down search should be performed by an officer of the same gender as the subject being searched. If an officer of the same gender is not immediately available to conduct the search, the search should be done with the back of the officer's hand, or with the fingertips.
 2. Because pat-down searches are cursory in nature, they should be performed with the subject in a standing position or with hands placed against a stationary object and feet spread apart.

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3. In a pat-down search, officers are permitted only to externally feel the outer clothing of the subject. The officer may not manipulate the object(s) with his/her fingers. An officer may not place his/her hands in pockets unless he/she feels the object could reasonably be a weapon, such as a firearm, knife, club, or other item.
 - a. Items of contraband, which are immediately recognizable as contraband using a pat down search (without manipulation of the object), can be seized as evidence.
 - b. For successful prosecution, the officer must articulate within his/her report the reason for the pat down search, and the basis of his/her belief the subject was carrying a weapon.
 - c. If the subject is carrying an object such as a handbag, suitcase, briefcase, sack, or other item that may conceal a weapon, the officer should not open the item, but instead place it out of reach of the subject.
 - d. If the external feeling of the subject's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, an officer may retrieve that item only. If the item is a weapon, the possession of which is a crime, the officer may make an arrest of the suspect and complete a full-custody search of the suspect.
 - e. If the item seized is not a weapon, but found to be illegal contraband, the subject shall be arrested and the provisions of subparagraph (d) above shall apply.

IX. Reporting

- A. Members of the department conducting field interviews shall have a name check run on the subject(s). The dispatcher shall write the name and date of birth on the radio log sheet and if a vehicle stop the license plate number.

X. Complaints of misconduct at stops.

- A. Any person may file a complaint with the department if they feel they have been stopped or searched based on illegal profiling, or subjected to improper treatment. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- B. Any officer, including the officer who initiated the stop, who is told by a citizen that they wish to file a complaint, shall advise the person they may pick up a copy of a complaint form at police headquarters and mail the completed form to P.I.D.
- C. All citizen complaints shall be reviewed and acknowledged in writing by the Superintendent's office. The officer and the complainant shall be informed of the results of the department's review within a reasonable period of time. The report and the reviewer's conclusion shall be filed with suggestions for disciplinary action, re-training, or changes in policy, training, or tactics.

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D. The department utilizes proactive methods appropriate to its resources and community characteristics to ensure that traffic/pedestrian stops are being conducted in a safe, legal, and courteous manner. Examples of methods that may be employed include but are not limited to:

- a. field supervision
- b. training
- c. report review
- d. regular analysis of police activity that can result in civil rights abuses
- e. the citizen complaint process
- f. requirements for officers to intervene and report illegal actions by others
- g. opinion surveys of random samples of persons who have been stopped
- h. collection, analysis and use of data on officers and units to detect possible illegal profiling (such data may pertain to offender's race or ethnicity, the reasons for and disposition of traffic stops, and the number and results of discretionary vehicle searches)
- i. performance evaluations, internal investigations, and positive and negative discipline
- j. periodic reports to the community or elected officials

E. The Police Superintendent or designee is responsible for responding to questions from the public, the media, and officials concerning their policy, any allegations of illegal profiling in traffic stops, and the disposition of citizen complaints.



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TITLE: USE OF FORCE

SECTION: 9.0

DATE: 09-26-97

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I. PURPOSE

- A. The purpose of this regulation is to define the Department's policy on the use of force and the circumstances in which use of force is appropriate and justifiable.

II. POLICY

- A. The Orleans Levee District Police Department recognizes and respects the value and integrity of each human life. In vesting police officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interest is required. Police Officers shall use only that force reasonably necessary to effectively bring an incident under control, while protecting the lives of citizens and officers.
- B. It is in the public interest that every police officer of this department be guided by a policy which the people believe to be fair and appropriate and which creates public confidence in the department and its individual officers.
 - 1. According to Louisiana Revised Statue, R.S. 14:19, Police Officers may use reasonable force to compel obedience to a valid police order or to protect persons or property from illegal harm.
 - 2. The legal right to use force is contingent upon the reasonableness of the act. The concept of reasonableness is applied in two ways:
 - a. Necessary: The need to resort to force to accomplish a lawful police objective must be reasonable. That is, if another alternative, such as verbal persuasion, would reasonably be expected to be effective under the particular circumstances, and this alternative was not attempted, the use of force is not legal.
 - b. Reasonable: The degree of force used must be reasonable. The officer may only use enough force to overcome the amount of resistance or aggression met. When such resistance or aggression is reduced, the officer must correspondingly and immediately reduce the degree of force he is supplying, or the use of force is not legal
 - 3. There are a number of non-lethal skills and equipment which are authorized for use when necessary to accomplish valid police objectives.
 - a. Verbal communication and/or persuasion is a basic defensive tactic.
 - b. Bodily force, including hands, fist, and feet may be used in a variety of situations depending upon the individual officer's skill.

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- c. The baton is an intermediate level of force. The side handle baton or expandable is capable of causing serious injury. The officer must complete Departmental training before using the side handle baton or expandable baton. If injuries result from the use of the baton, the arresting officer shall handle the injured subject in accordance with current Departmental regulations and submit a written report covering the incident.
- d. Taser X26, M26 is an intermediate level of force is to be used in accordance the Taser procedure 9.07 particularly when using a taser on an individual exhibiting the excited delirium behavior (ECD) and chest shots.
- e. Capsicum spray or other authorized chemical agent is an intermediate level of force. The officer must complete departmental training before using this spray. If injury results in the use of this spray, the arresting officer shall handle the Injured subject in accordance with current department regulations and submit a Written report covering the incident.

C. Deadly Force

1. A reverence for the value of human life shall guide officers in considering the use of deadly force. While officers have an affirmative duty to use that degree of force necessary to protect human life, the use of deadly force is not justified merely to protect property interests.
2. The use of a firearm is in all probability the most serious act in which a law enforcement officer will engage. It has the most far reaching consequences for all of the parties involved. It is, therefore, imperative not only that he act within the boundaries of legal guidelines, ethics, good judgement, and accepted practices, but also that he be prepared by training, leadership, and direction to act wisely whenever using a firearm in the course of his duty.
3. This policy is not intended to create doubt in the mind of an officer at a moment when action is critical and there is little time for meditation or reflection. It provides basic policies governing the use of force so officers can be confident in exercising judgement as to the use of deadly force. Such a policy must be viewed as an administrative guide for decision making before the fact and as a standard for administrative judgement of the propriety of the action taken. It is not to be considered a standard for any judgement concerning the propriety of any action taken before the effective date of the policy, nor is it to be considered a standard for judgement by any court or jury in any civil or criminal litigation or proceedings concerning the lawfulness of any action taken. Established law, not this policy, governs civil and criminal liability for use of force.

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D. General Guidelines

1. It is the duty of Police Officers to arrest violators of the law. As long as members of the public are victims of violent crimes and officers in performance of their duties are confronted with deadly force, it will remain necessary for Police Officers to be properly armed for the protection of society and themselves. Officers on duty shall be properly armed at all times.
2. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officers alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm.
3. An officer shall exercise extreme caution with respect to use of deadly force. In all cases, only the minimum degree of force which is necessary shall be used, and every other available alternative shall be exhausted before deadly force is applied.

E. Statutory and Administrative Restrictions

1. The use of deadly force is justified when the officer has reasonable cause to believe that such force is necessary to prevent death or great bodily harm to himself or others (in accordance with Louisiana R.S. 14:20 and R.S. 14:22):
 - a. When committed in self defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm, and that the use of deadly force is necessary to save himself from that danger"; or
 - b. "When committed for the purpose of preventing a violent or forcible felony involving danger to life or great bodily harm, by one who reasonably believe such an offense is about to be committed and that such action is necessary for its prevention under circumstances must be sufficient to excite the fear of a reasonable person that there would be serious danger to his own life or person if he attempted to prevent the felony without the use of deadly force";
 - c. "When in defense of another person, it is reasonably apparent the person attacked could have justifiably used such means himself, and when it is reasonably believed such intervention is necessary to protect the other person".

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2. Police Officers shall not use deadly force for the purpose of apprehending or stopping a fleeing felon.
3. Police Officers shall not discharge a firearm in the direction of any moving vehicle, unless the occupants of the vehicle are using deadly force against the member or another person, and such action is necessary for self-defense or to protect the other person.
4. Police Officers shall not fire warning shots.
5. A Police Officer may fire his weapon if necessary to stop a dangerous animal if there is an immediate threat of serious injury to himself or to another person.

III. REPORTING PROCEDURE

- A. When a police officer uses any type of physical force on another person, the incident must be:
 1. Immediately reported to the ranking officer on duty.
 2. The ranking officer on duty is responsible for having OLDPD departmental form "Use of Force Report" completed and signed as soon as possible.
 3. The officer must document in his/her written incident report, the events leading up to the use of force. They must include the lesser degrees of force (i.e. verbal commands, bodily force, intermediate force) if they were used. Copies of tickets, affidavits, warrants, DWI/field sobriety reports, or other documentation that support the officer's probable cause will also be included with the report.
- B. Copies of the "Use of Force" Report and the written incident report will be forwarded to the police superintendent's office and the OLD legal department as soon as possible.

EOrleans Levee District Police DepartmentWhite Paper Report

DATE: June 13, 2020 TIME: Approx. 0010 hrs. PLATOON: B
 REPORTING OFFICER: P/O II Kevin Wheeler UNIT #7717
 SIGNAL OF OFFENSE: Traffic Stop/Suspicious Persons Stop
 LOCATION OF OFFENSE: Octavia Street and Chestnut Street, Hurstville Detail STATUS: NAT

ARRESTED SUBJECT'S NAME: N/A RACE/SEX: DOB:
 ARRESTED SUBJECT'S ADDRESS: SUBJECT'S PHONE:

VICTIM'S NAME: N/A RACE/SEX: DOB: LA ID#
 VICTIM'S ADDRESS: N/A PHONE:

NOPD ITEM# N/A ARRESTED: N/A
 TRANSPORTING UNIT: N/A WITNESS: HANO Police Officer Ramon Pierre

NARRATIVE:

On June 13, 2020, at or about 2300 hours, while working an Orleans Levee District Paid Detail for the Hurstville Neighborhood Association, located in the NOPD's Second District, Levee Officer Kevin Wheeler, unit 7717, was traveling in a downtown direction on Camp Street, in marked Orleans Levee District Police unit 3147. As he neared the intersection of Camp Street and Valmont Street, Officer Wheeler observed a dark colored four-door vehicle travelling uptown on Camp Street. Officer Wheeler observed the front passenger's torso was outside of the front right window and the rear passenger's torso was outside of the left rear window in a manner that would not allow them to wear a seatbelt. These actions by the vehicle's occupants aroused Officer Wheeler's suspicions they may have been in the act of or were in the act of trying to burglarize cars. Officer Wheeler based this off his prior experiences where he witnessed car burglars use this tactic to pull alongside a car, and pull on the car's door handle to see if it is open. When they locate a car that is open, the driver pulls forward and the occupants exit and burglarize the unlocked car, and the other subject(s) often check nearby cars. As the vehicle approached, the rear passenger, who was still outside of the car's left rear window stated "hey". For officer safety purposes and having prior knowledge that an NOPD officer who was working the Hurstville detail, specifically on Camp Street, had been ambushed and shot by a passing motorist as he (the officer) sat in his car, Officer Wheeler did not stop next to the vehicle, and traveled to the intersection of Camp Street and Valmont Street. There, Officer Wheeler angled his car in a position that would allow him to flee in a river bound direction on Valmont if either of the parties were to try and ambush him. Officer Wheeler acknowledged the left rear passenger who was still outside of the left rear window. The male asked Officer Wheeler if he (Wheeler) had seen his (the occupant's) dog. Officer Wheeler relayed he had not and the male told Officer Wheeler to call him if he sees his dog. The male and the occupants, along with the vehicle, departed the area traveling uptown on Camp Street.

The fact the male did not leave or try to leave any contact information, struck Officer Wheeler as odd. Officer Wheeler conducted an NCIC check of the vehicle's plate, [REDACTED], and discovered it was registered to a female, and noted the driver was a male. Additionally, the plate returned to an address in the New Orleans East area, which was nowhere near the Hurstville or Uptown area. Officer Wheeler suspected the occupants may have provided a bogus cover story to deter any suspicions they may have aroused. To further investigate, Officer Wheeler turned around and kept the vehicle in site while contacting HANO Police Officer R. Pierre, and informed him of the situation. Officer Wheeler, knowing that Officer Pierre was in his personal car and the vehicle was equipped with flashing blue lights, requested Officer Pierre to turn off his lights and come to the area, and monitor the vehicle and the actions of the occupants in case they were attempting to burglarize vehicles. Officer Wheeler

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had lost sight of the vehicle as it turned river bound onto Joseph Street to travel the wrong way on the one-way street. When Officer Wheeler made it to the intersection of Joseph Street and Magazine Street, he was unable to see the vehicle and lost sight of it. While Officer Wheeler was on the phone with Officer Pierre, Officer Pierre relayed he located the vehicle and the occupants on Magazine Street and mentioned something about them u-turning around near Whole Foods, also believing their actions were suspicious.

Officer Pierre relayed he followed the vehicle, and they were traveling downtown on Magazine Street and had turned left from Magazine Street to travel lake bound on Octavia Street. Officer Wheeler, who was on a nearby side-street on the uptown side of Octavia Street, watched as the driver and occupants passed in front of him and were being followed by Officer Pierre in his personal truck. Officer Wheeler pulled in behind Officer Pierre while maintaining phone contact via the detail phones. Officer Wheeler conferred with Officer Pierre and based upon their observations, they elected to conduct an investigatory stop based on the actions of the occupants and their traffic violations.

While traveling Lake bound on Octavia, Officer Pierre activated the flashing blue lights mounted on the dash of his personal truck, signaling the driver to stop. The driver seemed to ignore the officers' signal, and continued, passing up several safe locations to pull over on Octavia Street. As they continued traveling lake bound on Octavia Street, Officer Wheeler activated the rear flashing lights on his patrol car to assist in signaling the driver that two police vehicles were behind him and also used the patrol car's siren by honking it at him several times. Note- Officer Wheeler did not use the front flashing lights so he could avoid blinding Officer Pierre and to unnecessarily silhouetting him if the driver or occupants were to suddenly stop and begin shooting at officers. The driver continued lake bound on Octavia Street and then turned right to travel downtown on Chestnut Street. He then stopped his vehicle approximately two or three car lengths in a downtown direction from the intersection. Officer Wheeler stopped his patrol car on the lakeside of the street and Officer Pierre parked his truck on the riverside of the street behind the driver's vehicle.

As the officers exited their vehicles, Officer Wheeler observed Officer Pierre placing his body armor on and waited till he finished before proceeding further. Once Officer Pierre was done, Officer Wheeler used a firm, but polite tone of voice, instructing the driver to exit the vehicle while he and Officer Pierre were by their vehicles. The driver complied and Officer Wheeler instructed the driver to come to the rear area of his vehicle. As the driver did so, Officer Pierre gave a firm, but polite instruction for the occupants to show their hands, which I believe was from the front right passenger moving around so much.

Officer Wheeler informed the driver of his (Wheeler) name and agency, and that he (Wheeler) was working for the neighborhood association, and of the reasons they were stopped. Officer Wheeler requested the driver provide identification, and the driver did. Officer Wheeler examined the identification card's address and observed it was not in the Hurstville, let alone Uptown area. He asked the driver to explain, and the driver relayed his friend, who was in the backseat, lived nearby and it was his (the friend) dog that they were looking for. Officer Wheeler directed his attention to the rear seat passenger, and requested his address. Initially, the rear passenger stated what sounded like 1100 or 1700 Camp Street. Having worked Uptown prior, Officer Wheeler knew the 1100 and 1700 block of Camp Street were nowhere nearby. Officer Pierre also expressed his concerns about the address being so far away. As officers inquired about the address, the rear passenger informed officers the address was his grandmothers, and then provided an address in the 4600 or 4700 Camp Street, which the officers knew was nearby. Officer Wheeler used his notebook to obtain the rear passenger's name and Camp Street address, as well as a description of the dog he claimed to be looking for. While doing so, Officer Wheeler accidentally blinded the rear passenger with his flashlight that he was using to illuminate the area and notebook. Officer Wheeler apologized for doing so.

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WHITE PAPER REPORT CONTINUED FROM PAGE 2

Because the officer's suspicions the subjects were in the area burglarizing vehicles being quelled, the subjects were allowed to leave the scene. Officer Wheeler documented the stop on the Hurstville Trip Sheet and radioed the stop into the Orleans Levee Police Dispatch, which was acknowledged by Levee Police Officer T. Jackson.

REPORTING OFFICER: Kevin Wheeler
PLATOON COMMANDER: Lt. P. Laurent

BADGE: #273
BADGE: #58



East Jefferson / Orleans Levee District Citizen Complaint Form

(To Be Completed by Person Registering Complaint)



| | | | |
|--|----------------------------------|---|------------------------------|
| Complainant Name: Bilal J. [redacted] Hankins | | Race/Sex: African American / Male | Date of Birth: [redacted] |
| Address: [redacted] | | City/ST/Zip: New Orleans / LA / [redacted] | |
| Best Contact Number to Call: [redacted] | Best Time to Call: After Noon | Email Address: [redacted] | |

WITNESS INFORMATION

| | | |
|------------------------------------|------------------------|------------------------|
| Name: Tahj Pierre | Address: [redacted] | Phone#: [redacted] |
| Name: L [redacted] M [redacted] | Address: [redacted] | Phone #: [redacted] |
| Name: | Address: | Phone#: |
| Name: | Address: | Phone #: |

OFFICER/EMPLOYEE INFORMATION

| | | |
|-------|-----------|------|
| Name: | Badge/ID# | Car# |
| Name: | Badge/ID# | Car# |
| Name: | Badge/ID# | Car# |
| Name: | Badge/ID# | Car# |

INCIDENT DETAILS

| | | |
|------------------------------|---------------------------|----------------------------|
| Date of Incident: 6/13/20 | Time of Incident: 12am | Police Report# (if known): |
| Location of Incident: Camp | | |

NARRATIVE

(Please Print Synopsis of Complaint)

On Saturday June 13, my friend Tahj and I along with my nephews (12) were in Tahj's car looking for my lost dog on camp street in my neighborhood. I saw a Orleans Levee District car on camp and valmont and told tahj to drive up next to him so he can help cover more ground. I asked the officer to assist in our search and gave him my address in case the dog was found. The officer agreed and we continued driving straight past Jefferson Ave when I noticed the officer had been following us slowly. We kept driving slowly when looking for the dog when I notice a second pair of headlights turn behind us and now there is an unmarked grey truck following us as well. At this point we are on camp and Octavia when both cars suddenly turn on flashing blue lights. We still thought the police

NARRATIVE (CONT'D)

were trying to help us find the dog until ~~one of the~~ officer for the
 Levee district car shutted from the PA system, "Driver get out
 the car" multiple times. Tahj pulls over behind a yellow dumpster ^{on Oct}
 near Ben Franklin Elementary school and gets out with his hands up.
 The Levee district officer got out his car and immediately took his
 firearm aimed at Tahj's head. At this point my ^{roommates} 17 year old nephew
 sticks his head out of the window and then the person in the
 unmarked car gets out and points his weapon at my nephew
 yelling "hands up". In wake of the recent police killings, I had
 to de-escalate the situation as all 3 of us feared our lives at that moment.
 From the backseat I showed the officer my hands and asked
 for the reason of the stop ~~and what we were doing~~ ^{on}. The officer says that
 we look suspicious riding around uptown and that he ran Tahj's plate
 and it came back to an address in the East and registered to a female.
 I calmly told the officer that I am a resident of the neighborhood.
 The officer then asked what the car was doing uptown, I told him
 Tahj had drove over for dinner and that he lives in the east ^{address} and that
 the female registered to the vehicle is his mother. The officer
 then puts down his gun and checks Tahj's license and sees
 the address matches and finally the OLDP officer and the other man
 in the grey truck put down their weapons and allowed us to leave. The
 second car that was called in was unmarked and the driver
 was not in uniform. I do not know what department he was with
 but I no longer feel protected by the police as when I try to ask for
 police assistance I get two guns drawn out for no ^{plausible} reason.

I, Bilal Hankins, do hereby swear or affirm, under penalty of perjury, that the allegations made by me in this Complaint Form are,
 (Print Name)

to the best of my knowledge and belief, true and correct.

Bilal Hankins

Signature of Complainant
(Parent or Guardian if Minor)

AUTHORIZATION FOR ADMINISTRATIVE INVESTIGATION
(Office of Professional Standards Use Only)

| | | | |
|--|--|----------------------|--|
| Authorizing Member: _____ (Chief of Police or Designee) | | Date Received: _____ | |
| <input type="checkbox"/> Assign to Supervisor <input type="checkbox"/> Assign to Office Internal Affairs <input type="checkbox"/> Other/See Attached Information | | | |
| IAD Tracking Number: _____ | | Date Received: _____ | |
| IAD Receiving Member: _____ | | Date Assigned: _____ | |
| Assigned to: _____ | | Date Assigned: _____ | |

Phone Interview of Bilal Hankins
July 10, 2020

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PHONE INTERVIEW OF:
BILAL HANKINS

DATE OF INTERVIEW:
JULY 1, 2020

CASE NUMBER:
2020-0007

PERSONS PRESENT:
SERGEANT MICHAEL SCHINDLER
SERGEANT VANCE BIENIEMY
BILAL HANKINS
DOW EDWARDS, ESQUIRE

Phone Interview of Bilal Hankins
July 10, 2020

P R O C E E D I N G S

MR. HANKINS: Hi, my name is Bilal Hankins, and you guys called yesterday to ask questions, but I wasn't available and I said I would reschedule to today at noon.

SGT. MICHAEL SCHINDLER: Yes, sir, Mr. Hankins. How are you doing today?

MR. HANKINS: I'm good. Can I add my lawyer to this call?

SGT. MICHAEL SCHINDLER: Absolutely. Absolutely.

MR. HANKINS: All right. I think he's there.

SGT. MICHAEL SCHINDLER: All right. Hello?

MR. HANKINS: Hello?

SGT. MICHAEL SCHINDLER: Mr. Hankins?

MR. EDWARDS: Yeah, this is Dow Edwards, attorney at law, representing Bilal Hankins.

SGT. MICHAEL SCHINDLER: How are you doing, Mr. Edwards? How are you doing, sir?

MR. EDWARDS: What is your name?

SGT. MICHAEL SCHINDLER: Sergeant Michael Schindler. I'm with the East Jefferson Levee District Police. We also

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1 investigate internal affairs matters for
2 Orleans Levee police. And on the line I also
3 have Sergeant Vance Bieniemy, who is also a
4 member of the Internal Affairs Division.

5 MR. EDWARDS: Vance. What's Vance's
6 last name?

7 SGT. MICHAEL SCHINDLER: Bieniemy.

8 MR. EDWARDS: Okay.

9 SGT. MICHAEL SCHINDLER: Okay. We just
10 wanted to talk to Mr. Hankins. We got a copy
11 of his complaint form and, you know, we just
12 kind of want to go through it and get in his
13 words, you know, go through what all happened
14 again that night just so we're all clear.

15 MR. EDWARDS: All righty. Just -- just
16 for clarify, the Orleans Parish Levee
17 District, was Mr. Wheeler on the clock
18 working for the Orleans parish Orleans
19 district, or the -- during the time of this
20 incident?

21 SGT. MICHAEL SCHINDLER: As far as I
22 know, he was working as a paid detail officer
23 for Hurtsville Security District.

24 MR. EDWARDS: Okay. So what
25 jurisdiction does the Levee District have

Phone Interview of Bilal Hankins
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1 over him when he's not working in his
2 capacity as an officer for the district?

3 SGT. MICHAEL SCHINDLER: You would have
4 to ask my administration about that. To my
5 knowledge, the jurisdiction would be the same
6 as if he was working on a regular shift.

7 MR. EDWARDS: Okay. All right. All
8 right. Okay. Thank you. Are you recording
9 this conversation?

10 SGT. MICHAEL SCHINDLER: Absolutely.
11 Yes, I am.

12 MR. EDWARDS: Okay. Will you make a
13 copy of this statement available to us?

14 SGT. MICHAEL SCHINDLER: Upon written
15 request, yes, we will.

16 MR. EDWARDS: All right. Thank you. I
17 think we are ready when you are.

18 SGT. MICHAEL SCHINDLER: Mr. Hankins?

19 MR. HANKINS: Yes, sir.

20 SGT. MICHAEL SCHINDLER: All right.
21 Just run through the events of that night,
22 you know, starting with from when y'all left
23 the house to look for the dog and everything.
24 And just go through everything as you have
25 stated in your statement.

Phone Interview of Bilal Hankins
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1 MR. HANKINS: So my friend, Taj, and
2 my -- my roommate's 12-year-old nephew,
3 I [REDACTED], we left the house in Taj's BMW in
4 search of the dog. And I live on Camp and
5 Robin Street, a few blocks down from Casp and
6 Valmont, and that's where we saw the Levee
7 District car, like, parked. And so we pulled
8 up next to him. I got out of my car -- or I
9 got out of the car and I asked the officer if
10 he could assist us in searching for a white
11 chihuahua with brown spots. And I informed
12 him that she had -- she was on medication and
13 that we needed -- like, we were searching for
14 her adamantly. And if he heard anything to
15 bring the dog back or, like, let us know at
16 [REDACTED]. I gave him my address.

17 SGT. MICHAEL SCHINDLER: Um-hum.

18 MR. HANKINS: And so after that, we
19 continued driving straight slowly at about
20 five miles -- less than 10 miles per hour,
21 and we crossed Jefferson and that's when I
22 noticed the officer had turned his vehicle
23 around and he began to follow us. And -- but
24 at this point I -- I thought he was still
25 trying to assist us in finding the dog.

Phone Interview of Bilal Hankins
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1 And so we drove a few blocks east on Camp
2 Street, we drove a few blocks past Jefferson
3 until maybe -- I don't remember the specific
4 street, but it was around Octavia and Joseph
5 and Coliseum, that area.

6 SGT. MICHAEL SCHINDLER: Okay.

7 MR. HANKINS: And so that's when -- when
8 we were over there I noticed a second set of
9 high beams, like, turn onto the street behind
10 us, but I didn't -- it didn't look like a
11 regular, like -- it didn't look like the same
12 Levee District car or a, like -- it was a
13 gray truck so we didn't know who it was. And
14 so we're still driving to -- like less than
15 10 miles per hour, whistling out of the car
16 for the dog and calling for dog when I
17 noticed the officer and other officer turn on
18 their flashing blue lights, and the Levee
19 District, Mr. Wheeler, Officer Wheeler, he
20 yells over the intercom to get the F out the
21 car. Driver, get the F out the car. So
22 immediately my friend pulls over -- my friend
23 Taj pulls over.

24 SGT. MICHAEL SCHINDLER: Hello? Hello?

25 MR. HANKINS: Hello?

Phone Interview of Bilal Hankins
July 10, 2020

1 SGT. MICHAEL SCHINDLER: I'm sorry. We
2 lost you there for a minute.

3 MR. HANKINS: Okay. Hold on. I'm going
4 to add my attorney on. Okay. I'm back. So
5 where was I?

6 SGT. MICHAEL SCHINDLER: I think the
7 last thing you said was Taj immediately
8 pulled over.

9 MR. HANKINS: So Taj immediately pulled
10 over. Taj immediately pulled over, and he
11 immediately got out of the car with his hands
12 raised. I showed the -- I showed both
13 officers my hands empty and -- out of the
14 car. I was still seating in the back seat.

15 And, at this point, the 12-year-old in the
16 passenger seat panics and pokes his out of
17 the passenger window to see what's going on,
18 and that's when the other officer, who was a
19 housing authority officer, pointed his gun at
20 the 12-year-old. And Officer Wheeler -- we
21 questioned Officer Wheeler as to why we were
22 stopped. He said that he ran the plates of
23 the car, and that the car came back to a
24 address in New Orleans East registered to a
25 female, and because we were three males in

Phone Interview of Bilal Hankins
July 10, 2020

1 the car, he -- he didn't -- he asked us what
2 the car was doing uptown, like, and my friend
3 Taj explained to him that the car is
4 registered in his name.

5 I told the officer to check Taj's
6 identification. He checks Taj's
7 identification and sees the last names
8 matches up, and then he puts his guns drop
9 back down only after he realizes he messed
10 up. And then after he comes back and he
11 tried to ask details about the dog, and then
12 that was it.

13 SGT. MICHAEL SCHINDLER: Okay. So when
14 y'all came down Camp Street from -- I guess
15 it's your house at -- on [REDACTED]?

16 MR. HANKINS: Yes, my grandmother's
17 house. I'm staying with her on [REDACTED]

18 [REDACTED]
19 SGT. MICHAEL SCHINDLER: Okay. So when
20 y'all left your house, you're coming down
21 Camp Street, and you come across Officer
22 Wheeler parked at Camp Street and Valmont, I
23 think, right?

24 MR. HANKINS: Yes.

25 SGT. MICHAEL SCHINDLER: Okay. And then

Phone Interview of Bilal Hankins
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1 where were you seated in the car?

2 MR. HANKINS: I was in the back seat on
3 the left side.

4 SGT. MICHAEL SCHINDLER: Okay. So when
5 y'all come down Camp Street and y'all see the
6 officer parked right there, you get out and
7 engage him in conversation asking for help?

8 MR. HANKINS: Yeah, I didn't necessarily
9 get all the way out of the car, but I opened
10 the door and asked him for help.

11 SGT. MICHAEL SCHINDLER: Okay. So you
12 didn't get, you know, out of the car and
13 approach his car, you just -- y'all just kind
14 of opened the door and engaged him?

15 MR. HANKINS: Yes.

16 SGT. MICHAEL SCHINDLER: Okay. And then
17 y'all continued down Camp Street to I think
18 you said Joseph?

19 MR. HANKINS: Yes, it was -- it was
20 either Joseph or Octavia. I don't remember
21 at this time.

22 SGT. MICHAEL SCHINDLER: Okay. And then
23 he -- you notice he's behind you, and then at
24 some point another vehicle, another truck, is
25 behind you, and then they turn on their blue

Phone Interview of Bilal Hankins
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1 lights or emergency lights signaling for
2 y'all to stop. And you said that Officer
3 Wheeler gets on his PA speaker and starts
4 yelling at y'all?

5 MR. HANKINS: Yes. He says, pull over,
6 and driver get the F out of the vehicle.

7 SGT. MICHAEL SCHINDLER: Okay. Where
8 did you all actually stop?

9 MR. HANKINS: So I went back and -- the
10 next day and I saw it was -- it was right
11 next to Baby Ben, the elementary school on
12 Coliseum and Octavia if I believe correctly,
13 but I'm not a hundred percent sure.

14 SGT. MICHAEL SCHINDLER: Okay. And you
15 said which officer had his gun drawn out on
16 y'all?

17 MR. HANKINS: Both. Immediately, like,
18 they both hopped out of the car and their
19 first instinct was to draw their guns on us.

20 SGT. MICHAEL SCHINDLER: Okay. And who
21 got -- who from your vehicle got out of the
22 car, according to the officer's commands?

23 MR. HANKINS: The driver. He said,
24 driver, get out of the vehicle.

25 SGT. MICHAEL SCHINDLER: Okay.

Phone Interview of Bilal Hankins
July 10, 2020

1 MR. HANKINS: And the driver, Taj, got
2 out of the vehicle. I remained in the
3 vehicle.

4 SGT. MICHAEL SCHINDLER: Okay. So you
5 didn't get out of the vehicle at any point,
6 or just you didn't get out right then?

7 MR. HANKINS: I never got out of the
8 vehicle. I remained with my hands outside of
9 the vehicle indicating that I didn't have
10 anything on me, or any weapons on me, no harm
11 to the officer.

12 SGT. MICHAEL SCHINDLER: And did any of
13 the officers speak to you at all, or anybody
14 else in the vehicle?

15 MR. HANKINS: Officer Wheeler was --
16 when Officer Wheeler asked Taj why the car
17 was registered to a address in the east, I
18 intervened and said that Taj lives in New
19 Orleans East and that Taj registered in Taj's
20 mother's name. That's -- that's when I
21 intervened.

22 SGT. MICHAEL SCHINDLER: Okay. That's
23 when you intervened. All right. So he was
24 talking to Taj questioned him about the --
25 the -- I guess for lack of better terms, the

Phone Interview of Bilal Hankins
July 10, 2020

1 nature of the vehicle, why -- if it's
2 registered in New Orleans East to a female,
3 why are you driving it uptown.

4 MR. HANKINS: Yeah.

5 SGT. MICHAEL SCHINDLER: You intervened
6 and, you know, offered an explanation.

7 MR. HANKINS: Yes, that he was visiting
8 (unintelligible).

9 SGT. MICHAEL SCHINDLER: Okay. After
10 the officers turned on their emergency lights
11 to signal the pull over, how long did y'all
12 travel after the lights came on before coming
13 to a stop? Was it immediate? Did y'all go
14 down, you know, a half a block until you
15 could figure out what was safe -- a safe
16 place to stop or what?

17 MR. HANKINS: So when the officers first
18 put on their blue lights, we were confused
19 and didn't know that they were after us. We
20 thought that they turned on their blue lights
21 to help us look for the dog. So we continued
22 driving not even half of a block, and then
23 that's when the officer yelled on his
24 intercom and cursed at us, and that's when we
25 knew a situation was, like, serious and --

Phone Interview of Bilal Hankins
July 10, 2020

1 SGT. MICHAEL SCHINDLER: Okay. All
2 right. And he just yelled over the intercom,
3 top and get the F out of the car, and that
4 was the only commands that you all were given
5 at the time?

6 MR. HANKINS: Yeah, he repeated them
7 multiple times and then he hopped out of his
8 car.

9 SGT. MICHAEL SCHINDLER: Okay. And then
10 what happened after, you know, you informed
11 him that the car was registered to Taj's
12 mother and everything like that? Was there
13 any more conversation about -- after that, or
14 how did that exchange go?

15 MR. HANKINS: Mr. Wheeler still had his
16 guns (sic) drawn, even after I explained the
17 situation. And then he -- he still had his
18 gun drawn backing up to the car, and he went
19 back into his car. I don't know what he did
20 in his car, but he came back and his whole
21 demeanor changed. And he brought back a
22 notepad and asked me questions about the dog.

23 SGT. MICHAEL SCHINDLER: Okay.

24 MR. HANKINS: Trying to, like, ignore
25 the fact that -- what just happened.

Phone Interview of Bilal Hankins
July 10, 2020

1 SGT. MICHAEL SCHINDLER: Okay. And you
2 brought -- what was -- what was
3 Officer Wheeler's demeanor from the
4 beginning? You know, was he aggressive or
5 was he, you know, just kind of relaxed, or
6 what was his demeanor through the whole
7 thing?

8 MR. HANKINS: Well, when I first drove
9 up on him, like, he was on his phone, like,
10 not tuned in so I don't know about his
11 demeanor then. But when I did interact with
12 him in the moments when, like, Taj was out of
13 the car and he had his guns (sic) pointed at
14 us, he was very hostile and yelling at us.
15 He was more hostile than the other officer.

16 SGT. MICHAEL SCHINDLER: Okay. All
17 right.

18 MR. HANKINS: Like, way aggressive.

19 SGT. MICHAEL SCHINDLER: And how long
20 did the whole -- after the stop, after y'all
21 actually stopped and the orders were given
22 for the driver to get out the vehicle, from
23 the time that y'all stopped the vehicle to
24 the time that y'all were allowed to leave,
25 about how long was that whole exchange?

Phone Interview of Bilal Hankins
July 10, 2020

1 MR. HANKINS: I do not remember at this
2 time.

3 SGT. MICHAEL SCHINDLER: Okay. All
4 right. Fair enough. Sergeant Bieniemy, do
5 you have anything you want to ask him?

6 SGT. VANCE BIENIEMY: How are you doing,
7 Mr. Hankins? This is Sergeant Bieniemy here.
8 Can you hear me?

9 MR. HANKINS: Hello.

10 SGT. VANCE BIENIEMY: Hey, how are you
11 doing?

12 MR. HANKINS: Yes.

13 SGT. VANCE BIENIEMY: Okay. You say
14 that he ordered Mr. Pierre out of the
15 vehicle. What about Mr. M [REDACTED]? Was
16 Mr. M [REDACTED] ordered out of the vehicle also?

17 MR. HANKINS: No, Mr. M [REDACTED], he -- he
18 poked his head out, and once he poked his
19 head out, the officer (unintelligible) he --
20 Taj was the only person to exit the vehicle.

21 SGT. VANCE BIENIEMY: Okay. So
22 Mr. Pierre was the only person that they
23 pulled out of the vehicle. Okay. Did
24 anybody talk to Mr. M [REDACTED] or yourself other
25 than Officer Wheeler while you guys were in

Phone Interview of Bilal Hankins
July 10, 2020

1 the car?

2 MR. HANKINS: Like, did I talk to him?

3 SGT. VANCE BIENIEMY: No, I'm saying,
4 did the other officer, did he talk to either
5 yourself or Mr. M [REDACTED]?

6 MR. HANKINS: They --

7 SGT. VANCE BIENIEMY: Go ahead. I'm
8 sorry.

9 MR. HANKINS: Mr. Wheeler, at first he
10 -- he said, driver, get out, and he pointed a
11 gun at Taj. And then he pointed his gun at
12 me saying, put your hands up. And my hands
13 were already out of the vehicle immediately.
14 But then, like, he -- he pointed his gun at
15 L [REDACTED], Mr. M [REDACTED], (unintelligible) at all
16 of us.

17 SGT. VANCE BIENIEMY: Okay. And where
18 was the other officer at while -- while the
19 guns were being drawn on you guys?

20 MR. HANKINS: I would say Mr. Wheeler
21 pulled up on the left side of the street, and
22 the other officer pulled up on the right side
23 of the street and was in position.

24 SGT. VANCE BIENIEMY: Okay. On side of
25 you, behind you, what?

Phone Interview of Bilal Hankins
July 10, 2020

1 MR. HANKINS: Behind us.

2 SGT. VANCE BIENIEMY: Okay. And, again,
3 after you advised Mr. Pierre to produce his
4 ID to wheeler, what happened then?

5 MR. EDWARDS: Can you repeat that, sir?

6 SGT. VANCE BIENIEMY: Absolutely.

7 MR. EDWARDS: I'm not sure he said that.

8 SGT. VANCE BIENIEMY: I'm sorry?

9 MR. EDWARDS: I'm not -- I'm not sure he
10 said that he advised Mr. Pierre anything.

11 SGT. VANCE BIENIEMY: I believe he said
12 earlier that he told Mr. Pierre to give
13 Officer Wheeler his identification, his ID
14 card, or his license, something to that
15 effect.

16 MR. HANKINS: I was registered in the
17 east, and that he -- the reason the car was
18 uptown was because he was visiting me.

19 SGT. VANCE BIENIEMY: Okay. But my
20 question is: After Mr. Pierre gave
21 Officer Wheeler his identification, what
22 happened then?

23 MR. HANKINS: The officer said -- took
24 his identification. He went back to --
25 Mr. Wheeler went back to his car, and then he

Phone Interview of Bilal Hankins
July 10, 2020

1 spent some time in there, and then he came
2 back with different demeanor, and he brought
3 back a notepad to ask questions about the
4 dog.

5 SGT. VANCE BIENIEMY: What was said then
6 when he came back?

7 MR. HANKINS: He -- he asked me what the
8 dog looked like, as if I hadn't already
9 explained to him the exact description of the
10 dog. I just repeated myself what I -- like I
11 asked in my first stop.

12 SGT. VANCE BIENIEMY: Okay. And you
13 said it was a white and brown chihuahua?

14 MR. HANKINS: Yeah, white chihuahua,
15 brown spots.

16 SGT. VANCE BIENIEMY: Okay. White
17 chihuahua, brown spots.

18 SGT. MICHAEL SCHINDLER: Incidentally,
19 did y'all ever find the dog?

20 MR. HANKINS: Yes, we -- we found the
21 dog the next day.

22 SGT. MICHAEL SCHINDLER: Okay. All
23 right. I'm a dog lover, was just concerned.

24 MR. EDWARDS: Where -- where was the
25 dog -- where was the dog found at?

Phone Interview of Bilal Hankins
July 10, 2020

1 MR. HANKINS: A neighbor had brought it
2 to the SPCA.

3 SGT. MICHAEL SCHINDLER: Okay. Well, at
4 least y'all got the dog back. You know, like
5 I said, I'm an animal lover so, you know, I
6 was just wondering about the dog, if y'all
7 ever actually found him.

8 MR. HANKINS: Yeah.

9 SGT. VANCE BIENIEMY: Okay. I guess my
10 last question to you, Mr. Hankins, is at the
11 conclusion of the incident, what happened?
12 You know, did y'all just get in the car and
13 leave? Did they just get in the car and
14 leave? Was there any formal apology of
15 whatever transpired, or what --

16 MR. HANKINS: No, they --

17 SGT. VANCE BIENIEMY: Was there an
18 explanation of what happened and why?

19 MR. HANKINS: There was no explanation,
20 no apology. They just -- as soon as they
21 realized they messed up, they got in their
22 cars and they left.

23 SGT. VANCE BIENIEMY: Okay. All right.

24 SGT. MICHAEL SCHINDLER: And you can't
25 remember about how long the whole thing took

Phone Interview of Bilal Hankins
July 10, 2020

1 place, right?

2 MR. HANKINS: Not right now.

3 SGT. MICHAEL SCHINDLER: Okay. All
4 right. All right. Mr. Hankins, I appreciate
5 your time and willingness to talk to us about
6 this. We are looking into it. Do you have
7 any questions for us, you or your attorney?

8 MR. HANKINS: I don't have no more
9 further questions.

10 SGT. MICHAEL SCHINDLER: Okay.

11 MR. EDWARDS: I guess my question might
12 be more appropriate to your supervisor. I'm
13 trying to figure out how can a guy who has
14 been fired by New Orleans Police Department
15 for an excessive force violation and lying
16 about it be hired to patrol the streets of
17 New Orleans again. It just seems like
18 there's something inherently wrong with the
19 system for that kind of stuff to happen.

20 SGT. MICHAEL SCHINDLER: Right. Yeah,
21 that would -- that definitely would have to
22 be a question posed to the superintendent
23 police or the governing body over us.

24 MR. EDWARDS: Okay.

25 SGT. MICHAEL SCHINDLER: We have no --

Phone Interview of Bilal Hankins
July 10, 2020

1 we have no say in who's hired and whatnot.
2 We just have to deal with, you know,
3 instances like this and everything.

4 MR. EDWARDS: Okay. I gotcha. All
5 right. Thank you.

6 SGT. MICHAEL SCHINDLER: So, you know,
7 if there's no other questions, like I said,
8 again, I appreciate your time and your
9 willingness to talk to us. We are working on
10 this. We're taking this very seriously, you
11 know. It's just -- it's taking a little time
12 trying to get, you know, some of this stuff
13 straight and, you know, down and everything
14 because it's -- it's been so much time going
15 to other entities before it actually got to
16 us is kind of why we're, I guess, late to the
17 game, if you want to say.

18 MR. EDWARDS: I do have -- I do have --
19 I do have another question, though.

20 SGT. MICHAEL SCHINDLER: Uh-huh.

21 MR. EDWARDS: What -- what would be the
22 protocol for your officers working on duty if
23 they have an encounter with someone with guns
24 drawn, do they have a requirement to fill out
25 a report of those type of incidents?

Phone Interview of Bilal Hankins
July 10, 2020

1 SGT. MICHAEL SCHINDLER: I can't comment
2 on policy at this time. Again, that would
3 have to be a question up to my superiors, but
4 I'm not allowed to comment on policy like
5 that. I'm sorry.

6 MR. EDWARDS: Okay. All right.

7 SGT. MICHAEL SCHINDLER: So, you know,
8 like I said, if you have any other further
9 direction -- questions of that nature, you
10 can, you know, direct them our -- our
11 superintendent of police or our -- the
12 attorney for the Flood Authority and, you
13 know, they'll -- they'll respond
14 appropriately to those.

15 MR. EDWARDS: Okay.

16 SGT. MICHAEL SCHINDLER: And that --
17 like I said, Mr. Hankins, I appreciate you
18 talking with us and taking the time out your
19 day. I'm sorry --

20 MR. EDWARDS: One other question.

21 SGT. MICHAEL SCHINDLER: Yes.

22 MR. EDWARDS: After you complete your
23 investigation, will you give us a report of
24 what your -- the findings of your
25 investigation?

Phone Interview of Bilal Hankins
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1 SGT. MICHAEL SCHINDLER: Again, you
2 know, I believe so. It's -- you know, when
3 we do our report, we hand it off to the chief
4 for his, you know, review and determination.
5 And, you know, all we do is we do the report.
6 We don't recommend discipline, we don't
7 recommend any of that. We just do the
8 investigation, we do the report. The
9 releasing of that information doesn't come
10 from us, that comes from the superintendent's
11 office --

12 MR. EDWARDS: All right.

13 SGT. MICHAEL SCHINDLER: -- and the
14 attorney and the PIO and all that good stuff.

15 MR. EDWARDS: Um-hum.

16 SGT. MICHAEL SCHINDLER: So, like I
17 said, we don't handle the dissemination of
18 any information like that, like I said. We
19 just investigate and we report.

20 MR. EDWARDS: You're fact finders. I
21 mean, you're finders of the evidence for
22 support of fact. Okay.

23 SGT. MICHAEL SCHINDLER: Pretty much.

24 MR. EDWARDS: All right.

25 SGT. MICHAEL SCHINDLER: All right, sir?

Phone Interview of Bilal Hankins
July 10, 2020

C E R T I F I C A T E O F R E P O R T E R

I, Shannon Green, Registered Professional Reporter, DO HEREBY CERTIFY that I was authorized to and did stenographically report the foregoing proceedings via audio recording; and that the transcript is a true record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 19th day of July, 2020.

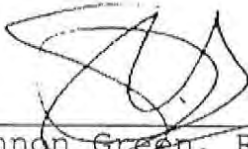

Shannon Green, RPR
Registered Professional Reporter



EXHIBIT NUMBER

B

Kerry Najolia
Tue 6/23/2020 1:41 PM
Sent from my iPhone

Begin forwarded message:

From: Derek Boese <[REDACTED]>
Date: June 23, 2020 at 12:34:11 PM CDT
To: Antwan Harris <[REDACTED]>
Cc: Kerry Najolia <[REDACTED]>
Subject: Re: New Orleans Incident.

Antwan, thanks, received and is being handled by IAD.

Derek E. Boese
Chief Administrative Officer
Southeast Louisiana Flood Protection Authority – East
Email: [REDACTED]
Office: [REDACTED]

On Jun 23, 2020, at 12:08 PM, Antwan Harris <[REDACTED]> wrote:

Derek / Chief,

I spoke with Nick Manale with LA State Police and he forwarded me this complaint against one of our officers. Take a look below and get back to me if anything is needed.

Thanks,

Antwan Harris

From: Nick Manale <[REDACTED]>
Date: Tuesday, June 23, 2020 at 12:05 PM
To: Tam Pierre <[REDACTED]>
Subject: RE: New Orleans Incident.

Ms. Pierre,

I understand your concerns, but any complaints should be sent to the agency that employs the officer. I will also forward your email to the Orleans Flood Authority Protection Office that oversees the Orleans Levee District Police.

Please let me know if I can be of any further assistance.

Contact information for the Orleans Parish Levee Board can be found at:
Orleans Levee District Police 6799 Elysian Fields Avenue
New Orleans, LA 70122
504-283-9800

From: Tam Pierre [mailto: [REDACTED]]

Sent: Tuesday, June 23, 2020 12:37 AM

To: Nick Manale < [REDACTED] >

Subject: New Orleans Incident.

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Dear Lt Manale,

Good evening,

My name is Tamla Pierre, a resident of Orleans Parish. I am not sure if this complaint should be filed with your office. If not please let me know where this statement should be routed. One of your Public Safety Officers for the Orleans Parish Levee Board commissioned by state has violated the basic rights of my son and participated in unlawful detainment and improper use of his firearm.

The officer is an ex NOPD,

Kevin Wheeler working private patrol with Hurstville Security in New Orleans 2nd district.

The statement read as follows:

My name is Tahj Pierre, 21 years old black male residing in New Orleans East in the Eastover Subdivision with my parents Tamla Pierre Taylor and Chris Taylor. I am an alumni of Dillard University and St. Augustine High School and a native of New Orleans. I had an experience that has totally changed my life, and not a good way, but one of terror and lasting trauma. I wake up out of my sleep with nightmares about this incident. The disturbing replay of this night is unimaginable.

On June 13 2020, I. was visiting friends at [REDACTED] for dinner when we noticed the pet dog Dutchess had left out of the house and was now roaming the neighborhood. We, two friends of mine, one being the resident of the house, left the house in pursuit of Dutchess, as Dutchess has health problems and is also on medication. I am the driver of a Black BMW 320, in which my mom Dr. Tam Pierre is the registered owner, as this was my high school graduation gift in 2016. I was the driver on this night when we went out looking for the pet around 1120pm. My car was occupied by 12 and 18 year old black males. As we proceeded to look for the pet, one of my friends exited the car, to a parked marked police car occupied by a caucasain officer on Camp and Valmont. It was asked of the officer, if he had seen the dog in question, and assistance was requested. The car was occupied by Kevin Wheeler, Orleans Levee Board, ex NOPD officer, on private patrol of this predominantly white neighborhood. Officer Wheeler obliged, and started following my car with his high beams on, as we whistled for the pet and called her by name at about 5-10 mph.. About 20 minutes into the search, Officer Wheeler was now accompanied by another vehicle, one that resembles a dark unmarked pick up truck, now identified as Ramon Pierre, a police officer for Hano. Both vehicles executed their siren lights and urged us to pull over on Joseph and Coliseum/Octavia. Officer Wheeler using an intercom system and commanded. that I exit my vehicle. I followed his command. Upon exiting BOTH officers had their guns drawn at my HEAD as I stood in the middle of them both. Officer Wheeler stated that he ran my license plate and my car was registered to a female in New Orleans East, so there was no way I was looking for a dog in this neighborhood and cars are being stolen in New Orleans East. Again, I said it's registered to my mom.

I am very upset and traumatized by this incident especially in the light of what is happening to men of color, this was the most frightening and terrifying experience I ever had. I am requesting a formal and thorough investigation be held with the behavior and actions of your officer Ramon Pierre who is under your jurisdiction. I will forward my report to the appropriate authority with the Levee District concerning Mr Wheeler.

Lt.Martin, as I reflect on the values instilled in me by my parents as well as my St Augustine family, I will never allow anyone to degrade me as a black man and as a human being. The threat of being gunned down was daunting. I was taught the pen is mightier than the sword. So with that virtue, I will use my words, wisdom and intelligence to obtain justice in this situation. I am forever grateful for God and his mercy and covering he had me over me that night. If it was not for the goodness of God, I wouldn't be here to tell this story and protect my fellow brethren coming behind me. As cliché as this may sound, I am innocent, we asked for help, protection and service,

instead we received the threat of death. humiliation and racial profiling. Lt.Martin and all others who will assist with obtaining the correct reprimand, I need your help. I am requesting immediate termination of this officer and that his commission be revoked permanently.

I await for your prompt response, I await for justice, I await for righteousness. And while we investigate this matter.....just try to envision your son (or family member) with guns drawn at his head....my mom did.

Respectfully Submitted,

Tahj J. [REDACTED] Pierre

[REDACTED]

EXHIBIT NUMBER

J

FW: EXTERNAL EMAIL: Fwd: Guns Drawn on Youth by Security Detail

Michael Brenckle <[REDACTED]>

Mon 6/22/2020 9:37 AM

To: Donald Juneau <[REDACTED]>

Michael Brenckle
Commander, OLDPD
6799 Elysian Fields Ave.
New Orleans, LA 70122
Ofc. [REDACTED]



From: Shaun D. Ferguson [mailto:[REDACTED]]
Sent: Monday, June 22, 2020 9:23 AM
To: Michael Brenckle <[REDACTED]>
Subject: Fw: EXTERNAL EMAIL: Fwd: Guns Drawn on Youth by Security Detail

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mike,

The Mayor and I received the below email from a concerned citizen.

From: Lona Edwards Hankins [REDACTED]
Sent: Sunday, June 21, 2020 11:19 PM
To: [latoya.cantrell](#) [REDACTED]; [latoyawcantrell](#) [REDACTED];
[REDACTED] [lcantrell](#) [REDACTED]; [lwcantrell](#) [REDACTED]
[REDACTED] Mayor <[REDACTED]>
Cc: Yahya Hankins [REDACTED]; [bilalhankins](#) [REDACTED];
[dowlaw](#) [REDACTED]; John D. Pourciau [REDACTED]; Shaun
D. Ferguson [REDACTED]
Subject: EXTERNAL EMAIL: Fwd: Guns Drawn on Youth by Security Detail

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password.

Dear Madam Mayor

On June 13, 2020 between 10pm and midnight, my son Bilal Hankins had his life threatened by a security detail of the Hurstville Security and Neighborhood Improvement District. Bilal lives at [REDACTED]. He assists me with caring for my mother at the home she and my father purchased in 1957, raised five children and nurtured a host of grandchildren. Bilal left home that night in search of a missing dog.

He was a passenger in a car with a 20 year old friend, Tahj Pierre and a 12 year old child [REDACTED]. They were driving on Camp Street looking for the lost dog when they spotted an Orleans Levee District Police officer parked at Valmont St. Bilal exited the car to speak with the officer. He asked the officer for assistance in locating the missing dog and he gave him his address and phone number. The boys then drove off. The officer then proceeded to follow them. The boys believed the officer was assisting them with the search for the lost dog, until they noticed a second unmarked truck was also following them. Then suddenly the police turned on their lights and the boys turned off of Camp on Octavia to let the officers proceed down Camp. However to their surprise the officer also turned onto Octavia. Then the officer issued commands over the PA system requesting the driver to pull over and get out of the car. Tahj complied. The officer gets out of his car with his gun drawn and pointing it at the driver. [REDACTED] the minor child who was sitting in the front passenger seat, panicked and afraid, stuck his head out of the window of the car, only to be met by the sight of the second officer's gun. This simple request for help in finding a missing dog had escalated into an unprovoked traumatic incident in which two guns were drawn on innocent kids. After witnessing this, Bilal asked the officer what's going on and the officer said "the car was registered to a female who lives in New Orleans East and that there had been a lot of car thefts and that he was wondering why the car was Uptown". Bilal asked the officers to check the driver's license and the registration of the car so that they could ascertain that the car was registered to the Tahj's mother.

It has taken me a week to navigate through the maze police agencies to determine where to lodge the proper complaint. It was only after reaching out to a trusted NOPD officer was I able to make some headway on how to file a formal complaint with the Orleans Levee District Police Department.

It was also through my friend that I discovered that these police officers were probably engaged by the security detail for the Hurstville Security and Neighborhood Improvement District. I scoured their website only to find there was no information on how to file a complaint. I was finally able to speak with an individual who informed me that he was a supervisor. The supervisor stated, to my surprise and shock, that he had no knowledge of the event. He was helpful in sharing the officers names and the agencies that they work for: Kevin Wheeler, Orleans Levee District Police and Roman Pierre, Housing Authority of New Orleans Police. I also found it odd when the supervisor of the Hurstville Security and Neighborhood Improvement District intimated that the officers training and situational handling is left to their regular employers, when they are actually hired and or engaged by the Security District. Words cannot properly express how disturbing it was to find out that an incident of this nature in which two guns were drawn on youth did not require a written report and that the Security District had no record of it.

As I sit here writing this to you it is very difficult to maintain my composure. The fact that I find myself walking in the same shoes my mother did, as it relates to Police Harassment of my older brothers is beyond frustrating. The lack of transparency of the complaint process with the Orleans Levee District Police Department, HANO Police and the

Hurstville Security and Improvement District inspires little confidence that a thorough and fair investigation into this unlawful and unprovoked assault on these three young black men will actually occur. It is obvious there has not been any meaningful changes since the early 1970's when my mother was going through the same thing. There has been a great deal of discussion about the reforms made to the New Orleans Police Department yet I have not heard ANYTHING as to how anyone regulates these other Policing Authorities and Security Districts that are creating dangerous environments for our children. It is appalling to find out that these security district are operating with armed officer and zero oversight! In fact it was very disturbing to find out that Officer Darrin Wheeler was hired by the Levee District Police Department and Hurstville Security District when it is public record that the Louisiana Court of Appeals, Fourth Circuit decision to affirm his firing by NOPD for 2 reasons. <https://law.justia.com/cases/louisiana/fourth-circuit-court-of-appeal/2016/2016-ca-0036.html> The reasons stated were 1) Officer Wheeler rendered a false statement and issued a false report and 2) that the commission issued the punishment that was commiserate with the offense committed.

You must broaden the scope of your oversight and investigation of policing in Orleans Parish to include ALL of the Policing and Security district within the City of New Orleans. <https://council.nola.gov/news/june-2020/councilmember-jason-williams-announces-plans-to-cr/>, <https://council.nola.gov/news/june-2020/new-orleans-city-council-calls-for-new-public-data/>. No young man or parent should have to be concerned that individuals who are acting under the color of law, do not have the requisite training, compassion and understanding to not target young Black men for harassment and terrorization based solely on the color of their skin. I am almost sure that if this was a White child who asked for help in finding a lost a dog, the parent of that child would not have to write this letter to you. We have got to get this fixed so that no other parent of a Black Child has to be placed in this position. But for Bilal maintaining his composure and having the foresight to attempt to de-escalate the situation, we may have been going to yet another funeral of innocent young Black men and Boys.

--

Lona Edwards Hankins

--

Lona Edwards Hankins

Please be advised any information provided to the Southeast Louisiana Flood Protection Authority-East, or its member districts (Orleans Levee District, East Jefferson Levee District and Lake Borgne Basin Levee District) may be subject to disclosure under the Louisiana Public Records Law. Information contained in any correspondence, regardless of its source, may be a public record subject to public inspection and reproduction in accordance with the Louisiana Public Records Law, La. Rev. Stat. 44:1 et seq. If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail, so that our address record can be corrected.



Date: June 25, 2020

MEMORANDUM

To: Lieutenant Tyrone Martin
HANO Police Department

Lt. T. Martin

From: Sgt. Demetrius Jackson
HANO Police Department

Sgt. Demetrius Jackson

Re: Misconduct Complaint – Ramon Pierre

INTRODUCTION

On June 23, 2020, Housing Authority of New Orleans Police Lieutenant Tyrone Martin assigned Sergeant Demetrius Jackson to investigate a complaint of misconduct involving Officer Ramon Pierre. The complaint alleges on June 13, 2020 while working an off duty private detail, Officer Pierre along with Orleans Levee Board Officer Kevin Wheeler conducted a traffic stop at the intersection of Chestnut and Octavia Streets. Complainants alleged both officers pointed their service weapons at them after they were pulled over without cause. Complainants also alleged they were victims of racial profiling.

INVESTIGATION

On June 23, 2020, Lieutenant Martin provided Sergeant Demetrius Jackson with complaint statements received by him via email from complainants Tahj Pierre and Bilal Hankins. Their statements are attached in this investigation as Exhibits A and B. Also given was an email complaint Ms. Lona Edwards Hankins (mother of Bilal Hankins) filed with members of the entire New Orleans City Council contingent. That email is attached as Exhibit J.

TELEPHONE STATEMENT OF TAHJ PIERRE TYPED BY SERGEANT JACKSON

On June 23, 2020, Sergeant Demetrius Jackson contacted complainant Tahj Pierre via telephone regarding the incident that occurred on June 13, 2020. Mr. Pierre stated the following:

Upon answering the phone, Mr. Pierre appeared to be sleepy and unmotivated to talk. Despite not wanting to talk, Sergeant Jackson and Mr. Pierre agreed to meet on June 24, 2020 at a pre-arranged location. On June 24, 2020, Sergeant Jackson and Mr. Pierre agreed to cancel the meeting due to inclement weather and elected to talk via the telephone. We began by discussing the location of the traffic stop, at which time Mr. Pierre was advised that the location given by his friend, Bilal Hankins differed from the location he provided in his email statement. Mr. Pierre responded by stating, "Wherever Bilal said it is where it happened, because he lives around there and I'm not familiar with the area." I then advised Mr. Pierre that I read his emailed statement and asked if he wished to add anything to the statement. Mr. Pierre responded "No."

STATEMENTS OF BILAL HANKINS TYPED BY SERGEANT JACKSON

On June 23, 2020, Sergeant Demetrius Jackson contacted complainant Bilal Hankins via telephone about the aforementioned incident that occurred on June 13, 2020. Mr. Hankins stated the following:

Mr. Bilal Hankins stated he and his friend Tahj Pierre along with his roommate's nephew, L [REDACTED] M [REDACTED] were in Tahj Pierre's car looking for his roommate's lost dog in his neighborhood on Camp Street. Mr. Hankins stated he noticed an Orleans Levee Board Police Unit parked at Camp and Valmont. He then asked Tahj Pierre to pull next to the unit so he could ask the Levee Board Officer to assist in searching for the missing dog. He provided his address to the officer in case the dog was located. Mr. Hankins stated the officer agreed to assist and they continued their search.

Mr. Hankins stated as they crossed Jefferson Avenue he noticed the Levee Board Officer had been following them. Minutes later he observed a second vehicle following them (a Grey pickup truck). When they reached Camp and Octavia both vehicles suddenly turned on flashing blue lights. Mr. Hankins stated Tahj Pierre pulled over behind a yellow dumpster located at the intersection of Chestnut and Octavia where he (Tahj Pierre) was ordered by the Levee Board Officer, over a PA system, to get out of his vehicle with his hands up. The Orleans Levee Board Police Officer exited the police unit and immediately had his gun aimed at Tahj Pierre's head. Mr. Hankins said that's when L [REDACTED] M [REDACTED] (front passenger) stuck his head out the window and the officer in the unmarked car, later identified as, (HANOPD) Housing Authority of New Orleans Police Officer Ramon Pierre got out of his car, pointed his weapon at L [REDACTED] M [REDACTED] and began to yell "hands up." Mr. Hankins went on to state that from the back seat, he showed the Orleans Levee Board Police Officer his hands and asked why they were being stopped.



Mr. Hankins said the Orleans Levee Board Officer told him they looked suspicious and he ran the vehicle plate which came back to an address in the East, registered to a female. Mr. Hankins further stated that after the Orleans Levee Board Police Officer looked at Tahj Pierre's driver's license and matched the address to registration, both officers put their guns down and allowed them to depart the area.

INVESTIGATION CONTINUED

On June 23, 2020, in order to ascertain the veracity of the complaints made by Tahj Pierre and Bilal Hankins, Sergeant Jackson drove to Octavia and Chestnut to canvas the area for any Real Time Cameras (City of New Orleans Crime Cameras) or private security cameras that could have captured the incident. While canvassing the 5400 block of Chestnut, Sergeant Jackson observed a security camera affixed to a residence located at [REDACTED] Chestnut Street. Upon approaching the residence, Sergeant Jackson was greeted by the owner, Tyler Higgins. Mr. Higgins was advised of the nature of the investigation and allowed the officer to view his security cameras. After reviewing the cameras the officer learned they were motion detection cameras that failed to capture the incident. Mr. Higgins then advised he remembered the traffic stop that occurred in front of his house on the night of June 13, 2020.

On June 24, 2020, Sergeant Jackson relocated to the 5400 block of Chestnut Street to take photographs of the intersection where the traffic stop took place. Sergeant Jackson also met with Mr. Higgins a second time at which time an audio statement was obtained.

THE STATEMENT OF TYLER HIGGINS

Mr. Tyler Higgins stated he was watching television in his front room when he observed flashing blue lights through his window. He got up and looked out the window and saw a Levee Board patrol SUV and what he believed to be a black truck. He admitted he was not sure of the color of truck. He then observed a car had been pulled over on the side of his parked vehicle, at which time, he noticed the driver of the stopped vehicle being asked to walk back to the Levee Board patrol vehicle. He also said he observed the other officer, later identified as, Housing Authority of New Orleans Police Officer Ramon Pierre, standing back by his vehicle as cover for the Levee Board Officer. Mr. Higgins concluded his statement by saying at no point did he observed any heated exchanges, shouting, guns drawn or anything. Mr. Higgins stated that he stopped watching because it appeared to be a simple pull over for questioning and then they would let them go.

INVESTIGATION CONTINUED

Sergeant Jackson then relocated to the Housing Authority of New Orleans where he took a statement from L [REDACTED] M [REDACTED] via telephone. Sergeant Jackson advised L [REDACTED] M [REDACTED] aunt to put the phone on speaker so she could hear the interview due to L [REDACTED] M [REDACTED] being a juvenile. The aunt complied.

THE STATEMENT OF LATRELL MILLER

L [REDACTED] M [REDACTED] stated they were looking for his aunt's dog and they asked a policeman for help. After asking for help they continued looking for the dog. Minutes later two police showed up. One being a Levee Board Officer and the second being an undercover police (identified as Officer Pierre) in his personal vehicle. L [REDACTED] M [REDACTED] stated the officers ran Tahj Pierre's plate and thought the car was stolen. L [REDACTED] M [REDACTED] said the officer then told Tahj Pierre to step out vehicle and then told him and Bilal Hankins to step out, but the officer started pointing guns at them. L [REDACTED] M [REDACTED] stated that Tahj Pierre explained that his mother gave him the car and it wasn't stolen. They all then returned home.

After obtaining Mr. M [REDACTED]'s statement, Sergeant Jackson proceeded with additional questions

Note: (Q) Denotes question asked by Sergeant Demetrius Jackson
(A) Denotes answers given by L [REDACTED] M [REDACTED]

Q: Did you all step out the car?

A: Yes we stepped out the vehicle.

Q: Did both officers pull their guns out on y'all?

A: It was one officer. It was the one in the front.

Q: Do you recall what kind of vehicle the officer in front was in?

A: He was in a white pickup truck.

Q: Was the officer black or white?

A: He was white.



RAMON PIERRE

On June 25, 2020, Officer Ramon Pierre submitted to Sergeant Demetrius Jackson a typed statement outlining his involvement of the incident that took place the night of June 13, 2020. Officer Pierre's typed statement attached as Exhibit E.

Sergeant Demetrius Jackson asked Officer Pierre the following questions

Note: (Q) Denotes question asked by Sergeant Demetrius Jackson

(A) Denotes answers given by Officer Ramon Pierre

Q: On June 13, 2020 did you assist on a traffic stop that occurred at the intersection of Octavia and Chestnut Street?

A: Yes.

Q: While on the traffic stop did you or any other officer remove their firearm and point it at the complainants?

A: No.

Q: Would you like to add anything to your statement?

A: No.

SERGEANT JACKSON'S INVESTIGATION REVEALED CONFLICTING STATEMENTS

Conflict #1

Mr. Tahj Pierre's stated, when he exited his vehicle both officers pointed their guns at him. Mr. Bilal Hankins stated, Officer Ramon Pierre did not pull his weapon out until I ■■■■■ M ■■■■■ stuck his head out the window. I ■■■■■ M ■■■■■ stated, only the white officer pulled his gun out. Additionally Mr. Tyler Higgins stated in his audio recording, at no point did he observe any weapons drawn.

Conflict #2

Mr. Bilal Hankins stated, he and I ■■■■■ M ■■■■■ remained in the vehicle during the stop and from the back seat he (Mr. Hankins) showed the officers his hands and asked why they were being stopped. I ■■■■■ M ■■■■■ stated, they all exited the vehicle.

Based on the investigation, statements made by the witness along with the conflicting statements given by the complainants and the Sergeant's search of the neighborhood for camera footage that would support the allegations lodged, Sergeant Jackson concludes there is no evidence to support misconduct or departmental policy violations by Officer Ramon Pierre. As such this complaint should be considered **Non-Sustained**.

- | | |
|------------------|--|
| Exhibit A | A copy of Tahj Pierre emailed statement (1 page. front and Back) |
| Exhibit B | A copy of Bilal Hankins written statement to the Levee Board Police Department (2pages) |
| Exhibit C | Recorded statement from Tyler Higgins (1 CD-R disc) |
| Exhibit D | Recorded statement from I ■■■■■ M ■■■■■ (1 CD-R disc) |
| Exhibit E | Officer Ramon Pierre typed statement (2 pages) |
| Exhibit F | Google map of the area |
| Exhibit G | Officer Ramon Pierre activity sheet for Hurstville patrol |
| Exhibit H | Orleans Levee Board Officer Kevin Wheeler activity sheet for Hurstville patrol |



- Exhibit I** **Two photos of the intersection of Chestnut and Octavia St.**
- Exhibit J** **Ms.Lona Edwards email to the N.O City Council**
- Exhibit K** **Letter from Hurstville Security Improvement District**
- Exhibit L** **Letter from Councilman Jason Williams (2) pages**



MOULEDOUX | BLAND
LEGRAND | BRACKETT
ATTORNEYS AT LAW, NEW ORLEANS

Writer's email:
mhanna@mblb.com

April 23, 2021

VIA EMAIL – rkautz@cooley.com

Rose Kautz, Esq.
Cooley, LLP
1333 2nd Street, Suite 400
Santa Monica, CA 90401

RE: Hurstville Security and Neighborhood Improvement District
Response to February 4, 2021 Public Records Request
MBLB File No.: 0815-20545

Dear Ms. Kautz:

I am responding to your email of March 29, 2021 requesting further documentation and clarification as to our response of March 5, 2021 to your public records request. I will provide the enumerated responses as you have represented them in your email of March 29, 2021:

3. Documents sufficient to show Kevin Wheeler's current employment status as a Hurstville Security District Patrol Officer.

See up-to-date time sheet for Kevin Wheeler.

4. Documents sufficient to show Ramon Pierre's current employment status as a Hurstville Security District Patrol Officer.

See up-to-date time sheet for Ramon Pierre.

5. Documents sufficient to show Lieutenant Carl Perilloux's current employment status as a Hurstville Security District Patrol Supervisor.

See attached Hurstville Security and Neighborhood Improvement District invoice for supervisor/coordinator for up-to-date time period.

6. All documents relating to the required qualifications for, and the hiring, firing, background checks, training, and supervision of Hurstville Security District Patrol Officers.

None in possession of HSD.

Rose Kautz, Esq.

April 23, 2021

Page 2

7. All Documents relating to the duties, obligations, authority, police powers, and scope of jurisdiction of Hurstville Security District Patrol Officers, including but not limited to their authority to conduct traffic stops, perform arrests, and use marked law enforcement vehicles, uniforms, firearms, and equipment.

None in possession of HSD.

8. All documents relating to your policies, practices, customs, protocols, and training of Hurstville Security District Patrol Officers with respect to:

- a. Officer conduct;
- b. Investigatory stops;
- c. Probable cause;
- d. Reasonable suspicion;
- e. Use of marked law enforcement vehicles;
- f. Use of police powers;
- g. Use of uniforms, including the uniforms of other law enforcement agencies;
- h. Use of law enforcement resources, including but not limited to arrest databases, license plate records, and driver's license records;
- i. Use of firearms;
- j. Excessive force;
- k. Elimination of bias;
- l. Racial profiling;
- m. Complaints or disciplinary action involving a patrol officer;
- n. Reporting, documenting, tracking, and recordkeeping regarding any of (a)-(j) above.

See attached Hurstville Security Neighborhood Patrol Instructions (one page).

9. All documents relating to your policies, practices, customs, protocols, recordkeeping, documentation, and tracking of encounters between Hurstville Security District Patrol Officers and civilians.

Rose Kautz, Esq.

April 23, 2021

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See previously produced activity and time sheets for officers as well as Hurstville Neighborhood Security Patrol Instructions.

10. All documents relating to your policies, practices, customs, protocols, recordkeeping, documentation, and tracking of investigatory stops in by Hurstville Security District Patrol Officers.

See previously produced activity and time sheets for officers as well as Hurstville Neighborhood Security Patrol Instructions.

11. All documents relating to your policies, practices, customs, protocols, recordkeeping, documentation, and tracking of handgun or firearm use by Hurstville Security District Patrol Officers during an investigatory stop.

See previously produced activity and time sheets for officers as well as Hurstville Neighborhood Security Patrol Instructions.

12. All documents relating to your policies, practices, customs, protocols, recordkeeping, documentation, and tracking of use of force by Hurstville Security District Patrol Officers during an investigatory stop.

HSD has no such documents.

13. All documents relating to your policies, practices, customs, and protocols regarding document retention.

HSD has no such documents.

14. All documents relating to your policies, practices, customs, protocols, and training regarding circumstances warranting discipline or censure of Hurstville Security District Patrol Officers.

HSD has no such documents.

15. All documents relating to formal or informal complaints against any Hurstville Security District Patrol Officer.

HSD has no such documents.

16. All documents relating to formal or informal complaints about the conduct of any Hurstville Security District officer, agent, affiliate, employee, director, and representative in connection with treatment of members of the Black and African American community.

Rose Kautz, Esq.
April 23, 2021
Page 4

HSD has no such documents.

17. All documents relating to formal or informal complaints about the conduct of any Hurstville Security District officer, agent, affiliate, employee, director, and representative in connection with improper investigatory stops or searches.

HSD has no such documents.

18. All documents relating to formal or informal complaints against Hurstville Security District Patrol Officer Kevin Wheeler.

HSD has no such documents.

19. All documents relating to why Kevin Wheeler is not listed as a Hurstville Security District Patrol Officer on the website <http://hurstvillesecurity.com/neighborhood-patrol/patrol-officer-bios>.

HSD has no such documents.

20. All documents relating to formal or informal complaints against Hurstville Security District Patrol Officer Ramon Pierre.

HSD has no such documents.

21. All documents relating to formal or informal complaints against Hurstville Security District Patrol Supervisor Lieutenant Carl Perilloux.

HSD has no such documents.

22. All documents relating to any disciplinary action taken against Hurstville Security District Patrol Officer Kevin Wheeler.

See attached email string previously produced by HSD.

23. All documents relating to any disciplinary action taken against Hurstville Security District Patrol Officer Ramon Pierre.

See the response to 22.

24. All documents relating to your relationship, connections, collaboration, concurrent jurisdiction, and other affiliation, whether formal or informal, with the housing authority of new orleans, including but not limited to documents relating to who is

Rose Kautz, Esq.

April 23, 2021

Page 5

responsible for hiring, firing, oversight, supervision, training, and disciplinary action of Hurstville Security District Patrol Officers.

HSD has no such documents.

25. All documents relating to your relationship, connections, collaboration, concurrent jurisdiction, and other affiliation, whether formal or informal, with the new orleans police department, including but not limited to documents relating to who is responsible for hiring, firing, oversight, supervision, training, and disciplinary action of Hurstville Security District Patrol Officers.

HSD has no such documents.

26. All documents relating to your relationship, connections, collaboration, concurrent jurisdiction, and other affiliation, whether formal or informal, with the city of new orleans, including but not limited to documents relating to who is responsible for hiring, firing, oversight, supervision, training, and disciplinary action of Hurstville Security District Patrol Officers.

HSD has no such documents.

27. All documents relating to your relationship, connections, collaboration, concurrent jurisdiction, and other affiliation, whether formal or informal, with the orleans levee district police, including but not limited to documents relating to who is responsible for hiring, firing, oversight, supervision, training, and disciplinary action of Hurstville Security District Patrol Officers.

HSD has no such documents.

28. All documents relating to your relationship, connections, collaboration, concurrent jurisdiction, and other affiliation, whether formal or informal, with the louisiana flood authority, including but not limited to documents relating to who is responsible for hiring, firing, oversight, supervision, training, and disciplinary action of Hurstville Security District Patrol Officers.

HSD has no such documents.

29. All documents relating to your relationship, connections, collaboration, concurrent jurisdiction, and other affiliation, whether formal or informal, with the louisiana state department of public safety and corrections, including but not limited to the louisiana state police, including but not limited to documents relating to who is responsible for hiring, firing, oversight, supervision, training, and disciplinary action of Hurstville Security District Patrol Officers.

HSD has no such documents.

Rose Kautz, Esq.
April 23, 2021
Page 6

HSD reserves the right to supplement and/or amend its response to your public records request in the future. Please do not hesitate to contact me if you wish to discuss your public records request further.

Cordially,



Mark E. Hanna
*Attorney for Hurstville Security and
Neighborhood Improvement District*

MEH/af
Enclosures

Hurstville Neighborhood Security Patrol Instructions

All officers working the Hurstville Neighborhood Security Patrol will comply with the following.

- All Officers are required to be attired in the proper Departmental Uniform of the day as required by their agency's regulations.
- Report on time for your scheduled shift. The reporting location is 1309 Octavia St. This is the location where all the necessary items for the security patrol are stored. There is a time clock where all officers are required to clock in at the start of their shift and must clock out at the end of their shift. This will be done by using the Activity and Time Sheet supplied by Hurstville. The Hurstville Security Telephones and GPS Units are also stored at this location.
- All officers are required to carry the Hurstville Security Phone and GPS Unit while working the Hurstville Security Patrol. On the Activity and Time Sheet the officers must list the number of the GPS Unit they are using. In addition, the NOPD Item Number for the detail.
- All officers are required to check the Hurstville Security Telephone for any missed calls or messages and note them into log book. All officers are required to return any missed calls and voice messages at the beginning of their shift. All officers are required to be Proactive and Visible at ALL Times during their shift.
- All officers should monitor the NOPD radio and respond to all calls for service within the Hurstville Security District Boundaries. Officers must notify the NOPD Dispatcher that they are responding to any calls for service.
- Officers should be mindful of any prolonged Stopping at any location during their patrol. Such activity is monitored by the Hurstville Supervisor. (Lt. Carl Perilloux Retired NOPD) The Hurstville Supervisor will be notified of all unusual activity or incidents that occurred during the officer's shift. Officers should list all of their Activity on the Office Activity and Time Sheet. Officers should ensure that they patrol each street within the Hurstville Security District Boundaries several times during their shift.
- All Patrol Officers working The Hurstville Security Patrol are reasonable to conduct themselves in accordance with all their Agencies Rules and Regulations at all times.
- Any questions or concerns by the officers should be addressed to the Hurstville Security and Neighborhood Improvement District Supervisor Lt. Carl Perilloux Retired NOPD at [REDACTED]

Amy Fisher

From: Joseph I. Giarrusso [REDACTED]
Sent: Saturday, December 5, 2020 5:43 PM
To: Page, Marshall; Shelley Landrieu
Cc: Amanda B. Rizzo; Holly R. Friedman; Brian Klebba
Subject: [EXTERNAL] Re: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Hurstville Security District

This is an incredibly helpful email. I appreciate it. Would there be a good time tomorrow after the Saints game where I can give you a quick call? Much appreciated.

Joe

Get [Outlook for iOS](#)

From: Page, Marshall
Sent: Saturday, December 5, 2020 5:15:01 PM
To: Joseph I. Giarrusso ; Shelley Landrieu
Cc: Amanda B. Rizzo ; Holly R. Friedman ; Brian Klebba
Subject: RE: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Hurstville Security District

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Thanks Shelley and Joe.

This may already be known or understood, but just so that you have the complete picture:

- We took this matter very seriously when we heard about it including: (1) removing the involved officers from HSD patrol, (2) calling Ms. Hankins (I called her directly) and (3) calling an immediate board meeting.
- I personally called Ms. Hankins, expressing our concern at contents of her letter, and I told her that we had suspended the officers and that we were interested in an investigation.
- At our board meeting, among other things, we discussed that the board has hired a patrol supervisor (ex-NOPD and current or ex-New Orleans Sheriff's Office) whose expertise we rely upon in identifying and vetting officers and in managing the patrol-related aspects of their service. As you might imagine, we don't have that kind of expertise on the board; hence, we engaged the Patrol Supervisor as an expert who has worked with us for years and whose expertise we trust.
- Our Patrol Supervisor determined that each department that employed an officer (I forget which two agencies—Levee Board and HANO, I believe) was aware of the complaint and had opened an investigation.
- Our board determined that our best course of action was to await the outcome of the departmental investigations and to rely upon them. Those organizations have processes to conduct investigations of this type and they know the individuals involved.
- After what I believe was a couple of weeks (it may have been 3 weeks), Brian and I proactively contacted the two organizations involved and we were both informed that the investigations had been concluded and closed and that both officers had been cleared.
- At that point, we contacted both officers to inform them that they were available to be re-scheduled to conduct HSD patrols.

I read the email thread and see that Ms. Hankins contacted you today. I am willing to contact Ms. Hankins and would like to do so, unless you disagree with that approach. I will be happy to go through our process with her and, if she wants to debate the responsibility of the neighborhood board, I will have that polite discussion. But, Joe—you hit the nail on the head. We don't have the knowledge or resources and rely on experts for that part of what we do. And I do believe that there was good process here with an investigation and a known outcome of that investigation.

Let us know what will be helpful here. And if you'd like to talk by phone, I'd be happy to do that this afternoon or any other time. My cell is below in yellow.

J. Marshall Page III | Partner

Jones Walker LLP

D: [REDACTED] | M: [REDACTED]
[REDACTED]

From: Joseph I. Giarrusso

Sent: Saturday, December 5, 2020 3:48 PM

To: Shelley Landrieu

Cc: Amanda B. Rizzo ; Holly R. Friedman ; Page, Marshall ; Brian Klebba

Subject: [EXTERNAL] Re: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Hurstville Security District

Thank you for the update.

Joe

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From: Shelley Landrieu <[REDACTED]>

Sent: Saturday, December 5, 2020 1:34:47 PM

To: Joseph I. Giarrusso <[REDACTED]>

Cc: Amanda B. Rizzo <[REDACTED]> ; Holly R. Friedman <[REDACTED]> ; Marshall Page <[REDACTED]> ; Brian Klebba <[REDACTED]>

Subject: Re: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Hurstville Security District

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Thanks Joe. NJ is a huge loss for so many! So sudden and so sad!

This matter is closed as far as I know. Both officers were investigated by their respective units and neither was found to have violated any policy or protocol. They were put back on duty for HSD one they were cleared. We have not received any complaints or followup correspondence since that time.

I am cc'ing Marshall Page (HSD Commissioner) and Brian Klebba (HSD Chairman) here so they can chime in if they want to add more.

Take care.

Shelley

On Sat, Dec 5, 2020 at 8:03 AM Joseph I. Giarrusso <[REDACTED]> wrote:

Shelley, good morning. Will you please let me know where this stands in process? Thank you.

Also, I'm sorry for your family's loss with NJ. This has been a terrible year.

Joe

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From: Lona Edwards Hankins <[REDACTED]>

Sent: Thursday, December 3, 2020 9:52:50 PM

To: Joseph I. Giarrusso <[REDACTED]>

Subject: Re: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Hurstville Security District

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Councilman Giarrusso,

As you may recall on June 13, 2020 my child experienced the most horrific moment in his young life. Since then he has been retraumatized every time a Black man is shot by the police and you know how often this has made the national news since then. You asked me to be patient, we are coming on 6 months and I have heard absolutely nothing from the neighborhood, from the investigators, from the City or your office. I am asking you to follow up on this matter as you said you would in this email correspondence.

Thank you,

On Thu, Jul 2, 2020 at 7:09 PM Lona Edwards Hankins <[REDACTED]> wrote:

I think we need a systematic reporting system for stops. What good is it to have reformed Police and then have these independent districts and authorities doing committing offenses that we have no clue the extent. At least one of these officers was fired from NOPD. The security districts could have easily run a check on that.

On Thu, Jul 2, 2020 at 7:04 PM Joseph I. Giarrusso <[REDACTED]> wrote:

In fairness, I don't think they are abdicating responsibility. After serving on a security district, the board members (all of whom are volunteers) don't have all of the resources to investigate. My greater concern would be they didn't investigate or all or rush it through to give a rushed investigation. I think the real issues — which we are concerned about — is what the investigation shows and what remedial steps are taken. Please let me know what you think.

Joe

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From: Lona Edwards Hankins <[REDACTED]>

Sent: Thursday, July 2, 2020 6:55:18 PM

To: Joseph I. Giarrusso <[REDACTED]>

Subject: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Hurstville Security District

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Joe,

I really find it disturbing that the neighborhood is abdicating responsibility to these entities. Who is their contract with? These entities or the individuals?

On Thu, Jul 2, 2020 at 6:12 PM Joseph I. Giarrusso <[REDACTED]> wrote:

FYI

Get [Outlook for iOS](#)

From: Shelley Landrieu <[REDACTED]>

Sent: Thursday, July 2, 2020 3:09 PM

To: Joseph I. Giarrusso

Cc: Jason R. Williams; Cyndi Nguyen; Jay H. Banks; Council District D; Kristin G. Palmer; Helena N. Moreno

Subject: EXTERNAL EMAIL: Re: EXTERNAL EMAIL: Hurstville Security District

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password.

We reached out to both agencies and have asked them to let us know when the investigations are complete, but have not yet heard back from them.

On Wed, Jul 1, 2020 at 3:43 PM Joseph I. Giarrusso <[REDACTED]> wrote:

Thanks, did they say how long the investigations have been?

Joe

From: Shelley Landrieu <[REDACTED]>
Sent: Wednesday, July 1, 2020 3:29 PM
To: Jason R. Williams <[REDACTED]>; Joseph I. Giarrusso <[REDACTED]>;
Cyndi Nguyen <[REDACTED]>; Jay H. Banks <[REDACTED]>; Council District D
<[REDACTED]>; Kristin G. Palmer <[REDACTED]>; Helena N. Moreno
<[REDACTED]>
Subject: EXTERNAL EMAIL: Hurstville Security District

EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password.

July 1, 2020

Dear Councilmembers:

It is our understanding that you recently received an emailed complaint from Lona Hankins describing activity occurring on June 13, 2020, within the Hurstville Security and Neighborhood Improvement District ("HSD") involving two HSD paid detail officers. For your convenience, a copy of Ms. Hankins' letter is attached for your review. One of the officers named in the complaint is employed with the Housing Authority of New Orleans Police Department and the other officer is with the Orleans Parish Levee District Police Department. HSD learned that both of these law enforcement agencies are conducting independent internal investigations into these allegations.

The HSD Board of Commissioners takes all complaints very seriously and stands ready to assist in any investigation as needed. In fact, HSD removed these officers from our patrol roster upon learning of the complaint. Please do not hesitate to contact our Executive Director, Shelley Landrieu, should you have any questions or concerns.

Respectfully,

Brian M. Klebba

Chairman, HSD

HSD Commissioners:

Christy Bergeron

Jeff Brennan

Archie Casbarian

Paul Masinter

Lisa Mills

Marshall Page

Alan Philipson

Reese Pinney

Enclosure: Lona Hankins letter to New Orleans City Council

--
Lona Edwards Hankins
[REDACTED]

--
Lona Edwards Hankins
[REDACTED]

--

Lona Edwards Hankins

[REDACTED]

PIB Officer Complaint History Short Report

POLICE OFFICER 2 Kevin Wheeler [646/018991]

Windows Username: 018991 Hire date: Dec 09, 2007

Current assignment(s):

Bureau: FOB - Field Operations Bureau

District / Division: Second District

Division Assignment: Staff

Public Initiated

Received: Jan 26, 2009

PIB Control Number: 2009-0065-C

Item Number: 090065

Priority: DI-1

Allegations:

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

Final Disposition: CHARGES DISPROVEN -

RULE 6: OFFICIAL INFO: PARAGRAPH 02 - FALSE OR INACCURATE REPORTS - - NOT SUSTAINED -

Final Disposition: CHARGES DISPROVEN -

Actions taken:

- None Days/hrs suspended:

- None Days/hrs suspended:

Rank Initiated

Received: Dec 05, 2010

PIB Control Number: 2010-1545-R

Item Number:

Priority: DI-1

Allegations:

RULE 2: MORAL CONDUCT: PARAGRAPH 01 - ADHERENCE TO LAW - - NOT SUSTAINED - Mar 10, 2011

Final Disposition: NOT SUSTAINED - Mar 10, 2011

Actions taken:

Mar 10, 2011 - None Days/hrs suspended:

Rank Initiated

Received: Oct 26, 2011

PIB Control Number: 2011-1212-R

Item Number:

Priority: DI-1

Allegations:

RULE 2: MORAL CONDUCT: PARAGRAPH 03 - HONESTY AND TRUTHFULNESS - - SUSTAINED - Nov 27,

2012

Final Disposition: SUSTAINED - Nov 27, 2012

Actions taken:

Nov 27, 2012 - Dismissed Days/hrs suspended:

Rule 2: Moral Conduct; Paragraph 3; Honest and Truthfulness Sub-paragraphs A, B, and C

RULE 2: MORAL CONDUCT: PARAGRAPH 02 - COURTESY - - EXONERATED - Nov 27, 2012

Final Disposition: EXONERATED - Nov 27, 2012

Actions taken:

Nov 27, 2012 - None Days/hrs suspended:

RULE 2: MORAL CONDUCT: PARAGRAPH 06 - UNAUTHORIZED FORCE - - SUSTAINED - Nov 27, 2012

Final Disposition: SUSTAINED - Nov 27, 2012

Actions taken:

Nov 27, 2012 - Suspended Days/hrs suspended: 10

Rule 2: Moral Conduct; Paragraph 6: Unauthorized Force

RULE 2: MORAL CONDUCT: PARAGRAPH 08 - FAILURE TO REPORT MISCONDUCT - - SUSTAINED - Nov 27, 2012

Final Disposition: SUSTAINED - Nov 27, 2012

Actions taken:

Nov 27, 2012 - Suspended Days/hrs suspended: 5

Rule2: Moral Conduct; Paragraph 8: Failure to Report Misconduct

RULE 4: PERF OF DUTY: PARAGRAPH 02 - INSTRUCTIONS FROM AUTHORITATIVE SOURCE - - SUSTAINED
- Nov 27, 2012

Final Disposition: SUSTAINED - Nov 27, 2012

Actions taken:

Nov 27, 2012 - Suspended Days/hrs suspended: 3

RULE 4, Performance of Duty, Paragraph 2: Instructions from an Authoritative Source
to wit: NOPD Chapter 1.7.1. (Electronic Control Device); Page 2 / Paragraph G;
Page 2 / Paragraph H

RULE 6: OFFICIAL INFO: PARAGRAPH 02 - FALSE OR INACCURATE REPORTS - - SUSTAINED - Nov 27, 2012

Final Disposition: SUSTAINED - Nov 27, 2012

Actions taken:

Nov 27, 2012 - Dismissed Days/hrs suspended:

Rule 6: Official Information; Paragraph 2: False or Inaccurate Report

RULE 3: PROF CONDUCT: PARAGRAPH 01 - Professionalism - - DUPLICATE - Nov 27, 2012

Final Disposition: DUPLICATE - Nov 27, 2012

Actions taken:

Nov 27, 2012 - None Days/hrs suspended:

Duplicate of Rule 2: Moral Conduct; Paragraph 6: Unauthorized Force

Printed: Dec 10, 2020 11:25 By: POLICE SERGEANT Jean Jordan



Shelley Landrieu

Fwd: Update - Officer's Wheeler and Pierre's Internal Investigation

Klebba <[REDACTED]>
To: Shelley Landrieu <[REDACTED]>

Mon, Aug 10, 2020 at 6:41 PM

Brian M. Klebba

[REDACTED]
Sent from my iPhone

Begin forwarded message:

From: Klebba [REDACTED]
Date: July 29, 2020 at 2:24:38 PM CDT
To: Shelley Landrieu <[REDACTED]>
Subject: Fwd: Update - Officer's Wheeler and Pierre's Internal Investigation

Shelley-
For HSD's records. Thanks.
Brian

Brian M. Klebba

[REDACTED]
Sent from my iPhone

Begin forwarded message:

From: Carl Perilloux [REDACTED]
Date: July 28, 2020 at 5:58:57 PM CDT
To: Brian Klebba <[REDACTED]>, Alan Philipson <[REDACTED]>
Subject: Update - Officer's Wheeler and Pierre's Internal Investigation

Brian,

In inquiring with the New Orleans Levee Board and the Housing Authority of New Orleans (HANO) as to who will receive correspondence regarding result of their investigations, I was advised that the three male subjects did come forward at the last moment and made statements that were included in the investigation. HANO advised the subjects did not give an in-person statement. They gave their statements over the phone. I was not able to confirm how the Levee District obtained their statements. The inclusion of these statements did not change the final result of each agency's investigation. The result of each

In answer to the question as to who will receive the notification of the results of the investigation, HANO advised the two adult males will receive the notification and the custodial parent/party of the 12-year-old. The New Orleans Levee Board advised any correspondence would be prepared by their Legal Department, but was unable to advise their process.

Both agencies, again, confirmed Officer Wheeler or Officer Pierre were never administratively reassigned, never restricted from their normal patrol duties or restricted from working outside details.

Their only restriction was imposed by the Hurstville Board not allowing them to be able to work the Hurstville Patrol.

Please let me know when I can advise Officer Wheeler and Officer Pierre when they can return to the Hurstville patrol.

Thanks.

Carl

From: Carl Perilloux

Sent: Thursday, July 23, 2020 10:12 PM

To: Brian Klebba <[REDACTED]>; Alan Philipson <[REDACTED]>

Subject: Status Of Officer's Wheeler and Pierre's Internal Investigation

Brian,

Mrs. Lona Hankies made a formal complaint on Officer Ramon Pierre with HANO (Housing Authority of New Orleans) and Officer Kevin Wheeler of the Orleans Levee District Police. Mrs. Hankies alleged both officers conducted a traffic stop on Saturday night June 13, 2020. According to her complaint, during the stop the officers pulled their service weapons and pointed them at her 18-year-old son and 12-year-old nephew. The vehicle was being driven by an unidentified 20-year-old subject. This subject has not come forward to file a complaint against the officers. Only Mrs. Hankies has filed a complaint on behalf of her 18-year-old son.

Both law enforcement agencies require the 18-year-old adult male make a formal statement of the alleged incident. He has not voluntarily made a statement to either agency. Both law enforcement agencies have conducted their investigation without his statement.

During the investigation, an eyewitness of the incident was located. This witness is a resident of Hurstville and lives in the immediate area where the incident was to have occurred. The eyewitness' account contradicts Mrs. Hankies' account.

The eyewitness provided both police agencies a statement of the account of the officers' actions. He witnessed the incident because the blue police lights caused him to go to his front door and look out. He confirmed neither officer pulled their weapons nor had any physical contact with the detained subjects. The officers did use their flashlights. The witness said the whole event lasted maybe a total of 4 minutes. The witness' impression of the incident was that both of the Hurstville Officers conducted themselves professionally.

Lt. Tyrone Martin of the Housing Authority of New Orleans forwarded the finding of their internal investigation of Non-Sustained findings to the Human Resource Section of the agency. He informed me that the Human Resource Section may never send down any letter in regards to investigation. Officer Ramon Pierre was never administratively reassigned, never restricted from his normal patrol duties or restricted from working outside details.

The scenario for Officer Kevin Wheeler of the Orleans Levee Police District is similar. The Orleans Levee Police District Internal Affairs Division conducted their investigation of the alleged incident reported by Mrs. Hankies. The Levee District investigating officers interviewed the Hurstville resident and he gave the same account of the incident to the investigator as he provided to the HANO investigating officer. Officer Wheeler was never administratively reassigned, never restricted from his normal patrol duties or restricted from working outside details.

The Levee District is considering the complaint as unfounded. I've requested a letter stating their conclusions. I was informed it may be sometime before that is forthcoming. The Levee District is considering this matter closed.

Based on the investigative conclusion of both agencies, I am requesting Officers Ramon Pierre and Kevin Wheeler be allowed to return to the Hurstville patrol.

Carl

Amy Fisher

From: Page, Marshall <[REDACTED]>
Sent: Monday, August 10, 2020 6:52 PM
To: Shelley Landrieu
Cc: Brian Klebba
Subject: FW: [EXTERNAL] Ramon Pierre

Hi Shelly. Can you please add this to our record regarding this matter? Thanks.

J. Marshall Page III | Partner

Jones Walker LLP

D: [REDACTED] | M: [REDACTED]
[REDACTED]

From: Kelly Loisel
Sent: Monday, August 10, 2020 1:38 PM
To: Page, Marshall
Subject: RE: [EXTERNAL] Ramon Pierre

Marshall,

I reached out to our HR Director and to HANO PD and was told that you should contact Carl Perriloux (I'm guessing on the spelling of his name, but I'm from here so I think it's a good guess...?) directly and ask him to schedule Ramon back to that area. The investigation yielded no conclusive findings and Ramon was cleared.

Let me know if you need anything else.

Kelly

Kelly A. Loisel

Staff Attorney and
Insurance General Manager

Housing Authority of New Orleans
Office of General Counsel
4100 Touro Street
New Orleans, LA 70122
Phone [REDACTED]
Fax [REDACTED]
Email [REDACTED]



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From: Page, Marshall [[mailto:](#) [REDACTED]]
Sent: Monday, August 10, 2020 1:30 PM
To: Kelly Loisel [REDACTED]
Subject: [EXTERNAL] Ramon Pierre

Hi Kelly. It was good to talk to you. As we discussed, I'm an officer on the board of the Hurstville Security and Neighborhood Improvement District. Ramon Pierre works for us on patrol when off duty from HANO. He was on patrol in Hurstville during an alleged incident (email attached), and we understand that HANO investigated the matter. We are eager to get Officer Pierre back to work with Hurstville as soon as the investigation is concluded and he has been cleared. So I'm hoping that you will be able to give me an update.

As I mentioned, we have a board meeting at 6:00 today and it would be terrific if I could hear back by then, of possible.

Thanks!

J. Marshall Page III

D: [REDACTED] | M: [REDACTED]
[REDACTED]