



ETHICS REVIEW BOARD
CITY OF NEW ORLEANS

Ethics Review Board
City of New Orleans

**Wednesday, September 12,
2018 at 3:30 P.M. – 5:30 P.M.**

City Council Chambers
1300 Perdido Street
New Orleans, LA 70112

AGENDA

1. Approval of minutes of August 22, 2018 (Chair).
2. Independent Police Monitor Report and Discussion of 2017 Annual Report (Chair).
3. Adjournment (Chair).

Office of the Independent Police Monitor

City of New Orleans

2017 Annual Report: Year in Review



Susan Hutson
Independent Police Monitor

June 29, 2018

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Independent Police Monitor Mission and Responsibilities

The Office of the Independent Police Monitor (OIPM) is an independent, civilian police oversight agency created by the voters in a 2008 charter referendum and opened its doors for the first time in August of 2009. Its mission is to improve police service to the community, civilian trust in the NOPD, and officer safety and working conditions. The OIPM has six broad responsibilities:

- 1) To ensure that all complaints regarding police misconduct are classified and investigated or mediated at the appropriate level and that those investigations are fairly, timely and thoroughly handled; to ensure that discipline is fair, timely, appropriate and upheld upon appellate scrutiny. To make information about this review process available to the public.
- 2) To monitor NOPD investigations into use of force to identify violations of civil rights, concerns of officer tactics and safety, risks to life, liberty and property, and adherence to law and policy.
- 3) To review and analyze aggregate data from complaints, investigations, community concerns and public policy in crafting recommendations aimed toward improving the quality of services by the NOPD.
- 4) To reach out to inform the community about the OIPM, to listen and respond to broader community concerns, and prepare the community for engagement in NOPD policy and practice.
- 5) To mend police/community relationships by fostering effective police/community partnerships.
- 6) To collect police commendations, review and monitor police training and supervision issues and support a healthy and safe working environment for NOPD employees.

The OIPM is responsible for monitoring the New Orleans Police Department and only the New Orleans Police Department. Although OIPM works with other criminal justice system actors, it is not responsible for oversight of any other agency. However, OIPM is mindful of the impact of these other criminal justice actors upon the operations of NOPD and will attempt to analyze that impact in future reports. OIPM accomplishes its mission by focusing on three main activities: complaint and disciplinary system monitoring and review; use of force monitoring and review; and subject-specific analyses or audits. The IPM's recommendations to improve NOPD's accountability systems originate from these activities.



A Note from the Independent Police Monitor

Pursuant to New Orleans City Code Section 2-1121 (16) (the Police Monitor's Ordinance) The Office of Independent Police Monitor (OIPM) publishes an annual report each year. The Police Monitor's Ordinance provides as follows:

The independent police monitor shall be required to issue at least one public report each year, by May 31, detailing its monitoring and review activities and the appropriate statistical information from the internal investigations office, and other divisions of the New Orleans Police Department. The independent police monitor shall be required to report upon problems it has identified, recommendations made, and recommendations adopted by the New Orleans Police Department. The report shall also identify commendable performance by the New Orleans Police Department and improvements made by the department to enhance the department's professionalism, accountability, and transparency.

In 2017, the OIPM and the New Orleans Police Department (NOPD) worked together to review the data to be used in the annual reports of both departments. As a result, this year the annual report will be due on June 30, 2018, to allow OIPM and NOPD time to complete this mutual review.

This "2017 Annual Report: Year in Review" is part of that annual report.



The Year in Review Summary

Overview

Officer misconduct, including shootings of unarmed people, came to light following Hurricane Katrina. Since then, the New Orleans Police Department (NOPD) and the New Orleans Consent Decree Monitor (OCDM) have worked together to revise and implement changes to NOPD policies in accordance with consent decree requirements. The New Orleans Independent Police Monitor (OPIM) applauds reforms in reporting and data collection as a necessary step towards measuring the constitutionality of policing and achieving compliance. We believe that proper data collection and reporting is necessary for the public to have a clear sense of NOPDs activities and potential misconduct. Documenting and reporting officer use of force, citizen complaints, and subsequent officer discipline are particularly important for this office. The following is a review of significant consent decree related reforms.

New Orleans Consent Decree Monitor Policy Reforms

Use of Force Reporting¹

The Independent Police Monitor is particularly interested in changes in use of force reporting that now stipulates that, “every reportable use of force by an NOPD officer be reported accurately, completely, and promptly, and investigated.” Officers who either use or witness uses of force must complete the appropriate paperwork to ensure that all uses of force are accounted for. The Blue Team investigation provides data to the public, that help us to better analyze the type of force being used against citizens, the demographics of who is experiencing force, and which officers are employing the most force against citizens. Once the officer submits their use of force statement, their supervisor forwards the information up the chain of command. Once the statement reaches the Commander level, the Commander reports the alleged use of force to NOPD’s Force Investigation Team (FIT). FIT conducts internal investigations in cases of serious uses of force. FIT reviews the cases for any potential criminal conduct by the officer in question, any use of force by an officer ranked higher than a sergeant, and any use of force resulting in death. FIT does not investigate level 1, 2 or 3 UOF unless it’s by a Lieutenant. The lower level uses of force are investigated by the district. Command Desk assigns a force tracking number (FTN) to the entire use of force incident and that number is verified by FIT. This data practice facilitates the tracking and analyzation of uses of force. The FIT and Field Supervisors must also photograph and document injuries citizens may have endured from police force.

¹ <https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Chapter-1-3-6-Reporting-Use-of-Force.pdf/>



According to the New Orleans Consent Decree Monitor, officers involved in use of force incidents have increased their reporting of uses of force incidents in 2016 to 98.3%, while the percentage of witnessing officers reporting use of force is at 75%. However, the OCDM notes that while officers are increasingly submitting use of force statements, several statements lack clear narratives including the “reason for the encounter” and the “type of resistance offered by the subject.” To address these concerns PIB/FIT has developed and teaches an in-service class for officers and supervisors, entitled UOF Decisions.

Preventing Use of Force

Crisis Intervention Team

To decrease the use of force used against individuals with mental illness or behavioral disorders, the NOPD established a crisis intervention program with curriculum, program, and training materials geared towards diverting individuals from the criminal justice system and connecting them to the appropriate mental health and substance use treatment services.

If the police are called to aid an individual in crisis, the crisis intervention officer holds the discretion to *not arrest* the individual in question. This is especially appropriate in cases where the individual’s behavior is due to mental illness or developmental disability. The policy stipulates that “no person should be arrested for behavioral manifestations that are not criminal in nature.”

By 2017 all new officers, an additional 144 officers, 6 social workers, 2 transportation service volunteers, and one reserve officer have received CIT training.

INSIGHT

The NOPD also established a database and tracking system called INSIGHT to store information on police misconduct and at-risk behavior that threatens the safety of the officer themselves, the department, and the community. The database alerts supervisors when certain officers reach a threshold of at-risk behaviors and issues recommendations to properly intervene. According to NOPD policy, intervention may mean re-training, meeting with a supervisor, meeting with a commander, assignment change, other supervised, monitored, and documented actions, plans, or “no action.”

Scenario Based Fire Arms Training

With the intention of reducing firearm incidents, the NOPD initiated a scenario-based firearms training that simulates real-life situations. The training is also intended to observe officer’s reactions to high pressure situations to determine if the NOPD should change its



policy, tactics, or training. Lead instructors of this training will evaluate and maintain a log of the officers' performance and share these evaluations with the Commander of the Education and Training Division.

The NOPD's use of deadly force has plummeted over the last 8 years, but has accelerated in this decline during the consent decree.

Reforms in Policing Free of Gender and Sexuality Bias

Chapter 41.13.1 – Interactions with Lesbian, Gay, Bisexual, Transgender, and Questioning Persons 2017-02-03

Grassroots pressure from local organizations like *BreakOut!* precipitated NOPD's adoption of a new policy regarding interactions with lesbian, gay, bisexual, transgender, and questioning persons. [A survey BreakOut! published](#) in 2014 reported that 50% of transgender respondents experienced slurs from NOPD officers, while 22% of cisgender LGBTQ respondents also reported derogatory language from NOPD officers. In addition, over half of transgender respondents reported that NOPD officers solicited sexual favors and profiled them as sex workers.

Revised NOPD policies seek the equal protection and dignified treatment for persons identifying as LGBTQ, transgender, and gender non-conforming. The policy specifically prohibits officers from using gender identity, gender expression, and sexual orientation as reasonable suspicion or evidence that a person has engaged in any crime. Changes to NOPD ethics mandate that officers respect an individual's gender expression and follow appropriate policy and procedure related to that gender. This includes using the preferred pronoun and name in citizen interactions and on all paperwork.

Furthermore, officers may not frisk individuals to view or feel their genitals and determine their biological sex. In accordance with safer sex practices and public health norms, officers may not confiscate condoms, nor will the possession of condoms serve as evidence of prostitution.

Given LGBTQ youth's increased risk of homelessness and rejection from the home, officers may not disclose the gender identity or sexual orientation to a juvenile's parents or guardians.

Finally, Transgender and gender non-conforming individuals maintain the right to use public bathrooms in accordance with their gender identity. The policy reads, "Individuals will not be stopped, questioned, or arrested for using a gender-segregated restroom on the basis that



officers believe the individual's gender expression does not match the gender designation of the gender-segregate restroom."

If members of the LGBTQ community do experience misconduct and discrimination from members of the force, they are encouraged to report the incident to the Independent Police Monitor.

Officers are required to attend a yearly training on policies related to the LGBTQ community as part of a broader bias-free policing training.



Workplace Safety

Mental Health Services for Officers

Chapter 22.2.6 Officer Assistance Program: Member Mental Health Services 2017-04-18

Chapter 22.2.8 New Orleans Police Peer Assistance (NOPPA) 2017-04-18

Additional changes to internal NOPD policy better protect officers' health and safety on the job. Recognizing that officers experience trauma that could compromise their psychological well-being and professional capability, the Officer Assistance Program provides officers and their families with access to mental health services. The policy stipulates the creation of a traumatic incident team, comprised of mental health professionals, a police chaplain, peer assistance specialist, and an external police psychologist. An assigned team leader is responsible for identifying traumatized officers and coordinating the members of the traumatic incident team. Counseling services are free of charge and accessible to all officers. Furthermore, NOPD's Peer Assistance Program is intended to foster an atmosphere of support and spur a culture change where officers feel comfortable seeking mental health care. Peer assistance specialists are individuals trained in traumatic incident stress management and have been designated to provide moral and emotional support to officers after a traumatic incident.

Workplace Discrimination, Sexual Harassment and Retaliation

Chapter 26.3 – Workplace Discrimination, Sexual Harassment, and Retaliation 2017-04-19

This policy introduces standards for professionalism between officers and prohibits discrimination in citizen-police interactions. Discrimination includes verbal or physical harassment toward an individual based on their actual or perceived characteristics. Discriminatory conduct may include making derogatory comments, stereotyping, engaging in threatening acts, and using department equipment and/or systems to transmit or receive offensive material, statements or pictures. Sexual harassment against citizens or between officers is also strictly prohibited in this policy. Finally, Members of the department are prohibited from retaliating against other officers or citizens for reporting misconduct. Supervisors and commanders are responsible for reporting misconduct to the Public Integrity Bureau (PIB), and if necessary initiating a disciplinary investigation.



Response to Police Calls

Officers are required to drive safely when responding to calls for service. Revised codes help officers communicate the details of an incident before officer arrival. These codes help distinguish between the status and urgency of the call. It is the responsibility of field supervisors to monitor whether the proper response has been initiated, that no more units than those reasonably needed are involved in the response, and that the affected outside jurisdictions are notified if necessary. Supervisors must terminate an emergency response if it is inappropriate given the circumstances.

Civil Lawsuits of Interest Against NOPD:

1. Kanwarbir S. Aulakh v. New Orleans Police Department and Superintendent Michael S. Harrison, CDC 17-01209;
 - a. Seeking the release of NOPD records and damages to cover attorney fees

Kanwarbir Aulakh, the father of a Bajkanwar Singh Aulakh, who allegedly committed suicide in 2014, is suing the New Orleans Police Department after the NOPD failed to produce documents for Aulakh's private investigator. When the NOPD finally notified Aulakh's private investigator to retrieve the records in 2016, none of the items he requested were made available. Among the items he reviewed was a letter from District Attorney for the Parish of Orleans, Leon Cannizzaro, stating that photos taken in association with Aulakh's alleged suicide were unavailable for retrieval. In January 2017 Olasky requested the same public records from the NOPD, excluding the photos, and received a message that the case he was inquiring about had been closed and cleared.

2. James Cunningham v. City of New Orleans and the New Orleans Police Department, CDC # 17-02521;
 - a. Petition for damages: Former NOPD employee suing for lost wages and for wrongful termination. Plaintiff believes termination was discriminatory and retaliatory

James Cunningham, former NOPD officer, alleged retaliation in 2017 after the department terminated his employment. The officer alleges his termination was discriminatory and is seeking damages for physical injuries from an alleged unlawful confinement, mental suffering, loss of earnings, injury to his reputation, and deprivation of any right caused by the loss of liberty. The OIPM monitored several misconduct investigations involving this officer and his romantic partner. The NOPD now has peer support programs to assist officers who have domestic or other life issues.



Fallen NOPD officers in 2017

The NOPD held memorial services for Marcus McNeil on October 22, who was killed in the line of duty in New Orleans East. Officer McNeil will be missed by his family, colleagues, and the community he served.

– Marcus McNeil (<http://myfox8.com/2017/10/22/funeral-takes-place-for-new-orleans-police-officer-killed-in-the-line-of-duty/>)

Community Outreach in 2017

Needs Assessment Survey

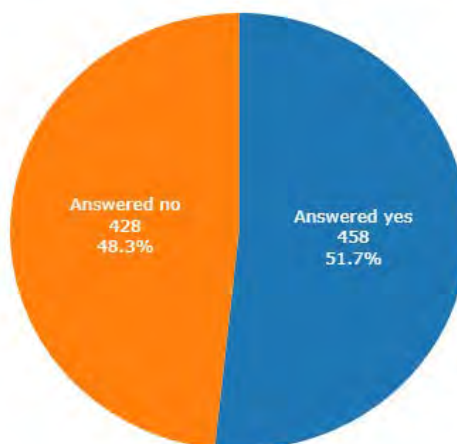
Throughout the year 2017, The OIPM conducting several surveys in which the community were asked to answer questions about their concerns about NOPD and their priorities for OIPM. OIPM Collected 886 responses.

Question 1. What are your greatest concerns about NOPD?

The first question listed six areas of concern that the community could choose was of the greatest concern to them. Those six areas were: “*Quality of Homicide Investigations, The Treatment of Juveniles, Officer Response Time, Human Rights Violations, Treatment of Crime Victims, or Other.*” Each area is discussed individually below:

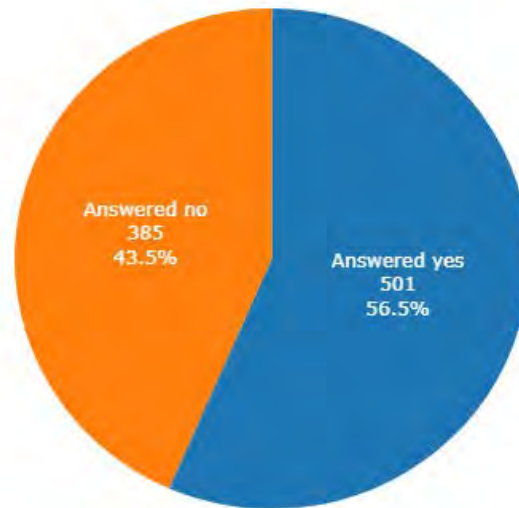
Of the 886 people that answered question #1 relating to homicide investigations, 51.7% stated that homicide investigations are their greatest concern about NOPD.

Concerned with homicide investigations



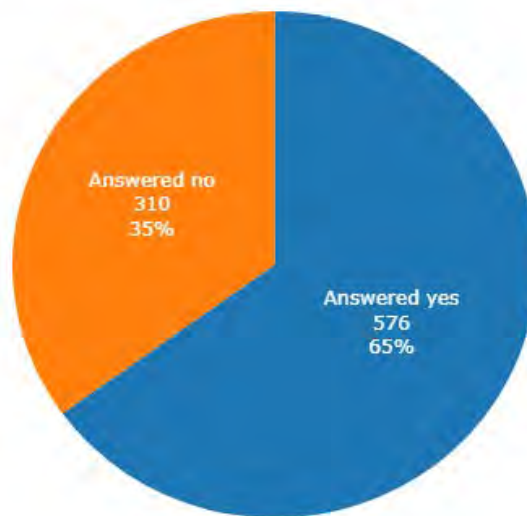
Of the 886 people that answered question #1 relating to treatment of juveniles, 56.5% stated that the treatment of juveniles is their greatest concern about NOPD.

Concerned.with.treatment.of.juveniles

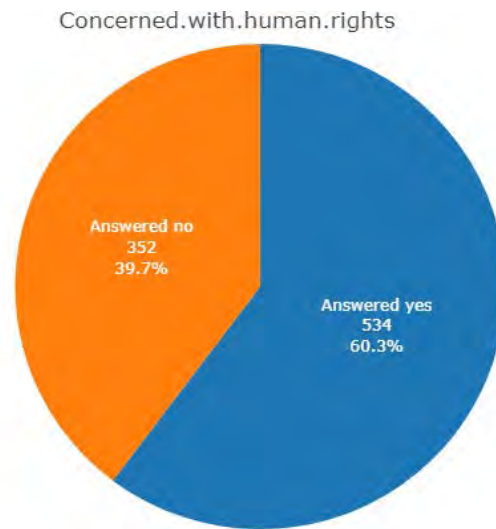


Of the 886 people that answered question #1 relating to officer response time, 65% stated that Officer Response Time are their greatest concern about NOPD.

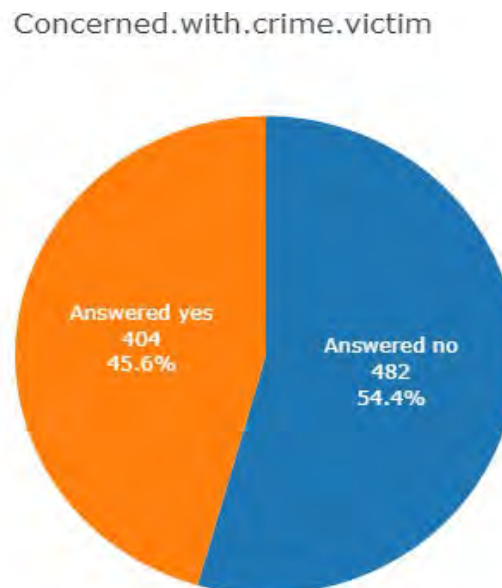
Concerned.with.response.time



Of the 886 people that answered question #1 relating to human rights violations, 60.3% stated that human rights violations are their greatest concern about NOPD.

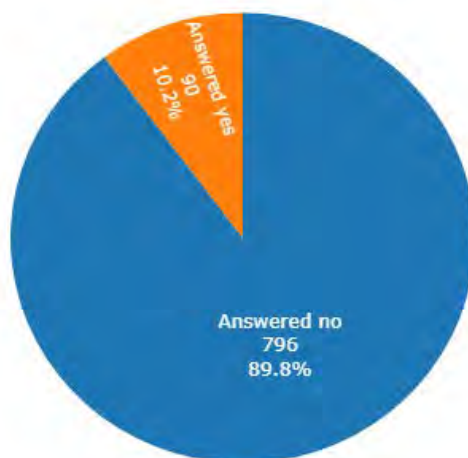


Of the 886 people that answered question #1 relating to treatment of crime victims, 45.6% stated that treatment of crime victims is their greatest concern about NOPD.



Of the 886 people that answered question #1 relating to other areas, 10.2% stated that other areas were their greatest concern about NOPD. Of those “other” responses, some of the most common were “all of the above”, “Corruption”, “Everything”, “Need more police”, and “Treatment of...” different demographic groups including “youth”, “immigrants”, “blacks”, “women”, “domestic violence victims”.

Concerned.other

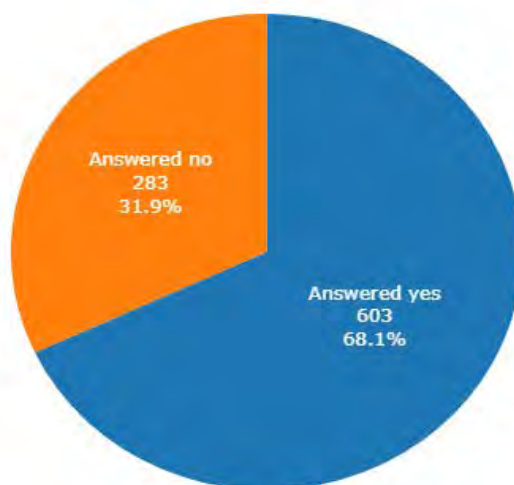


Question 2. If you were the Police Monitor, what would your priorities be?

The second question listed five priorities that the community could choose to focus on if they were Police Monitor. Those five priorities were: “Cleaning out the bad apples and making sure NOPD officers are punished for wrongdoing; Helping the public understand NOPD better and identifying areas where NOPD could improve; Helping NOPD leadership see and correct problems; Telling the public about all NOPD’s successes and mistakes; or other.” Each area is discussed individually below:

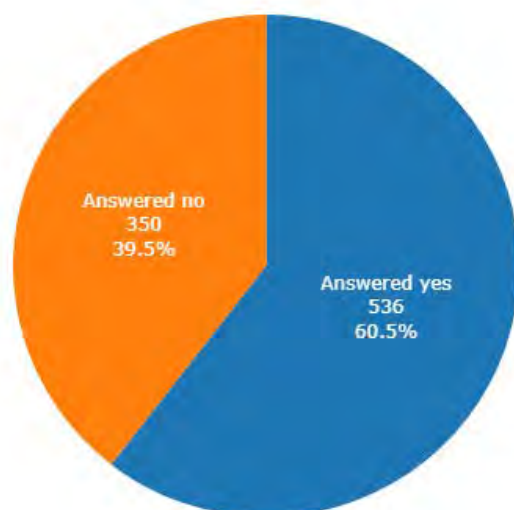
Of the 886 people that answered question #2, 68.1% stated that if they were Police Monitor their priority would be cleaning out the bad apples and making sure NOPD officers were punished for wrongdoing.

If.monitor.bad.apples



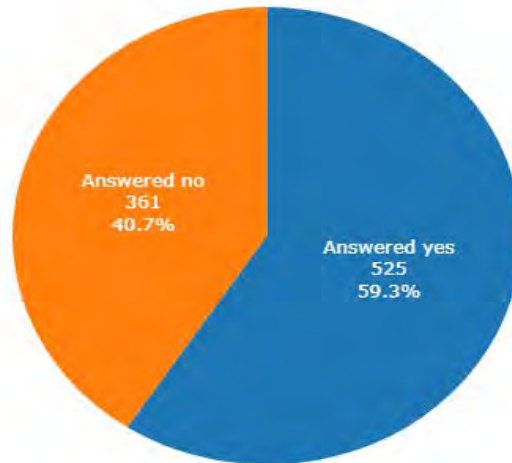
Of the 886 people that answered question #2 relating to helping the public understand NOPD better and identifying areas of NOPD improvement, 60.5% stated that if they were Police Monitor their priority would be helping the public understand NOPD better and identifying areas of NOPD improvement.

If.monitor.help.public



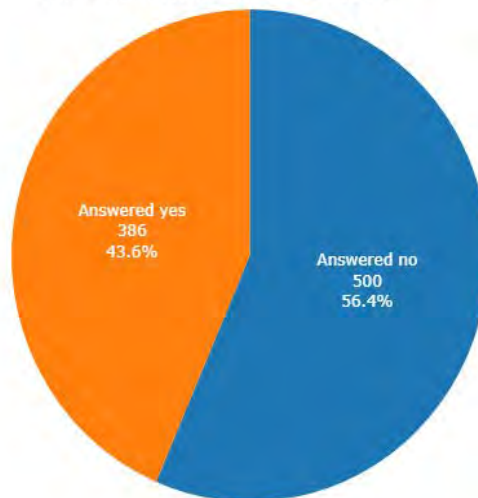
Of the 886 people that answered question #2 relating to helping NOPD leadership see and correct problems, 59.3% stated that if they were Police Monitor their priority would be helping NOPD leadership see and correct problems.

If.monitor.help.leadership

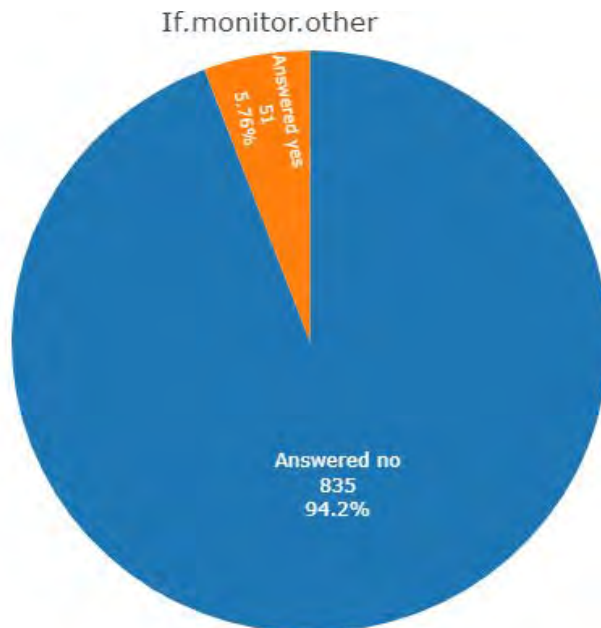


Of the 886 people that answered question #2 relating to telling the public about all NOPD's successes and mistakes, 43.6% stated that if they were Police Monitor their priority would be telling the public about all NOPD's successes and mistakes.

If.monitor.communicate.success



Of the 886 people that answered question #2 relating to other priorities, 5.76% stated that if they were Police Monitor their priorities would be something other than the answer choices. Of those who responded “other”, some recurring responses were as follows: “Everything”.



OIPM’s primary purpose in conducting this survey was to create an opportunity to engage the people it contacts in a conversation about policing and police oversight. OIPM’s survey was successful because it contacted over 800 individuals and was able to discuss their thoughts, concerns and ideas for improving public safety.

The following list comprises the OIPM’s outreach efforts in 2017:

Date	Outreach Product/Event	Description	Council District
1/20/2017	Know Your Rights and Responsibilities	New Orleans Math and Science Highschool	C
1/23/2017	Teaching	NOPD training Academy-credibility assessments	D
1/25/2017	Presentation about OIPM	Revie’s Ortique Leadership Institute	B



1/26/2017	Teaching	NOPD Training Academy - Conflict Resolution, Active Listening, and Community-Police Mediation	D
1/26/2017	Know Your Rights and Responsibilities	Covenant House	A
1/27/2017	Presentation about Police Oversight	Citizens Diplomacy Council	N/A
1/31/2017	Meeting and presentation	Together Baton Rouge - St. Paul Apostle	N/A
2/1/2017	LGBT Meeting	Facilitated a meeting between LGBTQ community organizations and the 8th district command staff	A
2/2/2017	NACOLE Regional Conference	Susan Hutson Presented on the Role of Civilian Oversight in Sustaining Reform During and After Federal Oversight of Police	
2/3/2017	Undoing Racism Training	People's Institute for Survival and Beyond	B
2/6/2017	Know Your Rights and Responsibilities	New Orleans Math and Science Highschool	C
2/9/2017	Know Your Rights and Responsibilities	Covenant House	A
2/9/2017	Meeting	Reading of New Play "Black and Blue" for Local Thought Leaders	C
2/12/2017	Presentation	The Love Center Daycare Community Outreach (Parents Day)	B
2/12/2017	Meeting	MacArthur Justice Center	B
2/13/2017	Radio interview	Interview with Martin Caste of NPR regarding body worn cameras	N/A
2/14/2017	Monthly public presentation	Ethics Review Board Meeting	B
2/16/2017	Presentation	The Beauty is in the Tea Cup- Women's Empowerment Brunch	C
2/20/2017	Monthly public presentation	Ethics Review Board Meeting	B
2/23/2017	Know Your Rights and Responsibilities	Covenant House	A



3/10/2017	Discussion	Meeting with governmental leaders from Seattle regarding their new oversight organization	N/A
3/10/2017	Presentation	New Orleans Citizens Diplomacy Council	B
3/11/2017	Presentation	Modern Parents Magazine Event	D
3/16/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
3/21/2017	Keith Knight - Cartoonist	OIPM, in partnership with the producers of Black and Blue, hosted cartoonist Keith Knight at the New Orleans Public Library to discuss comic book drawing for social change	C
3/22/2017	Keith Knight - Cartoonist	OIPM, in partnership with the producers of Black and Blue, hosted cartoonist Keith Knight at Xavier University to discuss comic book drawing for social change	A
3/23/2017	Tabling And small presentation	Keith Knight Event at New Orleans public library	B
4/3/2017	WBOK 1230 AM	Chuck Perkins Show	D
4/4/2017	Radio interview	Morning show with Oliver Thomas and Ray annual report and OIS	D
4/11/2017	Meeting	Meeting with survivors and advocates of sexual assault	C
4/11/2017	Meeting	Meeting with Communities United for Change	B
4/18/2017	Monthly public presentation	Ethics Review Board Meeting	D
4/22/2017	Attendance	Disciples of Christ Christian Fellowship and Crawfish boil	E
5/16/2017	Sexual Trauma Awareness Response	Meeting with the Staff to Discuss Outreach to Sexual Assault victims and police officers who have been subject to sexual harassment.	B
5/16/2017	Attendance	Monitored NOPD response to protest outside of criminal Courthouse	B
5/17/2017	Presentation	Rotary club speech	B
5/17/2017	Monthly public presentation	Ethics Review Board Meeting	B
5/18/2017	Attendance	ACLU event	B



5/25/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
6/13/2017	Radio interview	WBOK	ALL
6/14/2017	Monthly public presentation	Ethics Review Board Meeting	D
6/17/2017	Presentation about Police Oversight	Citizens Diplomacy Council	N/A
6/19/2017	Presentation to the New Orleans City Council Criminal Justice Committee	Presentation to the Criminal Justice Committee of City Council regarding the OIPM Annual Report.	ALL
6/20/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
6/27/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
6/28/2017	Meeting	Discussion with PIB FIT re OIPM standards	B
7/17/2017	Presentation	New Orleans Citizen Diplomacy Council visitors, "Accountability in Government"	B
7/19/2017	Meeting	Discussion with Eden house supporters regarding human trafficking	B
7/24/2017	Meeting	OIPM Field trip to Orleans Parish Communication District	A
7/26/2017	Monthly public presentation	Ethics Review Board Meeting	B
8/1/2017 - 9/30/2017	Presentation	Presentations on Community-Police Mediation Program at 24 NOPD roll call meetings (all 8 districts during day watch, second watch, and night watch)	ALL
8/16/2017	Meeting	Meeting with Orleans Parish Sheriff's office regarding arrest statistics	B
8/26/2017	Meeting	Meeting with families group regarding use of deadly force	B
8/28/2017	Meeting	Joe Givens (Isaiah Institute) and Bryan LaGarde (Project Nola) to discuss Church-based public safety program	D
8/29/2017	OIPM Hosts Meeting	Discussion of a Bill of Rights for Families of those killed by NOPD	B
9/7/2017	Presentation	Carrollton United Neighborhood Meeting (OIPM Presentation)	A



9/13/2017	Monthly public presentation	Ethics Review Board Meeting	B
9/16/2017	Presentation	Fatherhood roundtable annual breakfast	E
9/21/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
9/21/2017	Tabling	2017 New Orleans Job Corps, Youth 2 Youth (Y2Y): Partners 4 Peace Fair	B
9/28/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
10/14/2017	OIPM Supports the Kim Groves Annual Memorial - Lower Ninth Ward	The family of Kim Groves holds a memorial to speak out against violence and corruption.	E
10/17/2017	Night Out Against Crime	Handing out information to the community.	C
10/19/2017	Presentation	Webinar presentation on Community-Police Mediation for National Association for Community Mediation (NAFCM) Webinar Series	ALL
10/25/2017	Teaching	NOPD Training Academy - Conflict Resolution, Active Listening, and Community-Police Mediation	D
	Reception	Citizens Diplomacy Council	B
11/7/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
12/4/2017	WBOK 1230 AM	Rachel Green Show	D
12/11/2017	Attendance	Ethics Review Board Meeting to appoint Inspector General	B
12/13/2017	Attendance	Norman Francis Leadership Institute Ending Reception	A
12/18/2017	Monthly public presentation	Ethics Review Board Meeting	B



Office of the Independent Police Monitor

City of New Orleans

2017 Annual Report: Complaints and Discipline



Susan Hutson
Independent Police Monitor

June 29, 2018

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The Office of the Independent Police Monitor (OIPM)

Mission and Responsibilities

The Office of the Independent Police Monitor (OIPM) is an independent, civilian police oversight agency created by the voters in a 2008 charter referendum and which opened its doors for the first time in August of 2009. Its mission is to improve police service to the community, civilian trust in the NOPD, and officer safety and working conditions. The Police Monitor has six broad responsibilities:

- 1) To ensure that all complaints regarding police misconduct are classified and investigated or mediated at the appropriate level and that those investigations are fairly, timely and thoroughly handled; to ensure that discipline is fair, timely, appropriate and upheld upon appellate scrutiny. To make information about this review process available to the public.
- 2) To monitor NOPD investigations into use of force to identify violations of civil rights, concerns of officer tactics and safety, risks to life, liberty and property, and adherence to law and policy.
- 3) To review and analyze aggregate data from complaints, investigations, community concerns and public policy in crafting recommendations aimed toward improving the quality of services by the NOPD.
- 4) To reach out to inform the community about the OIPM, to listen and respond to broader community concerns, and prepare the community for engagement in NOPD policy and practice.
- 5) To mend police/community relationships by fostering effective police/community partnership.
- 6) To collect police commendations, review and monitor police training and supervision issues and support a healthy and safe working environment for NOPD employees.

The OIPM is responsible for monitoring the New Orleans Police Department and only the New Orleans Police Department. OIPM works with other criminal justice system actors, it is not responsible for oversight of any other agency. However, OIPM is aware of the impact of these other criminal justice actors upon the operations of NOPD. OIPM accomplishes its mission by focusing on three main activities: complaint and disciplinary system monitoring and review; use of force monitoring and review; and subject-specific analyses or audits. Our recommendations to improve NOPD's accountability systems originate from these activities.



OIPM Recommendations from 2016 Annual Report

In its 2016 annual report, OIPM made 9 recommendations to NOPD about record keeping and reports analysis. The following recommendations have, reportedly, been adopted and implemented at NOPD.

2016 Recommendation 1: NOPD should conduct an analysis of rank-initiated complaints to determine why NOPD officers are alleging misconduct that did not occur, was not misconduct, or could not be supported by evidence.

NOPD 2016 Response: N/A

Actions Taken by NOPD: According to NOPD's analysis, this data is not anomalous. Some of the allegations are added after the initial complaint is forwarded to PIB. Complaints may be initiated by a supervisor but the supervisor does not have all the information that arises out of an investigation. When an intake officer or an investigator discovers new information, they are obligated to add and investigate that allegation.

2016 Recommendation 2: OIPM recommends that if, during the course of an investigation, an investigator discovers a procedural violation or any other misconduct that is not directly related to the allegations lodged by the civilian complainant, that the investigator be named as the complainant for those allegations. Modifying record keeping processes in this way will make it clear how often civilian allegations are sustained.

NOPD 2016 Response: PIB has noticed this issue prior to the OIPM report and has embarked on implementing a process to address this issue and is looking forward to working with the OIPM.

Actions Taken by NOPD: PIB started issuing non-disciplinary responses to minor violations, referred to as "Redirections," for minor procedural, administrative violations discovered during the investigation. Supervisors address minor violations/infractions through redirection, counseling, or formal discipline.

2016 Recommendation 3: NOPD should explicitly instruct PIB personnel to either assign an allegation to all complaints or explicitly note that the complaint has no allegations.

NOPD 2016 Response: N/A

Actions Taken by NOPD: Every complaint should have an allegation. If no allegation exists, then "NO ALLEGATIONS ASSIGNED AT THIS TIME" will be used.

2016 Recommendation 4: OIPM and NOPD have agreed to discuss the practice of using Neglect of Duty as the allegation assigned to policy violations. OIPM and PIB have agreed that OIPM will provide instruction on how to use category flags to ensure that high risk allegations are easily found.

NOPD 2016 Response: PIB agrees with this recommendation to work with IAPRO to resolve this issue.



Actions Taken by NOPD: PIB consulted with IAPRO and they recommended PIB use the “Categories” feature to identify high risk allegations due to the limited amount of “Flags” provided by the software.

2016 Recommendation 5:

NOPD’s IAPRO database has a “category flag” feature as well as a tab for data entry called “statistical.” Both features are capable of tracking Fourth Amendment related complaints. Additionally, OIPM and NOPD can simply agree upon a list of allegations that signal potential Fourth Amendment violations and instruct PIB intake staff to assign allegations accordingly. OIPM recommends that NOPD adopt one of these recommended methods or some other method of explicitly tracking complaints related to the Fourth Amendment protections.

NOPD Response: PIB agrees with the OIPM that Fourth Amendment allegations needs to be tracked or “flagged”. PIB is looking forward to working with the OIPM on this process. (See Recommendation 4 above)

Action Taken by NOPD: None (See Recommendation 4)

Recommendation 6:

OIPM recommends that NOPD cease keeping paper records of disciplinary information and store all disciplinary data in the IAPRO database. Such practice will automatically connect disciplinary information with officer history data, allegations, investigators, etc. Doing so will also eliminate the need for NOPD to provide information to the OIPM.

NOPD Response: PIB, per phone conference, agreed with the OIPM about updating the discipline served in IAPRO. PIB is working with the Payroll Unit to be notified when an officer has served a suspension. Once this information is obtained from Payroll, a member of PIB will update the IAPRO record in the “Action Taken Window.”

Action Taken by NOPD: NOPD implemented a process wherein the human resources department sends a monthly report to PIB for officers who have served their suspensions in the previous month. Once received, the information is documented in IAPRO.

Recommendation 7: NOPD should provide to OIPM read-only access to Evidence.com body-worn camera videos.

NOPD 2016 Response:

Action Taken by NOPD: As of 2018, PIB has granted the OIPM with “unfettered access” to all PIB systems and Evidence.com at the PIB office. PIB has provided two working stations with computers for the OIPM to complete this task.

Recommendation 8: NOPD should respond to OIPM, in writing, noting whether or not it will accept and act upon OIPM’s policy, training, and tactical recommendations (PTTR). Further, NOPD’s PIB should collect and track those recommendations, in a location accessible to OIPM, for risk management and accountability purposes.

NOPD Response: PIB agrees that PTTR recommendations should be tracked and uploaded into IAPRO. With the new IAPRO upgrade, PIB is working on a solution with IAPRO to track the documents.

Action Taken by NOPD: As of 2018, All PTTR's are uploaded and tracked in IAPRO.

Recommendation 9:

OIPM encourages NOPD complaint intake staff to use the quality assurance function whenever they conduct data entry. OIPM also recommends that PIB supervisors run quality assurance checks on a quarterly basis. Although the percentages of entry errors are relatively small, these errors can make it difficult to reach complainants, to conduct demographic analysis, to keep accurate disciplinary records on officers and they skew the accuracy of information provided to the public.

NOPD Response: PIB agrees and has already begun this process. When an Intake Packet is processed, a quality assurance check is being performed. Also, on a quarterly basis, PIB will be conducting a statistical analysis of that quarter's information in IAPRO to ensure the accuracy of the information prior to year's end and the beginning of a new Annual Reporting process.

Action Taken by NOPD: Intake personnel are to complete a quality assurance check on all incoming investigations they receive.

2017 Contacts with the Public and Complaints Taken by the OIPM

The OIPM Complaint Process

Making police complaints is part of individuals' constitutional right "to petition the Government for a redress of grievances."¹ The New Orleans Police Department's internal affairs division, now known as Public Integrity Bureau (PIB), is responsible for the intake and investigation of both civilian and NOPD-initiated complaints of police misconduct. Part of the vision for the OIPM was that it serves as an alternate complaint intake site for those who prefer not to complain directly to NOPD about the specific conduct of NOPD employees. Once the OIPM receives a complaint, it forwards it to PIB for inclusion in the complaint management system² and for investigator assignment. If a complainant requests, the OIPM will also monitor PIB investigations of complaints not filed with the OIPM.

The OIPM writes the complaint in the form of a letter to PIB and specifies within its letter which NOPD administrative policy, statute, city ordinance, or constitutional provision the NOPD employee may have violated. In its letter to PIB, the OIPM includes information from the accused officer's disciplinary history for the last 5 years and makes a recommendation on reassignments, managing retaliation, potential misconduct patterns in the officer's history and if that officer should receive corrective training. The OIPM may also comment on the general policies or training if there is a risk that they do not provide enough guidance to officers.

PIB does not investigate all complaints filed with NOPD or the OIPM. The OIPM's Mediation unit handles some cases.³ When a case is suitable, both the complainant and the officer can opt for mediation as an alternative to the traditional investigation process. A mediation session is held in a private room in a community space (community center, library, church) with two trained, experienced mediators who provide the participants with the opportunity to address their perspectives on their encounter and engage in a meaningful dialogue to better understand each other's positions and come up with their own agreements for a solution.

Contacts, Complaints, Commendations and Inquiries

In 2017, OIPM was contacted by 83 individuals. Not all these individuals filed complaints, however. OIPM categorizes its contacts as follows:

¹ "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." <http://constitutioncenter.org/interactive-constitution/amendments/amendment-i>

² IAPRO is the name of the internal affairs case management software shared by PIB and the OIPM. PIB and the OIPM maintain separate versions of the system. The OIPM has access to PIB's version of IAPRO, but PIB does not have access to the OIPM's internal version.

³ See 2017 OIPM Annual Report: [Community-Police Mediation Program](#).

- **Contact Only:** If an individual contacts OIPM to file a complaint but does not complete the intake process or does not want to file a complaint, commendation or receive help with a criminal complaint, that interaction is classified as “contact only.” OIPM documents all contacts with civilians and officers.
- **Commendation:** When an individual or organization wants to recognize extraordinary acts by a police officer or departmental employee, they can file a commendation with OIPM. OIPM forwards that commendation to the employee’s Commander and the Superintendent of Police.
- **Case Monitoring:** When a complainant requests or if OIPM detects a potential risk in the complaint, OIPM will monitor that internal affairs investigation by getting regular updates and sometimes monitoring witness interviews and reviewing evidence, including but not limited body-worn and in-car camera video.
- **Civilian Complaints:** When an individual alleges misconduct by a New Orleans Police Department employee, OIPM documents their allegations and makes a referral to Public Integrity Bureau for investigation. Because of the rising number of departmental employees making complaints about other NOPD employees to OIPM, an additional category will be added for Police Complaints.
- **Criminal Case Liaison:** When a crime victim or murder victim survivor has concerns about the methods, quality or timeliness of a criminal investigation by NOPD, OIPM will intervene on their behalf and work with departmental command staff to address the victim’s concerns.

Below is a breakdown of all OIPM contacts for 2017:

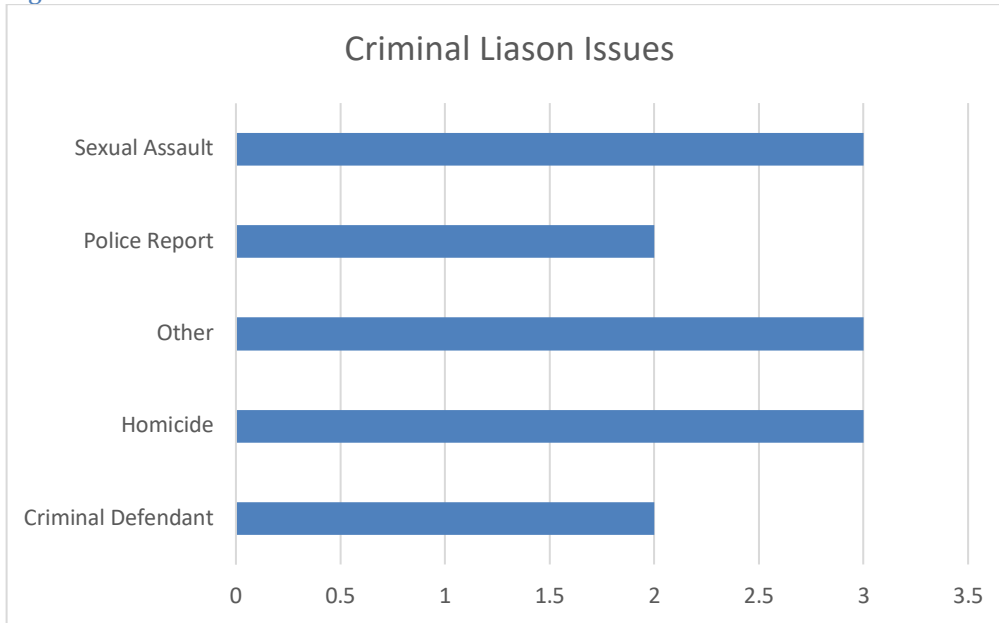
Figure 1: OIPM Contacts

Type of Contact	
10	Contact Only
2	Commendations
8	Cases Monitored
47	Civilian Complaints
3	Police Complaints
13	Criminal Case Liaisons

2017 Criminal Liaison Cases

The OIPM acted as a liaison between crime victims and the NOPD in 13 different cases in 2017. The OIPM's liaison work included assisting victims in communicating with their assigned detectives about witnesses, evidence and the victims' concerns of officers neglecting their duty. In 2017, the majority of people seeking OIPM's assistance in communicating with criminal investigators were concerned about follow-up on Sexual Assault and Homicide Cases.

Figure 2: Crime Victims Concerns



2017 Commendations

Police commendations are an important form of civilian feedback on officer performance. Although complaints can help departments identify areas to improve officer performance, commendations can help departments identify areas of strength and provide living examples for other officers. OIPM collects commendations and took five (5) separate civilian commendations in 2017. OIPM copies the letter of commendation to PIB as well as Superintendent Harrison's office and the Commander for the officer in question.

Details about the two commendations OIPM processed are as follows:

1. Community members commended Officer William H. Edwards of NOPD's 2nd District for finding a bicycle stolen from their property and returning it to them.
2. A community member commended an unknown Officer who assisted her elderly mother in finding her way back to Metairie.

Risk Management

For risk management, OIPM reviews the complaint, disciplinary, and use of force history for every officer alleged to have engaged in misconduct. As part of that review, OIPM sometimes makes recommendations on Policy, Tactics or Training. In 2017, OIPM referred 50 complaints for misconduct investigation. Amongst those complaints, OIPM made Policy, Tactics or Training recommendations in 22 referrals.

OIPM's recommendations break down as follows:

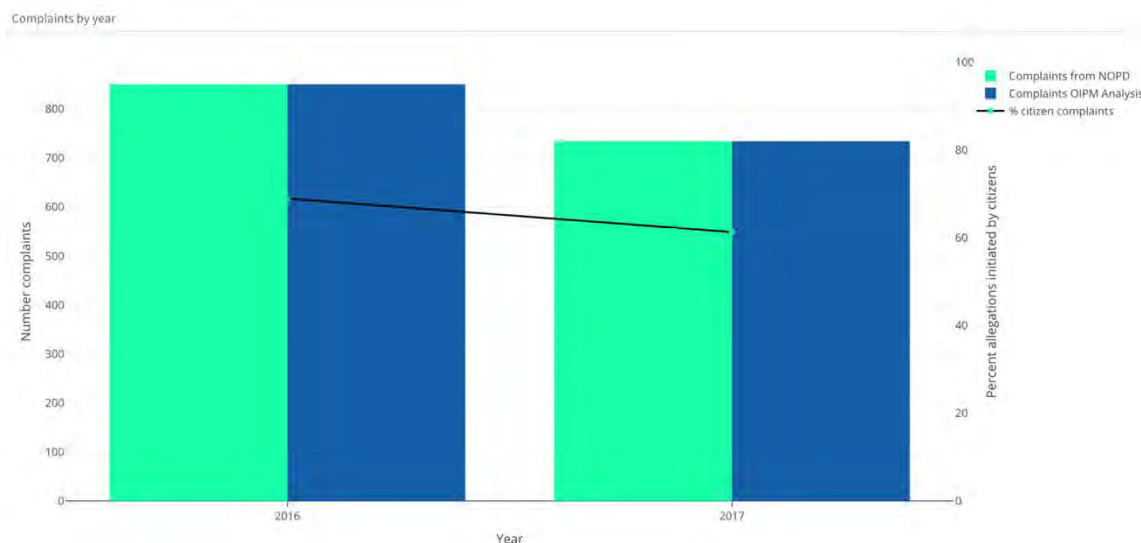
Figure 2: Risk Management Recommendations

Recommendations	Count
OIPM recommended a specific investigative task	7
OIPM recommended that policy language be clarified	1
OIPM recommended the case be investigated outside of NOPD	1
OIPM recommended preventative steps be taken to mitigate the risk of retaliation	3
OIPM recommended that an officer be monitored, reassigned, or undergo a "Risk management" review of their disciplinary history and work product.	11
OIPM recommended special training	1

2017 Complaints & Discipline

In 2017, NOPD initiated 734 misconduct investigations. NOPD and OIPM's data regarding the total number of complaints align. However, OIPM's data analyst found slightly more (1,546) allegations than what was reported by NOPD (1,505).

Figure 3: Complaints by Year



Compared to 2016's total of 850, this number of complaints represents a 14% decrease in the overall number of complaints filed. Of the allegations contained in those complaints, about 39% were filed by NOPD rank and 61% were filed by members of the public or by NOPD employees against fellow employees.

Figure 5: Allegations by Year

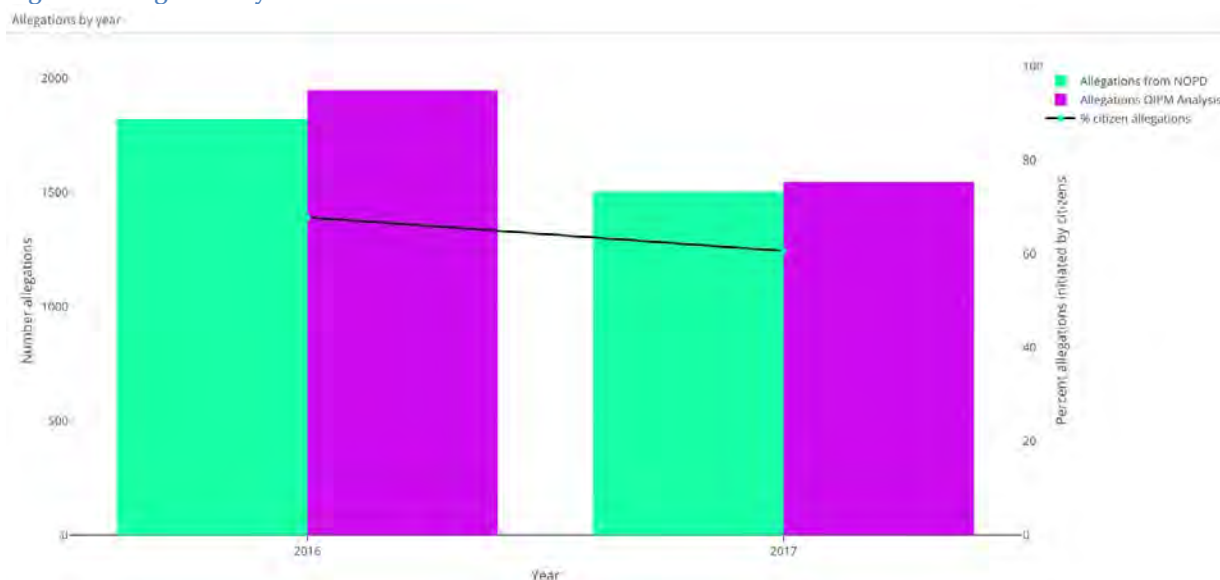
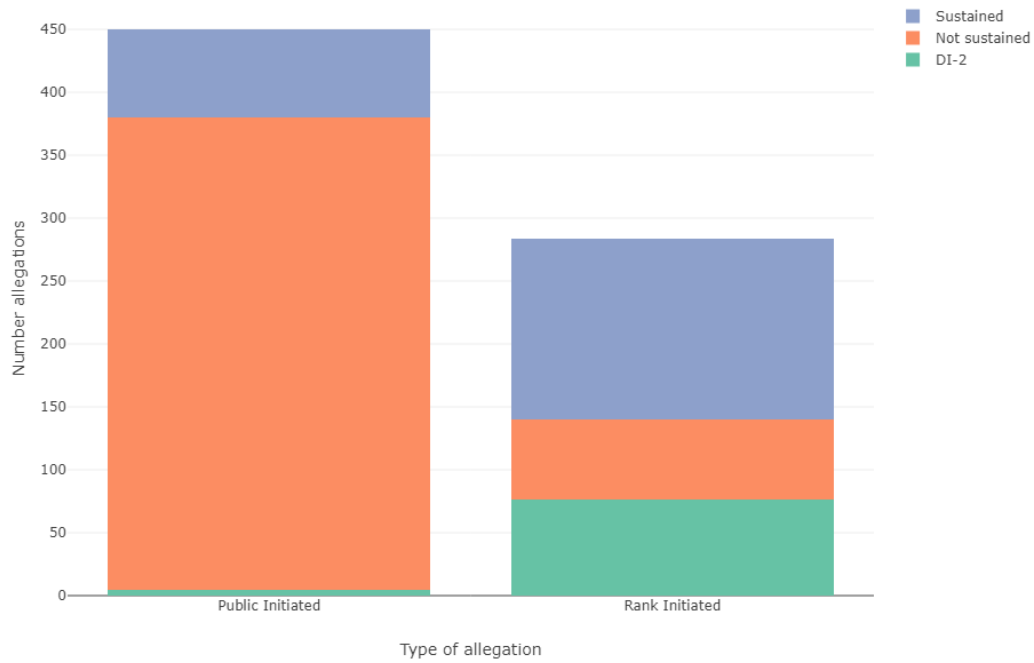


Figure 4: Public Initiated v Rank Initiated Allegations



Allegation Analysis

When PIB's investigation determines, by a preponderance of the evidence, that the alleged misconduct occurred, PIB should issue a disposition of "sustained." When the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred, PIB should issue a finding of "not sustained." If the investigation determines that the conduct *occurred* but did not violate policy, procedures, or training, PIB should issue a finding of "exonerated." If the investigation determines that the alleged misconduct did *not* occur or did not involve the subject officer, PIB should issue a finding of "unfounded." Some cases can be classified as "No Formal Investigation Merited" (NFIM) if they fit certain policy requirements. In these instances, those allegations usually receive a finding of "NFIM." Each distinct allegation should receive a distinct finding. The complaint investigation, including all allegations, has a disposition. The terminology for findings and dispositions are defined in NOPD Policy 52.1.1.

NOPD has modified policy 52.1.1 to allow for automatic categorization of certain allegations as "unfounded" or "exonerated" if an intake member and an approving supervisor agree that the complaint is "clearly, demonstrably" unfounded. In that case, upon supervisor approval, no further investigation (such as interviewing witnesses) is required.⁴ Although the policy change does not specifically address how such allegations are recorded, PIB has adopted a practice of noting the "exonerated" or "unfounded" allegation in the narrative of the investigation but NOT recording the allegations in the officer's complaint history or in the complaints database. Anecdotally, OIPM has found that PIB most often does this when they believe that body worn camera footage "proves" that the complainant's allegations are false.

Recommendation 1: When all the allegations articulated by the complainant are not documented as a data field that can be searched and analyzed, PIB should inform OIPM by providing a list of all such cases for OIPM review.

OIPM has a number of concerns about the practice of conducting a protracted investigation that results in allegations not being recorded into the official record. OIPM requests that NOPD provide a list of those cases in which ALL of the complainants' allegations were not recorded in IAPRO so that OIPM can conduct a thorough case review to determine the risks and impacts of this practice.

The following information is about the 734 public and rank initiated complaints. These complaints contained 1,546 allegations – an average of two (2) allegations per

⁴ NOPD Operations Manual Policy 52.1.1 Paragraphs 77-80

complaint. Of those complaints, 450 were marked as public initiated and 284 were marked rank initiated.

Allegation Types

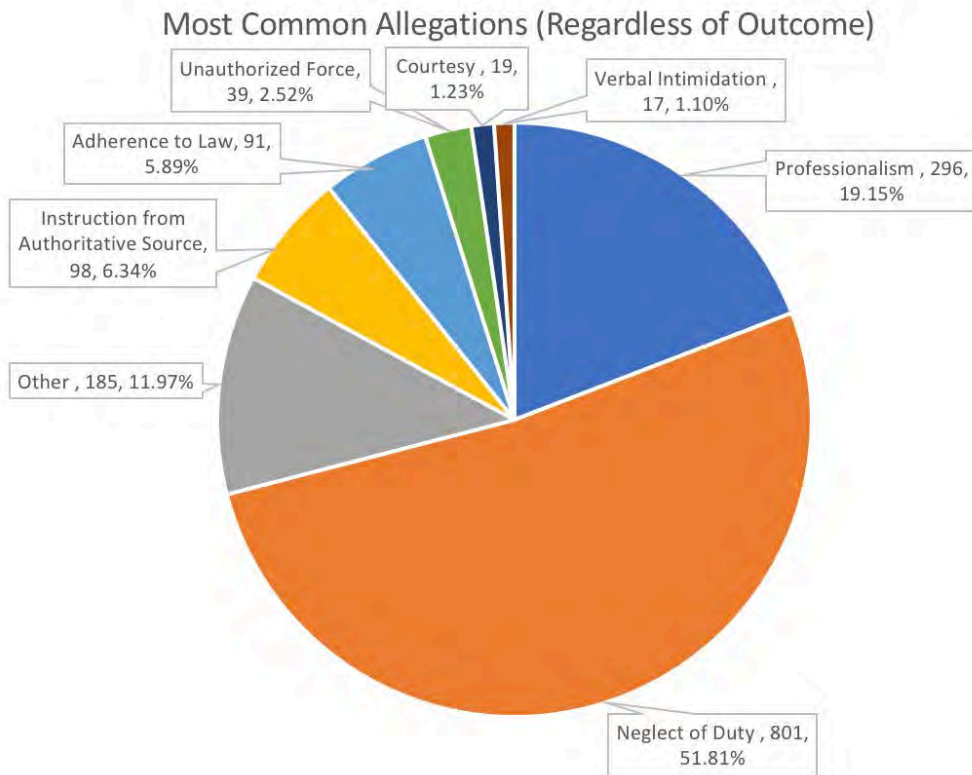
Complaint classifications and assigned investigators are determined by allegation. An allegation is, “An expression of dissatisfaction ... with a policy, procedure, practice, philosophy, service level or legal standard of the agency.”⁵ Complaint classifications and assigned investigators are determined by allegation. An allegation of criminal activity is very serious and will always be investigated by either PIB or an outside agency, like the FBI. However, a less serious allegation of discourtesy would likely be investigated at the field unit level. A field unit level investigator is a supervisor, not assigned to PIB, who also conducts misconduct investigations. A field unit level investigator may also be the complained of officer’s direct supervisor. Allegations are important. If the person taking a complaint fails to understand what is being alleged, they risk not only misunderstanding the problem, but leaving NOPD, its officers, civilians, and the city exposed to risks. OIPM works with both complainants and PIB to better ensure that allegations are recorded and investigated accurately.

A complaint may contain more than one allegation. For instance, if a person reported a burglary in their home and the responding officers were distracted by other matters, they might allege that the officer was both discourteous and that he neglected his duty to fully investigate the burglary. For this reason, many complaints contain more than one allegation. Complaints made in 2017 contained the alleged violations⁶ detailed in the following chart:

⁵ Reiter, Lou. “Internal Affairs: Auditing your Process” Legal Liability and Risk Management Institute. 2016

⁶ Each complaint may contain more than one allegation, e.g. professionalism and unauthorized force. The OIPM’s staff took the complainant’s allegations and assigned an administrative allegation type based on the NOPD Operations Manual. In some cases, the OIPM may not have received enough information to formulate an allegation.

Figure 7: Most Common Allegations



The three most common complaint allegations in 2017 were: Neglect of Duty, Professionalism, and Adherence to Law. Neglect of Duty can involve a number of specific violations of policy. The most common specific types of Neglect of Duty were as follows:

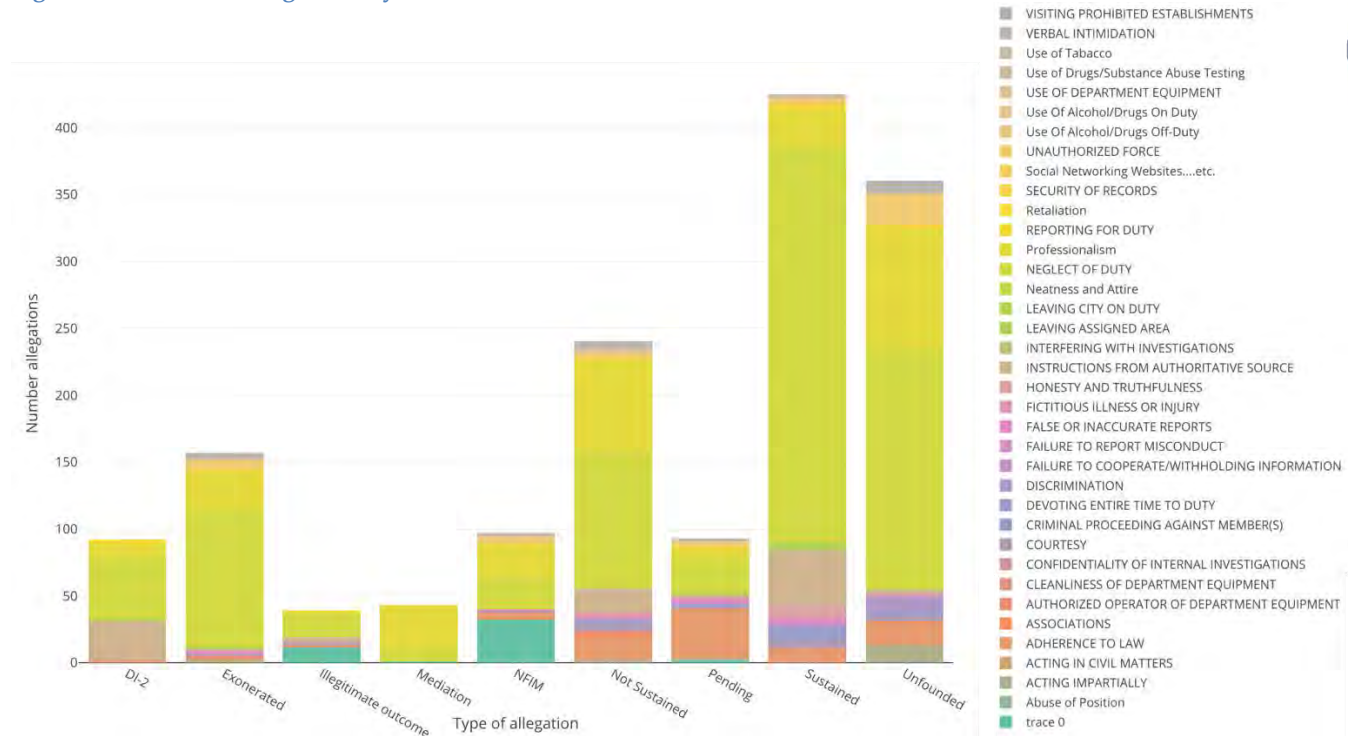
Figure 8: Neglect of Duty Breakdown

Type of Neglect	Count
Failing to Take Appropriate & Necessary Police Action	93
Body Worn Camera, Required Activation	45
Failure to Preserve Evidence	34
Supervisory Responsibility	25
Failing to Make A Written Report When Such Is Indicated	23
Report Preparation	22
Vehicle Pursuits	21
General	38
Failing to comply with instructions, oral or written, from any authoritative source.	18
Bias-Free Policing	15
Search and Seizure	14
Domestic Violence	26
In Car Camera Activation	11

Disposition Analysis

The dispositions of the complaints filed in 2017 are illustrated in the figure “Individual Allegations by Outcome.” This figure illustrates, for instance, that the most common allegation “Neglect of Duty” is also the allegation most frequently marked “sustained”. “Disposition of All Complaints” shows the outcomes of all complaints.

Figure 9: Individual Allegations by Outcome



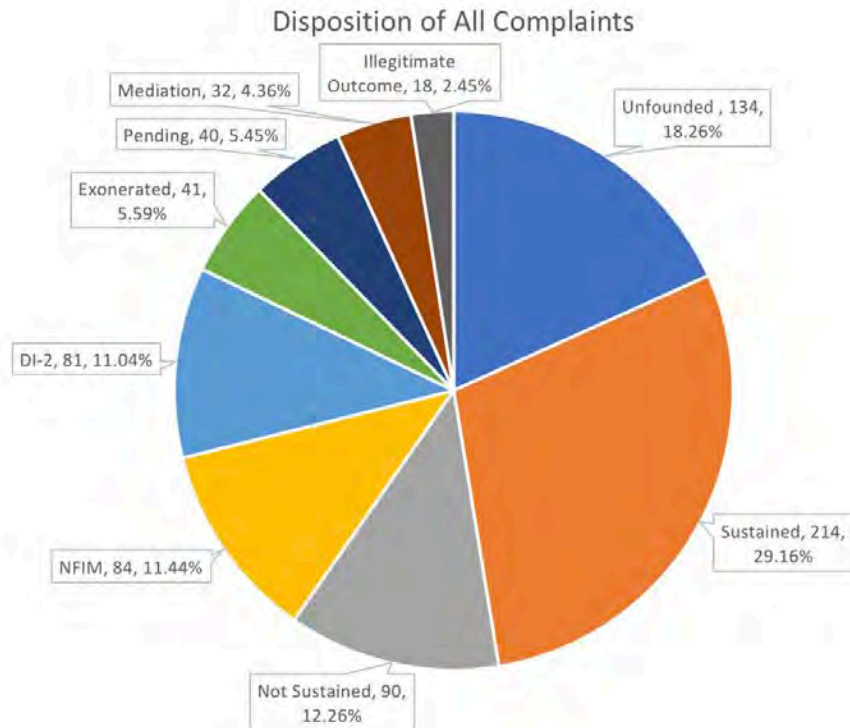


Figure 10: Dispositions of All Complaints

Sustained complaints were the greatest proportion of all complaints because 29% of them were sustained. The next largest group of outcomes was complaints marked “unfounded” at 18.3%. The greatest portion of complaints, 29%, are sustained. A review of “Disposition of Rank Complaints and “Disposition of Citizen Initiated Complaints” illustrates that, while over 50% of rank complaints are sustained, only, 15% of complaints initiated by the public are sustained. It is also worthy to note that 6% of public initiated complaints are mediated by the OIPM’s Community Police Mediation Program.

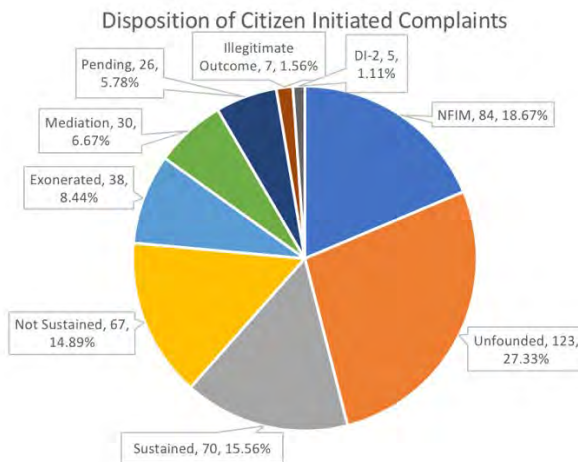


Figure 11: Disposition of Citizen Initiated Complaints

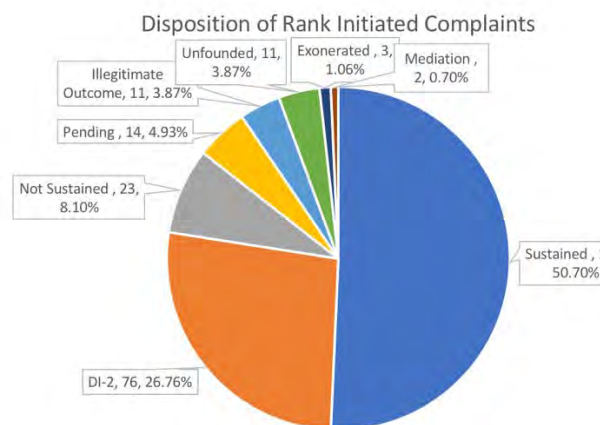


Figure 12: Disposition of Rank Initiated Complaints

Figure 13: Most Common Sustained Allegations

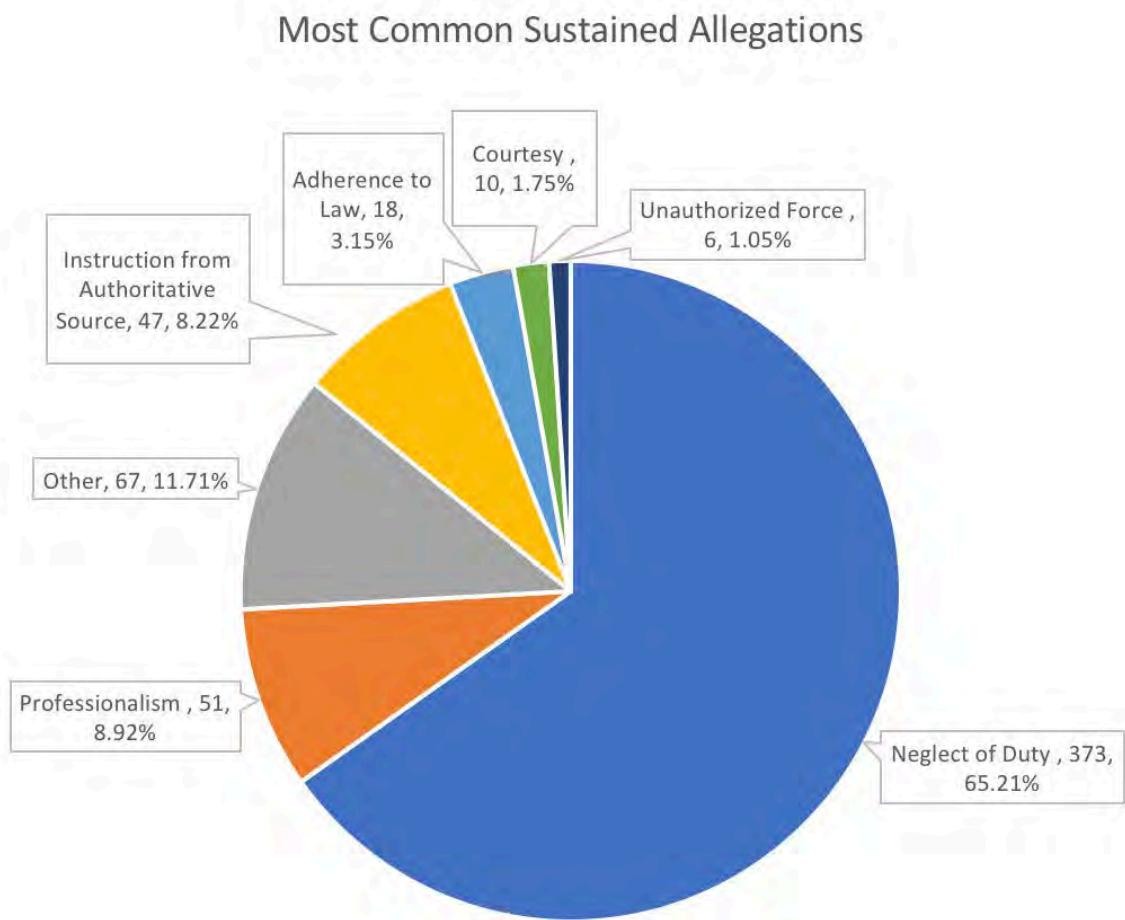
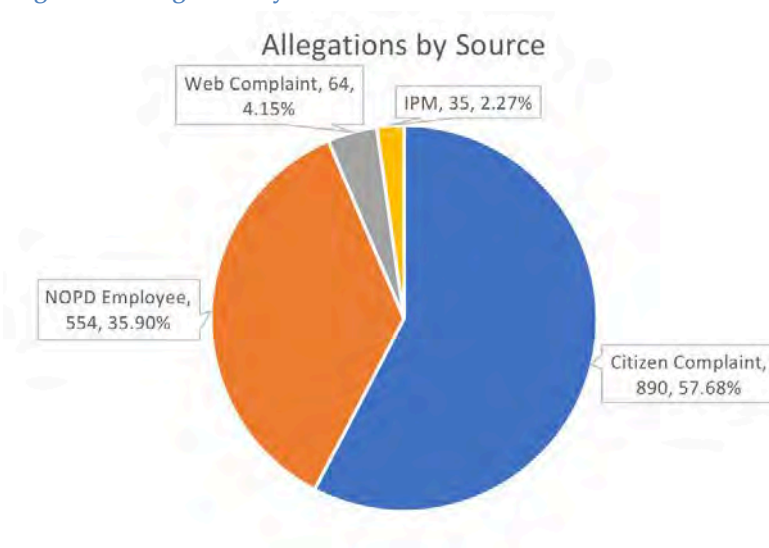


Figure 14: Allegations by Source

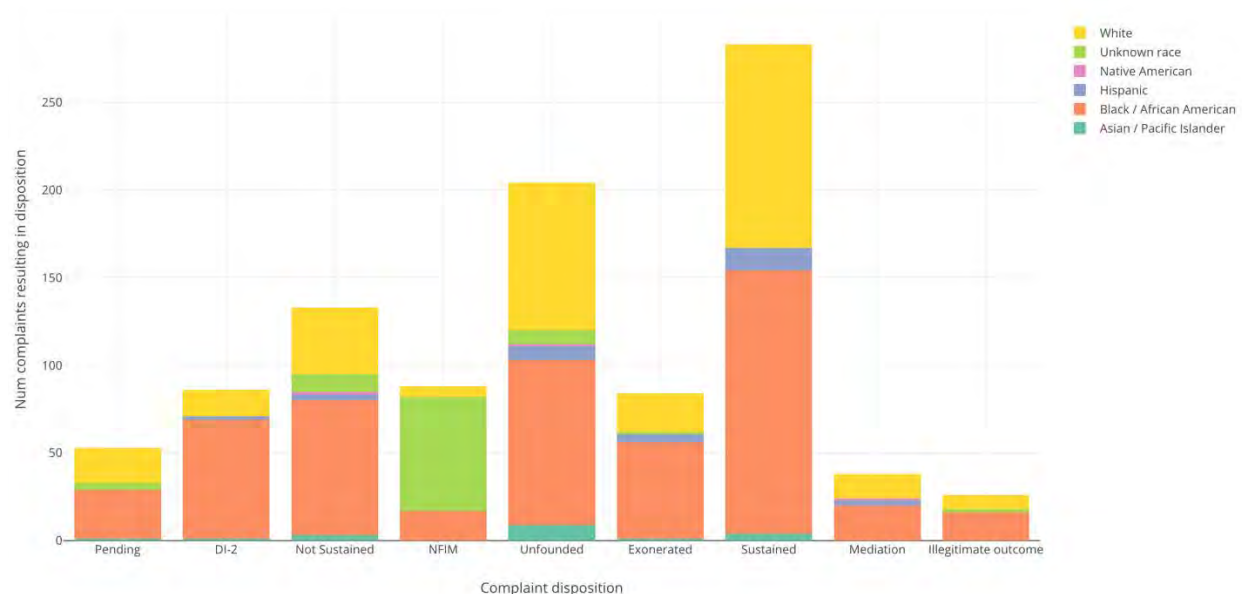


Who Complains?

“Allegations by Source” illustrates where complaints come from. A large proportion of complaints, 35.9% are filed by NOPD employees. Some of these are “rank initiated” complaints or supervisors documenting misconduct of supervisees. This number also represents the complaints of peer or lower ranking officers against officers who are of the same or higher rank.

Outcomes by Officer Race: Based on the figure “Impact of Officer Race on Disposition of Complaints”, OIPM found no significant difference in disciplinary outcomes based on officers’ race. Approximately 29% of complaints against African American officers are sustained and 30% for white officers. Future analysis of officer demographics and discipline will consider gender, years of services, and sworn versus civilian employees.

Figure 15: How Officer Race Impacts Disposition



High Risk Allegations

Stops, Frisks, Searches and Profiling - Fourth Amendment Protections against Search and Seizure

When reviewing all complaints filed, OIPM identified 45 complaints containing allegations that appeared to be related to complainants' Fourth Amendment rights. These complaints were about improper searches, stops without reasonable suspicion, discrimination, and bias based policing.

The dispositions of these investigations are detailed as follows:

Figure 16: Complaints Containing Allegations of Violations of 4th Amendment Rights

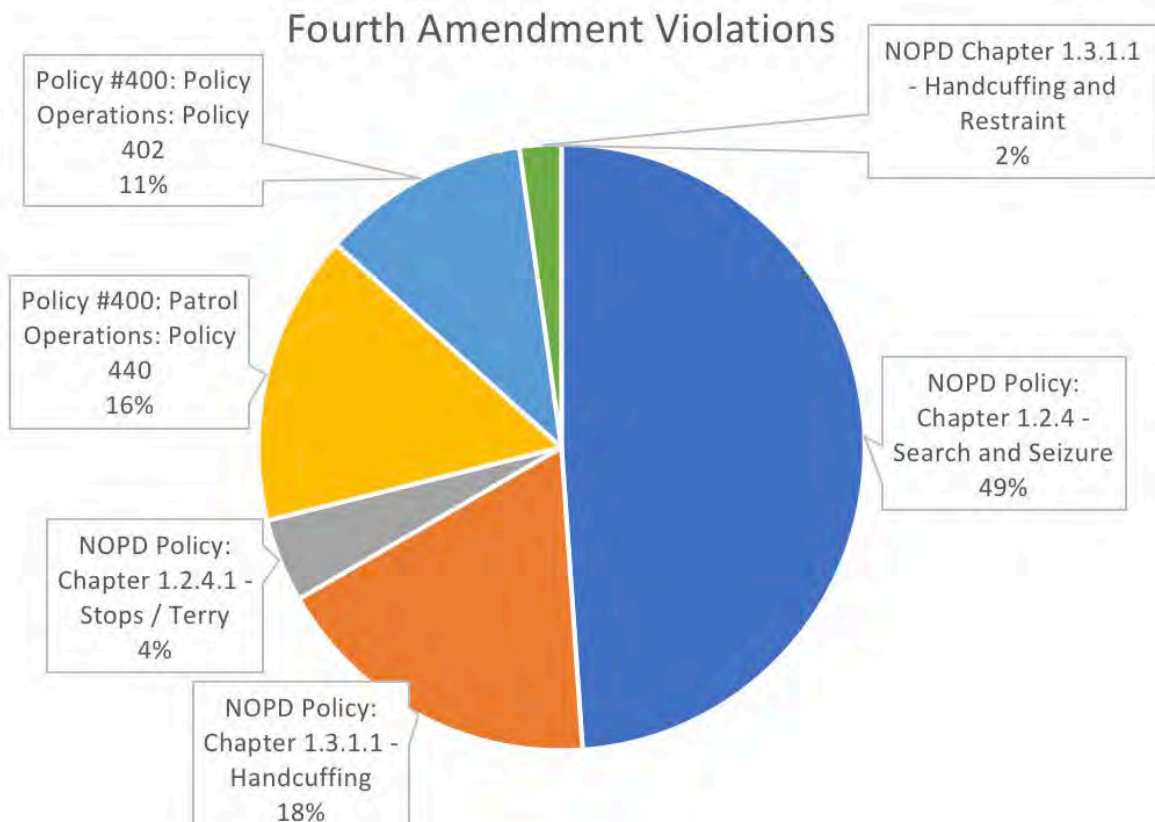
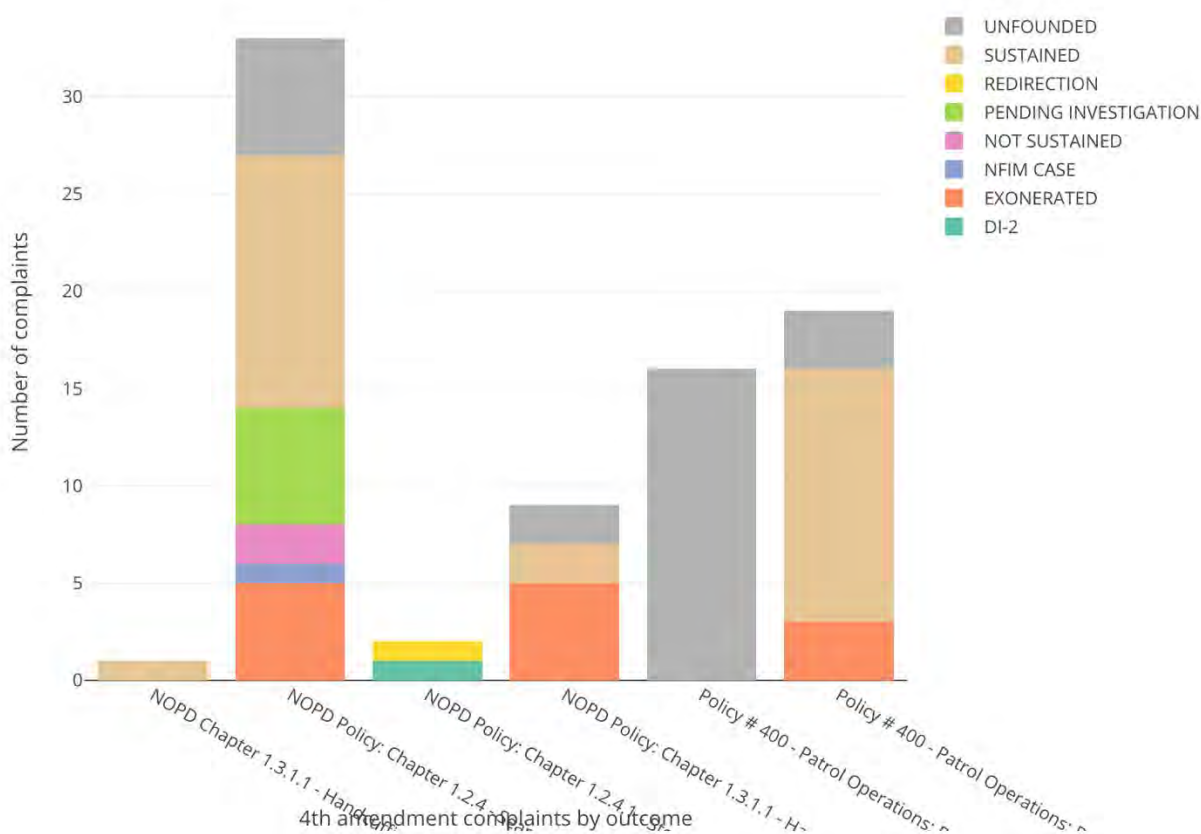


Figure 17: 4th Amendment Complaints by Outcome

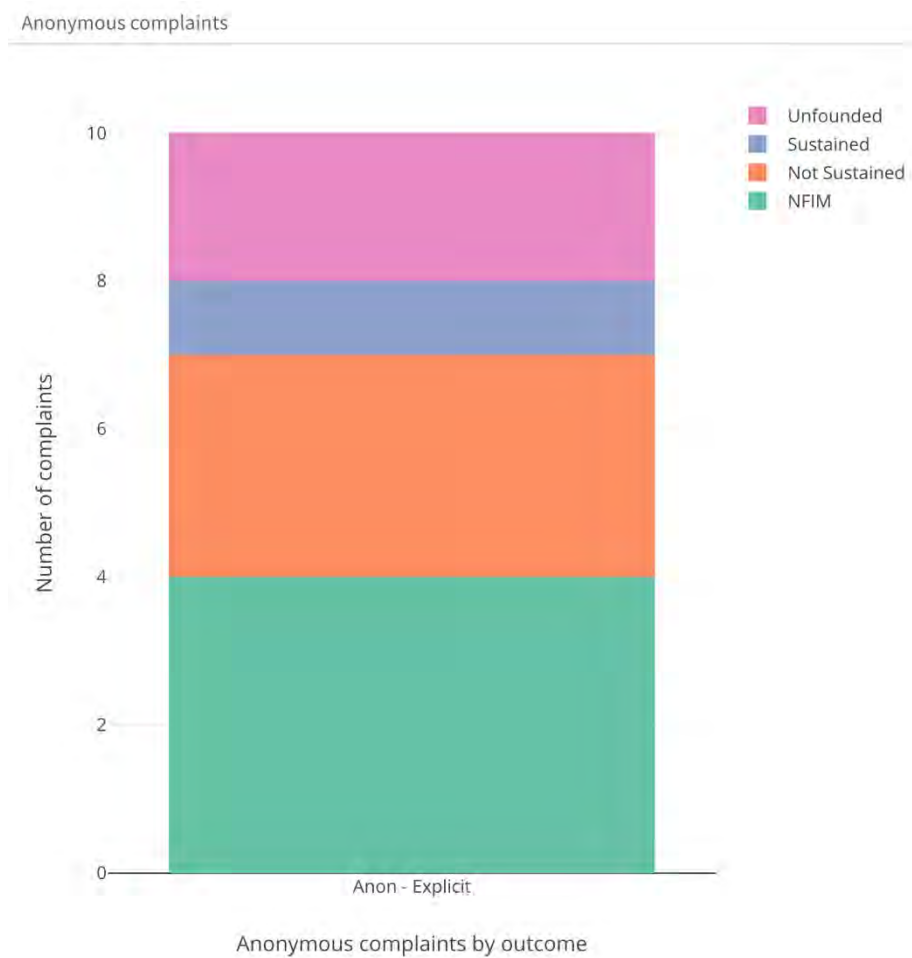
Fourth amendment violations by outcome



Anonymous Complaints

Complainants occasionally wish to remain anonymous. It is difficult to determine their reasons, but one of the impetuses for setting up an anonymous complaint process was to address civilian concerns about retaliation when filing complaints. In 2017, two (2) out of 83 contacts received by the OIPM involved anonymous complainants. NOPD recorded ten (10) PIB case numbers associated with anonymous complainants.

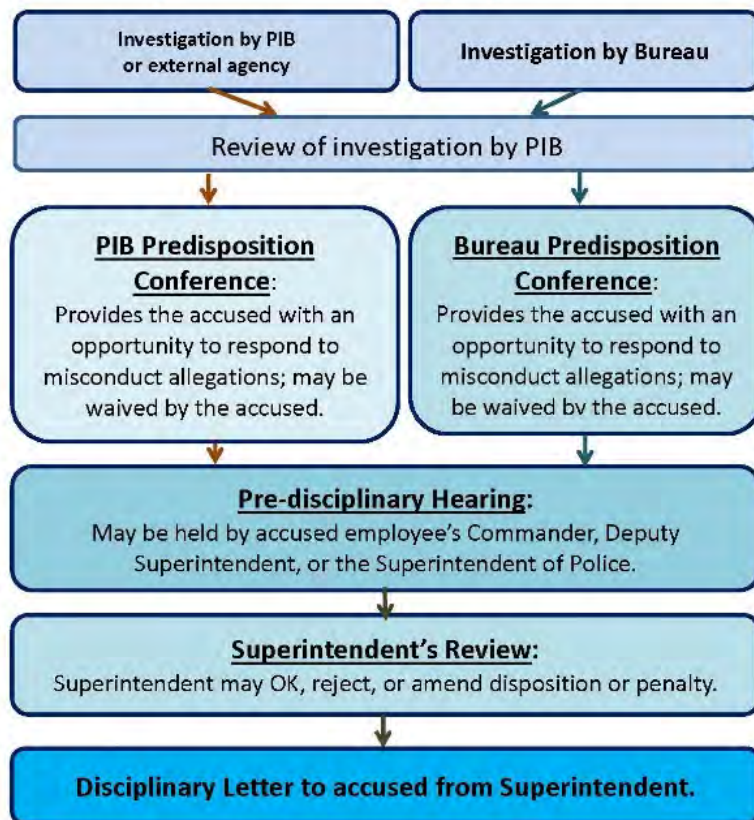
Figure 18: Anonymous Complaints



Disciplinary Proceedings Background

Under the statutory authority provided by the Code of Ordinances of the City of New Orleans, the Office of the Independent Police Monitor [OIPM] shall monitor the New Orleans Police Department's [NOPD] internal investigations of officers and the NOPD's

Figure 19: Disciplinary Process



discipline of those officers. Moreover, the Independent Police Monitor shall assess the quality and timeliness of NOPD investigations. As to disciplinary hearings, the OIPM shall, as appropriate, make determinations as to whether departmental rules or policies have been violated, make recommendations regarding appropriate discipline, and review the appropriateness of disciplinary sanctions. See Code of Ordinances of the City of New Orleans, Ch. 2, Art. XIII, Sec. 2-1121, paras. 3 & 13.

NOPD's rules regarding disciplinary hearings can

be found in Policy 26.2 in the NOPD Operations Manual which, in its definition of "hearing officer" states, "For a PIB predisposition conference, the hearing officer may be the PIB Deputy Superintendent, or his or her designee, who must be a supervisor with the rank of sergeant or higher and have a rank equal to or higher than the rank of the accused. For a Bureau predisposition conference or pre-disciplinary hearing, the hearing officer may be the accused employee's District/Division Commander, a Deputy Superintendent, or the Superintendent of Police. Each officer, regardless of the classification of the allegation, has the right to a pre-disposition conference." Depending on classification and the investigator assigned, that conference may occur at Public

Integrity Bureau or some other Bureau. A flow chart of how discipline progresses can be found in Policy 26.2 and is in Figure 19: Disciplinary Process.

The OIPM monitors disciplinary hearings to mitigate several risks:

- Officer Rights – The OIPM monitors disciplinary hearings to prevent abuses of officers’ rights, particularly the officer’s right to report misconduct.
- Appropriate Discipline – The OIPM monitors disciplinary hearings to ensure that NOPD appropriately disciplines officers as well as detects and addresses risk exposure discovered during officer investigations. Appropriate discipline includes NOPD’s ability to identify policy and training issues that contribute to officer errors and misconduct.
- Police Officer Bill of Rights – Louisiana Revised Statute 40:2531, also known as the Police Officer Bill of Rights requires NOPD to complete most misconduct investigations within a statutory timeline. Officers have the right to appeal discipline to the Civil Service Commission and, ultimately, to the 4th Circuit Court of Appeals. Issues of the statutory timeline and quality of evidence often impact decisions about whether to appeal. The OIPM monitors disciplinary hearings and prepares recommendations in advance of these hearings to help NOPD make disciplinary decisions that stand up to appellate scrutiny.

The information below was gathered by OIPM while monitoring 38 Hearings in 2017. OIPM was notified of these hearings by NOPD and all of them involved allegations that could have resulted in discipline greater than a three-day suspension. These hearings were related to 179 allegations against 57 individual officers.

Figure 20: Major Disciplinary Decisions

Suspension	44
Letter of Reprimand	32
Resigned/Retired Under Investigation	4
Dismissal	3
Redirection	2
Demotion	2
Oral Reprimand	1

In addition to these outcomes, 76 allegations were ruled not sustained, unfounded or exonerated at hearing.

Suspensions:

In these major disciplinary hearings, 24 officers were suspended. The average and median number of days these officers were suspended was 11; however, five officers received suspensions more than 15 days and eight received suspensions of three days or less.

Figure 215: Allegations Resulting in Officer Discipline

Allegation	Number of Officer Disciplined
NEGLECT OF DUTY: "Each member, because of his grade and assignment, is required to perform certain duties and assume certain responsibilities. A member's failure to properly function in either or both of these areas constitutes a neglect of duty." ⁷	14
INSTRUCTIONS FROM AUTHORITATIVE SOURCE: "A member shall professionally, promptly, and fully abide by or execute instructions issued from any authoritative source. If the instructions are reasonably believed to be in conflict with the Rules and Procedures of the Department or other issued instructions, this fact shall respectfully be made known to the issuing authority. If the issuing authority elects to insist upon execution of the instructions which are reasonably believed to be in conflict with Department Rules and Procedures, then the member receiving the instructions shall have the right to request and is entitled to receive, IMMEDIATELY, said instructions in writing, except in cases of emergency as determined by the supervisor. The issuing authority shall be held responsible should any conflict materialize; however, no instructions shall be issued or executed which are in violation of the law." ⁸	12
ADHERENCE TO LAW: "Employees shall act in accordance with the constitutions, statutes, ordinances, administrative regulations, and the official interpretations thereof, of the United States, the State of Louisiana, and the City of New Orleans, but when in another jurisdiction shall obey the applicable laws. Neither ignorance of the law, its interpretations, nor failure to be physically arrested and charged, shall be regarded as a valid defense against the requirements of this rule." ⁹	3
PROFESSIONALISM: "Employees shall conduct themselves in a professional manner with the utmost concern for the dignity of the individual with whom they	3

⁷ NOPD Rule Four – Performance of Duty 4:4, PR 1021.6.4

⁸ NOPD Rule Four – Performance of Duty 4:2, PR 1021.6.2

⁹ NOPD Rule Two – Moral Conduct 2:1, PR 1021.4.1

are interacting. Employees shall not unnecessarily inconvenience or demean any individual or otherwise act in a manner which brings discredit to the employee or the Police Department.” ¹⁰	
DEVOTING ENTIRE TIME TO DUTY: Members shall not read, play games, watch television or movies, or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.	3
USE OF ALCOHOL/DRUGS OFF DUTY: “Employees while off-duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, obnoxious or offensive behavior which would discredit them, the Department, or render the employees unfit to report for their next regular tour of duty. Commissioned employees of the Police Department shall refrain from carrying a firearm while consuming alcohol or while under its influence.” ¹¹	2
LEAVING CITY WHILE ON DUTY Members shall not go beyond the City limits while on duty unless directed by their Supervisor, radio dispatcher, or in hot pursuit.	1
SOCIAL NETWORKING WEBSITES, FACEBOOK, MYSPACE, PRINT OR TRANSMITTED MEDIA, ETC. Employees shall not post any material on the internet including but not limited to photos, videos, word documents, etc., that violates any local, state or federal law and/or embarrasses, humiliates, discredits or harms the operations and reputation of the Police Department or any of its members.	1
USE OF ALCOHOL OFF-DUTY Employees while off-duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, obnoxious or offensive behavior which would discredit them, the Department, or render the employees unfit to report for their next regular tour of duty. Commissioned employees of the Police Department shall refrain from carrying a firearm while consuming alcohol or while under its influence.	1
USE OF ALCOHOL ON DUTY Members shall not drink intoxicating beverages while on duty except in the performance of duty and while acting under proper and specific orders from a superior officer. Members shall not appear for duty, or	1

¹⁰ NOPD Rule Three – Professional Conduct 3:1, PR 1021.5.1

¹¹ NOPD Rule Three – Professional Conduct 3:9

be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breathe.	
COURTESY: “Employees shall be courteous, civil, and respectful in their conduct toward all persons. The use of profane, vulgar or discourteous gestures or language to or in the presence of any citizen is prohibited. The use of profane, vulgar or discourteous gestures or language, either verbal or written, by one employee to another employee is prohibited.” ¹²	1
SECURITY OF RECORDS A member shall not impart to any person or remove from any files the content of any record or report, except as provided by law.	1
UNAUTHORIZED FORCE Employees shall not use or direct unjustifiable physical abuse, violence, force, or intimidation against any person.	1

Information about Overall Discipline

In addition to the disciplinary hearings monitored by OIPM, NOPD has other disciplinary proceedings. Through practice, OIPM expects those proceedings to be for minor disciplinary matters that would not result in more than a three-day suspension. To report on all disciplinary outcomes, OIPM queried information about all discipline from NOPD’s database. This section details the results of that information request.

Discipline by Allegation details frequency and severity of discipline for certain offenses. The data indicates that the most common reason for officers to be suspended was a pattern of Neglect of Duty. This data aligns with the data OIPM collected observing disciplinary hearings.

¹² NOPD Rule Two – Moral Conduct 2:2

Figure 22: Discipline by Allegation

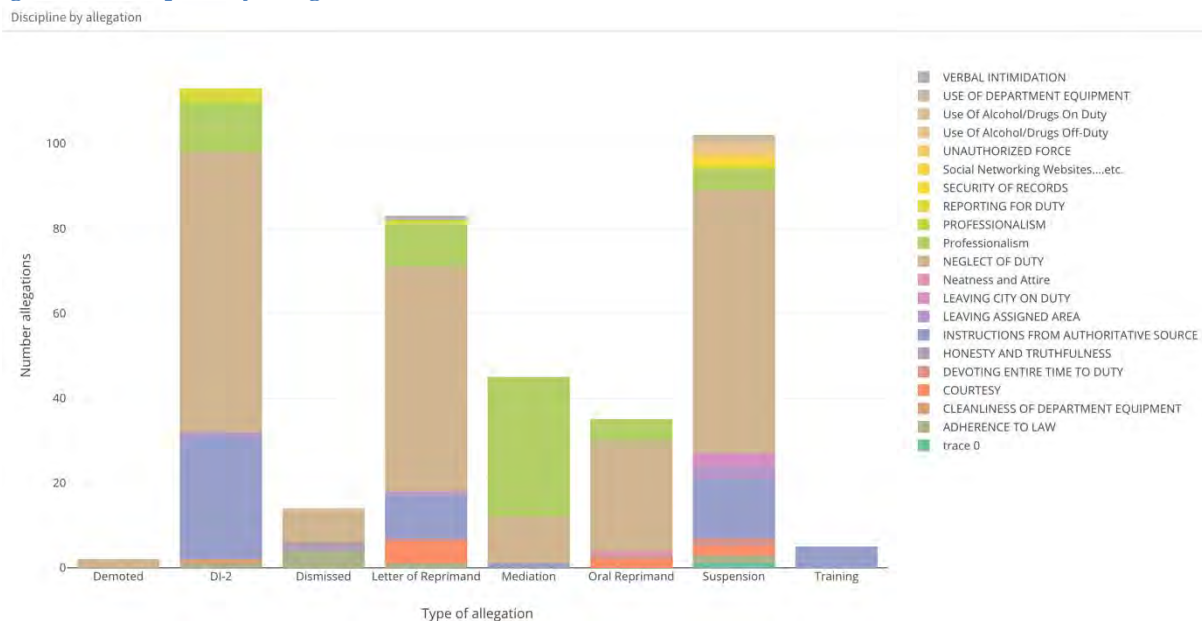


Figure 236: Discipline by Complainant's Race

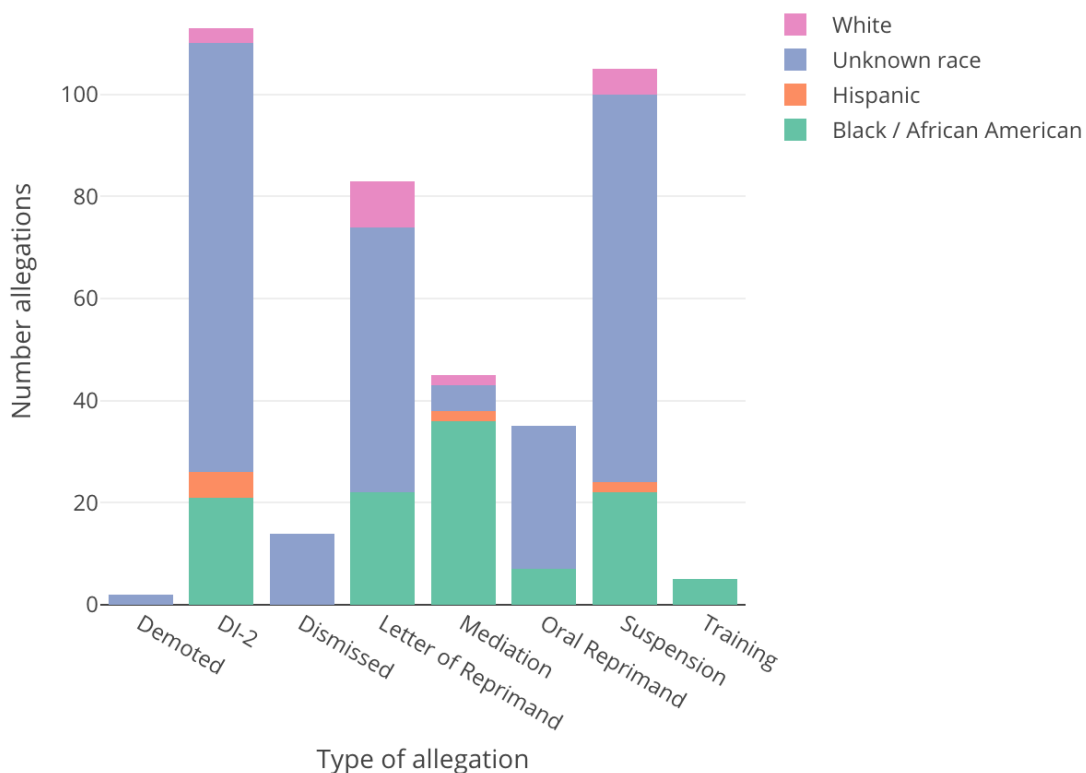


Figure 247: Discipline by Complainant's Sex

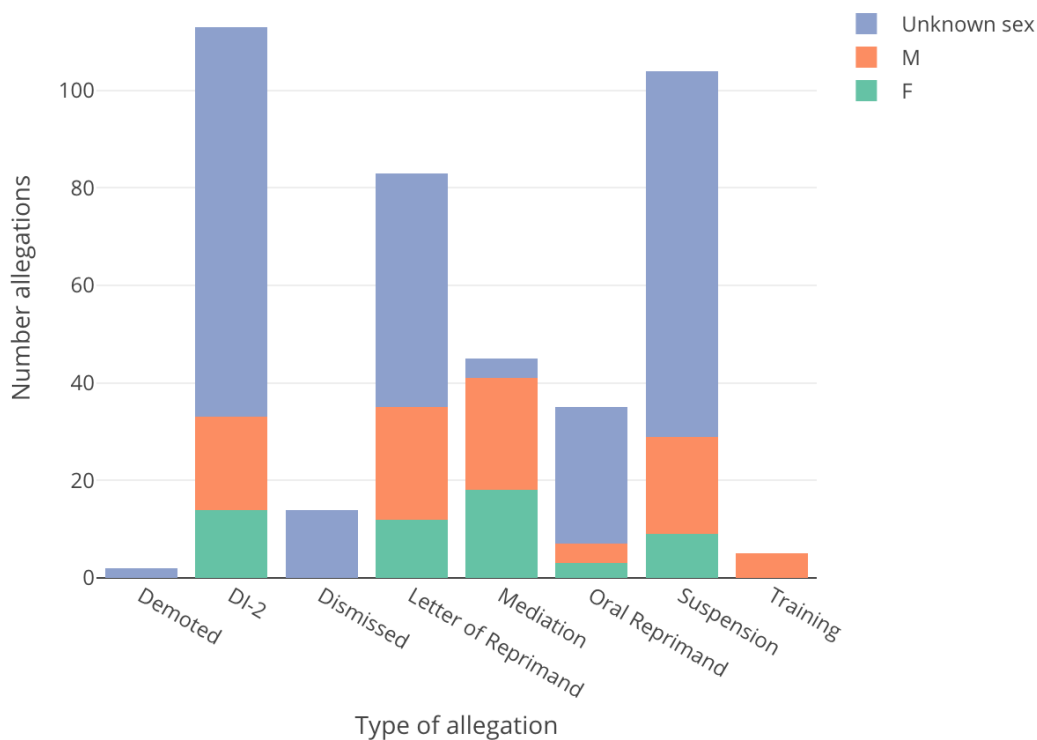


Figure 258: Discipline by Officer Race

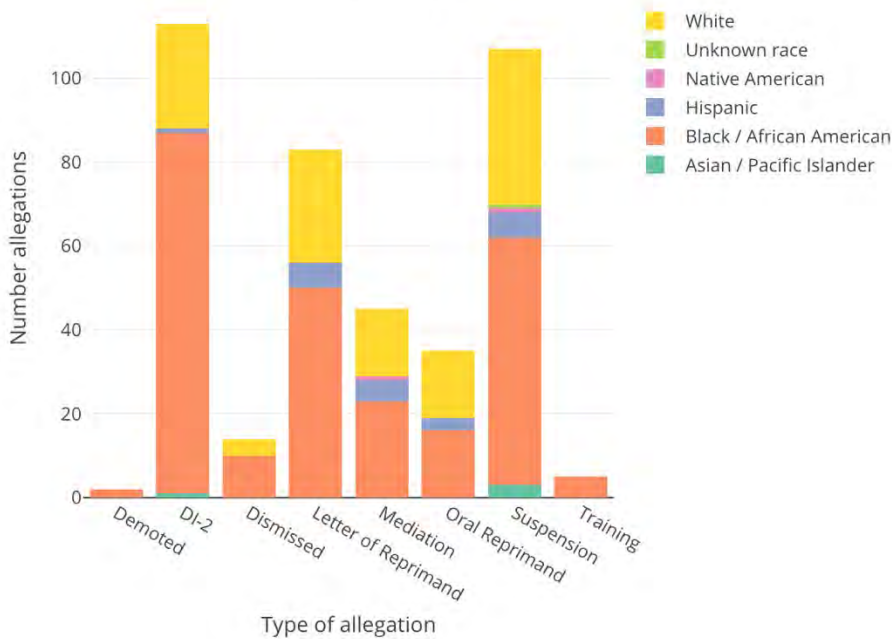
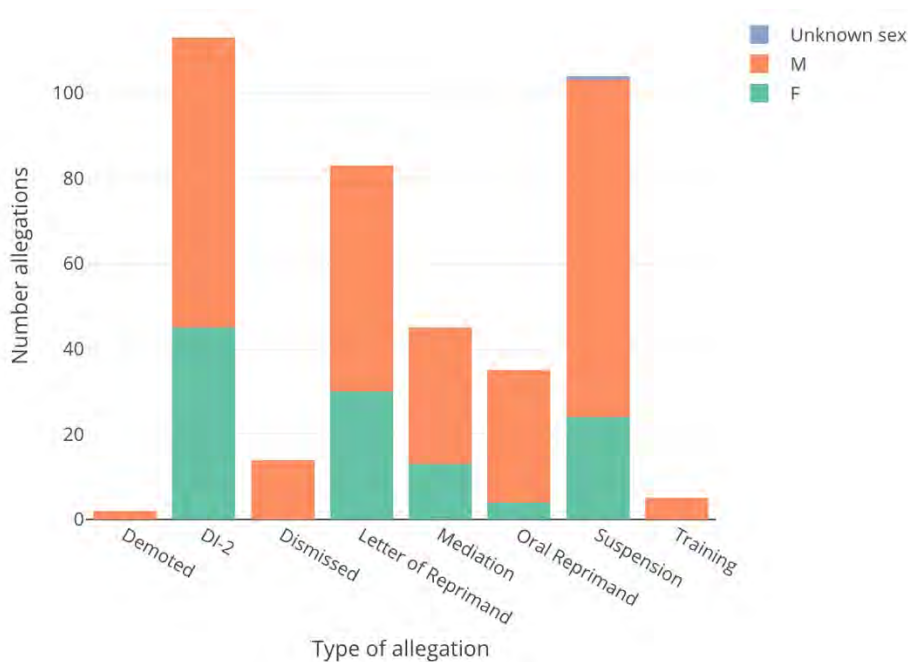


Figure 269: Discipline by Officer's Sex



The preceding graphs detail disciplinary outcome by the race and sex of the complainant and then by the race and sex of the officer. This data does not indicate disproportionate outcomes for officers based on their race or sex, but it does indicate that the NOPD is not collecting race or sex information about its complainants in a large number of complaint records.

Office of the Independent Police Monitor

City of New Orleans

2017 Annual Report: Use of Force Monitoring
and Review Activities



Susan Hutson
Independent Police Monitor

June 29, 2018

The Office of the Independent Police Monitor (OIPM)

Mission and Responsibilities

The Office of the Independent Police Monitor (OIPM) is an independent, civilian police oversight agency created by the voters in a 2008 charter referendum and which opened its doors for the first time in August of 2009. Its mission is to improve police service to the community, civilian trust in the NOPD, and officer safety and working conditions. The OIPM has six broad responsibilities:

- 1) To ensure that all complaints regarding police misconduct are classified and investigated or mediated at the appropriate level and that those investigations are fairly, timely and thoroughly handled; to ensure that discipline is fair, timely, appropriate and upheld upon appellate scrutiny. To make information about this review process available to the public.
- 2) To monitor NOPD investigations into use of force to identify violations of civil rights, concerns of officer tactics and safety, risks to life, liberty and property, and adherence to law and policy.
- 3) To review and analyze aggregate data from complaints, investigations, community concerns and public policy in crafting recommendations aimed toward improving the quality of services by the NOPD.
- 4) To reach out to inform the community about the OIPM, to listen and respond to broader community concerns, and prepare the community for engagement in NOPD policy and practice.
- 5) To mend police/community relationships by fostering effective police/community partnerships.
- 6) To collect police commendations, review and monitor police training and supervision issues and support a healthy and safe working environment for NOPD employees.

The OIPM is responsible for monitoring the New Orleans Police Department and only the New Orleans Police Department. Although OIPM works with other criminal justice system actors, it is not responsible for oversight of any other agency. However, OIPM is mindful of the impact of these other criminal justice actors upon the operations of NOPD and will attempt to analyze that impact in future reports. OIPM accomplishes its mission by focusing on three main activities: complaint and disciplinary system monitoring and review; use of force monitoring and review; and subject-specific analyses or audits. Our recommendations to improve NOPD's accountability systems originate from these activities.



A Note from the Independent Police Monitor

Pursuant to New Orleans City Code Section 2-1121 (16) (the Police Monitor's Ordinance) The Office of Independent Police Monitor (OIPM) publishes an annual report each year. The Police Monitor's Ordinance provides as follows:

The independent police monitor shall be required to issue at least one public report each year, by June 30, detailing its monitoring and review activities and the appropriate statistical information from the internal investigations office, and other divisions of the New Orleans Police Department. The independent police monitor shall be required to report upon problems it has identified, recommendations made, and recommendations adopted by the New Orleans Police Department. The report shall also identify commendable performance by the New Orleans Police Department and improvements made by the department to enhance the department's professionalism, accountability, and transparency.

This **"2017 OIPM Use of Force Monitoring and Review Activities"** is part of that report.

Herein the OIPM will publish the OIPM's statistics and the outcome of each case.



2017 OIPM Use of Force Monitoring and Review Activities

The OIPM is required by City Code § 2-1121 to monitor the quality and timeliness of NOPD's investigations into use of force and in-custody deaths.

In 2017, there were five (5) Critical Incidents, down from 8 Critical Incidents in 2016. All five (5) of these Critical Incidents were Officer Involved Shootings (OIS), down from 7 OISs in 2016. OIPM is encouraged that each year the number of critical incidents has decreased and hopes this will continue to be a trend in New Orleans. OIPM would like to acknowledge the hard work of NOPD in helping to reduce these incidents. The following table contains the types of Critical Incidents recorded in 2017 by the OIPM.

Table 1: 2017 Critical Incidents – 5 Incidents

NOPD ASI #/FTN#/Item #	Date of Incident	Type of Incident
A-27381-17 / 2017-01	01/24/2017 / 5:12 P.M.	OIS Death of Civilian
B-07837-17 / 2017-02	02/07/2017 / 7:15 P.M.	Accidental Discharge
F-27282-17 / 2017-03	06/22/2017 / 1:55 P.M.	OIS No Hits
I-06855-17 / 2017-04	9/6/2017 / 6:10 A.M.	Accidental Discharge
J-16112-17 / 2017-05	10/13/2017 / 12:10 A.M.	OIS and Hospitalization of Civilian who was Shot and Officer Killed

The OIPM responded to all five (5) of the Critical Incidents in 2017. Being able to review the scene and receive a walkthrough and briefing was essential for the OIPM to determine if the initial part of the investigation was being conducted properly. Reviewing the scene and receiving a walkthrough was also essential for the OIPM to make recommendations to improve the quality of NOPD critical incident investigations, accordingly.

Trends in Critical Incidents 2011-2017

The following table provides a comparison of Critical Incidents since 2011, which is the first year that the OIPM began fully responding to Critical Incidents. The OIPM will continue to track Critical Incident trends.

Table 2: Critical Incidents 2011-2017

Year -	Total CIs	OISs	Hospitali -zations	ICD	Head Trauma	Other	Deaths
2011	19	19	0	0	0	0	2
2012	22	20	1	1	0	0	3
2013	17	12	1	2	0	2	2
2014	17	11	3	2	2	2	4
2015	14	12	1	1	0	0	5
2016	8	7	1	1	0	0	1
2017	5	5	1	0	0	0	1
Totals	102	86	8	7	2	4	17

NOPD Policy

The NOPD must decide in each critical incident whether the officer's use of deadly force violated NOPD policy. NOPD submits all critical firearm discharge cases to the Orleans Parish District Attorney's office for review. The Orleans Parish District Attorney must decide whether the law has been violated.

The United States Supreme Court ruled that under the Fourth Amendment to the United States Constitution, police officers may only use that force which is reasonable and necessary to accomplish a lawful police objective such as an arrest, entry, or detention.¹ Additionally, under Louisiana law, police officers may be justified in using deadly force when authorized by their duties/law, in defense of a life, in defense of property, or to prevent great bodily harm.²

Under NOPD policy, a police officer has the authority to use deadly force under the appropriate Constitutional and state law standards. Additionally, NOPD policy requires officers to use an alternative to force, such as verbal persuasion, if reasonable under the circumstances.

¹ *Graham v. Connor*, 490 U.S. 386 (1989).

² Louisiana Revised Statutes 14:18, et. seq.

Use of Force Review Board

In the 2012 Consent Decree, NOPD agreed to “develop and implement a Use of Force Review Board (UFRB) to review all serious uses of force and other FIT investigations.”³ According to the Consent Decree, the UFRB is to review FIT investigations, hear presentations from the lead investigator, determine whether force violated NOPD policies, and refer to PIB for discipline if the policy was violated. Additionally, the UFRB is to “determine whether the incident raises policy, training, equipment, or tactical concerns, and refer such incidents to the appropriate unit within NOPD to ensure they are resolved.”⁴

On December 6, 2015, NOPD implemented a chapter of its Operations Manual which established a “Use of Force Review Board.”⁵ According to the Operations Manual,

The Use of Force Review Board (UFRB) serves as a quality control mechanism to ensure timely reviews of all serious use of force investigations to determine the appropriateness of the investigative findings, and to quickly appraise use of force incidents from a tactics, training, policy, and agency improvement perspective.⁶

The voting members of the UFRB are the Deputy Superintendents of Field Operations Bureau, Public Integrity Bureau, and Investigations and Support Bureau.⁷ Other NOPD chiefs and commanders serve as non-voting members, and outside groups like OIPM and the Office of the Consent Decree Monitor have been invited to observe, listen and participate in discussion.

At each of the approximately monthly UFRB hearings, PIB investigators make presentations regarding critical incidents involving NOPD officers and make a recommendation to the Board about whether the use of force was justified or not justified. The Board and other present representatives then discuss the use of force, and the Board then votes whether the use of force was justified or not. Often the Board makes recommendations about needed training practices or considers whether changes to policy are needed.

A. OIPM Assessment of the UFRB Process

Based on what it observed in 2017, OIPM believes the UFRB is a positive, healthy, and worthwhile activity which assists NOPD in reforming its use of force actions, investigations, training, policies and adjudications.

³ *United States v. City of New Orleans*, E.D. La. 12-cv-1924, R. Doc. 2-1 at 32.

⁴ *Id.* at 33.

⁵ NOPD Ops. Manual Chapter 1.3.7.

⁶ *Id.*

⁷ *Id.* at ¶ 2.

The UFRB is engaged in high-level discussions about the cases that are coming before them. In several cases in 2017, the UFRB required officers involved in a use of force to be retrained on tactics and policy violations. As a follow-up to several of those cases, the UFRB required training staff from the police academy to attend the hearings and provide reports and updates on the progress the officers were making regarding training.

After reviewing a case that involved an accidental discharge by an officer, the UFRB adopted a policy recommendation by PIB to revise Chapter 1.4, “Authorized Firearms”. This revision would outline the parameters for cleaning and field stripping weapons, including where, when and how this activity should occur. This kind of forward thinking recommendation by the UFRB will hopefully ensure more safety for NOPD officers and civilians.

In another case that involved a Lieutenant that had several incidents of uses force, the Board required that Lieutenant to be equipped with a body worn camera (BWC) so that the Commander of the District could review the Lieutenant’s activities when in the field. The Board also required the Lieutenant to be retrained regarding some notable tactical issues. There was also a plan put in place for the Command Staff in that District to attend UFRB hearings and report back on the activities of the Lieutenant, so the Board could determine if wearing the BWC would be temporary or permanent.

Two years into the process of the UFRB convening, OIPM continues to watch the UFRB grow in terms of self-reflection and willingness to engage with areas of needed improvement.

B. OIPM Involvement and Results From the UFRB Process

OIPM has integrated itself into the UFRB process. This has provided an opportunity for OIPM to engage with various NOPD divisions – PIB, Field Operations, Policy, etc. – regarding issues of significant public concern.

Prior to each UFRB, OIPM investigators review the file of a critical incident and then meet or correspond with members of PIB to discuss identified areas of concern. For example, OIPM reviewers have discussed the OIPM’s questions and concerns regarding sequestration of involved officers at critical incident scenes.

PIB has been responsive in discussing these issues with OIPM and then raising many of them during the UFRB hearings. OIPM has also raised its concerns directly at the UFRB hearings, to varying levels of receptivity.

OIPM’s participation in the UFRB process has yielded important results by identifying patterns/concerns about use of force. One such pattern involves lack of or untimely sequestration by supervisors of involved officers at critical incident scenes. Another identified concern involves problems with how BWC are being used and/or not being used by officers in violation of NOPD policy. According to PIB, any involved officer that violates the BWC policy when involved in a use of force shall be issued a formal disciplinary investigation. PIB further advised that when there are BWC violations, they are by witness

officers and not involved officers.⁸ Additionally, PIB provided that these witness officers receive correction and/or discipline as a result of those violations. The OIPM will continue to monitor this concern and conduct a thorough review for a future report.

NOPD Determinations for 2017

PIB provided the OIPM with the following criminal and administrative dispositions for the Critical Incidents, and use of force incidents, which occurred in 2017 and were reviewed by the UFRB in 2017. Appendix A contains a narrative for each of the cases included herein.

Table 3: NOPD Determinations

NOPD Item#/ASI # or FTN #	Date of UFRB	Incident Type	Justified	Within Policy	OPDA Actions (Officer and Civilian)
A-27381-17 / 2017-01	November 9, 2017	OIS Death of Civilian	YES	YES	Referred by NOPD, but charges rejected by the Orleans Parish District Attorney's Office against any of the officers involved in the use of force.
B-07837-17 / 2017-02	December 14, 2017	Accidental Discharge	N/A ⁹	YES	Referred by NOPD, but charges rejected by the Orleans Parish District Attorney's Office against Officer Oquendo.
G-32401-16 / 2016-04	December 14, 2017	OIS No Hits	YES	YES	(1) Referred by NOPD, but charges rejected by the Orleans Parish District Attorney's Office against Lt. Williams. (2) Orleans Parish District Attorney's Office accepted the following charges against Mr. Taylor: aggravated assault upon a peace officer w/a firearm and aggravated assault with dangerous weapon.

⁸ NOPD Operations Manual Chapter: 1.3.6 gives the following definitions for involved and witness officers. "An involved officer is an officer who used force, or against whom force was used. A witness officer is any officer at the scene of an event when force was used. Whether or not the officer witnessed the actual application of force is not necessary for the officer to be considered a witness officer".

⁹ In the case of an accidental discharge of a weapon by an officer the UFRB does not vote regarding justification.

I-06855-17 / 2017-04	January 11, 2018	Accidental Discharge	N/A ¹⁰	YES	Referred by NOPD, but charges rejected by the Orleans Parish District Attorney's Office against Officer Koelling.
J-16112-17 / 2017-05	Pending	OIS and Hospitalization of Civilian – Shot Officer Killed	Pending	Pending	(1) Referred by NOPD, but charges rejected by the Orleans Parish District Attorney's Office against any of the officers involved in the case. (2) Orleans Parish District Attorney's Office accepted the following charges against Mr. Bridges: 1 st degree murder of a policeman, Et al.

APPENDIX A – OIPM Critical Incidents for 2017

	Date/Time	2017 Critical Incidents Summaries
1.	01/24/2017 5:12 P.M.	Officer Terrance Hilliard and other members of the TIGER Unit were on surveillance of a known armed robbery suspect which was not Arties Manning. During the surveillance Officer Cedric Davillier attempted to detain Mr. Manning for identification purposes when he fled on foot towards Officer Hilliard who was in plain clothes. Mr. Manning encountered Officer Hilliard as he turned a corner and allegedly raised a handgun at Officer Hilliard. Officer Hilliard fired his service weapon three times, striking Mr. Manning three times. Mr. Manning was pronounced dead on the scene.
2.	02/07/2017 7:15 P.M.	Officer Daniel Oquendo was in the parking garage of the 8th District sub-station performing maintenance on his department-issued patrol rifle prior to going in-service for his tour of duty. Upon conclusion of this maintenance, Officer Oquendo re-inserted the magazine into the rifle prior to performing a function check of its trigger mechanism. Re-inserting the magazine allowed the rifle's bolt to go forward and chamber a round. When Officer Oquendo performed the trigger function check, he discharged a round into his patrol vehicle. No injuries were reported.

¹⁰ In the case of an accidental discharge of a weapon by an officer the UFRB does not vote regarding justification.

3.	06/22/2017 1:55 P.M.	Lt. Kim Williams was on an unrelated medical call for service at an apartment complex and was preparing to leave the location when she was alerted by a firefighter of a man running in the complex with a rifle. Lt. Williams drove towards the subject, where she encountered him and gave verbal commands for him to drop the weapon. The subject allegedly ignored these commands and ran up a flight of stairs. According to Lt. Williams, once at the top of the stairs, the subject took aim at Lt. Williams with the rifle, causing Lt. Williams to fire her department-issued firearm twice at the subject. The rounds missed the subject, who ran into a nearby apartment. The Special Operations Division was notified of the incident and they managed to peacefully negotiate the surrender of the subject, later identified as Mr. George Taylor. Mr. Taylor was positively identified by Lt. Williams as the person who pointed the rifle at her and was taken into custody without incident. The rifle was also recovered and determined to be an BB gun. <i>*Mr. Taylor disputes the facts as recounted by Lt. Williams.</i>
4.	9/6/2017 6:10 A.M.	Officer Theodore Koelling, assigned to the Crime Lab, was test firing an assault rifle used in a crime when the weapon accidentally discharged. The round went through the test firing room's wall into an adjacent, unoccupied storage room. No injuries were reported.
5.	10/13/2017 12:10 A.M.	The 7th District General Assignment Unit observed a suspicious person in the 6800 block of Tara Lane, who then fled from officers. The officers were in the process of establishing a perimeter in the area when the suspect resurfaced in the 6800 block of Cindy Place. Officer Marcus McNeil observed the subject and discharged his CEW. The subject fell to the ground and shot Officer McNeil with a handgun and fled into a nearby apartment. Officer Stephen Stephano was identified as the officer who wounded the suspect with his firearm. The wounded subject fled to an occupied apartment and barricaded himself inside. Officer McNeil was transported to University Medical Center where he was pronounced dead. The suspect (identified as Darren Bridges) later surrendered to members of the Special Operations Division who responded to the scene. During the surrender, Officers Jason Samuel and John McIver pointed their weapons at Mr. Bridges and other occupants in the apartment. Mr. Bridges was transported to UMC for treatment and was placed under arrest at the hospital.

Office of the Independent Police Monitor

City of New Orleans

2017 Annual Report: Statistical Review of NOPD's Use of Force



Susan Hutson
Independent Police Monitor

June 29, 2018

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INDEPENDENT POLICE MONITOR MISSION AND RESPONSIBILITIES

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In 2017, the OIPM and the New Orleans Police Department (NOPD) worked together to review the data to be used in the annual reports of both departments. As a result, this year the annual report will be due on June 30, 2018, to allow OIPM and NOPD to complete this mutual review.

This "Statistical Review of NOPD's Use of Force" is part of that report. Herein the OIPM will publish the OIPM's statistics and the OIPM's review of the NOPD's statistics on reported uses of force.

The OIPM is not statutorily permitted to conduct its own administrative investigations, except regarding police details, but does oversee, analyze, and make recommendations regarding the administrative reviews and use of force investigations of the NOPD.

The OIPM presents the data relating to the OIPM's 2017 activities contained herein for the public's review along with some preliminary analyses. The OIPM and NOPD are working together to ensure that the OIPM has complete and in-office access to the NOPD's data systems to review and analyze that data more thoroughly.



2017 OIPM USE OF FORCE MONITORING AND REVIEW ACTIVITIES

NOPD's 2017 Use of Force Annual Report

This year NOPD has drafted an annual report which details the number and types of force reported during 2017. These reports will be issued by the NOPD's Public Integrity Bureau (PIB) and the Compliance Bureau. The NOPD's 2017 report is not attached because the report has not yet been finalized. Once their report is finalized it will be available on the NOPD website.

Investigations and Levels of Force

NOPD uses of force are investigated according to their levels. "For reporting and investigative purposes, the Department categorizes use of force by its members into four (4) force reporting levels:"^{1,2}

- Level 1 - the lowest level of force, may involve "pointing a firearm or CEW at a person and hand control or escort techniques,"
- Level 2 - includes the use of a Taser (CEW); use of an impact weapon to strike a person but where no contact is made; use of a baton for non-striking purposes,
- Level 3 - includes any strike to the head (except for a strike with an impact weapon); use of impact weapons where contact is made (except to the head), regardless of injury; or the destruction of an animal.
- Level 4 - the highest level of force, includes all 'serious uses of force': lethal force, critical firearm discharges, uses of force that cause serious injuries, hospitalization, or loss of consciousness, neck holds, canine bites, multiple Taser applications.

"It is the policy of this Department that every reportable use of force by an NOPD officer be reported accurately, completely, and promptly, and investigated with the utmost thoroughness, professionalism and impartiality to determine if the officer actions conform to the law, complies with the Department's Chapter on use of force, and was consistent with NOPD training."³

The Public Integrity Bureau's Force Investigation Team (FIT) investigates Level 4 uses of force or criminal force; and district supervisors investigate Levels 1-3.

¹ See Appendix A, Levels of Reportable Use of Force from NOPD Operations Manual, Chapter: 1.3.6, Paragraph 10-15.

² As of April 1, 2018 NOPD, has updated this policy. The Levels can now be found in NOPD Operations Manual, Chapter 1.3.

³ NOPD Operations Manual, Chapter: 1.3.6, Paragraph 1.



FTT also investigates any level of force involving a rank equal to or higher than lieutenant, cases designated by the superintendent or his designee, all critical firearms discharges by any outside agency including university police except State Police and Federal agents.

OIPM RECOMMENDATIONS FROM 2016 ANNUAL REPORT

In its 2016 annual report, OIPM made 7 recommendations to NOPD about record keeping and reports analysis. The following is the status of those recommendations.

2016 Recommendation 1: Regular internal audits of data quality by NOPD to resolve issues related to record keeping and reports analysis.

NOPD 2016 Response: NOPD did not respond to this recommendation in 2016.

Actions Taken by NOPD: NOPD conducts internal reviews of every use of force to monitor compliance with reporting requirements and to assess the appropriateness of uses of force.

2016 Recommendation 2: Arresting someone is one of the most significant types of interactions between officers and individuals. The following recommendations would improve the transparency of this process:

- NOPD should provide clear instructions on *data.nola.gov* for converting electronic police report data into number of arrests. It would be ideal for NOPD to add two columns to the dataset:
 - Arrested (yes/no)
 - Suspect ID (a unique, arbitrary ID for the suspect)
- NOPD should use dropdowns or input validation on all multiple-choice fields of the police report. This will reduce erroneous classifications.
- NOPD should clarify how race is determined and what it means for someone who is arrested to have an “unknown” race.
- NOPD should determine a single method for reporting all arrests, either using internal data, or data reported by OPSO. This dataset should be shared with OIPM and published on *data.nola.gov*.

NOPD 2016 Response: NOPD did not respond to this recommendation in 2016.

Actions Taken by NOPD: NOPD is working to include the requested fields on *data.nola.gov*. Once completed, all the historical data will also be updated. NOPD has implemented drop-down boxes where possible on the police report application. NOPD uses the data from the Orleans Parish Sheriff's Office and the Youth Study Center to calculate the number of arrests. Those agencies are the custodians of their respective databases and determine if those data should be shared.

2016 Recommendation 3: The OIPM would like to be able to review Terry Stops better. The OIPM requested NOPD's assistance in separating this information from the Stop and Search data currently collected by NOPD.



NOPD 2016 Response: NOPD did not respond to this recommendation in 2016.

Actions Taken by NOPD: NOPD provides the ability to filter for different types of stops on its stop and search open data set on data.nola.gov. NOPD is also working with the IPM to provide access to the Field Interview Card database, which documents stops and searches, in the near future.

2016 Recommendation 4: The OIPM and NOPD should work jointly to audit each use of force case to ensure that officers are using force correctly and the supervisory review efforts are closely scrutinized.

NOPD 2016 Response: The Compliance Bureau and the Office of the Consent Decree Monitor and currently performing this task. The NOPD invites the OIPM to work with these entities to achieve this goal.

Actions Taken by NOPD: NOPD conducts internal reviews of every use of force to monitor compliance with reporting requirements and to assess the appropriateness of uses of force.

2016 Recommendation 5: OIPM understands that NOPD officers and their supervisors have a pull-down menu within IAPro from which to select the “reason for force”. OIPM recommends that this pull-down menu be refined to allow data analysis to be more helpful.

NOPD 2016 Response: NOPD did not respond to this recommendation in 2016.

Actions Taken by NOPD: According to NOPD’s analysis, this data is not anomalous. Some of the allegations are added after the initial complaint is forwarded to PIB. Complaints may be initiated by a supervisor, but the supervisor does not have all the information that arises out of an investigation. The allegation made by the Supervisor is just that, an allegation of misconduct. The investigation determines if there is a preponderance of evidence to support the allegation. This shows NOPD is proactive in investigating possible misconduct by its members.

2016 Recommendation 6: OIPM understands the importance of the Early Intervention System, which NOPD has been developing. OIPM continues to request in office access to this system so that its effectiveness can be more closely monitored.

NOPD 2016 Response: NOPD did not respond to this recommendation in 2016.

Actions Taken by NOPD: The NOPD advised that the information requested, would not be provided to the OIPM, and was to remain in a secure and confidential manner as it consists of medical documentation and personal identifiable information on all employees. The NOPD’s Technology Section is working with IA-Pro to develop an early warning system to meet the needs of the information which the OIPM requested.

2016 Recommendation 7: Because of the civil rights violations implicated by this preliminary analysis of disproportional use of force against black people, IPM recommends that NOPD look closely at disproportional use of force against black people, in addition to disproportional rates of arrests and stops. OIPM further recommends that NOPD collect



more data about the outcomes of stops and arrests, especially if they lead to uses of force. IPM will continue to monitor UOF rates in relation to race of individuals.

NOPD 2016 Response: NOPD did not respond to this recommendation in 2016.

Actions Taken by NOPD: NOPD analyzes trends in stops, searches, use of force, and other topics as part of its annual reports, which are available on the Department's website. In addition, NOPD conducts internal reviews of every use of force to monitor compliance with reporting requirements and to assess the appropriateness of uses of force. NOPD also conducts random sample reviews of stops, searches, and arrests to monitor compliance with policy.

SUMMARY

Operations at the New Orleans Police Department rely on a multitude of systems, each in constant evolution. As these systems mature, they serve as tremendous tools for NOPD, OIPM, and the greater community which we both serve. NOPD's participation with the City's open data initiative at data.nola.gov is a clear example of the potential.

OIPM noted and began discussing the data quality issues within the data with NOPD in 2016. The OIPM and NOPD have both noted data quality issues separately. The data is housed in the NOPD's complaints and use of force database (IAPro).

A first draft of OIPM's 2017 annual report on use of force was due by March 1, 2018 and a final draft was due March 31, 2018. OIPM officially requested access to the IAPro database and eventually NOPD granted OIPM access to the IAPro database. Building upon conversations regarding the OIPM 2016 Annual Report, the two agencies NOPD and OIPM worked together to review the data to be used in the annual reports of both agencies. As a result, this year's annual report will be due on June 30, 2018, to allow OIPM and NOPD to complete this mutual review.

Additionally, for the OIPM to fulfill its mandate and duties, the OIPM must have complete and in-house access to NOPD datasets. In furtherance of that goal, 2017 is the first year that OIPM has independent access to a copy of the database that contains use of force information. We have used the data on data.nola.gov to compare with NOPD's version and cross reference with previously reported numbers. Unfortunately, OIPM is unable to reproduce all NOPD's previous figures, especially for 2015 and 2016 where there is a large discrepancy.^{4&5} NOPD and OIPM remain in frequent communication about these issues and

⁴ According to NOPD some of the discrepancy may be related to the fact that prior to December 2015 they were operating with a primarily paper driven system. In December 2015 NOPD switched over to Blue Team which is a paperless electronic system.

⁵ There is approximately a 50% discrepancy rate in the numbers between NOPD and OIPM data in 2015. There is approximately a 5% discrepancy rate in the numbers between NOPD and OIPM in 2016.

have agreed to discuss a framework for working together to verify the accuracy and ensure access to more data moving forward.

In the interest of sharing our specific findings with NOPD and the public, the remainder of this section enumerates every data source relevant to this report in terms of access, quality, and methodology.

Data Sources

The following datasets were used for this report:

- Use of force incidents: 2017 is the first year that OIPM has independent access to a copy of the database that contains force information. We have used the data on data.nola.gov to compare with NOPD's version and cross reference with previously reported numbers. We are unable to reproduce all NOPD's previous figures, especially for 2015 where there is a large discrepancy.⁶
- Active NOPD officers: The IAPro DB that OIPM has access to contains officer information that is not always up-to-date. For the official count of active NOPD officers in 2017, we use data provided by NOPD. But for providing information about officers involved in specific uses of force or complaints, we use information from the IAPro DB.
- Arrests: OIPM used Electronic Police Reports obtained directly from data.nola.gov.
- United States Census 2010: OIPM obtained directly from census.gov.

Methodology

The following describes details about the steps OIPM has taken during its analysis. It also provides clarification about some important terms used throughout the report. Additional notes on methodology are included along with the actual analysis, where it was deemed helpful.

Acknowledgement of context

The Office of the Independent Police Monitor would like to acknowledge the pace, complexity, and danger of the work that officers of the New Orleans Police Department carry out every day to serve their community. Each use of force represents a complicated real-world interaction that no dataset or single quantitative analysis could capture completely.

In recognition of these complexities, OIPM has tried to present findings that are supported by the information available and has tried not to jump to conclusions where further investigation, data normalization, and understanding of context is merited.

⁶ See footnotes 4 and 5.

FTN & UOF

FTN stands for “force tracking number”. It is the designation given to track the entirety of an interaction between NOPD and one or more individuals wherein force was used.

There were 604 FTNs issued in 2017. Those cases were analyzed for this report.

UOF stands for “use of force”. It represents a specific type of force used by a specific officer against a specific person. There were 1,574 UOFs in 2017.

A single FTN corresponds to one or more UOF. If Officer A and Officer B both use their hands against Individual C, the result would be one FTN, corresponding to two UOFs (one for each officer). The same pattern would apply if there were multiple types of force used or multiple individuals that force was used on.

There were 2.6 times more UOFs than FTNs. This means that each incident involved an average of 2.6 different types of force, officers, or individuals.

This report will always clearly label whether FTN or UOF is being used for an analysis, but the onus is on the reader to remain vigilant of the distinction.

Division Level and Division

The dataset NOPD provided OIPM has incomplete and inaccurate information about division levels and divisions. NOPD is aware of this issue and will be addressing it going forward.

Race-Based Analysis

Occasionally we will show use of force data in relation to all races that NOPD reports: Black, Hispanic, American Indian, Asian, and White. However, much of our analysis shows that black people (excluding other people of color) in New Orleans experience an overwhelming amount of force. In most cases, it is clearest to present findings in only two race-based categories: black people, and non-black people (Native American, White, Hispanic, Asian, and all other races) than it would be to give data for each individual race.

It should be noted that black people + non-black people is always equal to 100%. When reading a graph that shows what percentage of force is used against black people, the reader may calculate the amount of force used against non-black people by subtracting from 100%⁷.

Exhibiting, Deployments, and Discharges

When a police officer fires a gun, it is called a ‘discharge’. When a police officer fires a CEW/Taser, it is called a ‘deployment’. This contrasts with when an officer ‘exhibits’ a gun

⁷ For example, if use of force against black people is 72%, then the amount of force used against people who are not black is 28% (100% - 72%).

or a Taser by pulling the weapon out of its holster and pointing it, but not deploying or discharging.

Individuals

NOPD and OIPM have discussed how to refer to the people that force is used on. *Subjects, survivors, citizens, objects, victims, people*, and several other options have been considered. Following a recommendation from NOPD, OIPM has decided to refer to this group as ‘individuals’. It is our hope that this terminology adequately reflects the humanity of persons that force is used against.

2010 US Census

Census information is used extensively throughout the report so that use of force can be compared to the demographics of the police district that the incident occurred in.

Access

Data was downloaded from *census.gov*

Quality

This information is increasingly outdated and may not reflect the current demographic make-up of New Orleans.

Methodology

Census information is not grouped by NOPD district. Census tracts were overlaid with NOPD districts for the purposes of calculation. Census tracts correlate well to distinct police districts.



2017 NOPD USE OF FORCE

The analysis section of the UOF report is split into three sections:

1. Analysis of details pertaining to the NOPD overall.
2. Analysis of details pertaining to groupings of NOPD officers.
3. Analysis of details pertaining to the individuals subjected to NOPD actions.

SECTION 1: USE OF FORCE BY ALL NOPD

Annual Comparison – Use of Force by Year

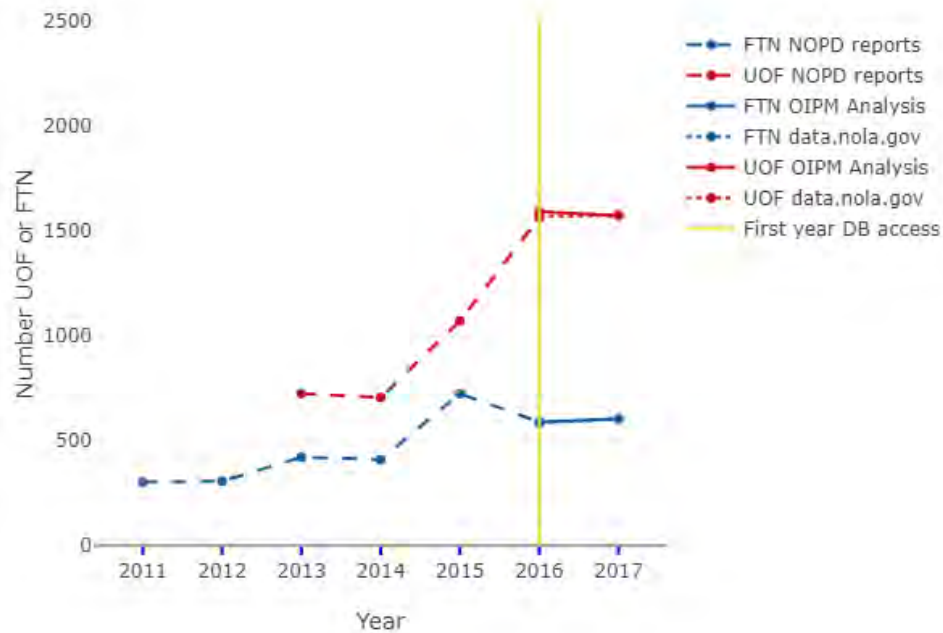


FIGURE 1: TOTAL FTN & UOF BY YEAR

- There were 604 FTNs in 2017, up by 15 FTNs from the previous year. UOFs also increased from 1,563 to 1,574.
- OIPM has same data for 2017. 2015 and 2016 still need to be confirmed.
- Force jumps between 2014 and 2015 because of new rules about what constitutes force.
- UOF has been rising but FTN about steady. More officers, individuals, types of force used per force incident.
- 2016 is the first year that the database that we access (IAPro) was used. Before then, we must rely on historic numbers from NOPD.
- Furthermore, 2017 is the first year the OIPM has had access to the underlying database. We worked with NOPD to resolve discrepancies with historic numbers.
- UOF is flat from 2016 to 2017.

FTN & UOF in 2017 By Month

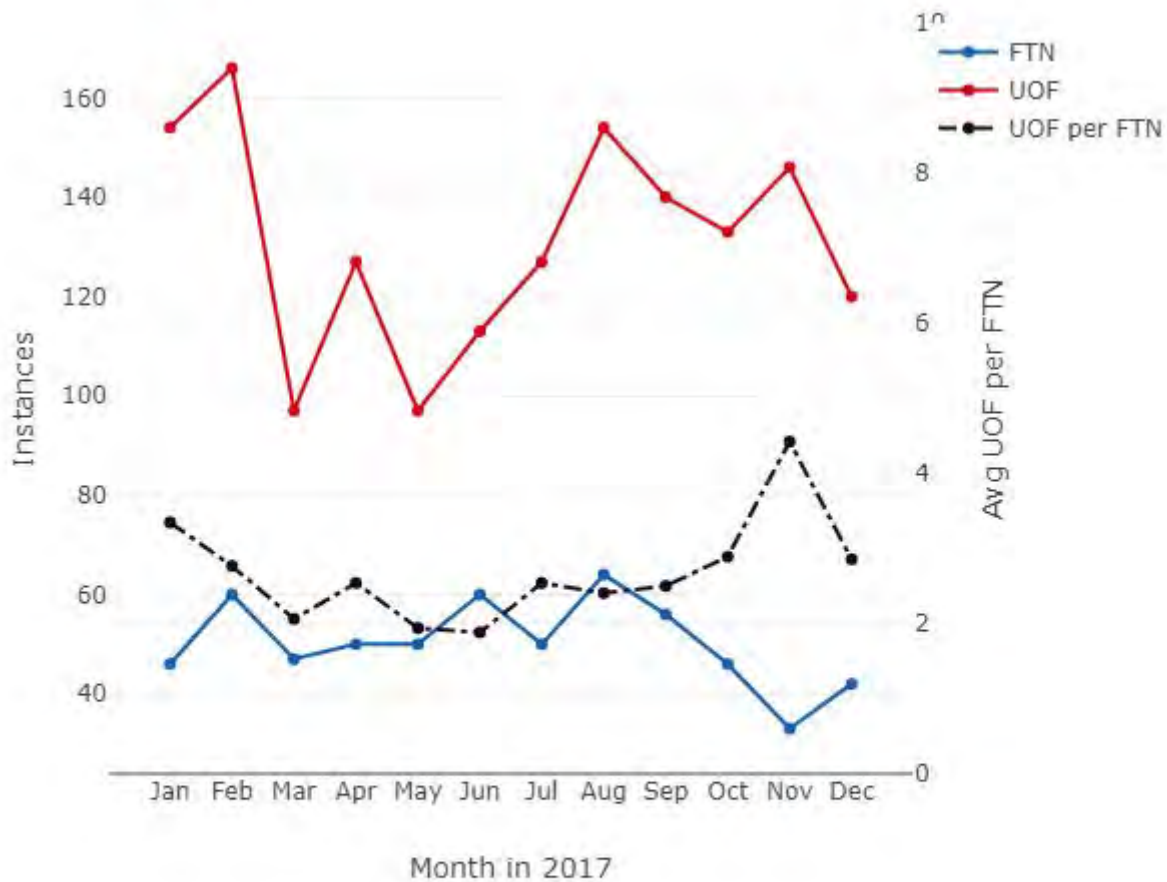


FIGURE 2: FTN & UOF BY MONTH

- Figure 2 clarifies the relationship between FTN and UOF.
- There is high variability between the number of FTN and the resulting UOF.
- UOF and FTN peak in Feb and August, corresponding to Mardi Gras and summertime.
- UOF has its third peak in Nov but FTN is low that month. This leads to an average UOF/FTN of 4.5 which is around 2-3 the rest of the year.
- What is driving UOF most: citizens, types of force, number of officers?

Force by Level and Type of Force

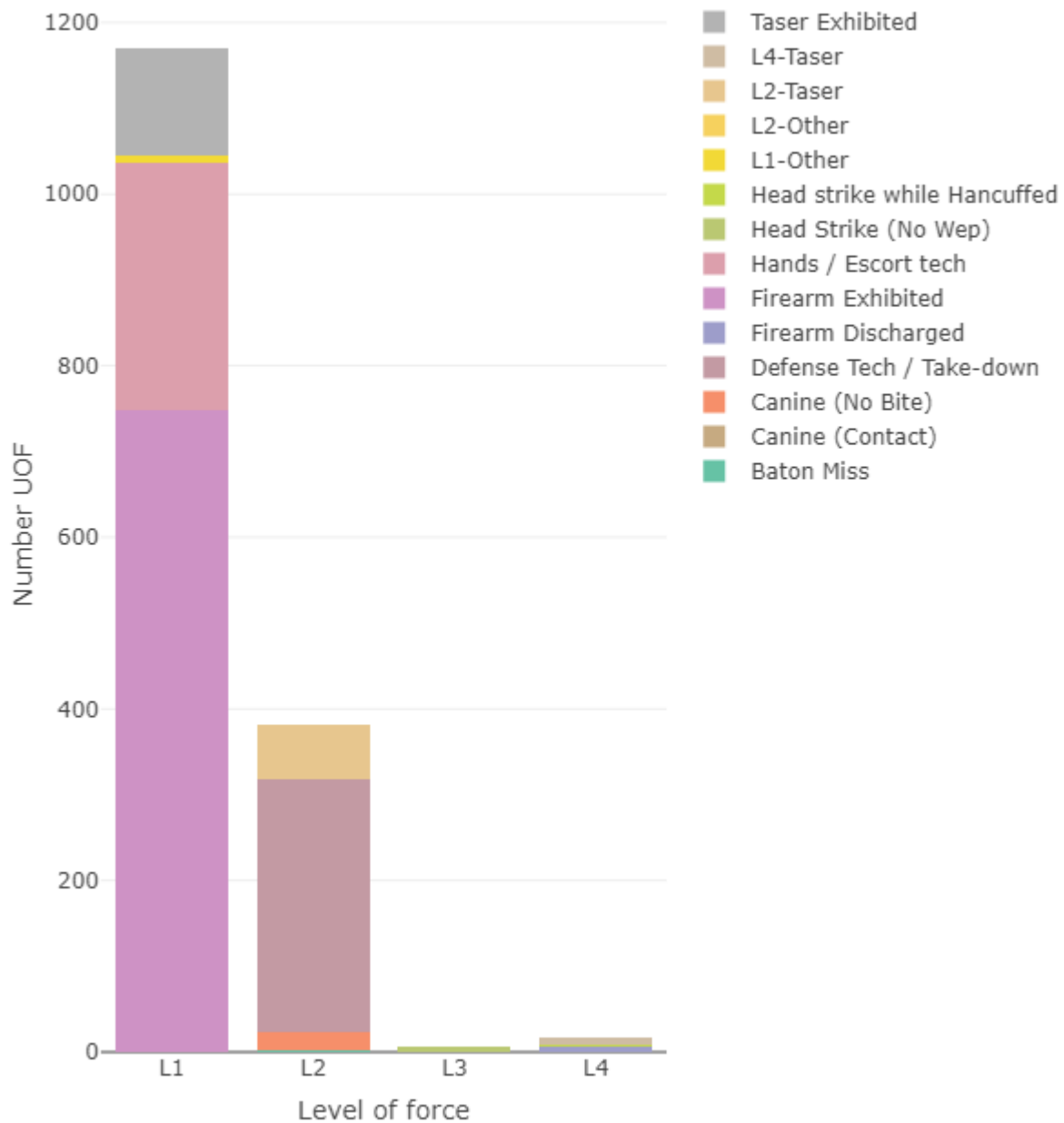


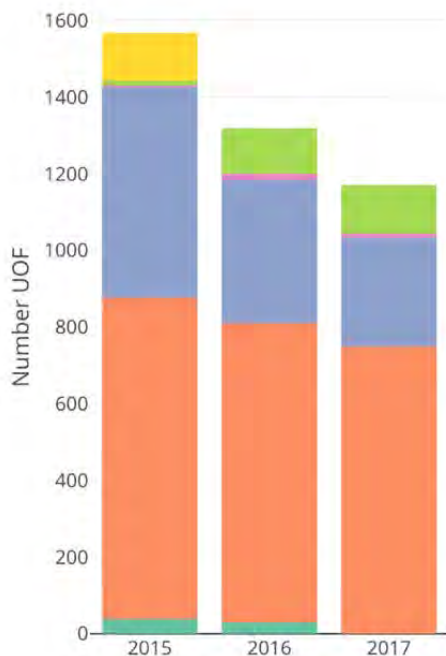
FIGURE 3: UOF BY LEVEL & TYPE

- Level 1 and Level 2 force account for the vast amount of force used.
- Exhibiting firearms accounts for as much force as all other types combined.

Analysis

NOPD classifies UOF incidents into four levels: 1, 2, 3, and 4 -- with level 4 being the most dangerous and level 1 being the least dangerous.

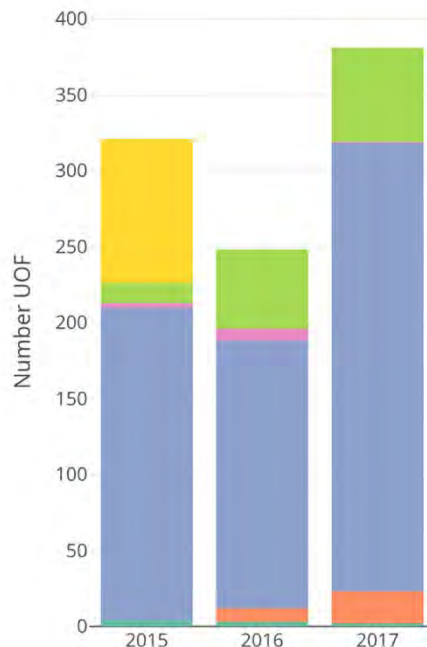
Level 1



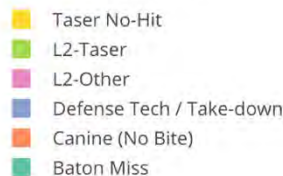
Level L1 force



Level 2



Level L2 force



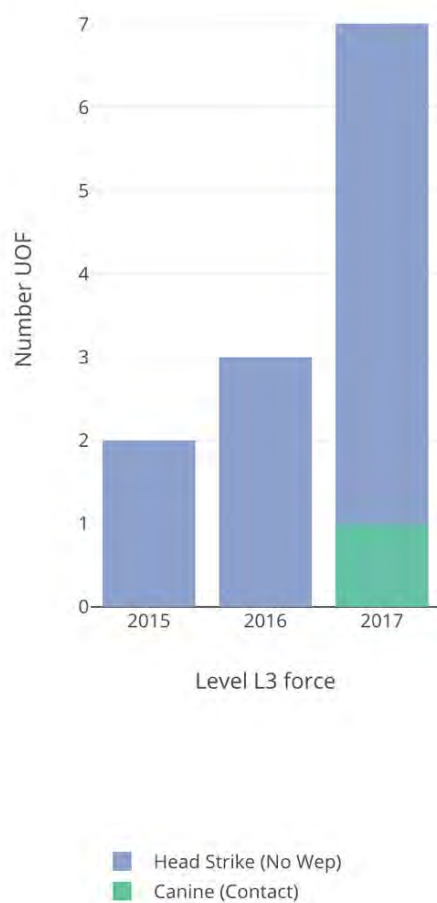
Level 1

- Level 1 force is decreasing.
- Exhibiting firearms has not changed.
- Many officers unholster but don't point weapon which is not counted as a use of force.

Level 2

- Level 2 grew after shrinking the year before.
- Growth attributable to 66% growth in defense tech/take down.

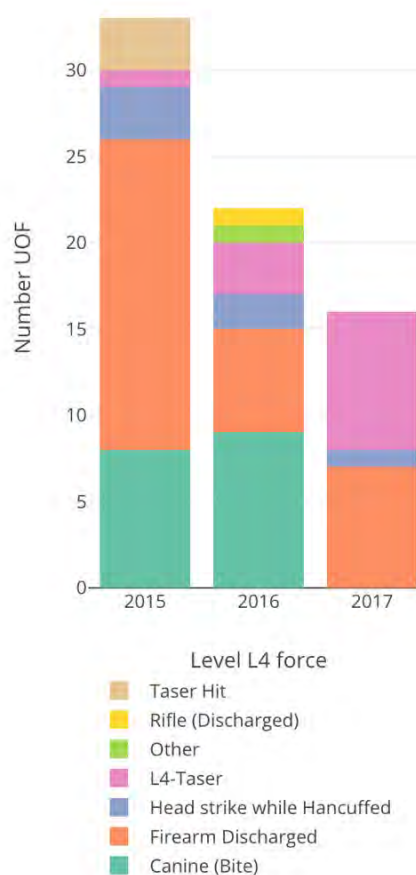
Level 3



Level 3

- Level 3 doubled from 3 to 6.

Level 4



Level 4

- Level 4 shrunk by 50.
- Driven by reduction of canine bites to zero.

Force by Level and District

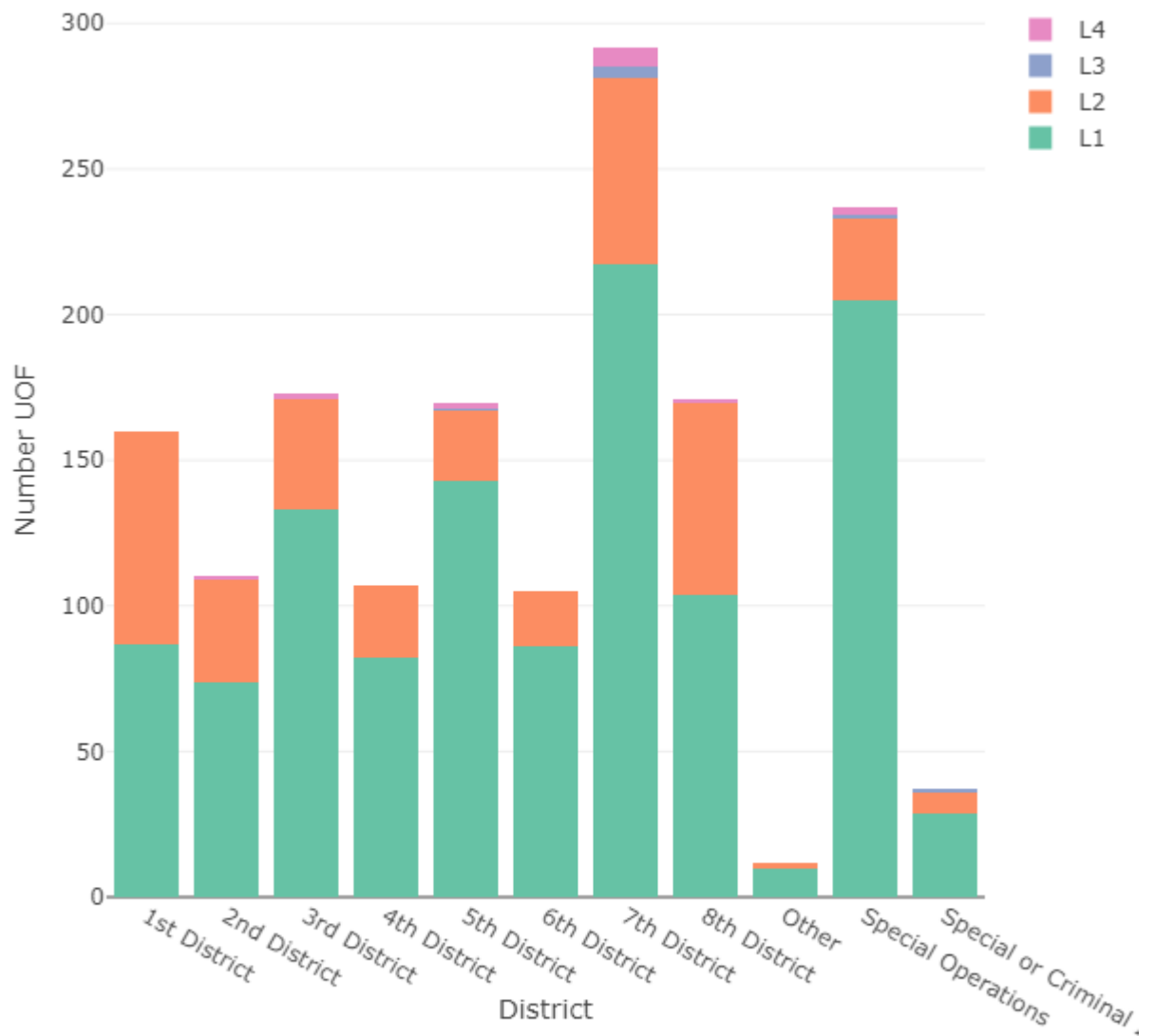


FIGURE 4: UOF BY DIVISION LEVEL AND TYPE

- 7th district and Special Operations have most uses of force.
- 7th has more than Special Operations. Last year it was reversed.
- 1st (Mid City), 4th (Algiers), 5th (Bywater, Treme, 9th ward) have only Level 1 and Level 2 force.

Force by Type and Effectiveness

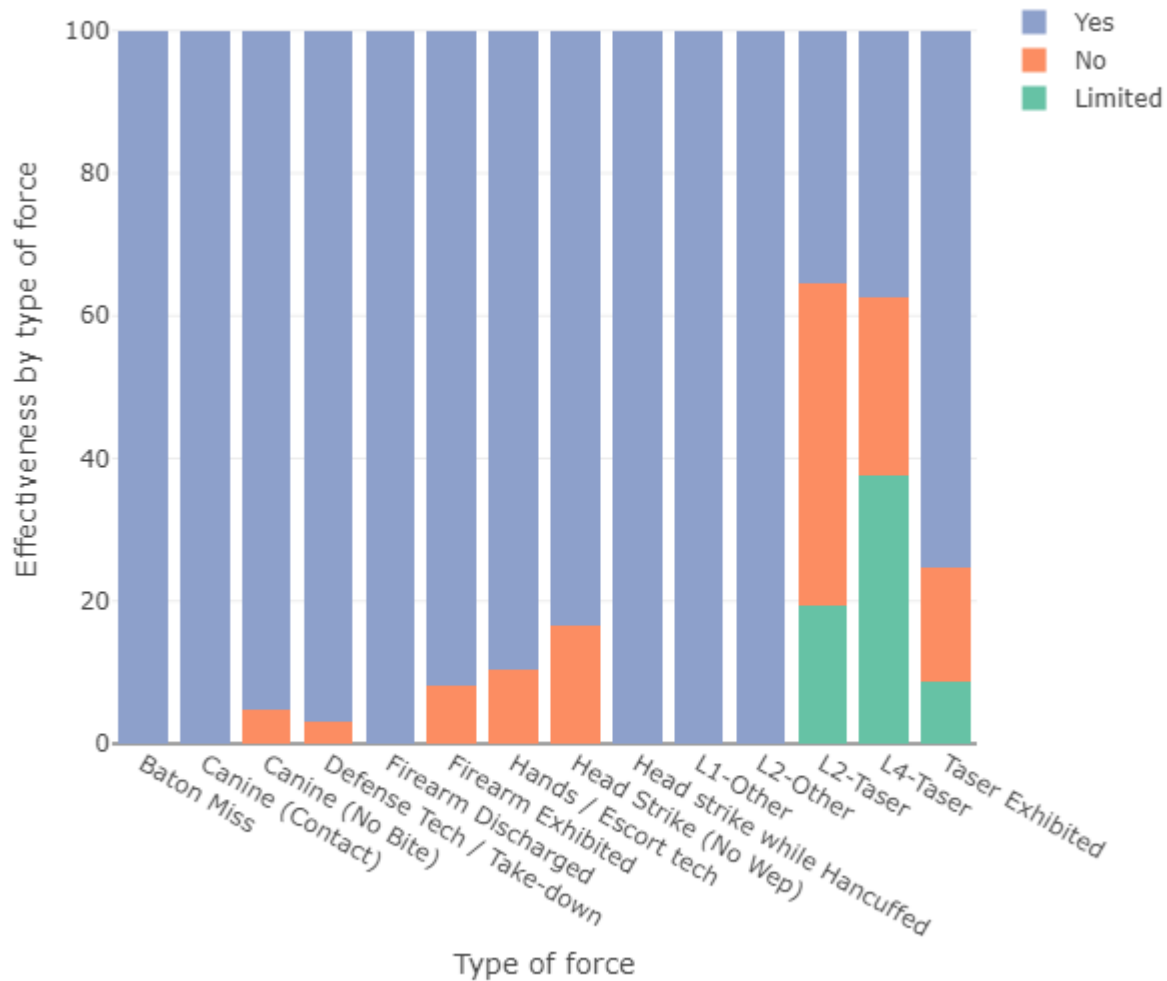


FIGURE 5: UOF EFFECTIVENESS BY TYPE

OIPM and NOPD have discussed that NOPD has no consistent internal definition for the terms “effective”, “not effective”, and “limited effectiveness”. The service provider that provides IAPro suggested the following definitions:

Effective: The force used resulted in stopping the threat or action so no further force was necessary.

Not Effective: The force used did not end the threat, and additional force options had to be utilized to end the threat, or the suspect/combatant escaped.

Limited Effectiveness: The force used initially resulted in compliance, but the suspect/combattant overcame the force, created an additional threat which resulted in additional force or he escaped.

Based on comments received from NOPD, it is unlikely that these definitions are known and used by the entire police force.

Analysis

- Like last year, all forms of taser use stand out as being least effective.
- NOPD self-determines effectiveness. Not clear what the guidelines are.
- All firearm discharges were deemed effective.
- 59 instances of exhibiting firearms have not been effective. That equals 8%.
- Use of hands not effective 10% of the time.
- How can 'other' force always be effective?⁸

Recommendation

OIPM recommends that NOPD include the definitions for effective, not effective and limited effectiveness in the NOPD Operations Manual. This way all members of the police department have a common understanding of these terms.

NOPD has agreed to explore how they can best implement this recommendation. One thought is to put these definitions in Blue Team in addition to the NOPD Operations Manual.

⁸ Since the OIPM's 2016 Annual Report, NOPD has added more categories for officers to choose from which has contributed to the decrease in the percentage in the "other" category.

NOPD's Determination of Unauthorized Force

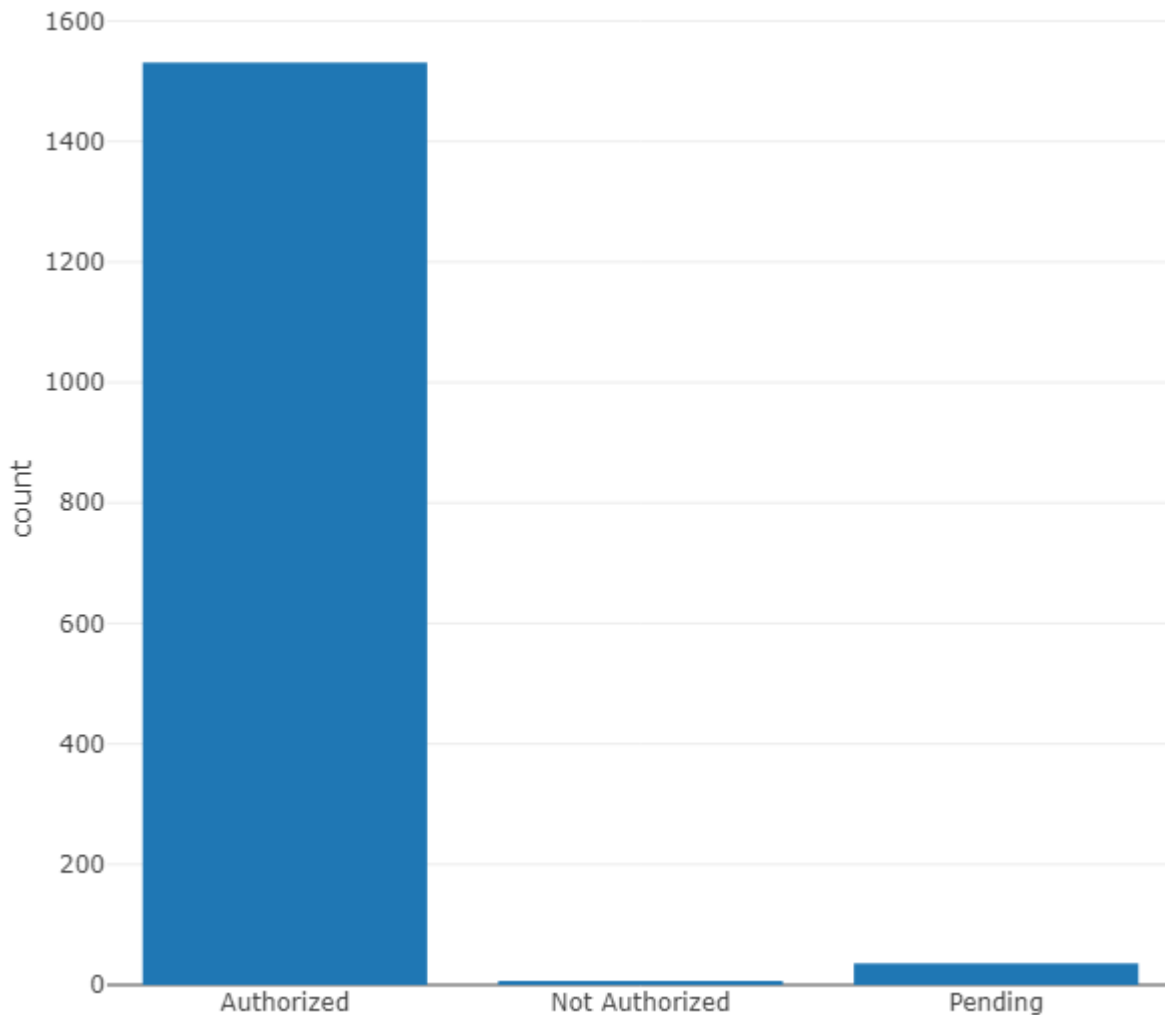


FIGURE 6: NOPD'S DISPOSITION ON UOF

- 7 unauthorized instances of force.
- Last year there was only one. 7 is more in line with expectation of 6.
- 140, about 10% have outcomes that don't make sense.⁹

⁹ These 140 incidents have conflicting information about how they have been resolved. For example, one field will say "pending" and then in another field related to that same case it says "sustained", which indicates that the case has been adjudicated and is closed. OIPM is concerned that there might be data entry problems.

Reason for Use of Force

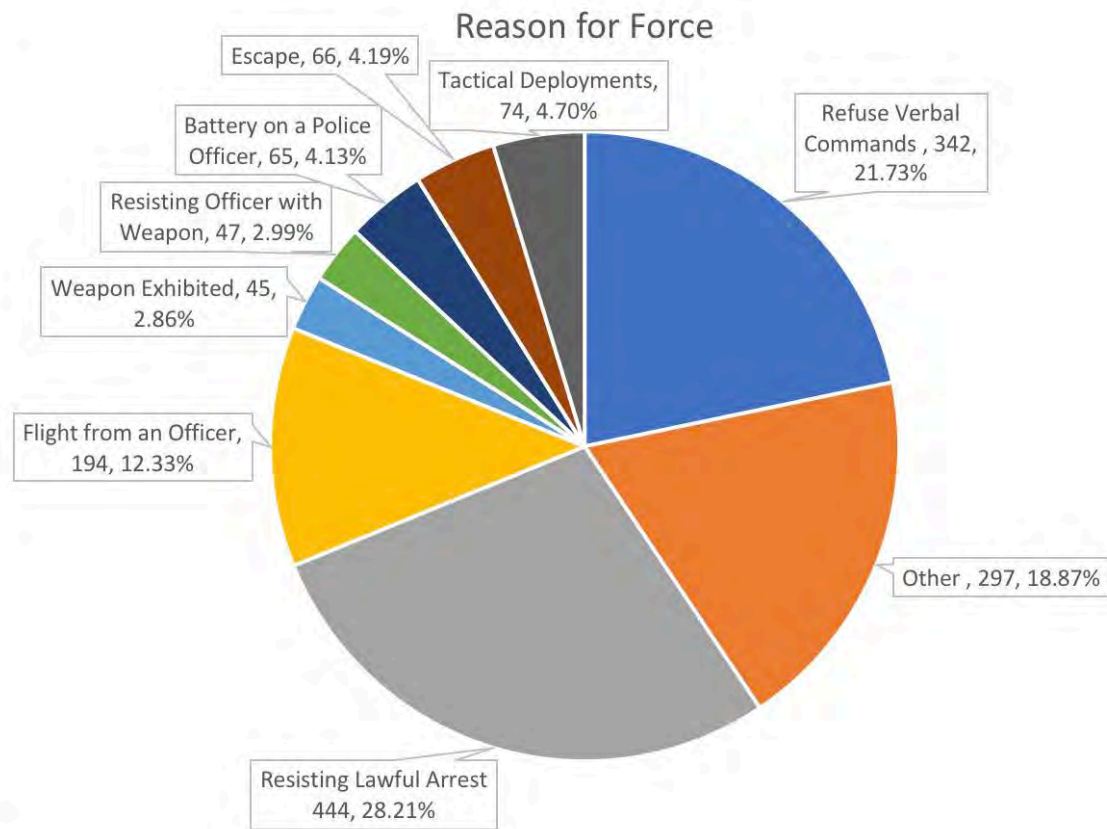


FIGURE 7: UOF BY REASON

- Resisting arrest is the most common reasons for force at 28.2%¹⁰.
- Other accounts for 18.9% of justifications for force. Other should not be so common. NOPD must be more specific.

¹⁰ The Office of Consent Decree Monitor reviews incidents where “resisting arrest” charges have been brought against a person as a part of their oversight efforts. Their findings may be found at <http://consentdecree-monitor.com/>.

Reason for Exhibiting Firearms

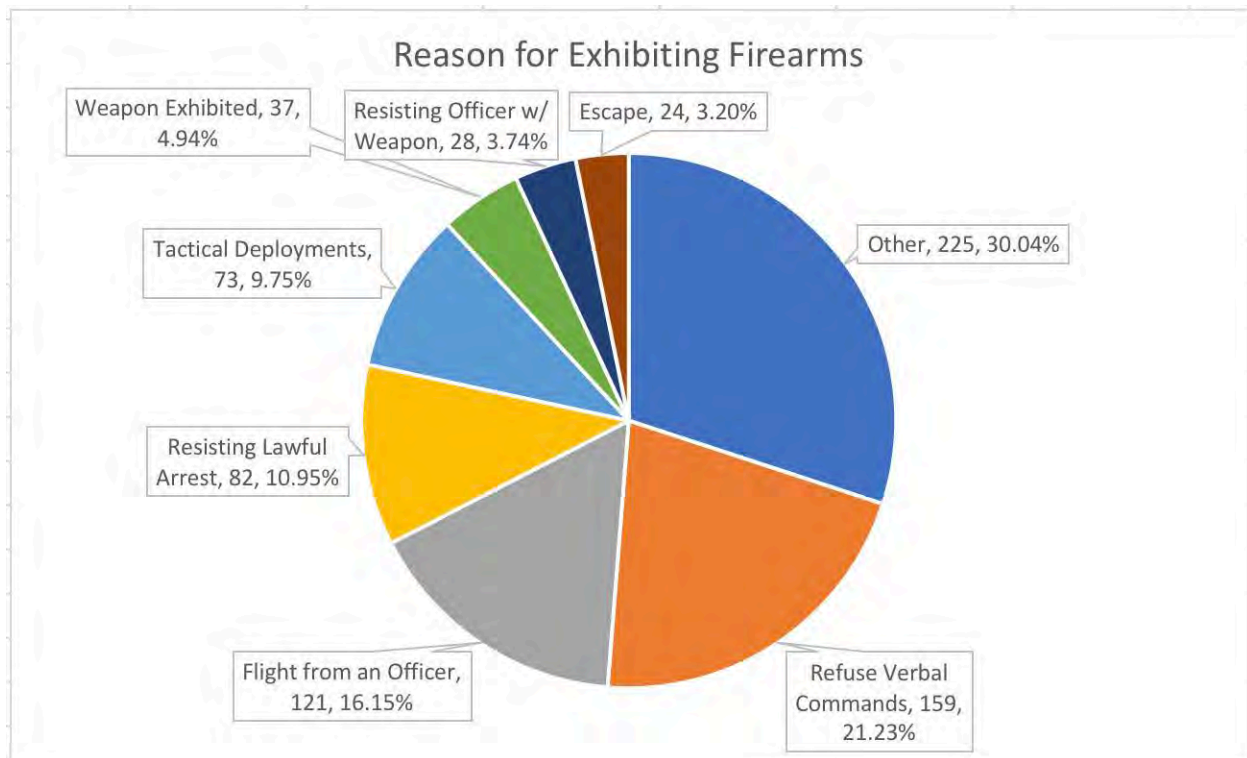


FIGURE 8: REASONS FOR EXHIBITING FIREARMS

- 30% firearm exhibits are other.
- This is still bigger than the overall other rate, but a decrease from last year's staggering 50%.¹¹

¹¹ Since the OIPM's 2016 Annual Report, NOPD has added more categories for officers to choose from which has contributed to the decrease in the percentage in the "other" category.

Service Type or What Preceded the Use of Force

Service Type or What Preceded the Use of Force

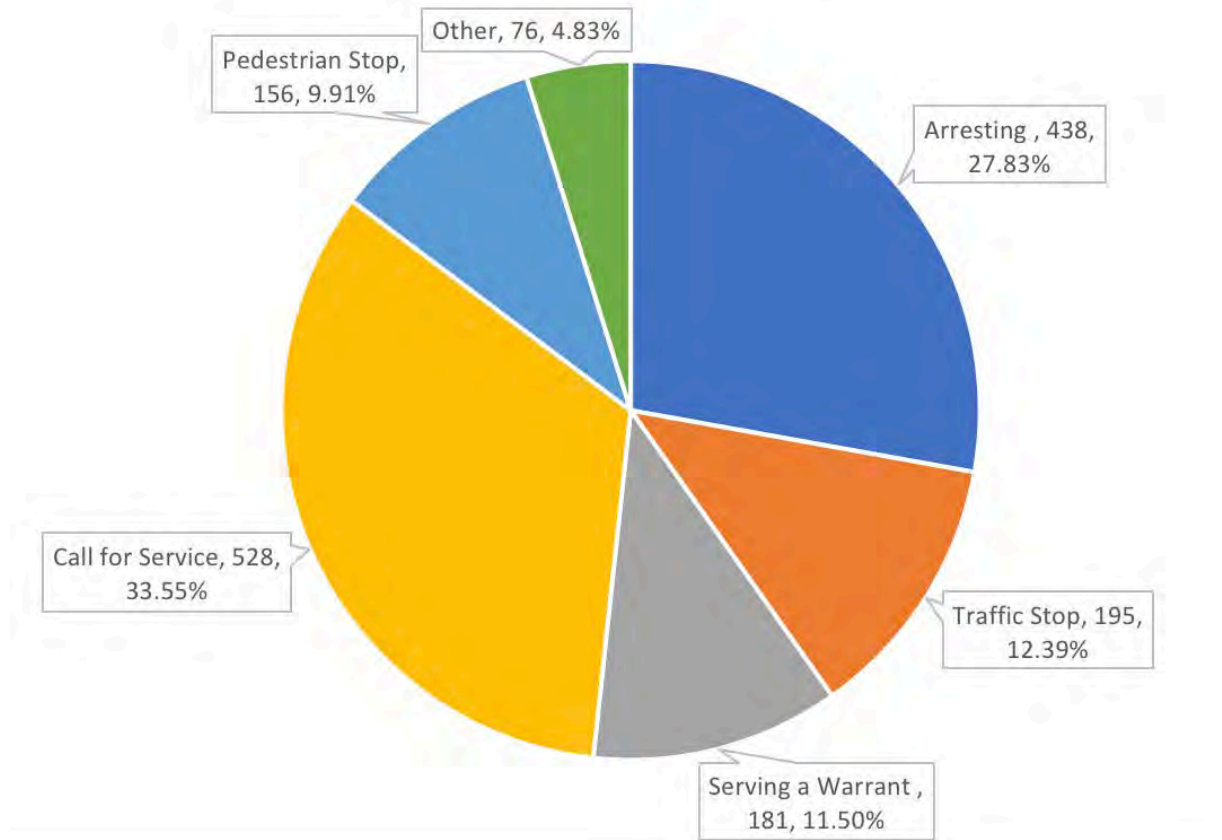


FIGURE 9: UOF BY SERVICE TYPE

- 12.4% of UOFs occur during a traffic stop, 27.8% during arrest, and 33.5% of UOFs occur during a call for service.

Types of Force by Level

FIGURE 10: TYPES OF FORCE LEVEL 1

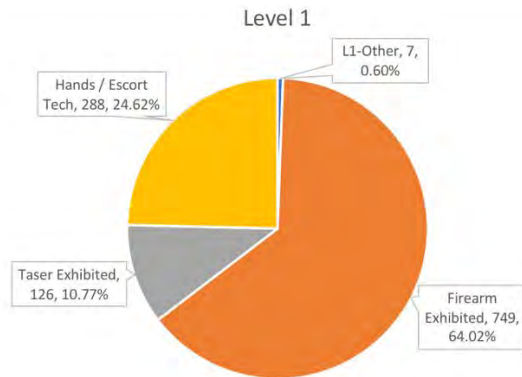


FIGURE 11: TYPES OF FORCE LEVEL 2

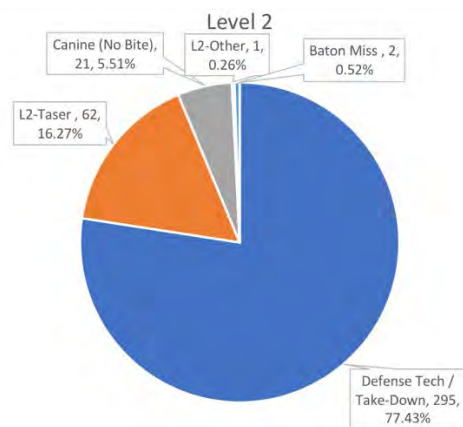


FIGURE 12: TYPES OF FORCE LEVEL 3

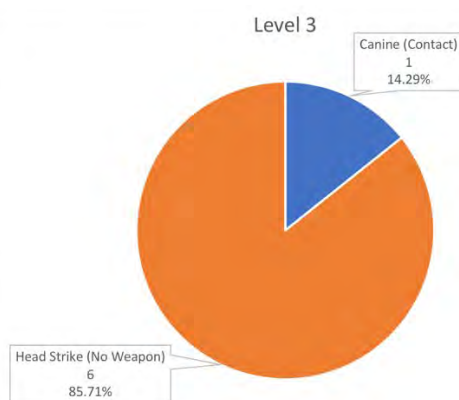
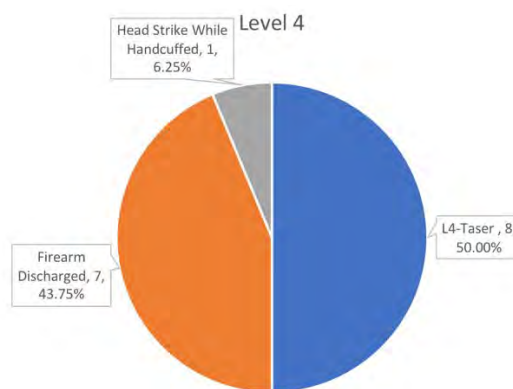


FIGURE 13: TYPES OF FORCE LEVEL 4



Level 1

- Exhibiting firearms is the overwhelming reason for using force.
- Combined with exhibiting tasers, accounts for 75% of low level force.
- 3 times more likely to pull out a weapon than use hands.
- There are about as many Level 1 hands as Level 2 take downs.

Level 2

- 77.4% take down.

SECTION 2: Varying Details About Officers

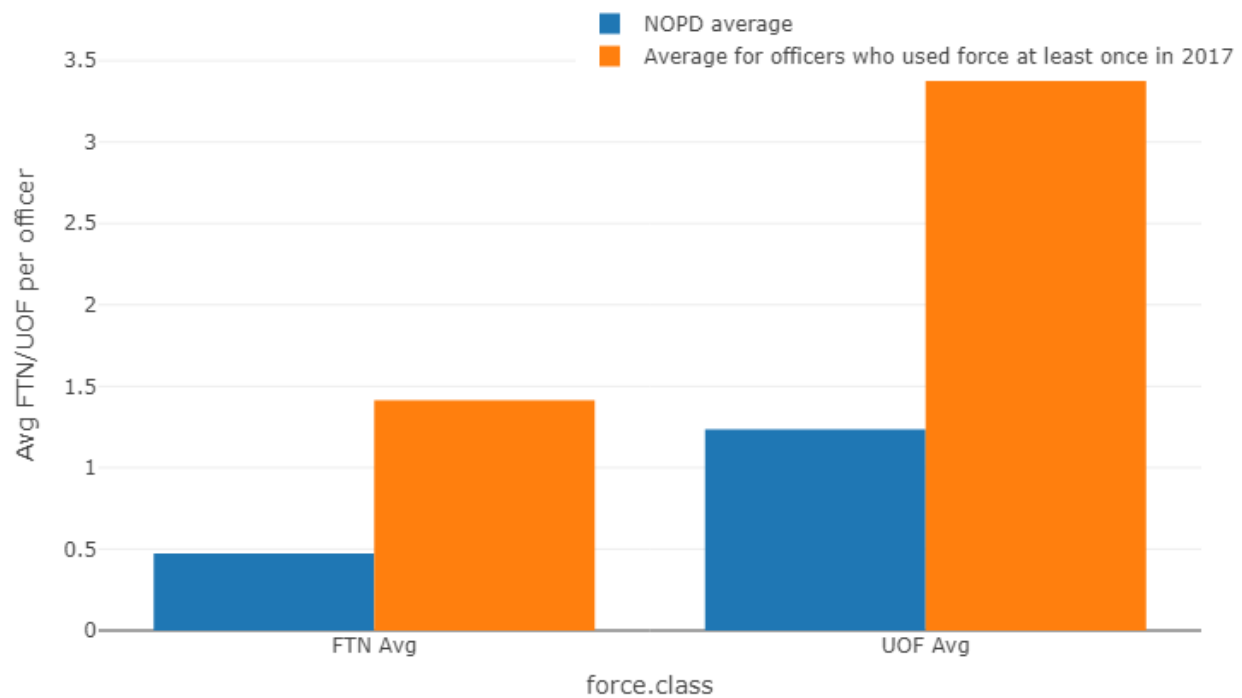


FIGURE 14: AVERAGE FORCE PER OFFICER

- Almost identical to last year.
- On average, an NOPD officer will be involved in a force incident once every other year.
- Only considering officers who used force at least once in 2017, the rate is closer to 3 incidents every 2 years.

Average FTN and UOF Per Officers Using the Most Force

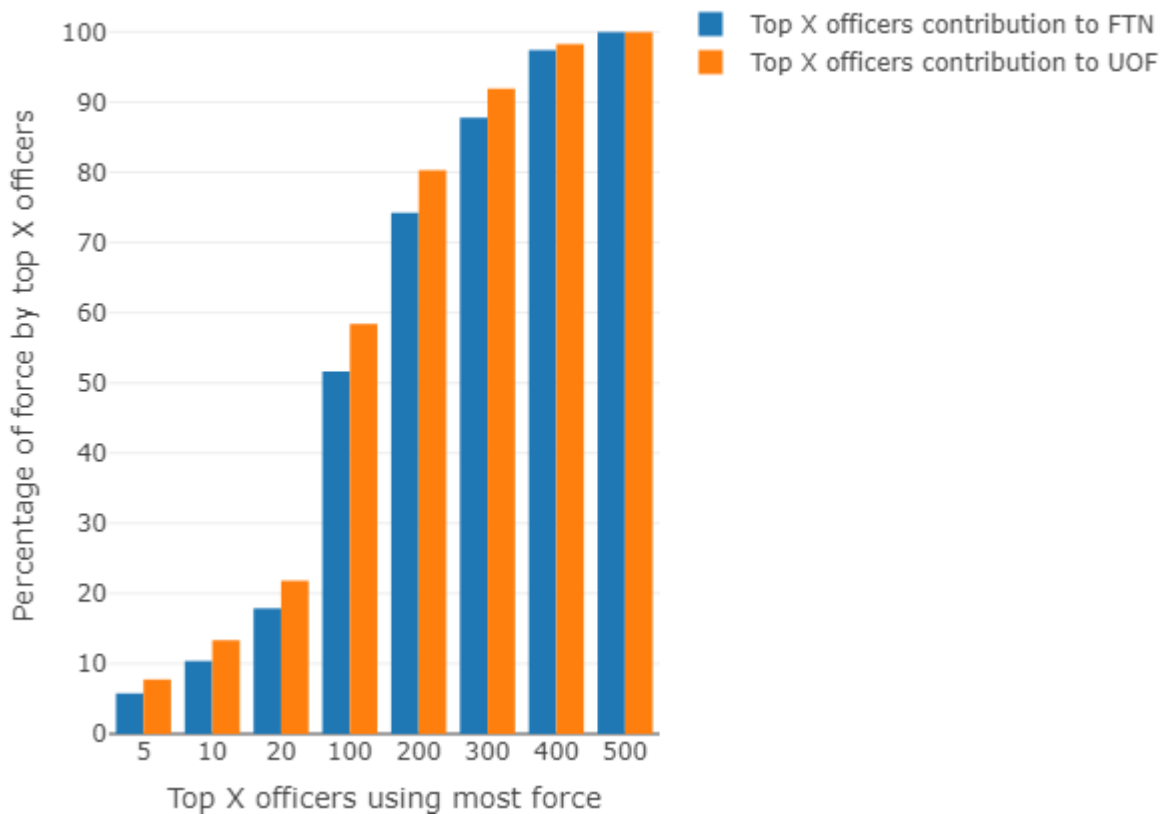


FIGURE 15: AVERAGE FTN AND UOF PER OFFICER

- These results also very similar to 2016.
- About 1/3 (~400+) of officers' use force.
- Of those, 20 officers account for 20% of force. Unfair to say "bad apples" because many of those officers are in special operations (see below).
- Trend is that UOF is higher than FTN, meaning of officers using force more often, they are also more forceful when they do (more individuals + types). What's that about?

Use of Force by Officer Age and Experience

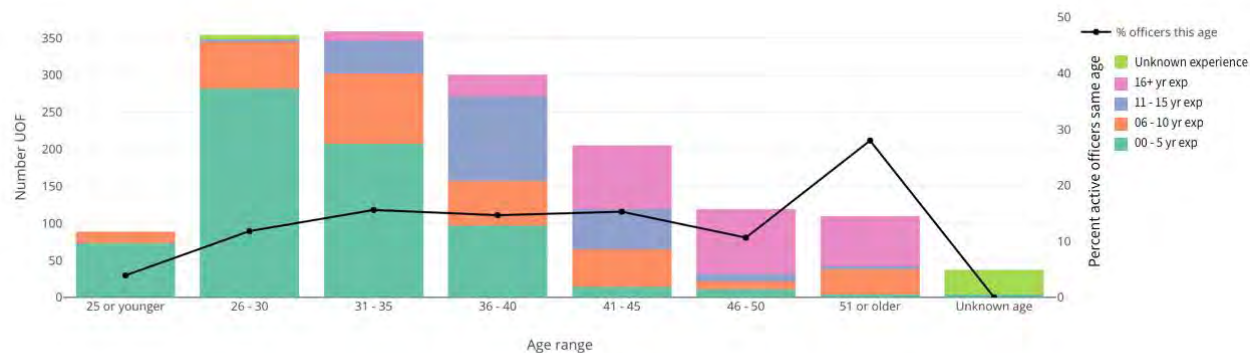


FIGURE 16: UOF BY OFFICER AGE & YEARS OF EXPERIENCE

Analysis

- As officers get older, they commit less force.
- Officers 31 - 35 make up 14% of the police department but are responsible for over 350 incidents of force.
- In the next age bracket, officers 36 - 40 make up 35% of all police on the force (nearly double the previous bracket), but the amount of force decreases.
- Experience levels are not enough to explain use of force.
- Officers older than 31 tend to have over 5 years of experience but continue to use non-negligible amounts of force.
- Not yet clear how assignment factors into this. Are older officers in administrative roles where they are less likely to answer calls for service and/or interact with the public?

Type of Force by Officer Gender and Race

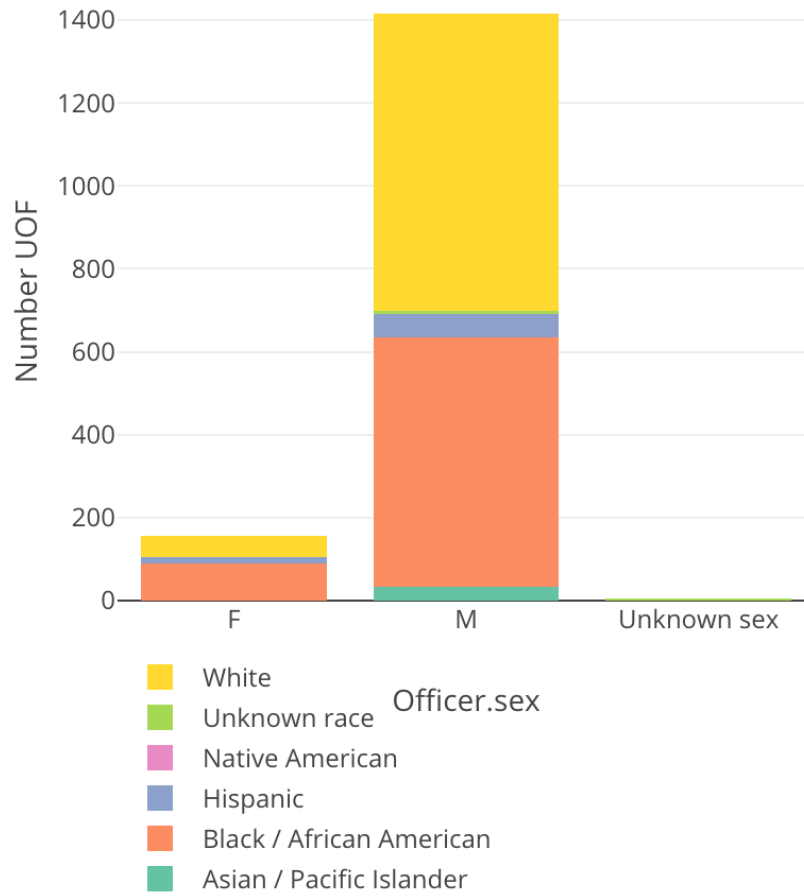


FIGURE 17: UOF BY OFFICER GENDER & RACE

Use of Force by Female Officer Race

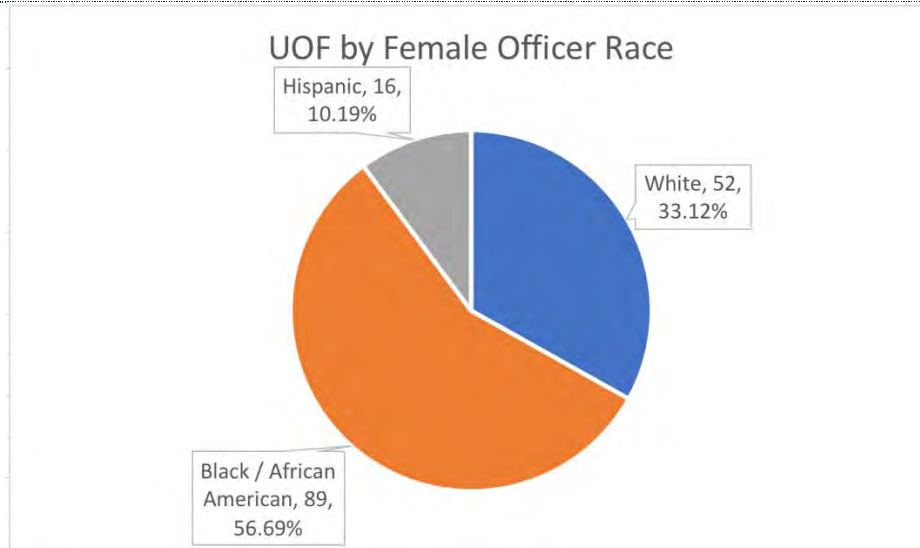


FIGURE 17: UOF BY TYPE FOR FEMALE OFFICERS

Use of Force by Male Officer Race

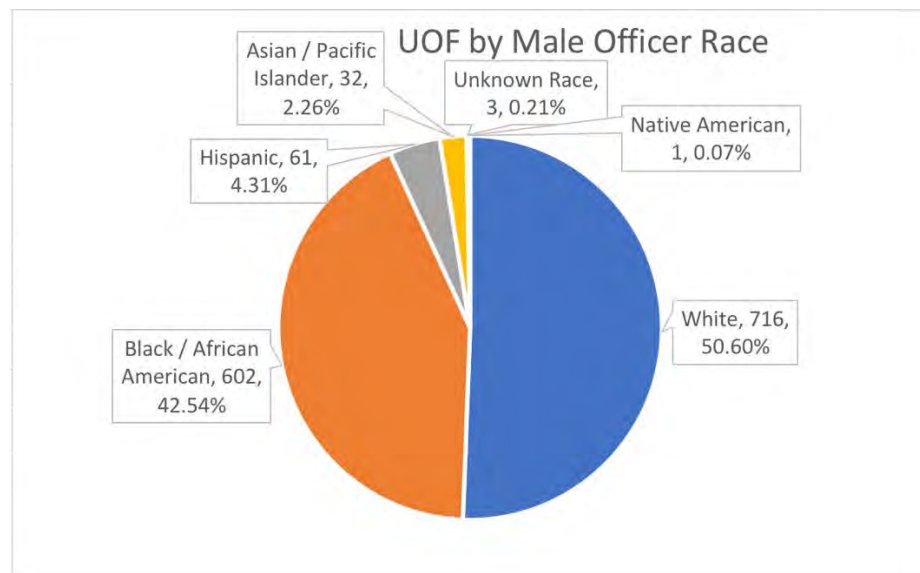


FIGURE 18: UOF BY TYPE FOR MALE OFFICERS

- Male officers used more force.
- White males use more force than all other groups even though they only account for 39% of police officers.
- Female officers use force proportional to their representation.
- Male officers have the specific disproportionality of white males using a lot of force.
- White male officers account for 50% of force.

Officer and Individual Injuries

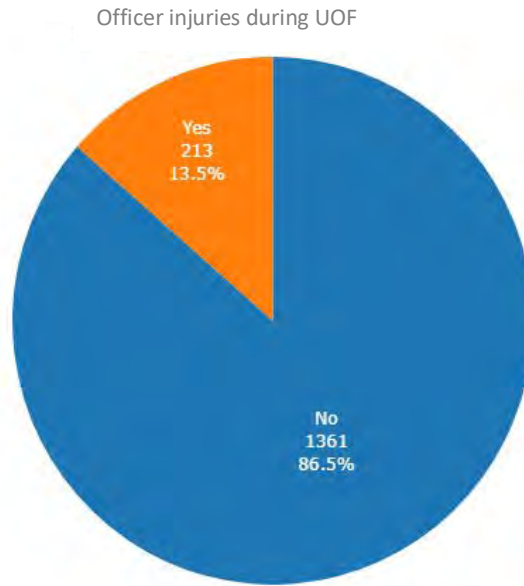


FIGURE 20: UOF LEADING TO OFFICER INJURY

NOPD police officers face a real risk of injury and death. This is critical to understanding the context in which officers make decisions to use force. But risk of injury is not unique to officers. Individuals who are the subjects of police force also face a risk of injury. See “UOF leading to individual injury” for reference to how UOF injury risk applies to individuals who are subjected to NOPD use of force.

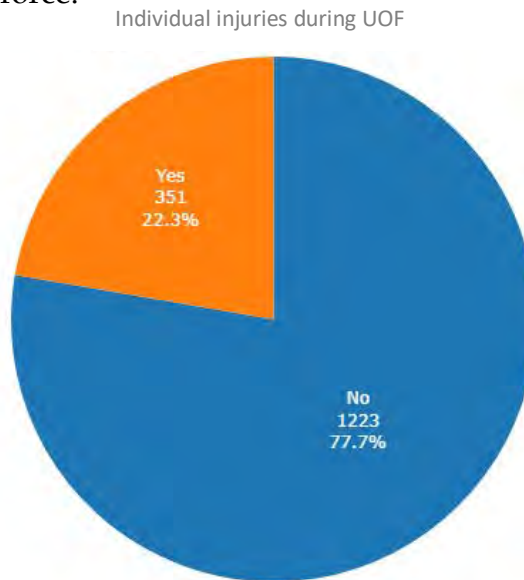
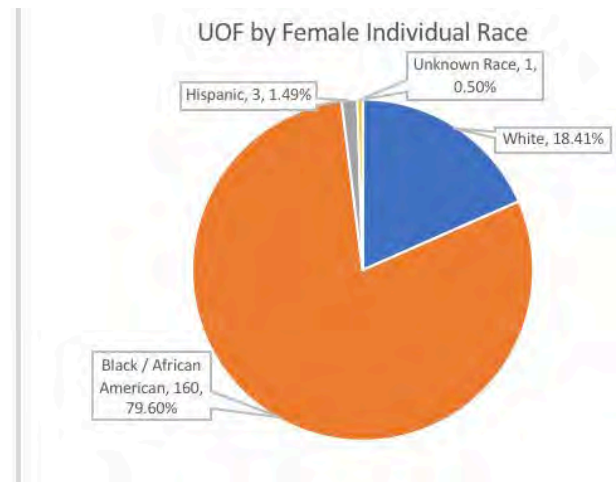
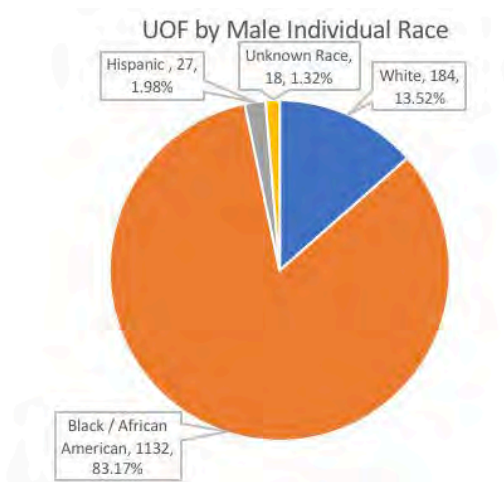
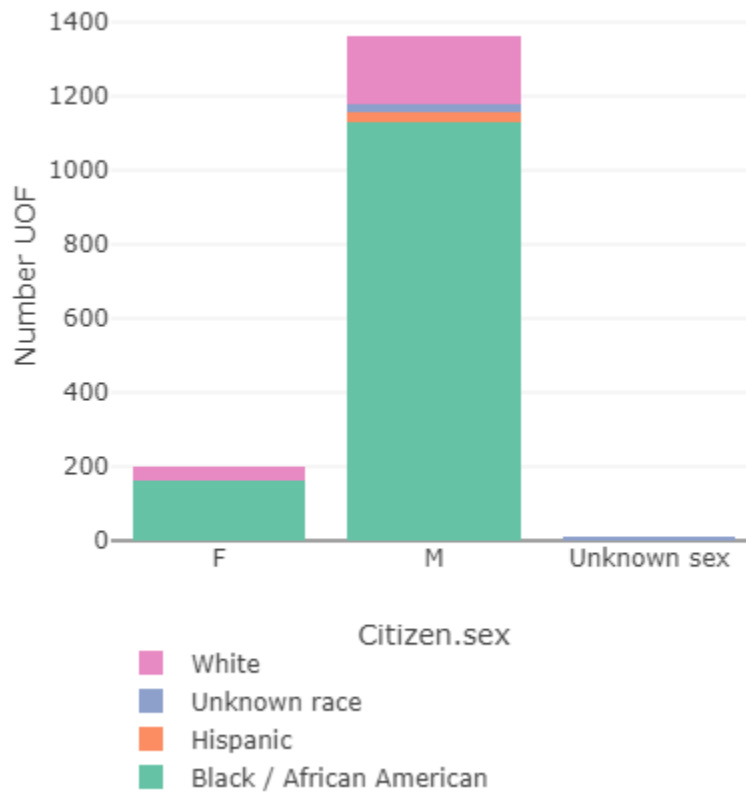


FIGURE 21: UOF LEADING TO INDIVIDUAL INJURY

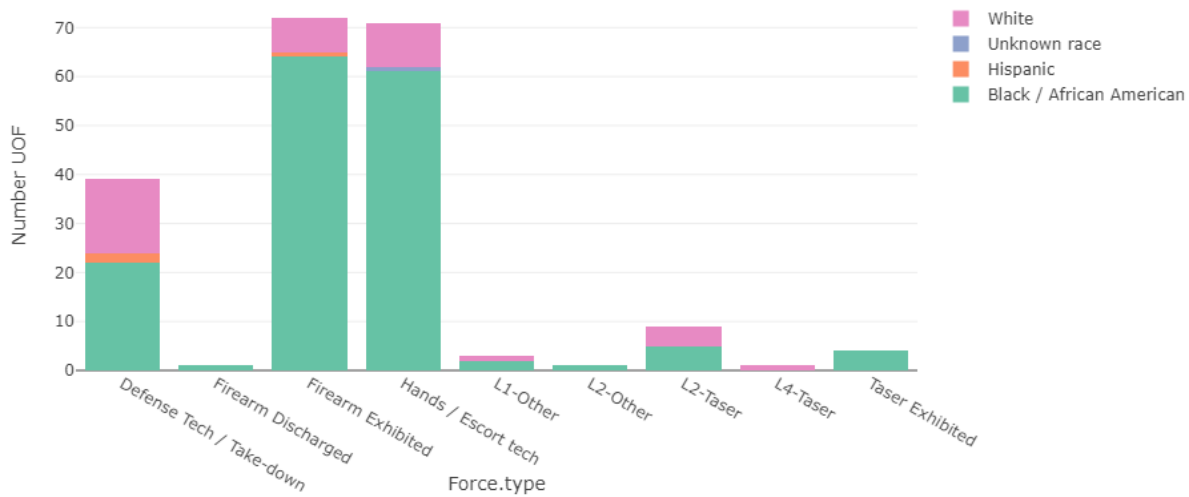
- Given most force is exhibiting weapons, the injuries when physical force exerted is higher.
- Individuals more likely to be injured because of force.
- Both officers and individuals face a real risk of injury whenever force is used.

Use of Force by Individual Gender and Race

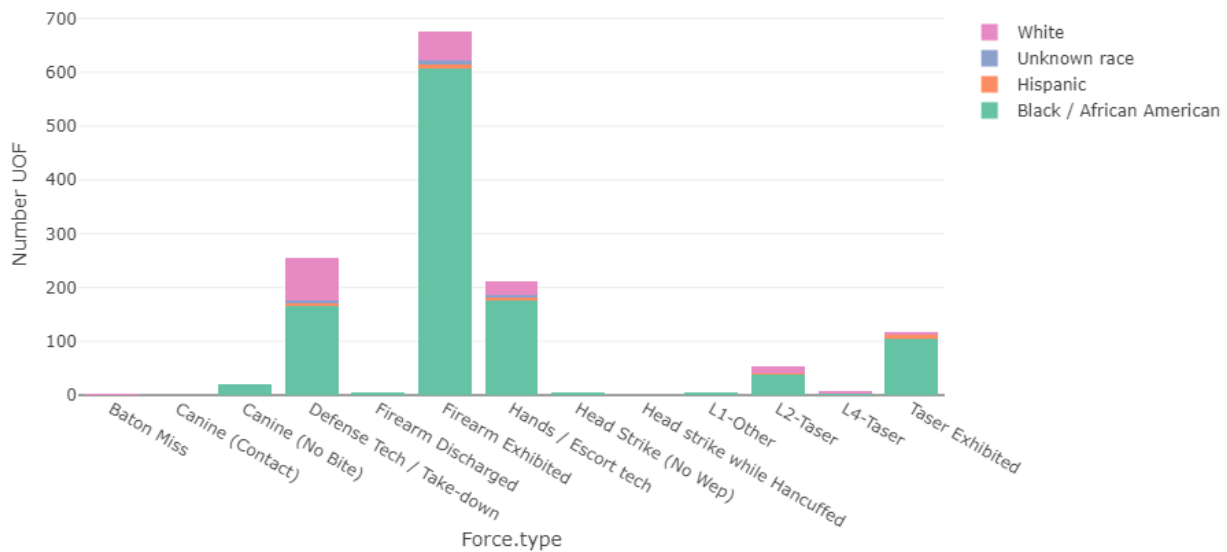


- Males have force used against them more often.
- Black males have more force used against them than black females.
- Inversely, white females have more force used against them than white males.

Female Individual UOF by Type and Race



Male Individual UOF by Type and Race



- Black people are most exposed to firearms, but white people get hands.

Section 3: Varying Details About Force Used On Individuals

FORCE USED AGAINST BLACK PEOPLE BY MONTH

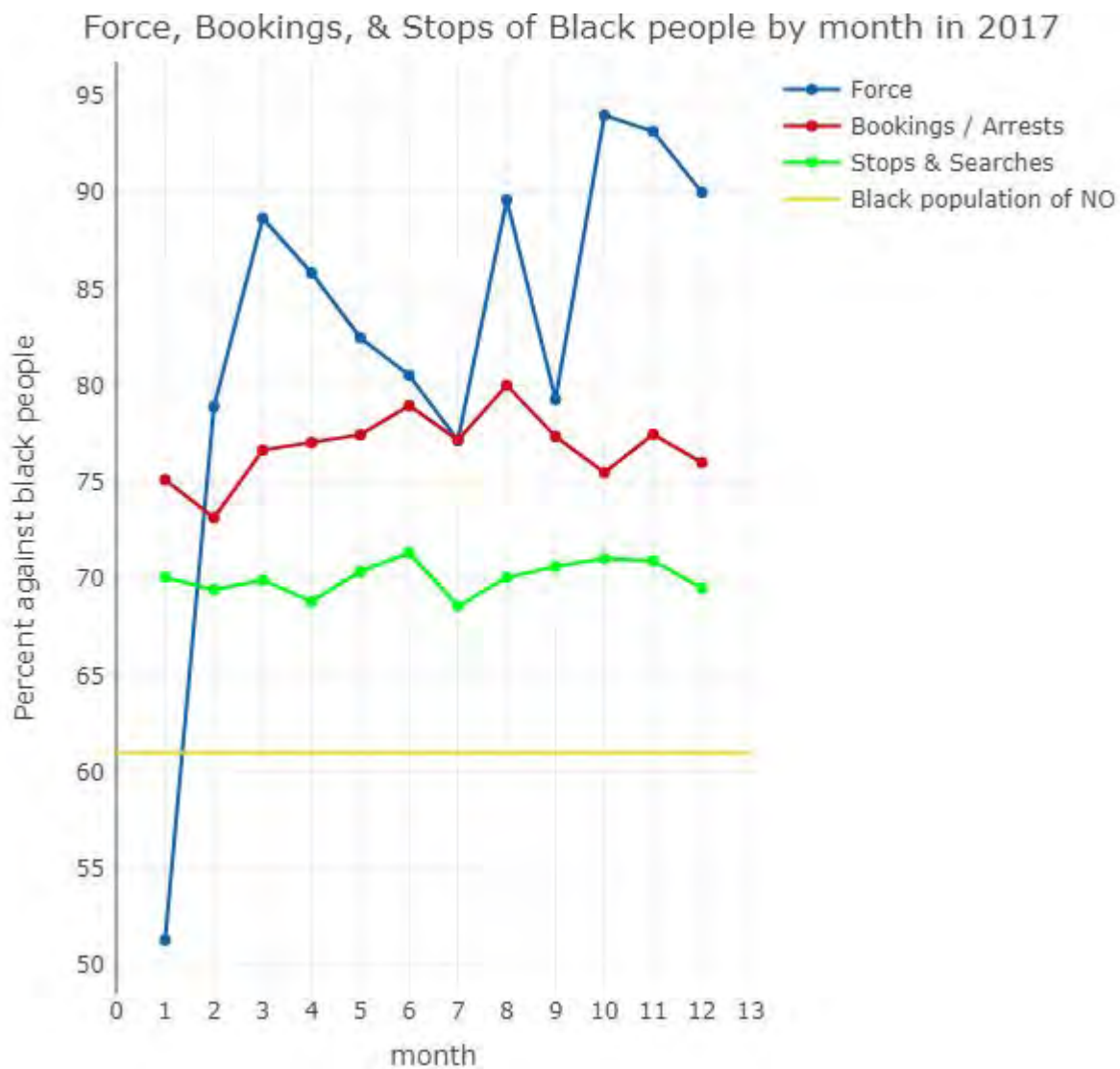


FIGURE 22: UOF AGAINST BLACK INDIVIDUALS

- Like last year, force against black people eclipses population, arrests, and stops 11 of 12 months.
- January had a low 52% of force against black people.
- Stops and arrests of black people are moderately stable. However, force has much more variability and does not seem correlated with the number of stops or arrests.

PERCENTAGE OF UOF AGAINST BLACK PEOPLE BY DISTRICT

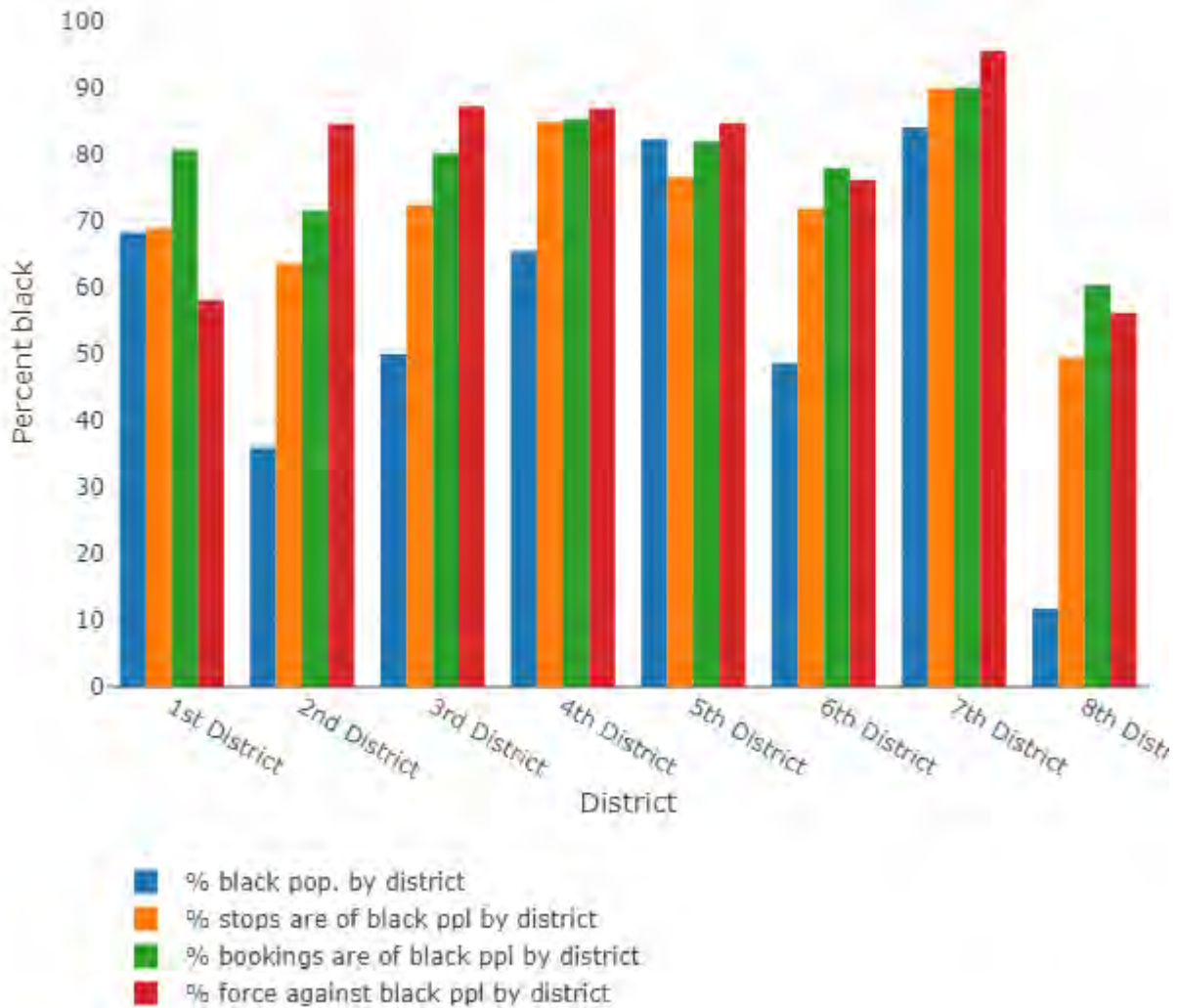


FIGURE 19: UOF AGAINST BLACK INDIVIDUALS BY DISTRICT

- All districts except for 1st (Mid city) use force against black people disproportionately to other metrics.
- 2nd (Broadmoor) and 3rd (Lakeview) are most disproportionate.

Office of the Independent Police Monitor

City of New Orleans

2017 Annual Report: Community-Police Mediation Program



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Independent Police Monitor

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Independent Police Monitor Mission and Responsibilities

The Office of the Independent Police Monitor (OIPM) is an independent, civilian police oversight agency created by the voters in a 2008 charter referendum and opened its doors for the first time in August of 2009. Its mission is to improve police service to the community, civilian trust in the NOPD, and officer safety and working conditions. The OIPM has six broad responsibilities:

- 1) To ensure that all complaints regarding police misconduct are classified and investigated or mediated at the appropriate level and that those investigations are fairly, timely and thoroughly handled; to ensure that discipline is fair, timely, appropriate and upheld upon appellate scrutiny. To make information about this review process available to the public.
- 2) To monitor NOPD investigations into use of force to identify violations of civil rights, concerns of officer tactics and safety, risks to life, liberty and property, and adherence to law and policy.
- 3) To review and analyze aggregate data from complaints, investigations, community concerns and public policy in crafting recommendations aimed toward improving the quality of services by the NOPD.
- 4) To reach out to inform the community about the OIPM, to listen and respond to broader community concerns, and prepare the community for engagement in NOPD policy and practice.
- 5) To mend police/community relationships by fostering effective police/community partnerships.
- 6) To collect police commendations, review and monitor police training and supervision issues and support a healthy and safe working environment for NOPD employees.

The OIPM is responsible for monitoring the New Orleans Police Department and only the New Orleans Police Department. Although OIPM works with other criminal justice system actors, it is not responsible for oversight of any other agency. However, OIPM is mindful of the impact of these other criminal justice actors upon the operations of NOPD and will attempt to analyze that impact in future reports. OIPM accomplishes its mission by focusing on three main activities: complaint and disciplinary system monitoring and review; use of force monitoring and review; and subject-specific analyses or audits. The IPM's recommendations to improve NOPD's accountability systems originate from these activities.



A Note from the Independent Police Monitor

Pursuant to New Orleans City Code Section 2-1121 (16) (the Police Monitor's Ordinance) The Office of Independent Police Monitor (OIPM) publishes an annual report each year. The Police Monitor's Ordinance provides as follows:

The independent police monitor shall be required to issue at least one public report each year, by March 31, detailing its monitoring and review activities and the appropriate statistical information from the internal investigations office, and other divisions of the New Orleans Police Department. The independent police monitor shall be required to report upon problems it has identified, recommendations made and recommendations adopted by the New Orleans Police Department. The report shall also identify commendable performance by the New Orleans Police Department and improvements made by the department to enhance the department's professionalism, accountability, and transparency.

In 2017, the OIPM and the New Orleans Police Department (NOPD) worked together to review the data to be used in the annual reports of both departments. As a result, this year the annual report will be due on June 30, 2018, to allow OIPM and NOPD to complete this mutual review.

This "2017 Annual Report: Community-Police Mediation Program" is part of that annual report. The OIPM presents the data relating to the OIPM's 2017 activities contained herein for the public's review along with some preliminary analyses.

The New Orleans Community-Police Mediation Program is mandated by City Ordinance,¹ the Memorandum of Understanding between the NOPD and the Office of the Independent Police Monitor (OIPM),² and the Consent Decree.³ On September 11, 2014, Judge Susie Morgan approved the modification to the Consent Decree to approve NOPD Policy 1025 so that mediations of civilian complaints could commence and continue into future years.

Based on the requirements and authorities of the OIPM ordinance, the OIPM has drafted this Annual Report on the Community-Police Mediation Program.

¹ Section 2-1121 of Article XIII of the City Code of Ordinances.

² Consent Decree, page 108, Section XIX, Subsection F., Paragraph 442 provides that "NOPD and the City agree to abide by the November 10, 2010, Memorandum of Understanding between the NOPD and the IPM. This MOU is hereby incorporated by reference into this Agreement."

³ Consent Decree, page 108, Section VXIII, Subsection E., Paragraph 439.



Executive Summary

The year 2017 was the third full year of operation of the New Orleans Community-Police Mediation Program (the Program). The Program continues to build trust, increase confidence, empower civilians and officers to have honest conversations about policing and public safety, and nurture trust in one another within the community and police divide. Such work is foundational of the Office of the Independent Police Monitor's mission of improving community and police relationships.

Trust between community and its public safety institutions is the lifeblood of democracy, the stability of a community, the integrity of a criminal justice system, and a means to create effective policing practices. As a step toward this, New Orleans City Ordinance 23146 established the Office of the Independent Police Monitor (OIPM) and mandated that the office "establish and administer a mediation program for civilian complaints guided by best practices identified in other jurisdictions with such mediation programs."⁴

In 2017, the Community-Police Mediation Program mediated 32 cases involving 32 civilians and 37 officers (including eight support people for officers and civilians). A total of 77 cases were referred to the mediation program from the New Orleans Police Department's Public Integrity Bureau (PIB). Participants in the mediations reflected the demographics of the city and mediations took place in more than 15 community venues.

Anonymous post-mediation surveys revealed that more than 90% of civilians and officers who participated in mediations thought that the mediation meetings were unbiased; appreciated having the opportunity to speak with one another; found the mediation to be successful; and, would mediate a future complaint. Nearly every officer agreed that mediation is a good way of resolving disputes between civilians and police officers. Nearly all officers believed that mediation helped build mutual respect, would agree to mediation in the future, and that mediation helped them understand the civilian's perspective. Nearly all civilians agreed that mediation helped them gain a better understanding of policing, helped build mutual respect, and ended in a resolution. More than 90% of officers and civilians were satisfied with the mediation process according to surveys completed after each mediation.

⁴ M.C.S., Ord. No. 23146, § 1, 7-18-08, Mediation of Civilian Complaints.



About the Community-Police Mediation Program

Introduction

The New Orleans Community-Police Mediation Program is a service provided by the OIPM to improve the relationships between the community and NOPD, allow the NOPD's Public Integrity Bureau's (PIB) to reallocate hours spent investigating lower risk complaint allegations to have more resources available to investigate higher risk complaint allegations, and to improve trust in NOPD's services. The Office of the Independent Police Monitor (OIPM) is an independent, civilian police oversight agency created in August of 2009. The mission of the OIPM is to improve police service to the community, civilian trust in the NOPD, and officer safety and working conditions.

Through the development and implementation of best practices, the program quickly became a national model assisting in the development of programs in other cities such as Ferguson and St. Louis, Missouri; Baltimore, Maryland; Los Angeles, California; Chicago, Illinois; and Greenville, North Carolina.

As part of the OIPM's mission of public transparency and accountability, this report serves to inform the public on the function and goals of the Community-Police Mediation Program and to evaluate the program's accomplishments in 2017.

Methodology

This report was developed according to the following methodology:

1. A review of local, state, and national laws and practices around mediation;
2. A review and summary of the history of the origins, creation, and development of the New Orleans Community-Police Mediation program;
3. The administration, compilation, and analysis of surveys and feedback from mediation sessions mediators, community members, and police officers after mediations;
4. The administration, compilation, and analysis of surveys administered to officers and civilians 30 days after participating in a mediation session;
5. The compilation and review of feedback from mediation and conflict resolution trainings with mediators, community members, and police officers; and
6. A collection, analysis, and summary of 2017's data, survey results, and learnings in the Community-Police Mediation Program.



Why Community-Police Mediation?

The Community-Police Mediation Program was launched by OIPM in 2014 with the goal of building understanding and improving relationships between NOPD officers and civilian members of the community. Much research suggests that the health (or lack thereof) of police-community relationships has very real and quantifiable consequences⁵. When community members hold negative perceptions of police, whether justifiably or not, they are:

- Less likely to alert police when crime is occurring;
- Less likely to cooperate with investigations, thereby preventing officers from solving crimes;
- Less likely to serve as witnesses, thereby preventing prosecution of criminals;
- More likely to wait until it is too late to report crime;
- More likely to disregard the law; and
- More likely to disobey a lawful order by a police officer.

In summary, when the community feels the police were discourteous, biased, or unprofessional it leads to mistrust and an unwillingness to cooperate with police or call on them in times of emergency⁶. Mediation offers a way to resolve police complaints to alleviate misunderstanding, fear, mistrust, anger, trauma, and resentment and contribute to the larger goal of enhancing neighborhood safety.

Traditionally, the NOPD Public Integrity Bureau (PIB) investigates civilian-initiated complaints of allegations of officer misconduct. After a complaint is filed, PIB or other NOPD supervisors investigate and make findings, and where appropriate, impose discipline. The OIPM notes anecdotally that this traditional method utilizes a significant amount of NOPD's time and resources and oftentimes leaves the officer and civilian dissatisfied with the process and outcome according to surveys before and after community-police mediations.

Before the Community-Police Mediation Program was established, there were no alternatives in New Orleans to the traditional, adversarial investigation process for resolving disputes between officers and the community through a city agency. Mediation offers a conciliatory model that improves the relationship between complainants and officers one case at a time, while often creating systemic social change and impacting officers' work in the long term.

⁵ Skogan, W. and K. Frydler. *Fairness and Effectiveness in Policing: The Evidence*. National Research Council Committee to Review Research on Police Policy and Practices. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, D.C.: The National Academies Press, 2004, xiii–413.

⁶ Tyler, Tom R. *Why People Obey the Law*. Princeton, New Jersey: Princeton University Press, 2006.



According to research by the Denver Office of the Independent Monitor, officers who participate in mediation often see their actions from the civilian's perspective, better understand the impact of their behavior on others, and are more likely to buy into approaching their work differently. In other words, officers learned why and how to self-correct in mediation more readily than officers whose complaints were handled through traditional means.⁷

Mediation is also far more likely to lead to satisfaction among complainants and officers than the traditional complaint-handling process.⁸ It is more likely to result in fewer future civilian complaints against a particular officer than traditional methods and is more likely to result in a timely resolution when compared to formal investigations. In summary, mediation increases complainant and officer satisfaction, lowers complaint rates, improves case timeliness, and is effective in changing officer behavior and alleviating civilian mistrust.⁹ These gains enhance the efficiency of NOPD and improve police-community relations, which leads to the ultimate goal of keeping communities safe.



⁷ http://cops.usdoj.gov/html/dispatch/March_2009/mediation.htm

⁸ http://cops.usdoj.gov/html/dispatch/March_2009/mediation.htm

⁹ See survey results below.

History

After three years of studying best practices in community-police mediation programs in ten other cities, the New Orleans Community-Police Mediation Program was created by dozens of individuals on the formation committee, including elected and appointed government officials, community leaders, NOPD officers, the Police Association of New Orleans, the Black Order of Police, international experts, and criminal justice reform experts. This committee was shepherded by the Deputy Police Monitor, the Executive Director of Community Relations, and an international expert in the field. In May of 2014, Sister Alison McCrary was hired as the Mediation Program Coordinator. The Program immediately began training community mediators through a specialized mediation training program and the first cases were mediated in October 2014. In 2014, of the nine cases referred to mediation from the Public Integrity Bureau, six cases were mediated. In 2015, the program recruited additional mediators, expanded its training and outreach programs, and offered the first full year of mediation for eligible cases - mediating 22 cases out of 45 cases referred to mediation. In 2016, the Program nearly doubled the number of cases successfully mediated to 41 cases out of 104 cases referred.

The program was awarded a grant from the U.S. Department of Justice's Community-Oriented Policing Services program to commence the program and was subsequently funded by Baptist Community Ministries through a grant starting in May of 2015 and ending March of 2017. Since March of 2017, the Program is fully funded by the Office of the Independent Police Monitor.



Program Standards and Best Practices

In accordance with national standards in community mediation and the Ten Point Community Mediation Model,¹⁰ the New Orleans Community-Police Mediation Program strives to:

- Train community members who reflect the community's diversity with regards to age, race, gender, ethnicity, income, and education to serve as community-police mediators;
- Educate community members and police officers about conflict resolution, dialogue, and mediation;
- Provide mediation services at no cost to participants;
- Encourage the early use of mediation to prevent violence and provide mediation at any stage of a conflict;
- Hold mediations in neighborhoods where disputes occur or near the resident's home or work if they like;
- Schedule mediations at a time and place convenient to the participants;
- Maintain high quality mediators by providing intensive, skills-based training, continuing education, and ongoing evaluation of mediators;
- Work with community members in governing the community mediation program in a manner based on collaborative problem solving among staff, volunteers and community members;
- Provide mediation, education, and other conflict resolution processes to community members who reflect the community's diversity with regard to age, race, gender, ethnicity, income, education, and geographic location;
- Mediate community-police disputes that come from referrals from community organizations, NOPD's Public Integrity Bureau, and community members;

After researching community mediation programs around the country, the Office of the Independent Police Monitor selected the Inclusive Mediation Framework¹¹ to utilize for the program.

¹⁰ <http://mdmediation.org/about-community-mediation>

Ten Point Community Mediation Model from Community Mediation Maryland

¹¹ <http://www.mdmediation.org/training/cmms-model-mediation-training-practice>



What is Community-Police Mediation?

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation provides a process facilitated by two professionally-trained community mediators to create mutual understanding and allow the officer and civilian to be fully heard and understood in a non-judgmental way. Mediation creates a safe, neutral space for officers and civilians to speak for themselves, share about their interaction and how it made them feel, explain what is important to them, and come to their own agreements and solutions about moving forward.

Three key guiding principles of mediation are that it is voluntary, confidential, and non-judgmental. Voluntary means that the officer and civilian consent to mediate at their own free will. They may end the process at any time. Neither the officer nor the participant is forced to say or do anything that they don't want to do. Confidential means that nothing said during the mediation leaves the mediation room, nothing is recorded on any device, and all notes from the mediation are destroyed after the mediation. The only information reported back to PIB is that the officer attended the mediation session and participated in good faith. Non-judgmental means that mediation is not a process to determine who is right or wrong. The mediators are not finders of fact and don't give advice or take sides.

Mediation is:

- A participant-guided process that helps the community member and the officer come to a mutually-agreeable solution. This helps to create mutual understanding and improve relationships.
- Not a process to say who is right or wrong. No evidence is needed. The mediators are not judges. The mediators do not present their thoughts on the issue.
- Not a process where people are forced to shake hands or make-up. The role of the mediators is to be neutral outside facilitators. They will not pressure either participant to come to an agreement.
- Not a punishment process. The community member and the officer are in charge of their own process and outcome. It will not be decided by an outside agency or person.
- Not a legal process. There is no appeal because mediation is voluntary.

The Mediation Process

What Types of Cases Get Mediated?

The Public Integrity Bureau (PIB) of the NOPD determines which complaints are referred to the Mediation Program. The types of complaints that are most often referred to mediation are those that allege discourtesy, lack of professionalism, or neglect of duty. Other complaints such as unauthorized use of force, unlawful search, and criminal allegations are ineligible for mediation and continue through the formal complaint investigation process by the PIB. NOPD's Policy 1025 lists the types of cases that are ineligible for mediation. Anything not listed in Policy 1025 is eligible for mediation.

The OIPM's Mediation Program then conducts a thorough intake process for the officer and civilian and administers a screening tool to determine the appropriateness of the allegations and participants for mediation. The screening tool invites potential mediation participants to share about the interaction and their history with the other person (officer or civilian), if any. The tool discerns if they would be able to ask for what they want in mediation and checks for any potential fear of retaliation or harm. The tool helps determine if the person can represent their own needs and interests, if they can articulate their interests and needs without fear of coercion or harm and if they can participate and dialogue without danger to themselves or others.

How Does a Case Get to Mediation?

Anyone can file a complaint of officer misconduct at any time. Complaints may be filed at NOPD district stations, the Public Integrity Bureau (PIB), the Office of the Independent Police Monitor, or at community non-profits such as Women with a Vision, Voice of the Ex-Offender, and BreakOut. Once a complaint is filed, the PIB determines if the complaint is eligible for mediation according to NOPD Policy 1025. If it qualifies for mediation, the complaint is sent to the Mediation Program Director at the Office of the Independent Police Monitor.

The Program Director screens the case to ensure that no allegations were overlooked or misclassified in the complaint. She then contacts the officer to explain and offer mediation and has the officer sign a Consent Form and Extension for Investigation form. In the event that the officer doesn't show up or participate in the mediation in good faith, it provides the PIB additional time to complete a thorough investigation of the complaint. If the officer consents to mediate, then the civilian complainant is contacted by phone, email, or letter and mediation is explained and offered to them.

During a thorough intake process, mediation is modeled to the officer and civilian so they can experience what mediation feels like. When participants feel heard and understood, they can then move into making plans for the future and how they want their interactions and



policing to look like in the future. A screening tool is also administered to both the officer and civilian to ensure both of them feel safe sharing what they want to share with each other and there are not feelings of a threat of retaliation. The civilian then signs a “Consent to Mediate” form.

Where and When do Mediations Take Place?

In accordance with best practices in community mediation, the time and location of the mediation is determined according to what would work best for the officer and civilian, the participants in the mediation session. A mutually convenient date, time, and location is determined by the participants and coordinated by the Mediation Program Director. Mediations are usually scheduled during the officers’ working hours and at a time most convenient to the civilian complainant.

Mediations take place in venues that are convenient, neutral, safe, and in the neighborhood where the civilian lives or works. Since the officer is on duty and has a department-issued vehicle, officers have the ability and mobility to drive to the venue. Many mediations take place within a few blocks of the civilian’s home. Some examples of mediation venues are: public library conference rooms, classrooms in public schools, community non-profit board rooms, the arts and crafts room of the Recreation Department center, and Sunday school rooms in churches.

Most mediation sessions take about 60 to 90 minutes to complete, but additional time during a second session may be scheduled with the participants if needed.

Who is in the Mediation Room?

The police officer in uniform, the civilian who filed the complaint, two community mediators, and any support people that the officer and civilian choose to bring are in the mediation room. Both the officer and civilian are invited to bring a non-speaking support person with them if they would like to. Officers often choose to bring other officers as support and civilians often choose to bring family members or friends as support. If the support person was at the scene of the interaction that led to the complaint, they may speak during the mediation. Otherwise, they are asked to just observe at the table so that those directly affected can speak for themselves and directly to each other. In 2017, eight support people participated in the mediation sessions.

The IPM’s pool of thirty mediators come from diverse backgrounds and attempt to represent the demographics of the New Orleans community. The race, age, and gender demographics of the mediators are matched to the officer and civilian as much as possible. Mediators’ backgrounds range from pie bakers, community organizers, college students, and restaurant



workers to retired teachers, social workers, mitigation specialists, restorative justice facilitators, counselors, professional mediators, and attorneys.

Each mediator is professionally-trained with more than 50 hours of initial specialized community-police mediation training in the Inclusive Model of Mediation, as taught by Community Mediation Maryland. The Inclusive Model of community mediation is a process that focuses on relationships and understanding. The goal of inclusive mediation is to support the participants in having difficult conversations and to guide a problem-solving process to develop solutions which meet everyone's needs, with all content decisions made by the participants. In the Inclusive Framework, co-mediation is used. Inclusive mediators do not set ground rules. Mediators focus on listening for values, feelings, and topics and reflect these back to the participants, checking to make sure that the participants feel the reflection is accurate. The mediators attempt to understand each participant, thus making it more possible for them to understand each other. Mediators follow a defined process which includes time for participants to share the situation, build clarity as to what is important, identify topics participants want to resolve, identify the goals each participant has for each topic, brainstorm options, consider each of the generated options in terms of which would meet all participants' goals, and determine areas of agreement, if any.

What Happens During the Mediation?

First, the mediators introduce and explain the mediation process. The mediators ask each participant to share about their experiences during their interaction. The participants listen to each other and the mediators help them better understand what each of them cares about, how they and the other person might be feeling, what's important to them, and what, if anything, they want to make a plan about for the future. The participants then brainstorm solutions and come up with their own agreements about what they want to see happen next or in future interactions.

Mediations usually end in an agreement but it isn't required. The sharing of thoughts and feelings and a better understanding are sufficient. Other times, agreements may be an apology or concrete steps to help stop similar issues from happening again.



Example Issues and Agreements in Mediation

The majority of mediated cases are allegations of Professionalism, Neglect of Duty, or Discourtesy. Agreements in mediation come out of dialogue between the officer and the civilian. They can be as simple as an apology and as creative as the participants' imaginations allow for. The following¹² are sample solutions developed by mediation program participants to help illustrate the types of issues that could be handled by mediation and the subsequent agreements formed.

Topic: Communication

- Officer Sam pays attention to tone when speaking with Jessica and other civilians.
- Officer Sam takes time to explain accident protocol to Jessica and asks if she has questions and answers calmly and professionally.
- Jessica asks for an NOPD supervisor if this happens again.
- Officer Sam educates fellow officers at roll call about street crime and civilians' concerns in the neighborhood.

Topic: Summons

- Jessica goes to station and gives her address for a supplemental report.
- Officer Sam clarifies summons process on the scene and answers Jessica's questions.
- Jessica goes to court to go through the process for the summons and Officer Sam attends.
- Jessica educates others about what to do in situations with accidents and calling the police.
- Officer Sam reiterates to officers that they should ask victims what they want done.

Topic: Police Protocol

- Jessica follows up with an NOPD supervisor if there's something wrong with a report.
- In the future, Jessica calls the police right away and doesn't delay.
- In the future, Jessica informs the dispatchers that she's in danger.
- Officer Sam addresses the incident at a roll call meeting.

Topic: Second Line Parade Vending

- Officer Kennedy pauses, breathes, counts before reacting to Robert.

¹² Names and details are changed to honor confidentiality and privacy.

- Robert sets up BBQ truck in more suitable location and posts signs of hours of operation.
- Officer Kennedy requests more manpower from OPSO as needed.
- Officer Kennedy allows Robert to finish up his last transactions before shutting down.

Systemic Change Through Mediation

While the complainants that go to mediation are often about seemingly minor incidents such as traffic stops or miscommunication, it is common for deeper, systemic issues to surface during mediation sessions. During the past year, civilians and officers have engaged in productive conversations about broader issues including:

- How to decrease violence in New Orleans
- Racism and biases within the police department and community
- Police response times
- What public safety looks like to each participant
- Managing and living with trauma and violence
- NOPD language translation services
- The value of cultural traditions and ritual
- The importance of supporting and protecting local businesses
- The importance of having a voice and being heard
- Mental health services in New Orleans
- The history of policing and violence in New Orleans and nationally
- Sensitivity training for police officers
- Conflict resolution and de-escalation training for NOPD
- Police priorities
- Pride in one's work and community
- The future of New Orleans
- Misconceptions about policing
- Maintaining intergenerational connections
- The ability to work and earn a living in a changing city
- Respecting people that are different from you

Mediation is a powerful tool for discussing critical issues and allows a much-needed space for civilians and officers to talk about what is important for them and how to keep their communities safe in the many ways that it can take place.



2017 Review of Mediation Complaints

Data on Mediations

Number and Type of Complaints Referred and Mediated

In 2017, the Community-Police Mediation Program mediated 32 out of the 77 complaints that were referred to the mediation program from the Public Integrity Bureau (42%).

The 45 complaints that were referred to mediation but not mediated were declined for the following reasons:

- 6 officers declined
- 1 officer declined while another officer accepted (2 officers were named in the complaint), but the complaint could not be bifurcated
- 10 civilians were not reachable with the contact information they provided (phone numbers disconnected, wrong contact information provided, no response to phone calls and emails)
- 2 cases not eligible for mediation due to involvement of litigation with an attorney
- 1 mediation could not be scheduled within the 10-day time frame required by NOPD Policy 1025
- 1 incorrect officer was named by PIB
- 24 civilians declined to mediate for the following reasons:
 - Civilian believes in mediation but didn't think it would help this officer change his behavior.
 - The civilian didn't have time to mediate because of family or medical issues.
 - Civilian was sick or had other health issues.
 - Civilian didn't feel safe in presence of officer.
 - Civilian already received an apology from NOPD and felt the matter was resolved
 - Civilian preferred the complaint be investigated through the traditional complaint investigation process.
 - Civilian feels traumatized and does not wish to talk with officer.
 - Civilian wants to pursue civil litigation.



Allegations

In 2017, the majority of complaints referred to mediation were for allegations of Professionalism or Performance of Duty, Neglect of Duty.

Figure 1: Allegations in Complaints Referred to Mediation from PIB in 2017

77	Total Complaints Referred*
62	Professionalism
19	Performance of Duty, Neglect of Duty
2	Discourtesy
1	Acting Impartially
1	Verbal Intimidation

*Some complaints contain multiple allegations; hence the total number of allegations is greater than the total number of complaints referred

Summary Statistics of Complaints Referred to Mediation:

- 42% of cases referred to the Mediation Program were mediated (32 out of 77 cases).
- 92% of officers agreed to mediate (85 out of 92 officers; Some cases had multiple officers, so the number of officers is greater than the number of cases).
- 56% of the civilians who were reachable agreed to mediate (32 out of 57 civilians).
- 4% of cases referred were ineligible for mediation, so returned to PIB for traditional investigation (3 out of 77 cases; 2 cases involved litigation and 1 had the incorrect officer).
- The most common types of allegations in cases referred to mediation were Professionalism (73%, 62 out of 85 allegations) and Performance of Duty, Neglect of Duty (22%, 19 out of 85 allegations).

Year to Year Comparison

The following figures illustrate mediation numbers for 2017 in comparison to previous years. It is challenging to draw conclusions at this time, as the number of mediation cases is not

large enough for statistical significance, meaning there is not enough data to determine whether differences between the years are “real” or whether they are simply due to chance. However, the OIPM plans to conduct further evaluation and analysis of the year-to-year data at the end of 2018, at which point there will be 5 years’ worth of data and more than 100 cases to evaluate.

Figure 2: Year to Year Comparison: Percentage of Complaints Mediated of Complaints Referred by PIB

	2017	2016	2015	2014
Total Complaints Referred to Mediation	77	104	45	9*
Total Complaints Mediated	32	41	22	6*
% of Cases Mediated of Total Cases Referred by PIB	42%	38%	49%	67%

*The Mediation Program launched in October 2014, so these numbers are only for October through December 2014

Figure 3: Year to Year Comparison: Percentage of Complaints Referred to Mediation of Complaints Received by PIB

	2017	2016	2015	2014
Total Civilian-Initiated Complaints Received by PIB	489	540	549	654
Total Complaints Referred to Mediation	77	104	45	9*
% of cases referred to mediation of total civilian-initiated complaints received by PIB	17%	19%	8%	1%*

*The Mediation Program launched in October 2014, so these numbers are only for October through December 2014

Demographics of Mediation Participants

- In 2017, 32 civilians and 37 police officers participated in mediation sessions through the program. Five of the mediated complaints included two officers, which is why there are five more officers than civilians.
- Both officers and community members are invited to bring a non-speaking support person to the mediation session and eight community members opted to serve as a support person in a mediation session for an officer or a civilian.
- The average age of officer participants was 40 years old and the average age of civilian participants was 44 years old.
- The average number of years of NOPD service of the officers who participated was 11 years.



Figure 4: Race Demographics of Participants

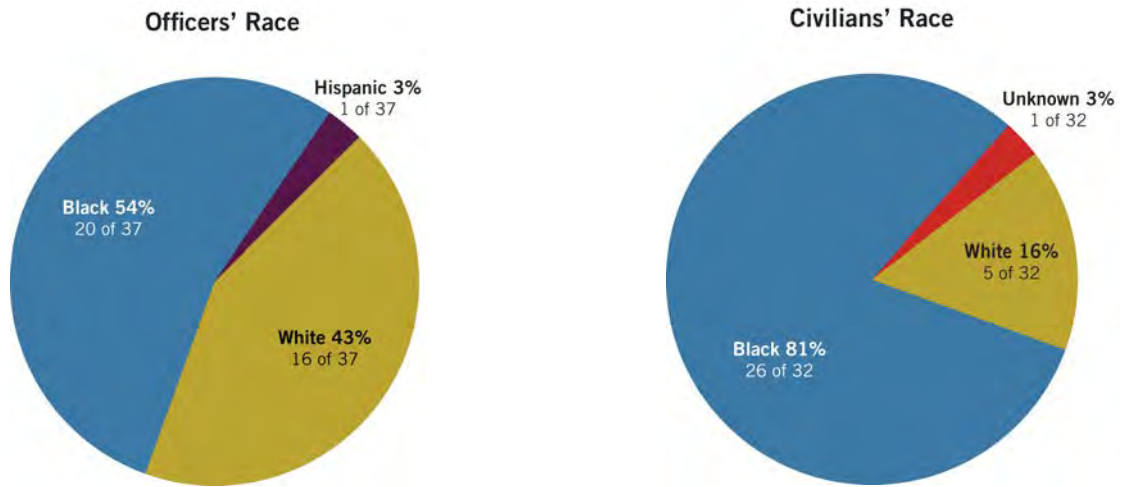
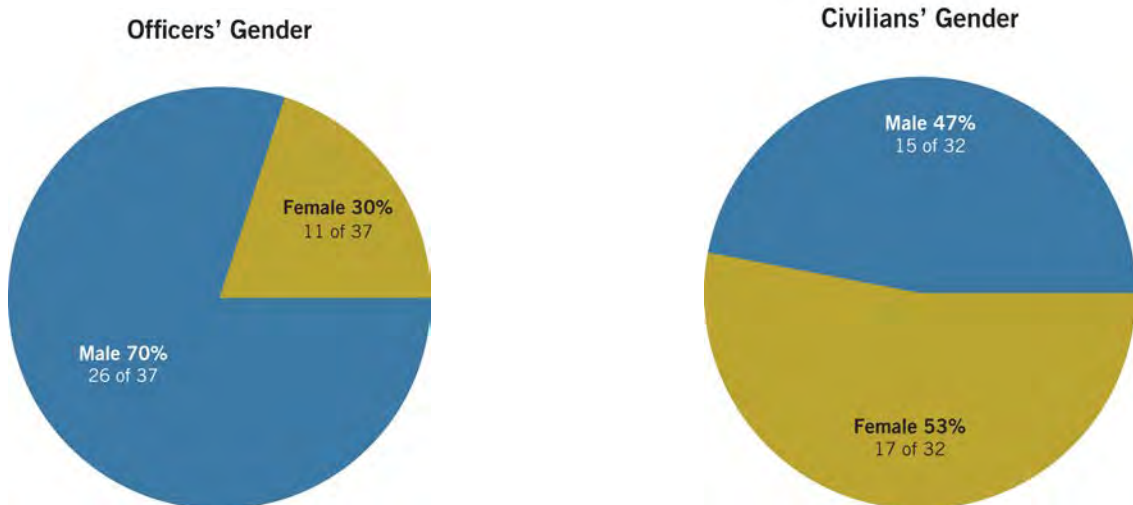


Figure 5: Gender Demographics of Participants



Mediator Data - Demographics

In 2017, The New Orleans Community-Police Mediation Program had 22 mediators on its roster. Mediators received an initial 50 hours of CLE-approved mediation training and attend monthly professional development trainings throughout the year to maintain and build their skills. In 2017, the Program provided 12 hours of Professional Development training through in-service mediator training.

Figure 6: Mediator Demographics

RACE	GENDER	AGE
45% Black (10/22)	41% Male (9/22)	14% - 30 & under (3/22)
50% White (11/22)	59% Female (13/22)	27% - 31 to 40 (6/22)
5% Native American (1/22)		27% - 41 to 50 (6/22)
		32% - 51 & up (7/22)



2015 New Mediator Training

Locations of Mediations

Mediations took place in community spaces that are comfortable, neutral, and convenient for all participants. Most mediations took place in public libraries and private rooms in recreation centers. In 2017, mediations took place at the following locations:

- Algiers Regional Public Library
- Ashe Cultural Arts Center
- Latter Branch Public Library
- Main Branch New Orleans Public Library
- Neighborhood Housing Services
- New Orleans East Public Library
- New Orleans Healing Center
- New Orleans Office of the Independent Police Monitor
- Norman Mayer Public Library
- Propeller Incubator
- Robert E Smith Public Library
- Rosa Keller Public Library
- Stallings St. Claude New Orleans Recreation Department Center
- St. Thomas Missionary Baptist Church
- St. Rita's Elementary School
- Treme New Orleans Recreation Department Center



Evaluation: Results from 2017 Surveys

At the end of each mediation session, the officer, civilian, and two mediators are asked to complete surveys. The surveys are anonymous and voluntary and aim to gather feedback to evaluate and improve the program. In addition, thirty days after the mediation, program volunteers administer a longer survey to the officer and civilian by phone to obtain more in-depth, qualitative information regarding their opinion and experience of the mediation process.

Quantitative Data

Figure 7: Post-Mediation Mediator Survey Feedback

Mediator Survey Feedback



Figure 8: Post-Mediation Officer Survey Feedback

Post-Mediation Officer Survey Feedback

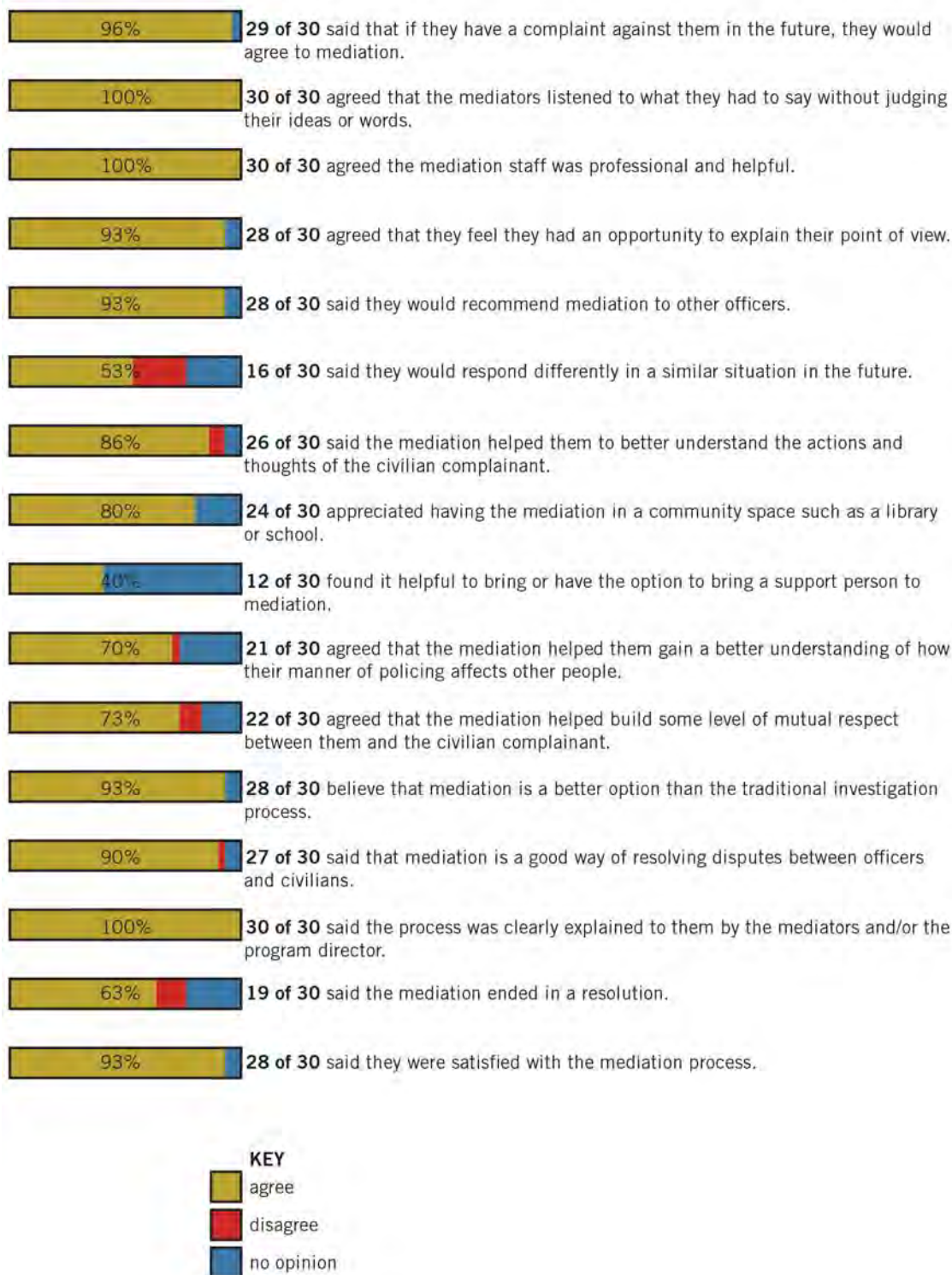
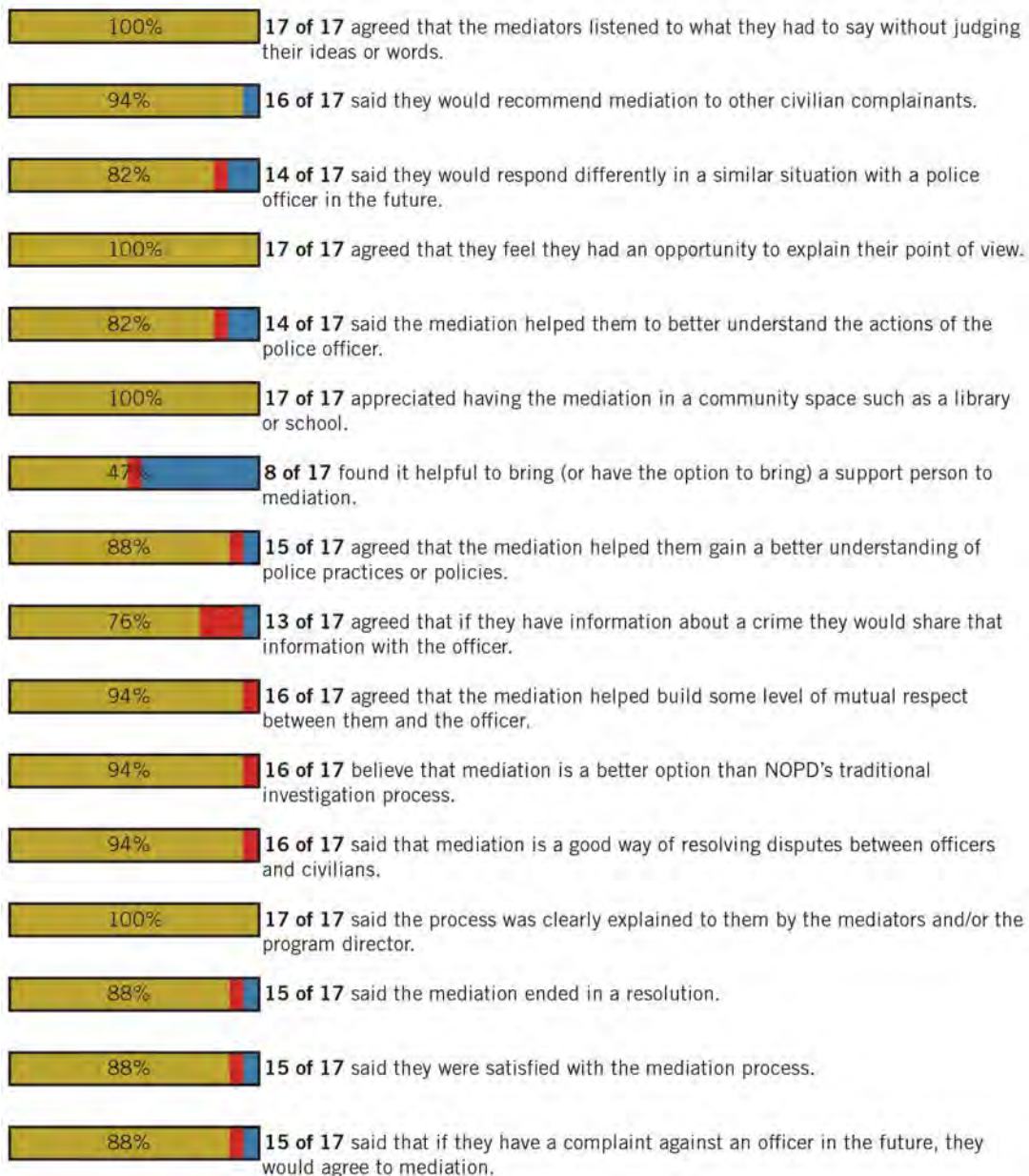


Figure 9: Post-Mediation Civilian Survey Feedback

Post-Mediation Civilian Survey Feedback



KEY



Qualitative Data

Post-Mediation Civilian Survey Feedback

"I appreciated the opportunity to speak to [the officer] directly. It's not often that you get the chance to actually express your frustrations to them [officers] in a calm, safe way so that was a good opportunity."

"Mediation was really effective at moving the discussion forward and delving deeper into the issues."

"I highly recommend this program – it was a wonderful experience. The officer understood my concerns and we talked a lot about how we think people should be treated. There was this moment when he really got it, and apologized for coming across rude and condescending. He had some suggestions on how he could do better in the future, like getting more communication training or even something simple like taking a deep breath when in the middle of a stressful scene. I learned that police sometimes go through difficult days and take home a lot of pressure and trauma and sometimes it carries on and they don't know how to address it. In the end, we shared a lot of the same concerns. I left feeling hopeful."

"We had a good discussion which honestly surprised me. I thought he (the officer) wouldn't hear me at all, but then I felt like he ended up understanding what happened to me that day and how he could have behaved differently."



"The officer and I agreed to disagree, but that's ok. It was a good thing to remember that you don't always have to fix the problem...sometimes just being able to talk about it makes it better. The mediators were great listeners and the officer even thanked us all for the self-reflection opportunity."

"I liked that I got the chance to be face to face in front of the officer and express my issue. She was well informed about what had happened at the scene and I could tell she was doing her best under difficult circumstances. She apologized and we made a plan to prevent the same thing from happening to someone else in the future."

"I really appreciated this opportunity to meet the officer face to face. It gave me the chance to explain my side and we had an open discussion. Being able to have a voice was extremely helpful and powerful for me."



Post-Mediation Police Officer Survey Feedback

"To other officer's considering mediation, I would say "Go for it!" It's a great tool and allows for both sides to be heard. It gives a chance for citizens to learn about policing and for police officers to get feedback from the community."

"I'm really glad I did the mediation. It was clearly very helpful for the citizen to be able to get things off his chest, and I think he ended up seeing that I wasn't the enemy. After the mediation, I helped arrange a meeting he needed between him and my supervisor to help him further resolve everything. That helped build trust and we are on good terms now. For example, I texted him "good luck" recently and he responded back with "thank you."



"I appreciated the chance to discuss the concern without judgement. The mediators were very professional and helpful. I now better understand the citizen and she got a better understanding of my position."

"This was very beneficial. I enjoyed the process and the ability to explain my actions and the policy. We got to explain our views and at one point the civilian stated he understood the reasons for my actions. I liked the calm environment and the interaction with the complainant."

"The process is great and it should be used in every case!"

"I learned I should have more empathy on scene and talk more to civilians."

"It was a great way to hear a civilian's point of view and their concept of policing. I was reminded to be more empathetic and not lose sight of what other people may be feeling during the time of a major incident."



Community Engagement and Outreach

NOPD Police Academy Trainings

The Community-Police Mediation Program conducted 4- hour trainings at the NOPD Police Academy on approaches to conflict, mediation, active listening skills, and conflict resolution skills. We provided training to more than 40 NOPD and PIB employees in January and October of 2017.

NOPD Roll Call Trainings

The Community-Police Mediation Program presented on mediation program at 24 NOPD roll call meetings at all eight police districts during the day watch, second watch, and night watch in August and September of 2017. This outreach included the distribution of 500 brochures and educating hundreds of NOPD officers and employees about the Community-Police Mediation Program.

Undoing Racism Training

In February 2017, IPM sponsored 5 Community-Police Mediators and 4 IPM staff members to attend a 2-day (16 hour) Undoing Racism workshop, hosted by The People's Institute for Survival and Beyond. The IPM mediators and staff joined more than 30 other New Orleans community organizers for an anti-racism training that focused on understanding what racism is, where it comes from, how it functions, why it persists and how it can be undone. The workshop utilized a systemic approach that emphasized learning from history, developing leadership, maintaining accountability to communities, creating networks, undoing internalized racial oppression and understanding the role of organizational gate keeping as a mechanism for perpetuating racism. In the workshop, IPM mediators and staff worked to:

- Develop a common definition of racism and an understanding of its different forms: individual, institutional, linguistic, and cultural;
- Develop a common language and analysis for examining racism in the United States;
- Understand one's own connection to institutional racism and its impact on his/her work;
- Understand the historical context for how racial classifications in the United States came to be and how and why they are maintained;



- Understand the historical context for how U.S. institutions came to be and who they have been designed to serve;
- Understand how all of us are adversely impacted by racism every day, everywhere;
- Develop awareness and understanding about ways to begin Undoing Racism;
- Gain knowledge about how to be more effective in the work one does with their constituencies, their organizations, their communities, their families;¹³

¹³ www.pisab.org



2017 Findings and Recommendations

Improvements Based on 2016 Recommendations

Maintained Officer's Willingness to Mediate Cases

In 2017, 92% of officers were willing to voluntarily try mediation to resolve their complaint. The Mediation Program successfully maintained the same level of acceptance from 2016 (also 92%), indicating that officer's willingness to mediate and their trust in the program has remained very high for the past two years. Previously, in 2014 and 2015, officer acceptance rate was lower and officers shared that a reflection on their disciplinary record of a "mediated" complaint, to them, signified that they were guilty of the accusation and see "unsustained" or "exonerated" as a more favorable outcome. In 2016, the program observed a shift in NOPD's culture where officers understood that mediating a complaint does not mean an officer was found guilty of the allegations that were pending against him or her. Through word of mouth and outreach efforts, officers have begun to increasingly understand and trust the integrity of the mediation program, including that they are not forced to say or do anything they do not want, that the mediators are unbiased and professional, that everything said in mediation remains confidential, and that having a mediation on their record does not negatively impact them. Many officers have shared positive feedback from their mediation experience with their fellow officers, thus spreading confidence and enthusiasm for the program throughout the department. OIPM commends the Public Integrity Bureau and NOPD for their ongoing outreach efforts to increase officer's willingness to try mediation.

Improved Responsiveness and Timeliness of Emails Regarding Mediation

In 2016, PIB and IPM made a joint recommendation to amend the NOPD Regulations Manual's policy on email to add the line "***and respond in a timely manner to mediation invitations received by email***" to the existing policy which states, "***Employees must check the department e-mail system, read their new messages each work day.***" The most recent version of the NOPD Regulations Manual does not indicate this change to the email policy. However, in 2017 the Mediation Program did observe an improved timeliness with which officers, supervisors, and commanders responded to mediation emails and phone calls. IPM commends PIB and NOPD for their improved efficiency and accountability in communicating with IPM regarding mediation. This recommendation was made to help keep mediation cases in compliance with the short timeline set forth by the Community-Police Mediation Program Policy 1025 and the Police Officer's Bill of Rights. Receiving a response from the NOPD employee on whether they agree to mediation is the first of many steps in the mediation process after PIB refers a case. Once an officer agrees, IPM must communicate regularly with officers and supervisors to obtain necessary consent forms, coordinate schedules, and



confirm a mediation time, date, and location. In summary, the timely communication of officers is critical to the success of the mediation program and IPM looks forward to maintaining cooperation with PIB and NOPD and continuing to improve efficiency in communication.

2017 Findings and Recommendations

Finding #1: In 2017, there was a decrease in the number of cases referred to mediation from 104 cases referred in 2016 to 77 cases referred in 2017.

The lower number of complaints referred to mediation could have occurred for several possible reasons. For example, there may have been a lower total number of civilian-initiated complaints lodged in 2017 that were eligible for mediation. When IPM inquired to PIB about the lower number of complaints observed, PIB referenced the NOPD policy change that went in effect May 2017 that allowed some complaints to be cleared by Body Worn Camera (BWC) footage, stating that some complaints that may have previously been referred to mediation were now being cleared by BWC. Another possible factor could be that during certain times of the year when PIB received a high volume of complaints or had a decrease in staffing, some complaints that were eligible for mediation were not referred because PIB intake staff had insufficient capacity to review and classify complaints within the required timeline.

Recommendations:

- IPM and PIB collaborate to conduct an analysis of civilian-initiated complaints from 2017 to evaluate the causes for the decreased number of mediation referrals, and better understand how factors, such as the new BWC policy, PIB intake capacity, and timeline issues have impacted the number of cases referred to mediation.
- IPM and PIB collaborate to review the above-mentioned analysis, discuss results, and create recommendations to address any necessary improvements to the mediation referral process or policy.

Finding #2: IPM observed that complaints referred to mediation do not always include all allegations mentioned by the complainant. Missing or incorrect allegations are sometimes discovered when the Mediation Program Director reviews the complaint gist or when speaking with complainants during the mediation intake and screening process. Complainants may speak more candidly and thoroughly with Mediation Program staff who are trained in active listening and open-ended question interviewing techniques. Also, PIB intake staff may require additional training on identifying allegations.

Recommendations:

- IPM compiles a list of sample complaints in which additional allegations are discovered during the mediation intake process. IPM meets with PIB to create process



for adding allegations that were missed in the initial intake process without disrupting the mediation process for existing allegations that the complainant has agreed to mediate.

- PIB improves intake officers' ability to listen to and understand civilians' complaints, ask clarifying questions that help get the full story, and better identify and capture all allegations involved in the complaint. To accomplish this goal, IPM and PIB collaborate to 1) conduct sample analysis of complaints to illustrate the need for more accurate intake processes around allegations; 2) identify specific training needs and goals and 3) create training plan. IPM can offer PIB recommendations for high-quality trainers that specialize in teaching active listening and information interviewing. IPM can also collaborate help plan specialized training for the PIB intake team on best practices for assigning allegations in citizen-initiated complaints.

Finding #3: For complaints with multiple allegations in which one allegation is eligible for mediation and other allegations are not eligible, PIB does not always refer the complaint to mediation.

Recommendations:

- Based on the strong positive feedback from mediation participants, the enthusiasm for the program from both the community and NOPD, the savings in time and resources that mediation provides to PIB and NOPD who otherwise would have to conduct more time-intensive investigations, and the strong potential to create long-lasting trust between the community and the police, IPM recommends that as many complaints as possible be referred to mediation. IPM recommends collaborating with PIB to examine the possibility of bi-furcating cases with multiple allegations so that one (or more) allegation(s) could be mediated while other allegations go through the traditional investigation process.
- IPM and PIB research national best practices and other cities' policies and models for bi-furcating cases for the purposes of mediation. Based on this research, PIB and IPM create recommendations and if appropriate, an implementation plan.

Finding #4: There is a high number of civilian complainants who are eligible for mediation, but do not receive the opportunity because they are "unreachable." In 2017, ten out of the 45 cases that did not go to mediation were due to not being able to reach the complainant via phone or email. IPM makes every effort to reach civilians who are eligible for mediation with phone calls and emails every day (sometimes multiple calls throughout the day to attempt at different hours) until the case reaches the deadline within which mediation must be scheduled. If IPM has not been able to make contact with the civilian by the deadline, the case is returned to PIB for traditional investigation. The more options to contact a civilian, the better the chance IPM has of reaching them to invite them to mediation. IPM has observed that PIB almost always obtains a primary phone number for the complainant, but email addresses are only captured for about half the cases that are referred to mediation.



Recommendations:

- PIB make every effort to obtain as much contact information as possible from complainants during their intake process. In addition to a primary phone number, PIB requests and obtain email addresses, work phone numbers, and alternate phone numbers.
- If a civilian does not provide an email address or alternate phone number on the complaint intake form, the PIB intake officer follows up by asking specifically for whatever contact information is missing.

Conclusion

In 2017, the New Orleans Community-Police Mediation Program continued to create safe spaces for authentic conversation that get to the root of a lack of trust and confidence in NOPD. It also made significant steps towards transforming community-police relationships.

From participant surveys and anecdotal feedback, mediation has provided benefits for officers, complainants, for the complaint process, and for community policing. The process has helped by allowing civilians to directly share face-to-face with an officer what they would like policing to look, hear, and feel like in their communities. Officers have received a chance to learn from their mistakes, an opportunity to better understand community needs, and a space to explain their actions and policing, in general, to civilians. Civilians gained greater satisfaction with the complaint process, an opportunity to better understand policing, and a chance to be fully heard and understood. NOPD and PIB benefited from the alternative to the complaint process, with the potential to free up their resources and to have a process that leaves both officers and civilians more satisfied. Ultimately, the New Orleans Community-Police Mediation Program is not only providing a mechanism of civilian police accountability, but helping to increase trust in the police which can create more safety for all. This annual report is a glimpse into the potential of the Community-Police Mediation Program and its impact on community and police relationships in New Orleans.



Appendices



Figure 10: The Complaint Process



Figure 11: The Mediation Process

