

## Mayor Mitchell J. Landrieu Emergency New Orleans City Council Meeting

**City Council Chambers** 

Thursday, March 28, 2013

\*\*\*Prepared Remarks\*\*\*

## **EMBARGOED UNTIL DELIVERY**

I come before you today to discuss issues of grave importance to the Council and the tax payers of New Orleans.

We've been through a lot together and it hasn't always been pretty. 1062 days ago when my administration first began we found a city on the verge of bankruptcy. Our police department and criminal justice system was in crisis. Our infrastructure was crumbling. And City Hall was a barrier rather than a catalyst for positive change.

Since then, we have stopped the bleeding righted the ship and focused on priorities- public safety, jobs, blight and recreation for our kids. We clawed our way out of a \$100 million budget hole, and today are spending \$40 million less per year than in 2009, the year before I got here.

We cut out waste-- credit cards, take home cars, and contracts big and small. We reorganized departments and functions. We prioritized spending based on citizen requests and input. And together- through sound budgeting and by making tough choices- your city government is spending \$40 million less today than in 2009.

We balanced the books, but didn't stop there.

As Mayor, I am responsible for making sure the city works. The Public Belt Railroad was broken, so we fixed it. NORD was struggling, so we doubled funding for recreation and created the NORD Commission. City Hall was a road block to creating jobs so we launched the public-private partnership NOLA Business Alliance, and we've created over 4000 new jobs and dozens of new retail projects in three years.

19 boards or commissions have been cut or reorganized and consolidated. NOLA311 is up and running-- taking resident complaints with tracking numbers. Our One Stop Shop for permitting is blowing and going, making permitting much easier for our customers.

Again, the mantra is- cut, reorganize and invest in what matters most.

Nowhere have we dedicated more resources and attention than to reforming the NOPD from top to bottom. Come hell or high water, and with help from the hundreds of honest, dedicated cops we will reform the NOPD. You can take that to the bank. Nothing else is more important. We're not waiting for anyone or anything; we are moving forward.

In the old NOPD, residents with complaints about police misconduct hit a brick wall and rogue cops acted with impunity.

In the new NOPD, misconduct is unacceptable. Now, we have a civilian-led Public Integrity Bureau staffed with two FBI agents. And both the Independent Police Monitor and the OIG are vigilant in their oversight.

In the last 2 ½ years the NOPD has pursued nearly 500 disciplinary actions. 9 have been terminated for untruthfulness and 52 officers have actually been arrested in connection with those cases. NOPD is investigating their own—including use of force. Complaints against officers are down nearly 30 percent since 2010. This is a sign of progress.

In the old NOPD, little was done to build a relationship with the community.

In the new NOPD, Community Coordinating Officers, or CoCos, are at public meetings nearly every night and the new police community advisory boards are giving our residents a voice.

In the old NOPD, technology for ballistics, DNA, and deployment was stuck in the 90s. Rape kits were collecting dust on shelves.

The new NOPD has cleared a backlog of 833 sexual assault kits resulting in 78 new leads and 9 arrests. Finally, some of these victims are getting answers and justice.

Over the past 2.5 years, the test fire backlog for handguns has been cleared. And the multi-year backlog of Firearms Examination cases on shootings and murders is nearly eliminated.

With Omega Crime View, we now have a state of the art software package that with pin point, block by block accuracy can target crime hotspots.

In the past, change at NOPD came slow and old school policies and strategies were in some cases fatally flawed.

In the new NOPD racial profiling is unacceptable and will not be tolerated.

We've reorganized the districts and doubled the number of detectives working in the homicide bureau. The innovative Project Safe Neighborhood

has made over 790 cases against dangerous, armed criminals, and the department has greatly improved evidence management, launched a new domestic violence initiative and significantly raised the bar for hiring and training new officers.

We will not rest on our laurels.

We've reinstituted a minimum 40-hour annual requirement of in-service training. We're training and promoting classes of officers.

In 2012, NOPD began the transition of its entire Operations and Policy manual to the Lexipol policy manual model--- this will ensure that our employees have the most up to date and current policies at their fingertips to advance their professionalism, confidence, morale and service.

And we've begun an overhaul of the paid detail system, which is being led by a civilian outside of the police department.

This is the new direction of the New Orleans Police Department.

Now--our problems were not created overnight, and change takes time. We've made huge progress and we have a long ways to go. Regardless of what is happening with the consent decree, there should be no confusion that we are moving forward, full steam ahead with reforming the NOPD.

Last July, I stood proudly with Attorney General Eric Holder to sign a consent decree to outline our NOPD reforms. But a separate consent decree- with the Orleans Parish Sheriff's Office is undermining our ability to move forward.

Even worse, the OPSO consent decree and resulting lawsuits could spell catastrophe for our city's precarious budget situation. Today, I want to explain where we are and discuss what it will take to move forward together.

Consent decrees between cities and the federal government are common; the ones that work are a result of a good partnership. But in New Orleans we just have more of them.

In fact, we have six current or pending consent decrees that require changes in city operations. They've been in place for years dealing with juvenile justice, the City's leaky sewer system, handicap accessibility in public spaces, the Housing Authority of New Orleans and now the NOPD and the OPSO.

During my administration, we have made great progress on satisfying the requirements of these consent decrees. In fact, the Department of Justice and a federal judge have released us from a consent decree regarding the operations and facilities for the Youth Study Center, the city's juvenile detention facility.

We've also been told we're in compliance on a consent decree related to the American's with Disabilities Act. Plus, last winter's sewer and water rate increase will help pay for the desperately needed repairs required by the Sewer and Water Board consent decree. We have proven that we can meet these tough standards and that we are committed to seeing these transformations through.

Knowing the state of the police department when I first came into office, I wanted the Department of Justice to be an asset in reforming the NOPD. That is why on day one I invited them down here and for two years we worked with them, hand in hand.

My team met with the DOJ in New Orleans and D.C. at least 24 times and for months participated in countless tele-conferences and meetings to hash out 492 detailed paragraphs.

I personally met several times with the Deputy Attorney General and Attorney General Holder before agreeing to the multi-year, \$55 million, 492 paragraph deal. With a commitment from the DOJ to help fund it.

It is the most expansive consent decree in history, it covers everything at the NOPD from use of force to cameras in cop cars, and we have a detailed plan to meet every obligation, on time and on budget.

With you, the City Council as close partners, we cut and cut and cut, and counted our pennies, taking the City's operating needs and citizen priorities into account, until we had \$7 million to fund the first year's costs. And had an opportunity to balance these costs with our other budge priorities.

But while we negotiated in good faith and scraped together the funds needed for the NOPD consent decree, the same DOJ lawyers were meeting separately across town with the Sheriff concerning a consent decree for his office.

Now, you all know this, but it's important I reiterate it for the public at home. Under the laws of the State of Louisiana, the Sheriff is an independently elected position.

He has unfettered discretion to oversee the operations of OPSO from soup to nuts and if he chose could call an election tomorrow to get approval to raise nearly \$20 million in new revenue through his law enforcement taxing district. And if that's not enough to get the job done, he could ask the State Legislature for more, which he has done in the past.

Understanding these facts, the Southern Poverty Law Center did not name the City in its lawsuit with the Sheriff's Office. And neither did the DOJ. Indeed, the proposed consent decree between the Sheriff and DOJ regarding the prison speaks to policies, procedures, training, and management, among other issues, that neither I as Mayor, nor you the City Council, have control.

Despite these facts and although we met with DOJ and the Sheriff's Office on numerous occasions, we had no involvement in negotiating the consent decree. For months, we repeatedly informed DOJ and the Sheriff that the City needed detailed information related to the funding required by the consent decree.

The City has <u>still not</u> received any detailed information related to the cost of the consent decree.

Nonetheless, despite our repeated requests during that time there was never any analysis done related to the amount of funding needed by the OPSO or what it would be used for. The only response we got was a demand for \$17 million... or maybe \$22 million, or maybe more.

They keep changing their minds about the final number, but whatever amount it is they want it right now during this fiscal year. The Sheriff, DOJ,

federal judges are all lining up to tell us—the taxpayers of the city—to write a blank check and hand it over.

As Mayor, I was elected by the taxpayers of New Orleans to balance the wants and needs of over 370,000 residents and make the tough decisions about how very finite resources are allocated. We have a process where each year residents tell us their top budget priorities and after months of community meetings, City Council budget hearings, and countless of conversations with stakeholders, community groups and agency heads we crunch the numbers and together with City Council take over \$635 million of urgent budgetary requests and hammer out a lean \$491.4 million general fund budget.

The effort by the Sheriff, DOJ, Courts and others circumvent the will of the people, perverts the legislative process and usurps the authority of the democratically-elected Mayor and City Council.

And that is why you have seen me fight so hard. We will not voluntarily write an ambiguous, unjustified sum of money to the Orleans Parish Sheriff's Office. This demand will not only hurt the average New Orleans resident but will also likely fail to improve conditions at the jail.

After all, the problems at the OPSO are deeply rooted. Since 2005, 40 deaths in the prison; last year, at least 9 escapes and numerous reports of callous, unmanaged deputies deserting their posts, beating up inmates, ignoring violence and even ignoring rape.

To change the OPSO a fly by night approach will not work. After all, I can't in good conscious ask the tax payers of New Orleans for more of their hard earned money without assurances that the money will be well spent.

If it can be shown that more resources are needed at the Sheriff's Office than I am more than happy to have that discussion with the City Council and the people of New Orleans, just as we have done with expenses from the NOPD consent decree and the consent decree regarding our sewerage and water system. Indeed, we have followed the DOJ's advice and by the early part of 2014 we will have a brand new, \$145 million 1,438 bed jail.

These aren't easy problems to solve, but this is what we do, find a way or make one. Now much of our fate is in the hands of a few federal judges, who can, if the thought crosses their minds, order all our bank accounts seized and City Hall mortgaged. And there is no savings account. No judicial expense fund to pull from.

The bottom line is that both the OPSO and NOPD consent decrees cannot be paid for at the same time without raising taxes or substantially gutting all aspects of city services, especially public safety.

The taxpayers of this city democratically elected us to represent their interests- to build budgets to operate city government based on their priorities.

But with the swoop of a pen, they can undo the major, structural work we have done over the past 3 years. They have theh <u>power</u> and <u>authority</u> to do this. However, they are not burdened with the responsibility of settling priorities between competing and compelling needs that face us every day. They have the freedom to decide the case before them and nothing more. I wish our lives were as uncomplicated.

From my view it's not so easy. We are responsible for fitting it all into a basket that is too small.

Federal Judges have lifetime appointments. They are by design shielded from public input, whim, opinion or pressure. As it should be, independent and strong.

But that is precisely why Judicial deference and humility to the democratic process are so critically important to the proper functioning of a representative democracy as envisioned by the founding fathers.

Put simply, it does not make sense to layoff or furlough police officers and firefighters so we can hire more prison guards and pay them higher salaries.

We are limited in what we can do. The impact of the Orleans Parish Sheriff's consent decree if approved as written will be felt across all city departments.

If we are forced to pay \$22 million tomorrow for the OPSO/ every core service from grass and tree trimming, pot hole filling, and dangerous blight removal would be impacted, but none more so than public safety.

We could furlough every City employee, including NOPD and NOFD for at least 30 days in 2013. No one would be exempted—we would literally have to take police and fire protection off the streets. This would be a total of 106,375 furlough days across the City, and it would cause a nearly 17.7% pay cut for every City employee.

Furloughs are only a temporary solution. Otherwise, we would have to continue this furlough every year.

We could also take the route of layoffs. To get to \$22 million, we would need to lay off 610 City employees in 2013. A majority of the layoffs would come from NOPD and NOFD. This kind of mass layoff would drastically reduce city services across the board. We would reach all-time lows for manpower in critical areas. It would be difficult to recover from this scenario.

There is also a scenario where we can just cut every department's budget across the board. We could cut 45% of discretionary other operating budget, leaving most departments without the ability to function. This means reduced city services across the board.

For Parks and Parkways, it means not cutting grass. For Public Works, it means not fixing streetlights or filling potholes. For most other departments, it means ceasing to exist except during office hours to answer the phone.

Perhaps our most plausible option is some combination of the three. If we were to take into account furloughs, layoffs, and spending cuts—a more balanced approach-- \$22 million would require 15 furlough days for every City employee, a layoff 305 City employees and a cut 6.3% in other

operating budget. The furloughs would amount to 1 day per pay period per City employee for the remainder of 2013.

Now, some have questioned whether we are just blowing smoke or exaggerating, but this is for real. Some have suggested political theater. THIS IS ABOUT MATH!!! We're not like the federal government; we can't just print more money. And we're not like the state that has a rainy day fund. We are required to balance our budget and our budget is just that, delicately balanced. There is no room for error, we live in a zero sum world.

If we are forced to pay a judgment of <u>any</u> significant amount during this fiscal year we will be forced to make cuts that will be real, that will hurt deeply, and that will throw the entire criminal justice system into disarray and force us to severely jeopardize public safety in our city. And we will have to take the money set aside for the police consent decree to help pay for it.

We cannot do both simultaneously as proposed by DOJ. It is like trying to stuff a camel thru the eye of a needle.

I pray that this does not happen. However, I would not be doing my duty as Mayor if I did not alert you to the possibility that a significant judgment may be imminent. As I've said in the past- hope and pray for the best, but plan for the worse.

None of this is really acceptable. Especially after all of the work we have done to reduce the cost of City government while improving services; especially after we have passed a balanced budget for 3 straight years. The consequences are dire. It will be crippling.

DOJ should drop its demand for an immediate, increased appropriation in favor of a thoughtful approach to better manage OPSO's current operations.

Then, we can work to identify and prioritize what specific additional practices and resources are needed to cure problems at the OPSO in the next budget year. As I did working with you in regard to the consent decree

on the New Orleans Police Department, I am prepared to make tough decisions and find solutions in a fiscally prudent fashion.

If it can be shown that more resources are needed at the Sheriff's Office, Police Department and Criminal Justice System, then the people of New Orleans and the federal government have my commitment that I will work with you to find a solution, just as we have done so many times before.

But to be clear, the pathway to any solution will require a reduction in services, reorganization of existing governing structuring and another possible tax increase.

I stand here before you committed to reforming the New Orleans criminal justice system, including the New Orleans Police Department and the Orleans Parish Sheriff's Office. We will do what it takes. But we have to go into this with eyes wide open.