



## CITY OF NEW ORLEANS ETHICS REVIEW BOARD

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<https://www.nolaerb.gov/>

### BOARD MEETING

Monday, August 26, 2019

3:30 P.M. – 5:30 P.M.

City Council Chamber, New Orleans City Hall  
1300 Perdido Street, New Orleans, Louisiana 70112

### AGENDA

1. Approval of minutes of previous board meetings (May 2019 and June 2019). (Chair)
2. Welcome to new board member, Monique Doucette (Chair).
3. Vote on officers for 2019-2020. (Chair)
4. Discussion of June 15, 2019, report of the Quality Assurance Review Advisory Committee for the Independent Police Monitor. (Chair)
5. Discussion of May 31, 2019, Annual Report of the Office of the Independent Police Monitor. (Chair)
6. Discussion of monthly report from the Office of Independent Police Monitor. (Chair)
7. Discussion of monthly report from the Office of Inspector General. (Chair)
8. Discussion of August 14, 2019, OIG Performance Audit of the S&WB Internal Audit Department. (Cowan)
9. Discussion of monthly report from the Ethics Trainer. (Chair)
10. Report of Executive Administrator and General Counsel. (Chair)
11. Report on ethics awards program and vote on awards committee members. (Ricks)
12. Expression of appreciation. (Cowan)
13. Executive session to discuss complaint ERB No. 2019-02. (Chair)
14. Adjournment (Chair).

**Draft Minutes of  
Previous Board  
Meeting**



**Ethics Review Board for the City of New Orleans**

**Board Meeting of June 24, 2019 at 3:30 P.M.**

**City Council Chambers, New Orleans City Hall  
1300 Perdido Street, New Orleans, Louisiana 70112**

**Minutes**

1. *Call to Order.*
  - 1.1. Board members present:
    - 1.1.1. James Brown, Chair.
    - 1.1.2. Elizabeth Livingston de Calderon.
    - 1.1.3. Michael Cowan.
  - 1.2. Board members absent:
    - 1.2.1. Brandon Boutin.
    - 1.2.2. Joe Ricks.
    - 1.2.3. Howard Rodgers.
  - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
  - 1.4. At 3:31 p.m., the Chair declared that a quorum of the board was *not* present. As a result, the board did not conduct a business meeting.
  - 1.5. The agenda for the meeting (without the voluminous attachments) is attached.
2. *Informal Discussions.*
  - 2.1. Although no quorum was present, those board members present held informal, public discussions with the following:

- 2.1.1. IPM Susan Hutson.
- 2.1.2. Ethics Trainer Toni Hackett.
- 2.1.3. Executive Director and General Counsel Dane S. Ciolino.
- 2.1.4. OIG Derry Harper.
- 2.2. The board concluded its informal discussions at approximately 4:43 p.m.

\* END \*



**Ethics Review Board for the City of New Orleans**

**Board Meeting of May 29, 2019 at 3:30 P.M.**

**City Council Chambers, New Orleans City Hall  
1300 Perdido Street, New Orleans, Louisiana 70112**

**Minutes**

1. *Call to Order.*
  - 1.1. Board members present:
    - 1.1.1. Brandon Boutin.
    - 1.1.2. James Brown, Chair.
    - 1.1.3. Elizabeth Livingston de Calderon.
    - 1.1.4. Michael Cowan.
    - 1.1.5. Howard Rodgers, Vice-Chair.
  - 1.2. Board member absent:
    - 1.2.1. Joe Ricks.
  - 1.3. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
  - 1.4. At 3:31 p.m., a quorum being present, Mr. Brown called the meeting to order.
  - 1.5. The agenda for the meeting (without the voluminous attachments) is attached.
2. *Approval of Minutes.*
  - 2.1. Mr. Rodgers moved to approve the minutes from the last board meeting held on April 29, 2019. Mr. Cowan seconded the motion.
  - 2.2. The board unanimously approved the minutes.

3. *QARAC for OIG and OIPM Status Report.*
  - 3.1. Mr. Brown reported that the Quality Assurance Review Advisory Committee for the OIG will publicly post a report tomorrow on the ERB website. A public meeting on the report will be held at the Mid-City Library on June 10, 2019, at 3:30 p.m. The ERB has no role in the issuance of the report or in the meeting, but all members are invited to attend.
  - 3.2. Mr. Brown reported that the Quality Assurance Review Advisory Committee for the OIPM is working on its report and will be released in July.
4. *Report of the Office of Inspector General.*
  - 4.1. The OIG's monthly report is attached.
  - 4.2. IG Derry Harper appeared for the OIG, along with Larry Douglas.
  - 4.3. Mr. Harper noted that the "pipeline report" would not include matters that are confidential. The minutes of the last board meeting confirm same. Mr. Harper promised to include a pipeline report in the next monthly report.
  - 4.4. Mr. Douglas briefly discussed the risk-assessment process. Noted that the intent is to complete this system-wide assessment in August. This will be included as a "deliverable" in the "pipeline report." In short, this will make the work plan based in part on perceived risk.
  - 4.5. Mr. Harper noted that at least three reports are coming, including a report on the Audubon Institute, which is now in final legal review.
  - 4.6. Mr. Rodgers asked about the Jazz Fest investigation and report and any follow up. Mr. Harper responded that the focus is on training city workers to avoid similar problems in the future.
  - 4.7. Mr. Cowan asked about how many entities were on the list to be considered in risk assessment process. Mr. Harper responded that there were approximately 38 entities. A majority had responded to the request for risk assessment information and approximately 22 did not. As to some of these, there is a question as to whether they fall within the OIG's jurisdiction.
    - 4.7.1. Mr. Cowan expressed concern that so many had not responded. Mr. Harper noted that his office will follow up with additional requests for information.
    - 4.7.2. Ms. Calderon also wanted to know more about why entities might claim "lack of jurisdiction." Mr. Harper agreed to follow up on this.

- 4.8. Mr. Harper noted that a S&WB report is completed and in legal review. This report will go first in draft form to the S&WB, and then it will have 30 days to respond.
  - 4.9. Mr. Cowan asked Mr. Harper about the *Mayfield* case and why it was included in the monthly report. Mr. Harper responded that the OIG was listed as “cooperating” in the investigation by the United States Attorney. He also noted that the case was set for trial in federal court next month. As a result, he declined further comment.
  - 4.10. Ms. Calderon asked about whether the OIG was looking into issues with “traffic cameras.” Mr. Harper noted that these cameras were installed to detect speeding.
  - 4.11. Mr. Cowan asked whether the new administration was encouraging employee cooperation with OIG investigations. Mr. Harper responded that his office has had no problems and that, so far, cooperation is generally good. He will report at future meetings if there are any problems with cooperation.
5. *Report of the Ethics Trainer.*
- 5.1. Ms. Toni Hackett appeared before the board.
  - 5.2. Ms. Hackett reported that her May report will be based on a new template.
  - 5.3. Mr. Brown noted that her year end report was a good one and that she needs to “keep up the good work.”
  - 5.4. Ms. Hackett reported that on May 8-9, 2019, she conducted two liaison meetings. At these meetings, the liaisons shared information and discussed awards. Mr. Ricks attended and discussed the awards program. The meetings were very good. The liaisons were also given information about their roles.
  - 5.5. Ms. Hackett noted that her May report will include a “pipeline” report.
  - 5.6. Ms. Hackett discussed her contract status with Mr. Brown. Noted that it was “signed” and at the purchase-order stage.
  - 5.7. Ms. Calderon asked about whether the liaisons were now posted on the web page. Mr. Ciolino and Ms. Hackett both responded “yes.” Ms. Hackett agreed to give Mr. Ciolino additional information to post on the website regarding liaisons.
  - 5.8. Ms. Calderon asked to be informed about future training sessions. Ms. Hackett agreed to post all future training sessions on the website.
  - 5.9. Mr. Cowan asked about the liaisons’ effectiveness. Ms. Hackett responded that they are doing good work and improving ethics culture. She reported that the awards program should help this as well and that, in a perfect world, all liaisons will get an award.

6. *Report of the Office of Independent Police Monitor.*

- 6.1. The OIPM's monthly report is attached.
- 6.2. Ms. Susan Hutson, IPM, and Bonycle Sokunbi, Executive Director for Community Relations, appeared for the OIPM.
- 6.3. Ms. Hutson noted that her office's annual report is almost complete and will be published on May 30, 2019.
- 6.4. Ms. Hutson reported that she is in contact with the QARAC for the OIPM and will focus on their work after her annual report is complete.
- 6.5. Mr. Brown encouraged the OIPM to cooperate with the QARAC and get it all necessary information.
- 6.6. Ms. Calderon asked about citizen complaints. Ms. Sokunbi responded and explained that the monthly report is accurate about the complaints but that there are some issues with "categorization."
- 6.7. Mr. Brown asked about federal consent decree issues. Ms. Hutson noted that her office hopes to shadow the monitors eventually. After her annual report is submitted, these consent decree issues will become a big focus of her office, including the integration of "compliance checkpoints."
- 6.8. Mr. Cowan asked what her plans are for the future as to oversight of the NOPD post-consent decree. She noted that she has not met with the Chief on these issues yet, although she has had frank discussions with him about other issues.
- 6.9. Mr. Cowan asked about how public liaisons work. Ms. Sokunbi responded that they work with NOPD and citizens to facilitate conversations and communications.
- 6.10. Ms. Calderon noted that she informed a recent crime victim about the liaison program and was pleased that the program exists. She noted that this is important work for the OIPM.
- 6.11. Ms. Hutson reported on and reiterated some of the statistics from her monthly report (attached).
- 6.12. Mr. Brown asked about including a "pipeline report" in monthly reports. Ms. Hutson responded that she will do so.

7. *Report of the Executive Administrator and General Counsel.*

- 7.1. Mr. Ciolino reported on all upcoming events and deadlines on the master ERB calendar.



- 7.2. Mr. Ciolino reported on the status of the Hackett contract, namely, that it was signed by the Mayor.
- 7.3. Mr. Ciolino reported that he and Ms. Calderon had sent to the OIG proposed changes to the the policies and procedures for disciplinary enforcement. This project will move forward with input from the OIG over the summer and fall.
- 8. *Report on Ethics Award Program.*
  - 8.1. Mr. Ricks provided written information to the board on the program (attached).
  - 8.2. Mr. Brown noted that the board should discuss and vote on committee members for the awards committee soon, perhaps in June.
- 9. *Adjournment.*
  - 9.1. Ms. Calderon moved to adjourn the meeting. Mr. Cowan seconded the motion.
  - 9.2. The board unanimously passed the motion to adjourn and the Chair declared the meeting adjourned at approximately 4:38 p.m.

\* END \*

# **Monthly Report of OIG**

**Report to the Ethics Review Board**  
**July 2019**

**System-wide Risk Assessment**

Auditors and evaluators are finalizing risk scores and the overall ranking of city entities, and are using this information to identify potential projects for the 2020 Annual Work Plan. The next step is for OIG department heads to meet with leaders from the entities that ranked highest on the list to further discuss the proposed project objective, scope, nature and timing of work.

**Audit & Review**

In addition to the risk assessment, the Audit & Review division has the following audits underway: Sewerage & Water Board Internal Audit Function, Department of Public Works Catch Basins, Audubon Payroll Internal Controls, Audubon Purchase Cards and Expenses, and Audubon Disbursements.

Please see the attached project status spreadsheet for details.

**Inspections & Evaluations**

In addition to the risk assessment, the Inspections & Evaluations group has the following evaluations underway: Automated Traffic Enforcement Management and Operations, and S&WB Billing Dispute Resolution Process.

Please see the attached project status spreadsheet for details.

**Investigations**

The Investigations division received five complaints in July.<sup>1</sup> All five were matters outside of OIG's purview.

OIG Investigation Division cases:

- Case in Discovery Phase:  
The case alleging misappropriation of funds from the New Orleans Public Library Foundation by Irvin Mayfield and Ronald Markham is in the discovery phase. A trial is set in federal court for January 2020.
- Guilty Plea  
A former S&WB employee charged with theft of brass components pled guilty on July 25 and was sentenced to 120 days of OPP and given credit for time served.

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<sup>1</sup> As of July 25, 2019.



THE UNITED STATES ATTORNEY'S OFFICE  
EASTERN DISTRICT *of* LOUISIANA

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Department of Justice

U.S. Attorney's Office

Eastern District of Louisiana

FOR IMMEDIATE RELEASE

Wednesday, August 7, 2019

## **Metairie Man Sentenced To 121 Months Imprisonment after Previously Pleading Guilty To Conspiracy to Commit Sex Trafficking Of 14-Year-Old Female**

**NEW ORLEANS** – U.S. Attorney Peter G. Strasser announced that **PASCAL CALOGERO, III**, age 60, a resident of Metairie, Louisiana, was sentenced today by United States District Judge Sarah S. Vance after previously pleading guilty to conspiracy to commit sex trafficking of a minor, in violation of 18 U.S.C. ' 1594(c). **CALOGERO** was sentenced to 121 months imprisonment, five (5) years of supervised release, a \$5,100 special assessment fee and payment of restitution to the victim, which will be determined within 90 days. Additionally, **CALOGERO** must register as a sex offender.

According to court documents, between at least May 9, 2017, and June 5, 2017, **CALOGERO** conspired with others to traffic a fourteen-year-old female from Metairie, Louisiana. Specifically, J.B. met the victim on May 9, 2017 and recruited her to work for him as a prostitute. She worked for J.B. from about May 9 through about May 23. J.B. required her to turn over all, or most, of the money she earned from prostitution to him. J.B. then created advertisements on online classified advertisement services commonly used to advertise sexual services in exchange for money, through which J.B. received telephone calls and text messages inquiring about, scheduling, and arranging prostitution dates with the victim. J.B. scheduled the time, location, and other logistics of prostitution dates with the victim.

Between May 16, 2017 and May 22, 2017, J.B. transmitted sexually explicit photographs of the victim to **CALOGERO** via email and text message for the purpose of offering and encouraging **CALOGERO** to arrange a prostitution date with the victim. **CALOGERO** engaged in prostitution dates with the victim on at least four separate days, paying less than \$120 per occasion. In addition to engaging in prostitution dates with the victim, **CALOGERO** occasionally drove her to prostitution dates with other individuals. On numerous occasions, **CALOGERO** also attempted to facilitate the prostitution of the victim to multiple adult men by, among other things, taking and

transmitting sexually explicit pictures of the fourteen year old to them, negotiating prices, arranging the times and locations of prostitution dates, and providing his personal residence as the location of a prostitution date he arranged. **CALOGERO** successfully brokered prostitution dates with the victim on at least three occasions.

This case was brought as part of Project Safe Childhood, a nationwide initiative to combat the growing epidemic of child sexual exploitation and abuse launched in May 2006 by the Department of Justice. Led by United States Attorneys' Offices and the Criminal Division's Child Exploitation and Obscenity Section (CEOS), Project Safe Childhood marshals federal, state and local resources to better locate, apprehend and prosecute individuals who exploit children via the Internet, as well as to identify and rescue victims. For more information about Project Safe Childhood, please visit [www.projectsafechildhood.gov](http://www.projectsafechildhood.gov).

U.S. Attorney Strasser praised the work of the Federal Bureau of Investigation in investigating this matter, and specifically the FBI New Orleans Violent Crimes Against Children Task Force, which includes members of the Jefferson Parish Sheriff's Office, the Kenner Police Department, and the Louisiana State Police, with the assistance of the City of New Orleans Office of Inspector General. Assistant United States Attorney Jordan Ginsberg, Supervisor of the Public Corruption Unit, was in charge of the prosecution.

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**Topic(s):**

Human Trafficking

**Component(s):**

Federal Bureau of Investigation (FBI)

USAO - Louisiana, Eastern

Updated August 7, 2019



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**Topic(s):**

Human Trafficking

**Component(s):**

Federal Bureau of Investigation (FBI)

USAO - Louisiana, Eastern

Updated August 7, 2019

## Status Report for OIG Projects - Audit and Evaluations Division

Report Date: Thursday, July 31, 2019

Project Number	Project Name	Project Phase *					
Audit/Review		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review
AD-15-0001	Audubon Payroll Internal Controls				X		
AD-15-0002	Audubon Purchase Cards and Expenses						X
AD-15-0003	Audubon Disbursements				X		
AD-17-0002	DPW Catch Basin Project			X			
AD-18-0002	S&WB Internal Audit +						

+ The SWB Exit Conference has been confirmed for Tuesday, July 30th. Final report will be released after the OIG's review and consideration of the S&WB w

Project Number	Project Name	Project Phase *					
Inspections/Evaluations		Planning	Fieldwork	Draft Report	Supervisory Review	Legal Review	IG Review
IE-17-0005	Automated Traffic Enforcement Safety				X		
IE-18-0003	S&WB Billing Dispute Resolution		X				

Legend	Description
<b>Planning</b>	Background Research, Data Gathering , Initial Interviews, and/or Controls Assessment
<b>Fieldwork</b>	Data and Statistical Analyses, Interviews, Testing of Procedures, Onsite Obsevatons and/or Physical Inspections
<b>Draft Report</b>	Data/Statistical Reviews, Documentaries of Fieldwork Results, Initial Report Writing, Revisions and Internal QAR prior to supervisory review
<b>Supervisory Review</b>	Review by both Division Director and Deputy Inspector General to ensure sufficiency and appropriateness of evidence, fieldwork procedur presentation and readability.
<b>Legal Review</b>	Report Review by In-house General Counsel and/or Contracted Counsel Services for appropriate and proper legal citations and/or interpre
<b>IG Review</b>	Report Review by Inspector General, based on corrections and recommended changes resulting from the Legal Review

\* Project phase determination is based on the objective(s), scope, and methodolgy for each audit/evaluation project, and is not determined by a standard set of This phase will be decided based on the nature of work to be performed, and at the discretion of OIG management.

\*\* Expected Release timeline for the report may be determined based on the start of the legal review process, and may be later reevaluated based on both the timing of the IG review, and the 30-day turnaround timeline for the release of the draft report to the client and the receipt of management responses.



Expected Release Timeline for Report**		
30 Days	60 Days	90 Days
		X
X		

Written response.

Expected Release Timeline for Report**		
30 Days	60 Days	90 Days

W.
es, proper conclusions, content,
itations

hours and/or phase deadline.

# **Monthly Report of OIPM**

# THE OFFICE OF THE INDEPENDENT POLICE MONITOR

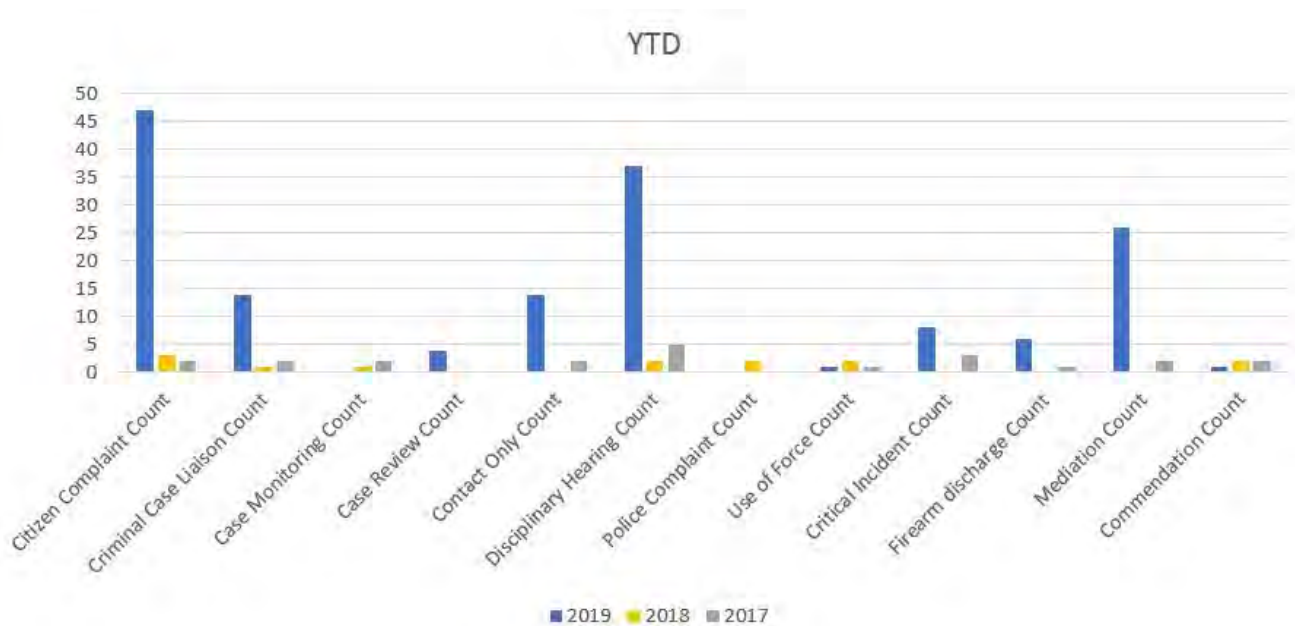


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## **MONTHLY REPORT**

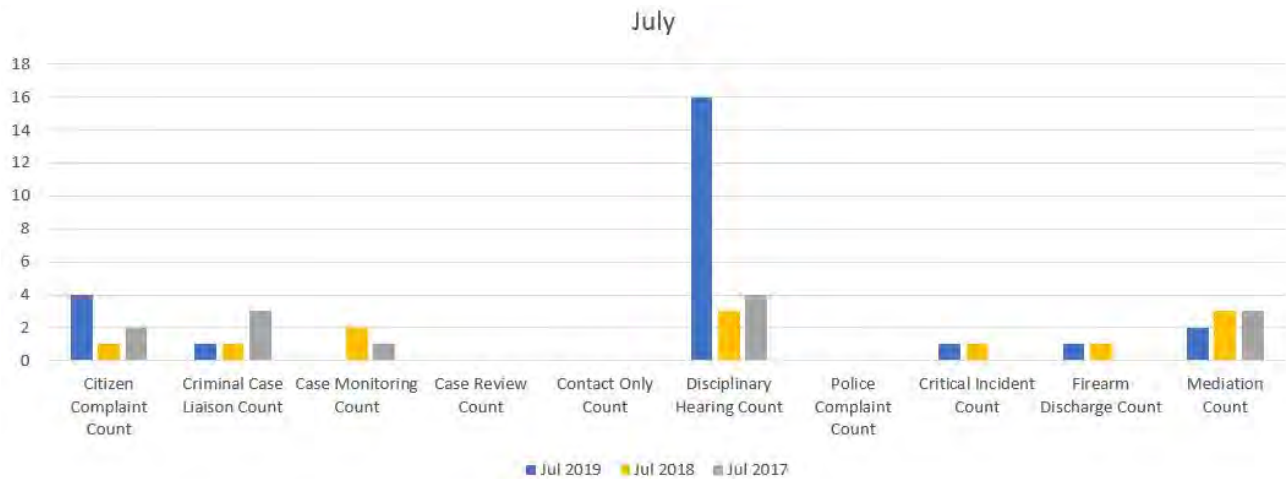
**JULY 2019**

# Year to Date Overview



	2019	2018	2017
Citizen Complaint Count	38	2	0
Criminal Case Liaison Count	10	2	0
Case Monitoring Count	10	2	0
Case Review Count	8	0	0
Contact Only Count	2	2	0
Disciplinary Hearing Count	66	5	0
Police Complaint Count	7	0	0
Use of Force Count	1	2	1
Critical Incident Count	7	3	0
Firearm discharge Count	4	1	0
Mediation Count	23	2	0
Commendation Count	1	2	2
<b>Grand Total</b>	<b>177</b>	<b>23</b>	<b>3</b>

# July Overview



	Jul 2019	Jul 2018	Jul 2017
Citizen Complaint Count	4	1	2
Criminal Case Liaison Count	1	1	3
Case Monitoring Count	0	2	1
Case Review Count	0	0	0
Contact Only Count	0	0	0
Disciplinary Hearing Count	16	3	4
Police Complaint Count	0	0	0
Critical Incident Count	1	1	0
Firearm Discharge Count	1	1	0
Mediation Count	2	3	3
<b>Grand Total</b>	<b>25</b>	<b>12</b>	<b>13</b>

# July Overview

Mediation
Mediation cases are confidential.
<b>Mediations Held: 2</b>

Firearm Discharge
See Critical Incident.
<b>Firearm Discharge: 1</b>

Critical Incident
The officer was test-firing a weapon and fired the first round in the water tank. The second round discharged outside of the tank. The second round penetrated two walls and was unable to be located. No injuries were reported.
<b>Critical Incident: 1</b>

Complaints	
CC2019-0053	Complainant alleges that he was detained and assaulted outside of his home by NOPD without cause. The complainant also alleges that NOPD illegally searched his home.
CC2019-0054	Complainant alleges that as a street performer he has been targeted and given false citations by NOPD, which stemmed from an incident between the complainant another officer at French Quarter Fest.
CC2019-0055	Complainant alleges that he called NOPD because someone was intentionally blocking the complainant's driveway. The complainant stated that he was told that "the problem was solved and to call them again if the person returns. The complainant alleged that the person returned and he called NOPD again and the officer that responded ultimately charged the complainant with disturbing the peace. The complainant alleges there was no cause for the charge.
CC2019-0056	Complainant alleges that she filed a police report against her ex-boyfriend for harassment and DV and the Officer inaccurately and incompletely drafted the report. The complainant also alleges that the Officer drafted the report with bias, and it is evident in how the report is written. The complainant also stated that she called the Officer's supervisor and has never received a returned call as she was promised.
<b>Complaints: 4</b>	



# July Overview

Disciplinary Proceedings - July (Received notification in July)	
DH2019-0021	Officer was dispatched to a hit and run but he was not on the scene at the time that records indicated. His supervisor determined he was offsite, at a Smoothie King and the officer failed to respond in a timely manner.
DH2019-0022	Officer is accused of inadvertently deploying his conducted electrical weapon (CEW) during an on-foot chase with civilian without providing proper warning and trying other methods to subdue the civilian first. The CEW did not make contact with the civilian.
DH2019-0023	Officer is accused of failing to provide Miranda Rights to an arrested civilian in Spanish, asking about citizenship, and utilizing a friend of the arrested subject to interpret during a response to a domestic disturbance in violation of NOPD policy.
DH2019-0024	Officer is accused of operating a vehicle while his license was suspended and eventually expired.
DH2019-0025	Officer is accused of violating the NOPD policy on professionalism for requesting a civilian's car be towed on the grounds that the civilian did not have insurance for the vehicle, even though the civilian did provide proof of insurance that the officer did not review.
DH2019-0026	Officer is accused of wrongfully utilizing his conducted electrical weapon (CEW) on a civilian fleeing and hiding under a house when the situation did not warrant the use of the device and the officer failed to provide a verbal warning.
DH2019-0027	Officer is accused of failing to take necessary police action when called to a hotel in the French Quarter regarding a large amount of blood found in a hotel room.
DH2019-0028	Officer was dispatched to respond to a call of service regarding two civilians with guns in a coffee shop across the street from a school and polling location. The officer is accused of failing to take necessary police action when he did not complete a Field Identification Card on the incident or run the civilian's names, being unprofessional in his communication, and utilizing his personal cell phone to call the complainant in violation of NOPD policy.
DH2019-0029	Officer responded to a call of service regarding a domestic incident between a civilian and their former partner, a police officer, and the accused officer failed to address the civilian's allegations of a battery or take any action against the involved officer for the battery.
DH2019-0030	Officer is accused giving a civilian a ride home in his service vehicle while on duty in violation of NOPD policy, and, during the ride, hitting on the civilian in a manner that made the civilian uncomfortable.
DH2019-0031	Officer is accused driving with a suspended driver's license, failing to have liability insurance, and failing to notify the Public Integrity Bureau that he received traffic violations in Mississippi.
DH2019-0032	Officer is accused violating the NOPD policy on professionalism when he made inappropriate comments regarding homosexuals and HIV/AIDS.
DH2019-0033	Officer is accused of sexually harassing a recruit by making an inappropriate comment regarding searching his shorts for a handcuff key.
DH2019-0034	Officer is accused of being retaliatory when he filed a professionalism complaint on his supervisor after being informed that his supervisor was considering misconduct against him.
DH2019-0035	The two officers involved are accused of being in violation of NOPD policies for failing to include necessary information regarding a search in their report.
DH2019-0036 PIB #2018-0336-R	The two officers involved are accused of being in violation of NOPD search and seizure policies for entering a home without consent or a warrant.

# Complaints and Discipline

OIPM serves as an alternative site for civilians and police officers alike to file complaints of misconduct against the NOPD. These complaints and allegations are compiled into referrals by the OIPM and provided to the Public Integrity Bureau (PIB) for them to investigate. The OIPM monitors and reviews the classification and investigation conducted by PIB. If the complaint continues into a disciplinary proceeding, the OIPM will continue to monitor and review the disciplinary process. OIPM monitors and reviews disciplinary proceedings conducted by NOPD to ensure accountability and fairness. The OIPM reviews the disciplinary investigation and attends the subsequent disciplinary hearings where the OIPM will provide systemic and individualized findings and recommendations based on NOPD's investigation. The OIPM conducts a thorough review of the proceedings, findings, and recommendations that is available for review by both the NOPD and the New Orleans community.

4

CITIZEN COMPLAINTS

16

DISCIPLINARY  
PROCEEDINGS

0

POLICE INITIATED  
COMPLAINTS





# Community-Police Mediation

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation is a process facilitated by two professionally-trained community mediators to create mutual understanding and allow the civilian and officer to be fully heard and understood in a non-judgmental way.

9

REFERRALS FOR  
MEDIATION

2

SCHEDULED FOR  
MEDIATION

5

PENDING CONSENT

2

MEDIATIONS HELD

1

MEDIATION OFFER  
DECLINED

“ This was a good opportunity to express my concerns of how things were handled with the officer. I learned not to categorize the entire department because of one officer’s mistake. The officer learned to take time to listen before acting. This program should continue. Please don’t stop!”

-Civilian Participant



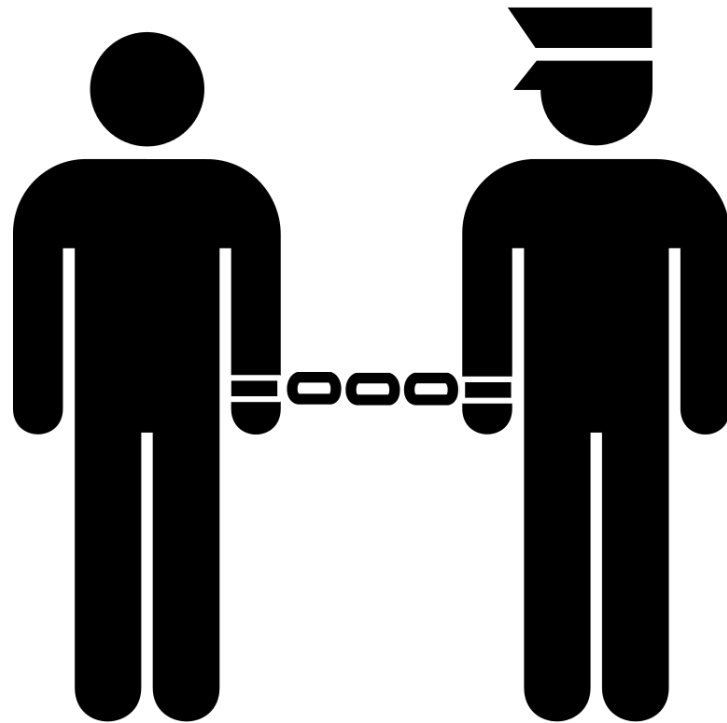
“I liked the chance to talk and that the mediators were good listeners. The process turned out good.” - Officer Participant

# Critical Incidents

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. If an incident occurs, the OIPM is notified and a member of the incident and will report immediately to the scene. The OIPM will stay engaged from the occurrence of the incident, through investigation, and Use of Force Review Board hearings.

## 1

### Critical Incident



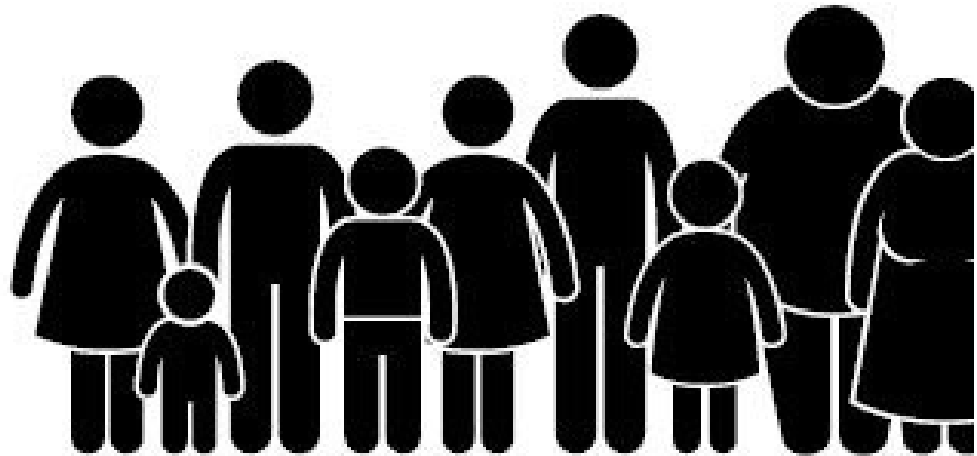
# Community Relations

OIPM participates in community events to help extend the message the of OIPM and participates in activities to impact the nature of the relationships the community has with police officers. OIPM is committed to being present in the community, but also presenting helpful information to the public.

## 3

### KNOW YOUR RIGHTS TRAINING

- Liberty's Kitchen
- Day Reporting Center
- StudioBe and Office of Criminal Justice  
Coordination Summer  
Camp



# **Monthly Report of Ethics Trainer**



August 12, 2019

ERB July Period (August 2019 report)

*2018/2019 FOCUS*

- *Training focus: Departmental liaison, Boards and Commissions, Senior Staff/Management*
- *Implementation of recommendations based on the 2018 “deep dive” study*
- *Ten to twelve sessions*

Implementation of Recommendations

Scheduling training sessions resumed during July, with the approval by the State of updated training materials. Several trainings were scheduled

Pipeline

Trainings for the following. Date TBD

- Mayor’s, and Mayor’s Staff, (*August 28*)
- Law Department
- NOLA BA (*August 29 and 30*)
- Finance (Procurement) TBD
- S&WB (*2 sessions August 7*)

**Item 1**

# **QUALITY ASSURANCE REVIEW ADVISORY COMMITTEE FOR THE OFFICE OF INDEPENDENT POLICE MONITOR**

## **ANNUAL REVIEW 2018**

### **I. EXECUTIVE SUMMARY**

The Quality Assurance Review Advisory Committee (“QARAC” or “QAC”) conducted an independent review of written records produced by the Office of Independent Police Monitor (“OIPM” or “IPM”) in 2018. As outlined in detail in this report, the overall conclusions of the QAC’s review as to the quality and quantity of work by the OIPM are extremely positive. The OIPM is a small, productive, hard-working staff that regularly produces detailed, insightful, and thorough reports on various aspects of the New Orleans Police Department (“NOPD”). To the fullest extent of its capabilities, the QAC appears to be fulfilling its mission. As a general matter, the QAC concludes that the OIPM is responsibly and judiciously using the budget of \$1,034,083 it received in 2018 from the City’s general fund.

The final section of this report contains recommendations for OIPM in the spirit of making this valuable organization even better. In terms of implementation, the QAC believes that OIPM may well be working at capacity now and that the City may need to increase the budget, resources, and staff of OIPM to ensure its continued growth in its important role in our community and the smooth transition from oversight through the Consent Decree.

### **II. OVERVIEW OF QARAC**

The QAC engages in an independent annual review of written records produced by the OIPM in the preceding calendar year. Municipal Ordinance Art. XIV, Sec. 2-1121(22) provides: “Completed reports, inspections, performance reviews, public reports of investigation, and other records, shall be subject to an annual quality assurance review by a third-party advisory committee, known as the quality assurance review advisory committee for the office of the independent police monitor.”

In terms of the membership of the QAC, according to Sec. 2-1121 (22): “The quality assurance review advisory committee for the office of the independent police monitor shall include a representative appointed by the city council, who shall serve as chair of the committee; a representative appointed by the office of the mayor; and a representative appointed by the ethics review board.” The members of this QAC, appointed to review IPM for the calendar year 2018 are as follows:

- Janet C. Hoeffel, Catherine D. Pierson Professor of Law, Tulane Law School, Chair, appointed by the city council;

- Imtiaz A. Siddiqui, IAS LAW LLC, appointed by the office of the mayor;
- Marcus M. Kondkar, Ph.D., Associate Professor of Sociology, Loyola University, appointed by the ethics review board.

Pursuant to instructions from the Ethics Review Board, “QAC functions as a common sense, ‘citizen check’ on IPM’s work. QAC may consider whether reports are well written, objective, reflective of a sound method/fair process; report its views as to the breadth and volume of the IPM’s work product; evaluate whether the work is reflective of the IPM’s annual budget and the needs of the public, etc.” (Memo to Chair, QAC, May 7, 2019, titled, “IPM Quality Assurance Review Advisory Committee, Description of Work & Duties”).

### III. IPM DUTIES AND RESPONSIBILITIES

Municipal Ordinance Sec. 2-1121(3) sets out the duties and responsibilities of IPM, as follows:

The independent police monitor shall monitor the New Orleans Police Department, particularly in the areas of: civilian and internally-generated complaints; internal investigations; discipline; use of force; critical incidents; and in-custody deaths. The independent police monitor shall review and analyze the numbers and types of complaints; assess the quality and timeliness of New Orleans Police Department investigations; review the adequacy of data collection and analysis; review the public integrity bureau's policies, procedures, and resource needs; conduct risk management reviews; review the operations and effectiveness of New Orleans Police Department "early warning system"; review specific issues regarding supervision, training, and discipline; and conduct relevant pattern analysis.

IPM’s self-stated mission is “to improve police service to the community, civilian trust in the NOPD, and officer safety and working conditions.” (IPM website, at <https://nolaipm.gov/our-mission/>). Further, IPM states it “has six broad responsibilities”:

- 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.
- 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.



- 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.
- To inform the community about the OIPM, to listen and respond to broader community concerns, and to prepare the community for engagement in NOPD policy and practice.
- To mend police-community relationships by fostering effective police-community partnership.
- To collect police commendations, review and monitor police training and supervision issues, and support a healthy and safe working environment for NOPD employees.”

IPM website, at <https://nolaipm.gov/our-mission/>.

#### IV. REVIEW PROCESS

The QAC requested all written reports issued by IPM in 2018. We thoroughly reviewed the following documents:

- 2018 Annual Report
- Reports on Complaints
- Reports on Disciplinary Actions
- Reports on Use of Force

The members of the QAC want to commend Independent Police Monitor Susan Hutson and her staff at OIPM for their tremendous cooperation with this review. We were highly impressed with their organization, responsiveness, and professionalism. OIPM was proactive in the process. They initiated the review, set up two in-person meetings between OIPM and the QAC, supplied all necessary documents upon securing a confidentiality agreement from the members of the QAC, and quickly and thoroughly responded to all email requests for additional information. The QAC could not have produced this report without the teamwork of OIPM.

#### V. ANALYSIS OF WRITTEN REPORTS

OIPM has three general areas in which it routinely issues written reports to NOPD: use of force, complaints, and disciplinary actions. The QAC divided up its analysis of the quality of these reports according to these three areas. As described more fully in each section, the QAC found that the reports, as a whole, were detailed, thorough, and objective. We were impressed with IPM’s ability to serve in a simultaneously collaborative and challenging role with the NOPD, commending NOPD’s performance or offering constructive critique where appropriate.

##### A. Use of Force Review

Among the responsibilities of the OIPM is the responsibility “[t]o 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.” (IPM website, at <https://nolaipm.gov/our-mission/>; IPM 2018 Annual Report, at <https://nolaipm.gov/wp-content/uploads/2019/05/OIPM-Annual-Report-YIR-2018-FINAL.pdf>).

The QAC reviewed the following documents relevant to use of force reports for 2018:

- 2018 Annual Report: Statistical Review of NOPD’s Use of Force (hereinafter “2018 UOF Statistics”), available at <https://nolaipm.gov/wp-content/uploads/2019/05/OIPM-2018-Annual-Report-UOF-Statistics-FINAL-5-30-19.pdf>.
- 2018 Annual Report: OIPM Use of Force Monitoring and Review Activities (hereinafter “2018 OIPM UOF Report”), available at <https://nolaipm.gov/wp-content/uploads/2019/05/OIPM-2018-UOF-Annual-Report-Critical-Incidents-FINAL.pdf>.
- Nine 2018 memos from OIPM to NOPD re: Use of Force Investigations

We reviewed these three sets of documents for objectivity, methodology, thoroughness and transparency.

### *1. Statistical Review of NOPD’s Use of Force*

As part of OIPM’s duties, it collects data on NOPD’s use of force. The data to be studied is housed in the NOPD’s complaints and use of force database (IAPro). OIPM was unable to independently access the relevant raw data and had to rely on data prepared by the NOPD. Therefore, as OIPM noted, the statistical review of NOPD’s use of force was greatly compromised. OIPM rightly maintains, “for the OIPM to fulfill its mandate and duties, OIPM must have complete and in-house access to NOPD datasets.” (2018 UOF Statistics, p. 8). The QAR concludes that OIPM is prevented thereby from fulfilling its obligations of independent, thorough and transparent review of NOPD’s use of force data.

Within the data limitations, OIPM still produced a very informative and interesting statistical review. While the underlying data may be no different than that used for the NOPD’s own annual review, OIPM was thoughtful on how best to break down and present that data in a meaningful way and the report offers important insights. Useful illustrations of this included: a comparison of NOPD’s use of force with three other cities (2018 UOF Statistics, p. 12), demonstrating a higher rate of use of force per capita in New Orleans than in those cities (p. 14); while overall a decrease in use of force in 2018 (p. 13), an increase Level 3 force, particularly head strikes (p. 18), and an increase in NOPD determinations that use of

force was “unjustified” (p. 28); and younger, less experienced, white male officers are more likely to use force (pp. 38, 41).

OIPM also made some recommendations to NOPD. The report suggests these are ongoing issues that have been raised in the past, leaving the QAC to wonder how NOPD may respond in a more effective manner. OIPM’s three areas of concern and recommendations were valid and important. First, NOPD does not define for its officers when use of force is “effective,” “not effective” and of “limited effectiveness.” For example, NOPD self-determined that all Level 1 and Level 2 uses of force were 100% effective, but OIPM has no way of evaluating that conclusion (pp. 26-27). Second, NOPD designates “refusing verbal commands” as a justifiable reason for use of force but again, this is not defined in a way for OIPM to evaluate this justification (p. 31). Third, OIPM observed that force is used disproportionately against black people (p. 46), and hence recommends training on implicit bias and anti-oppression, and a cooperative study on the reasons for this disparity (p. 47).

Within the parameters of OIPM’s abilities, this report appeared to be objective, analytical, and helpful. The members of the QAC believe OIPM could benefit from the services of a statistician in generating reports of this kind. For example, OIPM noted a higher rate of use of force in some police districts and concluded, “Variation of police use of force in these district cannot solely be attributed to difference in policing practices” (p. 21), but had no support for that conclusion. It is likely there are more trends, correlations, and observations that could shed light on the use of force by NOPD.

## *2. OIPM Use of Force Monitoring and Review Activities*

OIPM is required by City Code sec. 2-1121 to monitor the quality and timeliness of NOPD’s investigations into use of force and in-custody deaths. OIPM reviewed the investigation of all five “Critical Incidents” that occurred in 2018. OIPM was able to respond personally to the scene of all five incidents. OIPM informed the QAC that OIPM staff then monitor the steps of the investigatory process. If there is a death that results from the critical incident, OIPM attends and monitors the autopsy. With proper notice, OIPM attends interviews of the involved officers, witness officers and civilian witnesses. As part of this process, OIPM staff is able to ask the officer(s) questions through a PIB investigator. OIPM also reviews all evidence gathered regarding the critical incident as well as reviews the case file of PIB to be able to see everything that has been gathered by NOPD throughout the course of the investigation. OIPM is also able to make recommendations to NOPD regarding evidence and the investigatory process, if it feels it would be helpful with the investigation. The QAC is impressed with this procedure and believes this presence on the scene and involvement during the investigative process serves an invaluable role in promoting effective and safe policing.

Pursuant to the 2012 Consent Decree, NOPD developed the “Use of Force Review Board” (UFRB) as “a quality control mechanism to ensure timely reviews of

all serious uses 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 perspective” (NOPD Ops. Manual Chapter 1.3.7). At the monthly meetings, the UFRB reviews NOPD’s Public Integrity Bureau’s (PIB) Force Investigation Team (FIT) report on serious uses of force. OIPM attends the meetings and is invited during the discussion period to make observations and recommendations. UFRB reviewed 16 cases in 2018 (described in a helpful Appendix to 2018 OIPM UOF Report).

In a four-page section of this Report, OIPM evaluates the work of the UFRB, concluding, “the UFRB is a positive and healthy self-critical undertaking which assists NOPD in reforming its use of force actions, investigations, training, policies, and adjudications” (2018 OIPM UOF Report, p. 6). To illustrate this point, OIPM describes two cases in some detail and the deliberations undertaken by the UFRB, in terms of findings and recommendations. The QAC agrees with OIPM’s conclusion that the UFRB’s process is “forward thinking and robust” (p. 9).

The second section of this report is a short, few-paragraph description of OIPM’s involvement in the UFRB process. It summarizes that OIPM has been able to flag recurring issues, such as the untimely sequestration by supervisors of involved officers at critical incident scenes. OIPM raises these issues directly with PIB before the UFRB meeting and also raises the concerns directly at the monthly hearings “to varying levels of receptivity” (p. 10). The QAC learned that OIPM has recently convinced the UFRB to vote on all recommendations. This sort of data will be helpful to understanding the impact and role of OIPM and should be included in future reports as it supplies some meaningful measurement of OIPM’s efforts.

### *3. Use of Force Investigations*

The QAC reviewed nine memos to NOPD, dated in 2018, on nine separate incidents of use of force (4 occurring in 2017 and one in 2016). Each report is several pages long and contains an incident summary, a summary of the PIB’s analysis and recommendation, and then OIPM’s analysis and recommendations.

Two of the reports involve an officer’s use of a CEW (taser) on a handcuffed subject. In both, PIB found the use of force did not comply with NOPD regulations, but in one, PIB found the use of force nonetheless “justified” and the other “unjustified.” OIPM objected to a finding that a use of force was against regulations but somehow justified. The QAC agrees that this finding would seem to require some explanation and mutual understanding of the outcome.

In both reports, OIPM outlines a number of problem areas presumably not addressed by PIB. In both instances, an officer used a CEW on a handcuffed individual who was trying to run away. In both instances, OIPM details its concerns that NOPD is not taking seriously its own foot pursuit policy in the NOPD Ops. Manual (Ch. 41.4), which requires consideration and utilization of alternatives to

foot pursuits. In both cases, OIPM noted improper removal or absence of a required Body Worn Camera and noncompliance with the requirement of seat-belted suspects in transport. The QAC found these reports to be objective and thorough, detailing all potential violations of policy during an incident as well as recurring problem areas that NOPD should address.

In four reports, OIPM addressed incidents of negligent discharge of a firearm by a police officer. In each report, OIPM stresses its disagreement with PIB, in that negligent discharge should be considered a use of force to be reviewed by the UFRB. Additionally, OIPM repeats its endorsement of a supposed upcoming NOPD policy change to require breath and urine testing for any discharge of a departmental firearm, whether on or off duty. OIPM has apparently been raising this issue for at least two years. In one case, where the officer involved was a PIB officer, OIPM correctly pointed out the potential conflict of interest when PIB investigates PIB. Each report pays close attention to details, NOPD policy, and Consent Decree requirements and is meticulous in pointing out misalignment in policy and needed changes and updates, such as a requirement to stay on the scene of a negligent discharge.

The three remaining reports are examples of OIPM's issuance of "Preliminary Observations and Questions" to PIB for further information on use of force incidents, asking detailed, probing and relevant questions. In sum, QAC believes the OIPM is staying on task with investigating use of force incidents, with great attention to detail and perseverance on repeated problem areas. OIPM also appropriately praises PIB when it has engaged in a thorough and objective investigation.

## B. Complaints Review

As stated in its mission statement, two major responsibilities of OIPM are to:

- (i) "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," and to
- (ii) "review and analyze aggregate data from complaints, investigations, community concerns, and public policy..."

IPM website, at <https://nolaipm.gov/our-mission/>; IPM 2018 Annual Report, at <https://nolaipm.gov/wp-content/uploads/2019/05/OIPM-Annual-Report-YIR-2018-FINAL.pdf>.

In order for OIPM to meet these responsibilities, it relies on information provided through the PIB complaint management system, IAPro. Complainants may file directly with PIB, or with the referral assistance of OIPM. In its 2018 Annual Report, OIPM notes that PIB documented 679 complaints (with a total of 1,328 allegations) against NOPD. Of those complaints and allegations, 42 and 45

respectively were referred to PIB by OIPM. Therefore, the vast majority of complaints do not get reviewed by OIPM.

In those relatively few cases where complainants came through OIPM, it provided PIB with a complaint referral letter summarizing the complaint narrative, and any additional relevant information deemed useful for PIB investigations. When appropriate, the letter also included recommendations for corrective measures.

This part of the QAC's review of OIPM's work in 2018 is limited to OIPM's documentation of the 42 complaints it referred to PIB, based on the unpublished copies of the 42 complaint referral letters, and its review and analysis of the 2018 aggregate data on all complaints and investigations, based on the Annual Report. See Annual Report, at <https://nolaipm.gov/wp-content/uploads/2019/05/OIPM-Annual-Report-YIR-2018-FINAL.pdf>.

### 1. OIPM's complaint referrals

In 2018 OIPM referred 42 complaints to PIB. Six were initiated by NOPD employees against other NOPD employees. The remaining 36 were initiated by civilians. OIPM complaint referral letters include the following information:

- Complainant, NOPD employee subject, and witness information
- Incident date and location
- Allegations (*e.g., RULE 2: MORAL CONDUCT: PARAGRAPH 05 – VERBAL INTIMIDATION; RULE 4: PERFORMANCE OF DUTY: PARAGRAPH 02 – INSTRUCTIONS FROM AUTHORITATIVE SOURCE – Policy 41.3.10 Body Worn Camera, Paragraph 10, Required Activation*)
- Narrative summary of complaint
- Five-year disciplinary history of NOPD employee subject
- OIPM recommendation (*e.g., At this point, the OIPM recommends that PIB place this officer under monitoring by her commanding officer through INSIGHT and that pursuant to New Orleans City Code Section 2-1121 (3) OIPM conduct a “risk management review” and “pattern analysis” to determine whether risk management issues exist; i.e. whether the subject employee is at risk of engaging in future misconduct or of being a risk to the public*)
- Classification recommendation (*e.g., The OIPM recommends this investigation be classified as Serious Misconduct*)

Each complaint referral letter is clear, concise, thorough, and objective. OIPM does not attest to the validity of allegations. It attempts to accurately convey complainants' accounts and summarize the relevant data from NOPD's own information systems. Referral letters are designed to provide PIB with pertinent information needed for an investigation into the validity of the allegations.

### 2. OIPM complaints data analysis

As with the Use of Force data, OIPM's ability to accurately review and analyze complaints data is limited by its dependence on the accuracy of the NOPD's data recording practices. OIPM is unable to independently confirm or verify the data and is often faced with missing data. With these constraints in mind, OIPM's complaints analysis is sound and comprehensive.

OIPM's analysis of NOPD's PIB data reported that, in 2018, 52.6% of allegations were "neglect of duty," 23.4% were "professionalism," and the remaining 24% were classified "other," "adherence to law," "instructions from authoritative source," "courtesy," "unauthorized force," and "verbal intimidation." Allegation outcomes were, "sustained" (33%), "not sustained" (10.8%), "unfounded" (23.6%), "NFMI" (10.6%), "exonerated" (6.3%), "pending" (5.9%) "DI-2" (4.4%), referred to "mediation" (3.9%), or "data inconsistency" (1.4%). The analysis also disaggregates the outcome data by officer race, and an additional breakdown of complaints from anonymous complainants.

OIPM's analysis of NOPD PIB data is thorough and rigorous and is oriented towards identifying patterns and changes over time. While this review concludes that OIPM has handled referrals competently and thoroughly, and its analysis of NOPD PIB data is relevant and comprehensive, we also find that OIPM's independence in monitoring NOPD conduct is somewhat limited by its complete dependence on NOPD's data on such conduct.

### C. Disciplinary Review

OIPM is responsible for monitoring whether all NOPD action taken during disciplinary proceedings are compliant with state and federal law, NOPD policy, the Consent Decree, and the Memorandum of Understanding between the NOPD and the OIPM executed on November 10, 2010. OIPM monitors and assesses the efforts of NOPD to ensure all disciplinary investigations and proceedings are conducted in a manner that is non-retaliatory, impartial, fair, consistent, and truthful in accordance with NOPD policies. OIPM reviews the disciplinary investigations and proceedings executed by NOPD to ensure they are executed in a timely manner that is consistent with all requirements under law (2018 Annual Report, at <https://nolaipm.gov/wp-content/uploads/2019/05/2018-Annual-Report-Complaint-Discipline-FINAL.pdf>).

As required in the preliminary memorandum to PIB, OIPM will, 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 as authorized by the Ordinance, the MOU, and the Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication. These determinations, recommendations, and findings shall be submitted to NOPD in writing (2018 Annual Report, at <https://nolaipm.gov/wp-content/uploads/2019/05/2018-Annual-Report-Complaint-Discipline-FINAL.pdf>).

### *1. Disciplinary System Monitoring and Review*

With respect to its review of OIPM's Disciplinary System Monitoring and Review, the QAC reviewed the following relevant documents:

- 2018 Annual Report: Year in Review
- 2018 Annual Report: Complaints, Commendations, and Disciplinary Proceedings
- 31 memoranda from OIPM to PIB regarding disciplinary hearings

In reviewing the documents, the QAC: (1) considered whether the relevant portions of these documents were well-written, objective, reflective of a sound method/fair process; (2) assessed the breadth and volume of OIPM's work product; and (3) evaluated whether the work is reflective of, among other things, OIPM's annual budget and the needs of the public.

### *2. Discipline Data*

In the 2018 Annual Report, OIPM analyzed data obtained from and prepared by NOPD to identify and highlight patterns, trends, and outliers of note. While the QAC was not provided the underlying data that was analyzed, the annual report included six figures relating to: (1) the outcomes of allegations brought against NOPD employees; (2) the outcomes of disciplinary investigations; (3) discipline by complainant gender; (4) outcomes by officer gender; (5) outcome by complainant race; and (6) discipline by officer race.

The figures in the Annual Report adequately identified and highlighted any patterns, trends or outliers. OIPM concluded that discipline by complainant gender and outcomes by officer gender appear to be proportional. With respect to discipline by officer race, OIPM concluded that further analysis is needed to determine if any more nuanced race base trends exist. Finally, with respect to discipline by officer race, OIPM identified a potential pattern and determined that further examination of this trend was necessary.

In sum, the OIPM's presentation of data to highlight patterns, trends, and outliers appears thorough and utilized sound methodology. Going forward, it would be helpful for the OIPM to provide the QAC with the data underlying the figures so that the QAC could also review the data analysis for objectivity and accuracy.

### *3. OIPM Recommendations to NOPD with respect to 2018 Disciplinary Proceedings*

In its Annual Report, OIPM identified six recommendations that it made in memoranda to NOPD with respect to training. In the QAC's independent review of



the 31 memoranda from OIPM to PIB regarding individual disciplinary hearings, the QAC identified nine other areas where training was recommended by OIPM:

- Vehicle pursuits
- Photographic lineup training
- Missing persons calls
- Accident reconstruction, implicit bias, and Fourth Amendment standards
- Traffic stops outside of Orleans Parish and what constitutes a traffic stop
- Social media, professionalism, and domestic violence awareness training
- Password safeguarding and supervisor access
- Incident reporting
- Strip searches

OIPM's recommendations were based on well-reasoned and thorough reviews of disciplinary charges and the related issues. OIPM also attends and monitors disciplinary proceedings conducted by the Public Integrity Bureau including Superintendent's Committee Hearings and Predisposition Conferences. The underlying disciplinary hearing memoranda from OIPM to PIB were uniform with respect to the categories of information presented, *i.e.*, each memorandum included a summary table and the same eight (8) questions with corresponding proceeding-specific answers. The eight questions related to any additional charges that could have been brought; any concerns with respect to the Bill of Rights, the disciplinary investigation, whistleblower/retaliation issues, and any particular allegation; training; Constitutional and legal issues; and whether any policy/procedure, risk management, and/or liability issue were/was not adequately addressed.

While the quality of the memoranda was superior in general, the QAC did observe a few minor issues with the memoranda: in two instances, the information provided in the memoranda was incomplete and, in another instance, a memorandum appeared to inadvertently include information from a previous memorandum. In spite of these insignificant, unintentional errors, the QAC was impressed with the thoroughness and overall quality of the memoranda.

#### *4. Conclusion & Additional Comments*

In conclusion, with respect to the OIPM's disciplinary system monitoring and review, the QAC concludes that: (1) the relevant documents were well-written, objective, and reflective of a sound method/fair process (2) OIPM's work product was thorough and reasoned; and (3) the work of OIPM is reflective of, among other things, OIPM's annual budget and the needs of the public.

The QAC agrees with OIPM's recommendations that the tracking of disciplinary proceedings should be improved and that OIPM should be provided access to the underlying data and information from NOPD so that its review is not limited by when, how much, and in what manner data and information is provided by NOPD to OIPM.

#### D. Other Observations of OIPM's Work

##### 1. *Mediation*

The QAC did not review any individual written documentation of OIPM's mediation work, but it reviewed the 2018 Annual Report: Community-Police Mediation Program, at <https://nolaipm.gov/wp-content/uploads/2019/05/OIPM-2018-Annual-Report-Mediation-FINAL.pdf>. It is a very comprehensive document, setting out the program's procedures, goals, and results in great detail. The QAC was impressed with the design, thoughtfulness, and quality of the program.

The New Orleans Community-Police Mediation Program is mandated by City Ordinance, the Memorandum of Understanding between NOPD and OIPM, and the Consent Decree. In 2018, the Program held 29 mediations involving 28 civilians and 34 officers, out of a total of 75 cases referred from PIB. Only certain categories of cases are eligible for mediation, and the most common involve complaints as to "professionalism." The program appeared to have a broad reach: participants in the mediations reflected the demographics of the city, and mediations took place in more than 15 community venues.

Among the impressive parts of the Program is its self-assessment of its effectiveness, gained through a survey instrument completed by participants. The surveys, as summarized in the Annual Report, show great satisfaction with the Program:

Anonymous post-mediation surveys revealed that 96% of civilians and 100% of officers who participated in mediations thought that the mediation meetings were unbiased; 88% of civilians and 90% of officers felt they had the opportunity to explain their point of view; 86% of officers and 88% of civilians agreed that mediation is a good way of resolving disputes between civilians and police officers. 80% of civilians and 86% of officers said they would recommend mediation to other civilians or officers; 84% of civilians and 90% of officers were satisfied with the mediation process according to surveys completed after each mediation.

IPM 2018 Annual Report, at <https://nolaipm.gov/wp-content/uploads/2019/05/OIPM-2018-Annual-Report-Mediation-FINAL.pdf>.

The QAC lauds the quality of this part of the Annual Report.

The QAC learned that OIPM is set to double the number of meditations this year, and, ultimately, will need funding for a full time person to handle the increase. With a full time person, OIPM could also conduct mediations between NOPD and Community Groups and between officers. The QAC understands that this is a joint program with NOPD and that currently NOPD does not contribute funding to the program. This program is invaluable to the community and the QAC hopes NOPD will contribute to the funding to aid its expansion.

## *2. Publicity/Website*

The QAC reviewed the website for OIPM (<http://nolaipm.gov>). Some parts of the website are up to date and easy to understand and navigate. Other parts are jumbled, incomplete, and difficult to navigate. OIPM was up front with the QAC that it was unsatisfied with the current website and that it is presently working to update the website. OIPM was able to hire a community relations person in September 2018 who is now working to improve the website. Because communication with the public is an important part of OIPM's mission and the website is its most public face, the QAC hopes to see improvements in the delivery of information on the website.

A few observations can be made here to illustrate the need for improvement of the website. The drop down menu on the main page does not divide up the information in the same manner and with the same labels as the "Quick Links," making navigating confusing. When one selects "Programs," the site has three choices: Mediation; Community Relations; and Use of Force, but Complaints and Discipline are not found here. When selecting "Reports," it is unclear what information is posted under each category: for example, it is difficult to know the different content of "Recommendations," "Subject Matter Reports," "Complaint Investigation Reviews," and "Case Review Summaries." More descriptive organization would be helpful. The navigation of the website should be considered from the viewpoint of the average citizen user.

As for content, under "Reports," there are no postings for 2018 for "Subject Matter Reports," for "Complaint Investigation Reviews" (this category had just one report dated 2010), for "Recommendations" (no "Policy and Training Recommendations" since 2016), or for "Public Letters." The QAC acknowledges that OIPM has a very small and busy staff (with a number of staff transitions occurring in 2018), not necessarily trained in website design and management. The website is a work-in-progress and we make these notations to suggest ways to improve the OIPM to properly reflect the office's clear commitment to its mission.

## **VI. RECOMMENDATIONS**

The QAC recognizes that OIPM may well be working at capacity now and that any improvements may require an increase in staff and budget. Additionally some of the recommendations require further cooperation from NOPD. While some

specific recommendations appear in each of the above sections, the QAC has the following overarching recommendations:

1. Independent Access to NOPD Data and Data Personnel. Municipal Ordinance Sec. 2-1121(14) sets forth OIPM's data-gathering duties and states, "The New Orleans Police Department shall provide the appropriate database and personnel to facilitate this section." OIPM cannot fulfill its function as an independent monitor of OIPM without access to NOPD's raw data. The QAC urges NOPD to rectify this situation immediately. In addition, NOPD should provide funding for data personnel.

2. Complaints & Mediation: Increase Public Awareness & OIPM Capacity. The QAC believes the public is not aware of the independent complaint process provided by OIPM. An independent complaint system is superior to a complaint system run by NOPD. OIPM should consider viable avenues for increasing public awareness, in particular, some manner in which NOPD districts must provide a complainant with the information for filing with OIPM as well as the means, as through an available computer station. OIPM would require additional funding and personnel to be the primary repository of citizen complaints, and OIPM should seek funding from NOPD for expansion of the mediation program.

3. Measure OIPM Effectiveness. A missing component from the reports on use of force, complaints and discipline is OIPM's own measurement of its effectiveness. While the QAC found OIPM's reports in these areas to be thorough, detailed and objective, the QAC had no way of measuring OIPM's effectiveness and impact on NOPD.

4. Compile & Coordinate Officer Data. Municipal Ordinance Sec. 2-1121 (22) sets out as one of the duties of OIPM to monitor civil suits involving NOPD. No reports on civil suits were produced in 2018. The QAC recommends that OIPM consider keeping in one place a database on individual officers, coordinating information from use of force, complaints, discipline, and civil suits so that it can make recommendations as to particular officers.

5. More Holistic Approach to Recommendations to NOPD. OIPM's reports contain useful recommendations as to the individual incident at issue. The QAC recommends that OIPM take information gleaned from these reports, especially when patterns appear, to produce more generalized reports with recommendations to NOPD and make such reports publicly available.

6. Update & Reformat Website. As described above, OIPM's website needs attention. It needs updating, reformatting, and better organization so that the public can more easily access the important information OIPM has to share.

OFFICE OF INDEPENDENT POLICE MONITOR

# CITY OF NEW ORLEANS



SUSAN HUTSON  
INDEPENDENT POLICE MONITOR

July 19, 2019

**VIA EMAIL**

Prof. Jancy Hoeffel  
Dr. Marcus Kondkar  
Mr. Imtiaz Siddiqui  
Quality Assurance Review Advisory Committee

RE: Response to the Quality Assurance Review Advisory Committee Report for the Office of the Independent Police Monitor

Dear Prof. Hoeffel, Dr. Kondkar, and Mr. Siddiqui:

On behalf of our office and staff, I thank you for your hard work and commitment to helping the Office of the Independent Police Monitor (OIPM) by conducting the Quality Assurance Review for the OIPM. Your commitment was evidenced by your efforts to meet with us during the storms which occurred last week, which effectively made the city impassable.

Our team was appreciative of being able to meet and/or conference with Prof. Hoeffel, Dr. Kondkar, and Mr. Siddiqui during this process. As we discussed, there are little to no guidelines for the Quality Assurance Review Advisory Committee's (QARAC) work, but you were collectively able to select and utilize common sense guidelines to conduct your assessment.

The benefits of receiving the QARAC's constructive feedback are many, namely, to improve our skills, work product, and relationships, and to help us meet the expectations that our community has for us.

The review noted important information for the New Orleans community to know about its police oversight office, including the need for better and more independent access to NOPD data, the need for a dedicated statistician to assist us in our analysis of NOPD data, and, perhaps, additional funding from NOPD to support OIPM/NOPD collaborations such as mediation, data analysis, and complaint intake.



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The QARAC also points out the volume of work being conducted by OIPM staff, who are working at full capacity for our community. All of us in the OIPM are appreciative of the recognition of our efforts.

Finally, we are also extremely appreciative of the constructive recommendations to improve OIPM processes including the notation of a few “insignificant, unintentional errors”, which we will strive to not repeat and the need to upgrade our website to provide more information to our community.

Once again, the OIPM would like to thank you for your openness, transparency, and collaboration in this process. We are appreciative of your constructive feedback and look forward to implementing your thoughtful and significant recommendations. We listened closely and appreciate the issues being raised and the possible solutions that were recommended for addressing them.

Your comments and suggested changes confirm our self-acknowledged areas for development. Your suggestions will help us now and in the long run.

Our individual response to each recommendation is attached in Appendix A.

Respectfully Submitted,



Susan Hutson  
Independent Police Monitor

cc. Mr. James Brown, Chair-Ethics Review Board



Appendix A	
QARAC Recommendation	OIPM Response
1. <u>Independent Access to NOPD Data and Data Personnel.</u> Municipal Ordinance Sec. 2-1121(14) sets forth OIPM's data-gathering duties and states, "The New Orleans Police Department shall provide the appropriate database and personnel to facilitate this section." OIPM cannot fulfill its function as an independent monitor of OIPM without access to NOPD's raw data. The QAC urges NOPD to rectify this situation immediately. In addition, NOPD should provide funding for data personnel.	The OIPM has advocated for independent access and will continue to advocate for that access going forward. As funding allows, the OIPM will increase its capacity to conduct more detailed data analyses.
2. <u>Complaints &amp; Mediation: Increase Public Awareness &amp; OIPM Capacity.</u> The QAC believes the public is not aware of the independent complaint process provided by OIPM. An independent complaint system is superior to a complaint system run by NOPD. OIPM should consider viable avenues for increasing public awareness, in particular, some manner in which NOPD districts must provide a complainant with the information for filing with OIPM as well as the means, as through an available computer station. OIPM would require additional funding and personnel to be the primary repository of citizen complaints, and OIPM should seek funding from NOPD for expansion of the mediation program.	The OIPM would love to be the main location for our community to file complaints and commendations. That is not financially feasible at this time, without the OIPM ceasing all other operations; however, in the future as funding allows, the OIPM will continue to prioritize complaint intake in its day-to-day functions.
3. <u>Measure OIPM Effectiveness.</u> A missing component from the reports on use of force, complaints and discipline is OIPM's own measurement of its effectiveness. While the QAC found OIPM's reports in these areas to be thorough, detailed and objective, the QAC had no way of measuring OIPM's effectiveness and impact on NOPD.	The OIPM acknowledges this shortcoming in the police oversight profession. It was also noted in the President's Task Force on 21 <sup>st</sup> Century Policing and is something that the OIPM is actively engaging in creating along with our national association.



<p>4. <u>Compile &amp; Coordinate Officer Data.</u> Municipal Ordinance Sec. 2-1121 (22) sets out as one of the duties of OIPM to monitor civil suits involving NOPD. No reports on civil suits were produced in 2018. The QAC recommends that OIPM consider keeping in one place a database on individual officers, coordinating information from use of force, complaints, discipline, and civil suits so that it can make recommendations as to particular officers.</p>	<p>The OIPM receives and reviews on a monthly basis the initial lawsuits and claims information for NOPD provided by the City Attorney. The OIPM keeps the lawsuit information in its electronic file system, but there is no mechanism in place with the City Attorney's Office to collect final judgments and other remedial information. The OIPM will communicate with the City Attorney's Office in an effort to obtain the information necessary to provide a full analysis starting in 2020.</p>
<p>5. <u>More Holistic Approach to Recommendations to NOPD.</u> OIPM's reports contain useful recommendations as to the individual incident at issue. The QAC recommends that OIPM take information gleaned from these reports, especially when patterns appear, to produce more generalized reports with recommendations to NOPD and make such reports publicly available.</p>	<p>The OIPM's case review reports, which also contain recommendations for systemic change, are now available for the second half of 2019 on the OIPM's website. The OIPM will have more subject matter reports going forward.</p>
<p>6. <u>Update &amp; Reformat Website.</u> As described above, OIPM's website needs attention. It needs updating, reformatting, and better organization so that the public can more easily access the important information OIPM has to share.</p>	<p>The OIPM spent a lot of time making changes to the website in an effort to make it more navigable, however we are aware of its limitations. We will seek bids before the end of 2019 to create a new more interactive and informative website for our community.</p>





**Item 2**

# Office of the Independent Police Monitor

City of New Orleans

## 2018 Annual Report: Year in Review



Susan Hutson

Independent Police Monitor

May 30, 2019

# INDEPENDENT POLICE MONITOR

## MISSION AND RESPONSIBILITIES

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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

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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 30, to the ethics review board and New Orleans City Council 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 "Year in Review" is part of that report.

Herein the OIPM will provide some information about noteworthy 2018 activities for the NOPD and OIPM.

The OIPM would like to acknowledge the invaluable assistance of the Public Integrity Bureau (PIB) of NOPD for helping OIPM to meet its statutory obligations. The working relationship between the OIPM and PIB was especially noteworthy this year. PIB cleared its decks to meet with the OIPM and provide thoughtful and insightful feedback regarding the OIPM's Annual Report. In my nine years as the Independent Police Monitor, these discussions concerning the Annual Report and the OIPM recommendations were the most collaborative I have seen and the resulting pledges to work towards the same goals makes me excited to take on this work in 2019. The self-critiquing growth and internal betterment of the NOPD over these almost nine years, but especially during the Consent Decree, speaks to the leadership of this important and special bureau and the men and women that work therein. On behalf of the OIPM, I thank PIB for their efforts in strengthening this report and look forward to achieving these goals together in 2019.



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## NOTABLE NOPD ACCOMPLISHMENTS

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The following notable accomplishments were reported by the NOPD's Public Information Office in 2018.

### City-Wide Crime Reduction

- The NOPD reported a significant reduction in most violent crime categories. This includes murders, shootings, armed robberies and simple robberies.
- The NOPD reported a reduction in property crimes, while not as significant as the decrease in violent crime categories. A reduction in crime rates was observed in aggravated burglary, simple burglary, residential burglary, shoplifting and property snatching.

### Citizen Satisfaction

- The NOPD has continued to see positive progress as it relates to the public's perception of the NOPD. For the second year, the public's overall satisfaction with the NOPD exceeds 50%. Moreover, 87% of the citizens surveyed have indicated an officer interaction was pleasant in comparison to 79% of citizens surveyed in 2017.

### Officer Work-Burden

- The continued implementation of the False Alarm Reduction Program has reduced the number of calls received to less than 15,000 annually. This reduction translates to 2500-5000 patrol hours saved and better utilized.
- By embracing technology and obtaining electronic warrants, NOPD has saved 2500-1000 patrol hours.
- Most impressively, NOPD has saved 5000-10,000 patrol hours by implementing Alternative Police Reporting and NOPD Online.

### Leader in Police Reform

- While the NOPD is still under Consent Decree, its progress has not gone unnoticed. Law enforcement agencies from across the nation and world have received training from the NOPD.
  - Baltimore, MD
  - Chicago, IL
  - Milwaukee, WI
  - Memphis, TN
  - Pittsburgh, PA
  - Albuquerque, NM
  - San Francisco, CA



- Portland, OR
- Grapevine, TX
- Arlington, TX
- Newark, NJ
- Newark Consent Decree Monitoring Team
- Columbia, SC
- Philadelphia Police Advisory Commission
- Gary, IN
- US Virgin Islands
- US Customs and Border Protection
- Tuscon, AZ
- United Nations
- International Justice Mission and Guatemalan Law Enforcement
- Mexico- Executive Secretariat of the National Public Security
- Police Executive Research Forum
- National Police Foundation
- International Association of Chiefs of Police
- The NOPD was featured in national publications and presented at national law enforcement conferences on police reform successes.

### **NOPD Department Size**

- The NOPD reports historic lows in the rate of attrition and continued net growth in the size of the department.
- As of November 2018, the NOPD ended the period with 1,211 officers.

## **SUMMARY OF OCDM PARAGRAPH 456 ASSESMENT**

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The Office of the Consent Decree Monitor (OCDM) is required to conduct a comprehensive assessment measuring the current outcomes under the Consent Decree. In January of 2019, the OCDM published its report.

The OCDM classified each of the areas of the Consent Decree as 1) No Meaningful Progress, 2) Inadequate Progress, 3) Significant Progress, 3) Nearing Full & Effective Compliance and 4) Full and Effective Compliance. The OCDM found significant improvement in all areas of the Consent Decree. Most areas of the Consent Decree are categorized as Nearing Full and Effective Compliance or Full and Effective Compliance. However, there are still five significant areas of that are not instep with the others.



While “significant progress” has been achieved in the areas of supervision, performance evaluations and promotions, recruitment, community engagement and stop, searches and arrests, these five categories are lagging behind their counterparts. Most concerning is the progress that needs to be made related to stops, searches and arrests. The OCDM audits revealed inconsistent documentation of searches, lack of supervisor approval for consent searches, necessity for further training and inconsistent supervisor reviews of search documentation.

Once the OCDM finds the NOPD to be in “full and effective compliance” in all of the Consent Decree areas, the two-year monitoring phase of the Consent Decree will begin. The OIPM and OCDM are maintaining regular communications to ensure a smooth transition in the future.

## OIPM IN 2018

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2018 was a year of growth and change for OIPM. OIPM experienced significant staff changes as it welcomed a new Deputy Independent Police Monitor, Ms. Stella Cziment, Esq., and Executive Director of Community Relations, Mrs. Bonycle Sokunbi, Esq. The OIPM has staff of seven full time employees. This has been beneficial as OIPM has seen an increase in complaint intake and community-police mediations.

As the nation has taken notice of the reform taking place in the NOPD, oversight agencies are aware of the work the OIPM has done as well. OIPM has been recognized as a leader in police reform and presented nationwide and internationally on the subject matter. In 2018, the Independent Police Monitor, also made significant strides in codifying best practices for police oversight with the National Association for Civilian Oversight of Law Enforcement. Additionally, through the development and implementation of best practices, the OIPM’s Community Mediation 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.

OIPM has remained committed to the community. Whether it is through our Community-Police mediation program, or outreach efforts, the OIPM is increasing its presence in the New Orleans Community. The following list comprises the OIPM’s outreach efforts and reporting in 2018.

Date	Event	Council District
January 2018	‘Black and Blue’ play premiere and Community Dialogue	D
	Revis Ortique Leadership Institute - Speaker	B



	Know Your Rights and Responsibilities – Day Reporting Center – Presenter	B
	Citizen Diplomacy Council	Taught visiting governmental and non-profit officials about civilian police oversight.
	Rethink Talk	Provided information to the community about the OIPM's work.
<b>February 2018</b>	Ethics Review Board Meeting	B
	Terrance Jones Radio Show on WGSO - Speaker	All
	Neighborhood Association Meeting - Presenter	D
	Al Mims Radio Show on New Orleans Talk Network - Speaker	All
	Court Watch Nola - Speaker	
	Know Your Rights Presentation with BARE NOLA	B
<b>March 2018</b>	Peace Walk St. Roch	C
	WBOK Radio Interview with Families Overcoming Injustice	All
	Mardi Gras Indians Super Sunday - Tabled	B





	NOPD Graduation - Attended	D
	Ethics Review Board Meeting	B
	Families Overcoming Injustice Candlelight Vigil for National Day Against Police Brutality- Presenter	B
	BCM Public Safety Community Partners and BCM Leadership	D
	Know Your Rights and Responsibilities – Day Reporting Center – Presenter	B
	Community- Police Mediation Training – Facilitator	D
<b>April 2018</b>	SCLC Women’s Church Auxiliary President’s Breakfast – Justice for Girls Townhall - Presenter	C
	Ethics Review Board Meeting	B
	NOPD EPIC Conference - Attendee	A
<b>May 2018</b>	Know Your Rights and Responsibilities – Greater Liberty Church - Presenter	B
	Tulane University New Orleans Black Law Alumni Event - Attendee	B
	National Police Accountability Project Seminar and CLE – Presenter	D



	Ethics Review Board	B
	Open Society Learning Exchange – Attendee	B
<b>June 2018</b>	Know Your Rights and Responsibilities – First 72 Plus - Presenter	B
	NOPD New Supervisor Training Academy, “Active Listening, Conflict Resolution and Mediation,” - Presenter	D
	NOPD Graduation, Attendee	D
	NOPD Training Academy, “Credibility Determinations and Allegations,” - Presenter	D
	New Orleans Diplomacy Council International Visitors from Georgia – Presenter	B
	BCM Media Reception with Criminal Justice Agencies- Attendee	B
	Refresh Community Group Meeting on Cincinnati Consent Decree – Presenter	N/A
	Community Oversight Task Force Baltimore - Host	N/A
	Ethics Review Board Meeting	B
	NOPD Graduation, Attendance	D



<b>July 2018</b>	Community Mediation - Facilitator	B
	FBI Special Agent Civil Rights and OIPM's Work – Meeting	D
	City Attorney's Office and OIPM's Work - Meeting	B
	Know Your Rights and Responsibilities – Greater Liberty Church Symposium – Presenter	C
	Know Your Rights and Responsibilities – Bible School- Presenter	D
	Police Data Convening and Discussion	N/A
	Ethics Review Board Meeting	B
	Open Society Meeting – Presentation	B
	New Orleans Community Mediation Service's New Mediator Training - Presenter	B
<b>August 2018</b>	Kilometro Civilian Oversight from Puerto Rico - Host	N/A
	Meeting with Community Partners on Homicide Investigations	B



	Annual National Soros Fellows Conference Workshop on Policing, Presenter	B
	Meeting with Criminal Court Judge	C
	Know Your Rights and Responsibilities, Day Reporting Center – Presenter	B
<b>September 2018</b>	Ethics Review Board Meeting	B
	Meeting with Office of Homeland Security	B
	Aspen Institute called Weave: The Social Fabric Project - Interview	All
	Meeting with Xavier University about data	B
	Meeting with Coroner’s Office	B
	Meeting with community partners on homicide investigations	B
	Mayor’s Block Party – Tabled	C
<b>October 2018</b>	SCLC Justice for Girls Symposium, “Human Trafficking, - Presenter	All



	NOPD Graduation -Attendee	B
	Past Harms Present Remedies Reception, Host	D
	2018 Social Justice Banquet – Award Recipient	All
	Ethics Review Board Meeting	B
	NOPD Training Academy Committee Meeting	B
	Know Your Rights and Responsibilities, Liberty Kitchen - Presenter	B
	Know Your Rights and Responsibilities, St. Augustine High School - Presenter	D
	Night Out Against Crime - Tabled	B
	NOPD Insight Unit	B
<b>November 2018</b>	Know Your Rights and Responsibilities, GW Carver High School – Presenter	D
	3 <sup>rd</sup> District NONPACC Meeting – Attendee	D



Know Your Rights and Responsibilities, Katherine Drexel Preparatory School -	B
Meeting with Denver Office of the Independent Monitor about Kids and Cops Programming	N/A
Know Your Rights and Responsibilities, Day Reporting Center – Presenter	B
Know Your Rights and Responsibilities, St. Mary’s Academy – Presenter	E
International Police Oversight, Berlin, Germany – Presenter	N/A
RTCC Tour and Community Meeting	B
Amnesty International Meeting – Domestic Violence Investigations	B
Meeting with Human Relations Commission	B
NACOLE Regional Meeting- Presenter	N/A
ACLU LA Meeting	B
Ethics Review Board Meeting	B
Know Your Rights and Responsibilities, Liberty’s Kitchen - Presenter	B



Office of the Independent Police Monitor

City of New Orleans

# 2018 Annual Report: Complaints, Commendations, and Disciplinary Proceedings



Susan Hutson

Independent Police Monitor

May 30, 2019

## Contents

<b>NOTE FROM THE INDEPENDENT POLICE MONITOR .....</b>	<b>1</b>
<b>COMPLAINTS, COMMENDATIONS, DISCIPLINE AND THE OIPM.....</b>	<b>2</b>
<i>Responsibility of the OIPM: Misconduct Complaints, Disciplinary Proceedings, Commendations.....</i>	<i>2</i>
<i>The OIPM and the Federal Consent Decree .....</i>	<i>3</i>
<i>Summary of OIPM Activities: Misconduct Complaints.....</i>	<i>4</i>
<b>CONTACT OUTSIDE OF COMPLAINTS: CONTACT ONLY, CASE MONITORING, CRIMINAL LIAISON.....</b>	<b>6</b>
<i>Figure 1: Type of Contact .....</i>	<i>7</i>
<b>COMMENDATIONS.....</b>	<b>7</b>
<b>COMPLAINT, COMMENDATION, DISCIPLINARY PROCEEDING DATA SHARED IN THE ANNUAL REPORT .....</b>	<b>8</b>
<b>2018 COMPLAINT &amp; ALLEGATION DATA .....</b>	<b>10</b>
COMPLAINTS AND ALLEGATIONS BY YEAR.....	10
<i>Figure 2: Complaints by Year .....</i>	<i>10</i>
<i>Figure 3: Allegations by Year .....</i>	<i>10</i>
<i>Figure 4: Most Common Allegations .....</i>	<i>11</i>
ALLEGATION ANALYSIS .....	11
OUTCOME OF COMPLAINTS .....	12
<i>Figure 5: NOPD Allegation Findings .....</i>	<i>12</i>
<i>Figure 6: Most Sustained Allegations .....</i>	<i>13</i>
<i>Figure 7: Allegations by Source.....</i>	<i>13</i>
<i>Figure 8: Complaint Disposition by Source.....</i>	<i>14</i>
COMPLAINT ANALYSIS .....	14
<i>Figure 9: All Complaints by Outcome.....</i>	<i>15</i>
<i>Figure 10: Rank Complaints by Outcome.....</i>	<i>16</i>
<i>Figure 11: Public Complaints by Outcome.....</i>	<i>16</i>
<i>Figure 12: Complaint Outcomes by Officer Race.....</i>	<i>17</i>
<i>Figure 13: Fourth Amendment Complaints.....</i>	<i>18</i>
<i>Figure 14: Fourth Amendment Allegations by Outcome.....</i>	<i>18</i>
<i>Figure 15: Anonymous Complaints.....</i>	<i>19</i>
<b>DISCIPLINARY PROCEEDINGS.....</b>	<b>20</b>
<b>DISCIPLINE DATA .....</b>	<b>22</b>
<i>Figure 16: Action Taken.....</i>	<i>22</i>
<i>Figure 17: Outcomes.....</i>	<i>23</i>
<i>Figure 18: Discipline by Complainant Gender.....</i>	<i>24</i>
<i>Figure 19: Outcomes by Officer Gender.....</i>	<i>25</i>
<i>Figure 20: Outcome by Complainant Race.....</i>	<i>26</i>
<i>Figure 21: Discipline by Officer Race .....</i>	<i>27</i>
<b>INTERNAL GOALS FOR 2019.....</b>	<b>28</b>
<i>Development and Implementation of Updated Policies .....</i>	<i>28</i>
<i>Data Tracking and Sharing.....</i>	<i>28</i>
<b>EXTERNAL GOALS FOR 2019: RECOMMENDATIONS TO NOPD .....</b>	<b>29</b>
<i>OIPM Recommendations from 2018 .....</i>	<i>29</i>



<b>MOVING FORWARD: ADDITIONAL RECOMMENDATIONS THE OIPM SEEKS TO MAKE TO NOPD IN 2019 .....</b>	<b>30</b>
<i>Recommendation: Meaningful Complainant Interactions.....</i>	<i>30</i>
<i>Recommendation: Improved Efforts to Track Disciplinary Proceedings in IAPro.....</i>	<i>31</i>
<i>Recommendation: Improved Credibility Assessments in Investigations .....</i>	<i>31</i>
<b>CONCLUSION .....</b>	<b>31</b>

## **Note from the Independent Police Monitor**

Pursuant to New Orleans City Code Section 2-1121(16) (the Police Monitor's Ordinance), the Office of the 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 30, to the ethics review board and New Orleans City Council 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 (NOPD). 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.

The OIPM would like to acknowledge the invaluable assistance of the Public Integrity Bureau (PIB) of NOPD for helping OIPM to meet its statutory obligations. The working relationship between the OIPM and PIB was especially noteworthy this year. PIB cleared its decks to meet with the OIPM and provide thoughtful and insightful feedback regarding the OIPM's Annual Report. In my nine years as the Independent Police Monitor, these discussions concerning the Annual Report and the OIPM recommendations were the most collaborative I have seen and the resulting pledges to work towards the same goals makes me excited to take on this work in 2019. The self-critiquing growth and internal betterment of the NOPD over these almost nine years, but especially during the Consent Decree, speaks to the leadership of this important and special bureau and the men and women that work therein. On behalf of the OIPM, I thank PIB for their efforts in strengthening this report and look forward to achieving these goals together in 2019.”

This section of the Annual Report: Complaints, Commendations, and Disciplinary Proceedings acts as one part of that required public report.



## **Complaints, Commendations, Discipline and the OIPM**

Complaints of officer misconduct and accounts of exemplary policing from both the community and those within the police district are valuable and can be the catalyst for important progress within the police department. Each complaint and commendation is an opportunity for the NOPD to learn more about themselves and to adapt to the changing needs of the community, and when properly handled brings the NOPD one step closer to being in full compliance with the Federal Consent Decree.

The Office of the Independent Police Monitor receives commendations and complaints, monitors and reviews misconduct complaint investigations and disciplinary proceedings, and keeps data on relevant trends and patterns to communicate back to the NOPD through policy and practice recommendations.

In 2018, the Office of the Independent Police Monitor received 42 complaints. These complaints ranged from how the police interacted with them and their loved ones during calls for assistance to how the police responded to public activism and protests. The Office of the Independent Police Monitor received 6 complaints from officers and civilians working within the New Orleans Police Department. Some of the complaints were from officers who were speaking up regarding disparities in training or disciplinary concerns and some of the complaints were from civilians within the police department who believed their supervisors abused their power in promotion and employment decisions. Each complaint was an opportunity for the Office of the Independent Police Monitor to make these individuals feel heard and to work alongside the NOPD to ensure there was accountability.

This section of the Annual Report will dive into the work the OIPM has completed during 2018 regarding misconduct complaints, police commendations, and disciplinary proceedings. This report will both analyze the OIPM role in the complaint, commendation, and disciplinary process and will explain how this work ensures NOPD compliance with the Federal Consent Decree. Additionally, this section of the Annual Report will analyze NOPD produced data regarding the misconduct complaints and commendations which were received by the NOPD directly and the OIPM will highlight relevant trends and patterns from this data. Finally, the OIPM will provide an update on previous and outstanding recommendations made to the PIB regarding misconduct complaints, commendations, and disciplinary proceedings and put forth new recommendations for the coming year.

### **Responsibility of the OIPM: Misconduct Complaints, Disciplinary Proceedings, Commendations**

Since first opening its doors in August 2009, the Office of the Independent Police Monitor has been responsible for representing the community of New Orleans, providing accountability and oversight to the NOPD, and implementing the reforms required under the Federal Consent Decree. The Office of the Independent Police Monitor is an independent, civilian police oversight agency created by voters in a 2008 charter referendum. The OIPM operates through a Memorandum of Understanding (MOU) with the City of New Orleans and the New Orleans Police Department. It is protected and required by City Charter and Ordinance. This means this office was created by the people of New Orleans to represent all people interacting with the New Orleans Police Department in order to improve the way our community is policed.



The OIPM is responsible for these core responsibilities regarding misconduct complaints, discipline and commendations:

- **Misconduct Intake, Investigation, and Disciplinary Review** – the OIPM ensures complaints of police misconduct are classified and investigated or mediated appropriately. If investigated, the OIPM monitors to ensure the investigations are conducted fairly, timely, and thoroughly handled. If the account of misconduct is considered for disciplinary penalties, the OIPM reviews the disciplinary investigation and proceeding to ensure the discipline is fair, consistent, timely, and appropriate for the allegations. The OIPM makes sure this process is transparent and understandable to those outside of and within the system.
- **Commendation Collection and the Promotion of Effective Policing Techniques** – the OIPM is responsible for receiving and referring requests for officer commendations from civilians, fellow officers, and community partners and organizations. Based on the commendations received, the OIPM is able to provide feedback to the NOPD regarding what the community believes is good and responsive policing.
- **Share Data and Trends to Improve the NOPD** – the OIPM reviews and aggregates data from complaints, investigations, and disciplinary proceedings and then provides feedback to the NOPD and information to the public through recommendations for NOPD training, practice and policy.
- **Community Outreach** – the OIPM conducts community outreach to receive accounts from the community of policing, listen and respond to broader community concerns, and prepare the community for engagement in NOPD policy and practice.

## **The OIPM and the Federal Consent Decree**

The OIPM plays a unique role with the implementation of the Federal Consent Decree, which both overlaps and is separate from the role of the Office of the Consent Decree Monitors (OCDM) and is relevant to understand the work the OIPM conducts in misconduct complaints and disciplinary oversight.

The OIPM is locally based staff and office who examines the NOPD in a broad approach, which considers the Federal Consent Decree, along with NOPD policy, city, state, and federal law, and national practices put forth by the National Association for Civilian Oversight of Law Enforcement and the needs of the community. As a complaint intake site, the OIPM is able to directly interact with the community and advocacy organizations regarding their concerns, accounts of police progress, and facilitate communication with the NOPD. These accounts from the community, such as complaints of officer misconduct, and the subsequent NOPD response to learning of these incidents, are opportunities for OIPM to ensure the NOPD is complying with the Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication.

Now, as the NOPD nears compliance with the Federal Consent Decree, the OIPM has turned its focus towards the areas where the NOPD is categorized as “Significant Progress” and “Nearing Full and Effective Compliance.” According to the report released by the OCDM in January of 2019, relevant departments of the NOPD are in the category of “Significant Progress” include: (1) supervision; (2) community engagement; and (3) stops, searches and arrests. Relevant departments of the NOPD in the category of “Nearing Full and Effective Compliance” include: (1) misconduct investigations; and (2) bias free policing. The work that OIPM conducts within misconduct complaint intake, review and monitoring of investigation and disciplinary



proceedings falls within those categories of the Federal Consent Decree; specifically, the subsections regarding: the reporting of misconduct (Section XVII, Subsection A), preventing retaliation (Section XVII, Subsection C), conducting intake (Section XVII, Subsection F), collecting and analyzing evidence (Section XVII, Subsection H and I), communicating with the complainants (Section XVII, Subsection K), and the discipline process and transparency (Section XVII, Subsection L).

In the coming year, OIPM and the OCDM will continue to assess NOPD progress towards compliance and audit the NOPD and provide feedback to improve practices and policies so the NOPD can be found in full compliance. Beyond that goal, the OIPM will continue to engage with the community and the NOPD to ensure the NOPD stays in full compliance of the Federal Consent Decree after OCDM leaves and that the NOPD continues to progress and change to the needs of the community.

In 2019, the OIPM will update and implement internal policies and practices, and build tracking mechanisms, to ensure the Consent Decree is captured in all work product related to misconduct complaints and disciplinary proceedings. The OIPM will work with partners such as the Invisible Institute and Thoughtworks, to build data tracking systems to both track and audit the NOPD compliance with the Consent Decree. The OIPM will include relevant data and updates regarding the Consent Decree in public reports to the Ethics Review Board and in other relevant reports and work product available to the public on the OIPM website.

The OIPM will continue to include the community in its assessment of NOPD's compliance with the Consent Decree so the public can remain engaged in the progress of NOPD. Keeping these goals and principles in mind, the OIPM takes on the following work in complaints of misconduct and oversight of disciplinary proceedings.

### **Summary of OIPM Activities: Misconduct Complaints**

The city of New Orleans, the NOPD, and the OIPM envisioned an additional impartial and independent accountability body for Public Integrity Bureau (PIB) complaints and subsequent investigations. According to the MOU, the OIPM was envisioned as an alternate complaint intake site for those civilians and officers that would prefer not to complain directly to the NOPD regarding police misconduct. The OIPM provides a complaint process that is independent, impartial, transparent, fact-based, timely, and communicates in an understandable manner to all those involved. The OIPM maintains that misconduct investigation must be comprehensive, and the complaint process must be accessible, fair, thorough, and transparent.

The OIPM strives to provide this through:

- assessing and analyzing the number of and type of complaints, assessing the quality and timeliness of NOPD investigations;
- reviewing PIB policy and practice regarding the investigation and their findings;
- reviewing operations and effectiveness of the early warning system through connecting officers and complaints to determine if those officers should have triggered further supervisory review or response;
- monitoring issues related to supervision, training and discipline of officers.

At the OIPM, any individual can file a complaint, whether it be the person who had the police encounter, an individual that witnessed a police encounter, or another officer or employee of NOPD. The OIPM accepts



complaints filed by the person affected by the misconduct, a third party not directly involved in the complaint, witnesses of the alleged misconduct, or anonymously. Additionally, the OIPM accepts complaints from individuals with pending criminal proceedings. Complaints may be filed with the OIPM by telephone, in writing, by mail, e-mail, the OIPM website, in person at the OIPM office, at a designated OIPM trained/sponsored organization location, or at a designated OIPM outreach event.

Once the OIPM receives a complaint, the OIPM prepares the complainant's account into a narrative. The OIPM does not verify the statements made during complaint intake or agree with the statements provided by the complainant. The OIPM strives to accurately capture the words, emotions, goals and narrative shared by the complainant and selects the policy, practice, or rule that each allegation of behavior / incident could have violated if determined to be true. As part of the letter preparation process, OIPM personnel reviews information in NOPD systems regarding the interaction complained of, including body worn camera video, electronic police reports (EPR) and field interview cards (FIC). The OIPM may include information obtained from NOPD information systems in the complaint referral to PIB to ensure that PIB can fully investigate the complainant's concerns.

Within the complaint referral letter, the OIPM assesses what possible NOPD chapters, administrative policy, statute, state ordinance, state or federal law, or constitutional provision the NOPD employee may have violated and provides allegation recommendations. OIPM reviews and includes relevant officer disciplinary history from the last five (5) years within the letter and highlights any potential misconduct patterns in the officer's history. Finally, the OIPM classifies the complainant, makes recommendations on reassignments, managing retaliation, and any other corrective measures. The OIPM may also comment on the general policies or training if there is a risk that those policies, practices, or training may not provide enough guidance to officers in similar situations and there is an opportunity for a systemic improvement. During complaint intake, the Complaint Intake Specialist may inquire whether the complainant may be interested in OIPM's Community Police Mediation program provided the complaint is eligible for mediation. The complaints eligible for mediation typically are allegations of professionalism, discourtesy, and neglect of duty. If a complaint is eligible for mediation and the complainant is a willing participant, the Complaint Intake Specialist will recommend that PIB refer the complaint to mediation during its "classification process."

When the referral letter is complete, the OIPM provides the referral to PIB and provides a copy along with a Complainant Letter to the complainant. The complainant letter includes information about the complaint referral process and lets the complainant know what to expect next.

PIB receives the complaint referral and then PIB includes the complaint in the complaint management system, IAPro, and then determines the classification of the complaint and possible investigator assignment. Though the OIPM does not classify complaints, the OIPM may make recommendations to the PIB regarding complaint classification. In accordance with the Federal Consent Decree Section XVII, Subsection F: Complaint Intake, Classification, Assignment, and Tracking, PIB conducts three classifications. PIB is to first determine whether the alleged misconduct is:

- a public complaint,
- an internally generated complaint;
- a minor violation/infraction resolved through counseling or training; or
- a complaint that qualifies as an No Formal Investigation Merited (NFIM).

If the complaint is classified as a public complaint or an internally generated complaint, then the PIB classifies whether the complaint is:

- Use of Force;
- Criminal; or
- Administrative.

Finally, if administrative, there are subcategories. The third classification occurs within the Administrative subcategories:

- serious misconduct;
- other (non-serious) misconduct;
- allegations eligible for Negotiated Settlement; and
- allegations eligible for Community-Police Mediation.

The complaint process is based on the allegation, not the possible outcome. The classification matters because it determines the Bureau where the complaint will be assigned for investigation. Upon being notified by the NOPD of the complaint, the OIPM may review the classification of internal investigations to ensure it is complaint with the Federal Consent Decree Section XVII and where appropriate, may recommend the NOPD reclassify the internal investigations.

Beyond the intake and classification process, the OIPM acts as a facilitator between the complainant and the NOPD complaint process and the PIB. Often, the OIPM is the first place the complainant goes with questions regarding PIB investigations and findings. The OIPM strives to assist the community as it interacts with the NOPD misconduct complaint process.

### **Contact Outside of Complaints: Contact Only, Case Monitoring, Criminal Liaison**

Outside of the complaint intake process, there are other interactions that the OIPM has with potential complainants, officers, and members of the public. This contact can be categorized as:

- Contact Only
- Case Monitoring
- Criminal Liaison

The OIPM uses the classification: “Contact Only” if the individual contacts OIPM to request assistance or to ask questions about the NOPD or some other law enforcement agency or organization, which can include filing a complaint or receiving assistance with the criminal liaison assistance, but then does not complete the process. Some potential complainants decide not to pursue misconduct complaints or request information or ask questions and then decide they are not interested, choose not to follow through, or the situation is resolved.

The classification of “Case Monitoring” is utilized when a complainant requests or when the OIPM determines the situation warrants real time monitoring of a NOPD process. This could include observing witness statements or attending court hearings to observe NOPD testimony. Some case monitoring may result in a case review and some case monitoring is limited to the particular activity observed.

The OIPM utilizes the classification of “Criminal Liaison” for whenever the OIPM assists a civilian with navigating an NOPD interaction about a criminal investigation. Typically, this activity is reserved for when





a civilian has an interest in an open criminal matter and would like the OIPM to facilitate communication with the officer assigned to investigate the criminal matter, such as a mother wanting to speak with the homicide detective assigned to her child's murder investigation. These requests result in meetings coordinated by the OIPM between the NOPD or the District Attorney's Office and the civilian.

Below is a breakdown of all OIPM contacts for 2018:

**Figure 1: Type of Contact**

Type of Contact	
2	Contact Only
2	Commendations
10	Cases Monitored
36	Civilian Complaints
6	Police Complaints
10	Criminal Case Liaisons

## Commendations

Highlighting noteworthy and excellent policing may improve the performance of police districts, strengthens community trust in police, and provides examples for the NOPD to internally model. Therefore, the OIPM seeks and collects commendation information from the community. It is required that representatives of the OIPM are prepared to receive and refer commendations from the public, organizations, businesses, and fellow officers in accordance with the November 10, 2010 Memorandum of Understanding (MOU).

Pursuant to the MOU, Para. 7, the OIPM will compile data and identify officers, units and precincts that have been commended by the public for completing exceptional work. These reports may note patterns, other relevant data, and related practices and initiatives to recommend republication in the NOPD.

OIPM acts as an alternative site to receive refer requests for commendation to the PIB and Districts. The OIPM receives the commendation request in any of the following formats: verbal, email, online submission, or through social media platforms. The OIPM will receive commendations for police behavior that occurred during the officer's secondary employment or during volunteer efforts.

Upon receiving the request, the OIPM prepare the request into a commendation referral letter. The commendation referral letter will include: the officer's information, the requester's information, the date, time, and location of the recommended behavior, and a summary of the police conduct.

In accordance with NOPD Policy Chapter 13.35: Commendations and Awards, the OIPM will accept any additional information or supporting documentation for the commendation including but not limited to: the accompanying police report, pictures, and video.

The OIPM will track requested commendations, note patterns in commendations, and identify practices and initiatives that should be emulated throughout the department. The OIPM will evaluate the commendation trends and annual statistical summary compiled and produced by the PIB and posted annually on the NOPD

website. The OIPM will work with the NOPD to ensure compliance with Section XVIII: Transparency and Oversight, Subsection A: Data Collection and Public Reporting.

In 2018, OIPM collected two commendations. Details about the commendations OIPM processed are included below:

- One commendation was from a mediator who appreciated the professionalism and participation of the officer during a community mediation session.
- One commendation was from the organization Court Watch NOLA in appreciation for a lieutenant's helpfulness and accessibility for data sharing.

Moving forward, the OIPM is going to make a renewed effort to ensure the community and other NOPD employees can access our office and know about this valuable opportunity to provide positive feedback so we can receive more commendation requests in the future.

## **Complaint, Commendation, Disciplinary Proceeding Data Shared in the Annual Report**

In this section of the annual report, the OIPM is analyzing data provided by the NOPD on two separate dates: complaint data was provided on May 29, 2019 and disciplinary proceeding data was provided on February 21, 2019. The NOPD conducted intake, inputs data, and sets the data fields. Each year the OIPM strives to work with the NOPD leadership to meet and review the data in advance of reports. A risk of this current system is that if NOPD is unavailable for such meetings, reports are produced without that valuable confirmation of the data.

Due to current data sharing policy, the OIPM is limited in our ability to collect and verify certain data and is dependent on the NOPD to provide the data and confirm our verification. This means the OIPM frequently analyzes the NOPD data as it exists, so if a field is left blank, OIPM is unable to draw a conclusion. This year, there are open questions due to fields being populated with "data inconsistencies" or selections such as "other." When the OIPM utilizes the language: "data inconsistencies," the OIPM is trying to capture that the data set provided by the NOPD is either: a duplicate, cancelled, an unknown value, or incomplete. This means the actual incident, in this case a complaint or a disciplinary proceeding, is completed but the finding is not identified. This is different from the value: "data unknown" because this means the NOPD utilized the field to determine the data is unknown.

In 2019, OIPM seeks to execute a data sharing agreement with the NOPD which would significantly expand the OIPM's ability to receive necessary unaggregated data so the OIPM can conduct independent verification and analysis as envisioned in the MOU. One benefit of this data access is that OIPM is less dependent on NOPD in order to produce reports such as this annual report.

In this report, the OIPM puts forth a recommendation that the NOPD improve data intake and data keeping but will also continue to push for full unfettered data access. It is OIPM's position that improved unassisted data access would eliminate prior limitations on the OIPM's ability to conduct our required data analysis while simultaneously contributing to the improvement of NOPD's data collection and verification through comprehensive review.

Finally, below is a glossary of terms utilized in the data sets of this annual report. These data terms draw from the NOPD manual.

- **Complaint** – a complaint is an allegation of misconduct filed against a NOPD employee by a member of a public or civilian (external) or another employee (internal). A complaint may concern



an action or lack of action taken by a NOPD employee(s), an interaction with a NOPD employee, or a witnessed interaction with a NOPD employee.

- **Disposition** – the results of an investigation of misconduct. Categories of dispositions include a determination of sustained, not sustained, exonerated, or unfounded.
- **Exonerated** – according to the NOPD, when the NOPD makes the finding of exonerated this means under the standard of proof, the alleged incident or behavior occurred but it did not violate the policies, practices, or training of the NOPD.
- **Not Sustained** – according to the NOPD, when the NOPD makes the finding of not sustained this means under the standard of proof, the investigating officer or the hearing officer is unable to determine if alleged incident or behavior occurred.
- **Sustained** – according to the NOPD, when the NOPD makes the finding of sustained this means under the standard of proof, the investigating officer or the hearing officer determined alleged incident or behavior occurred and it was a violation of the policies, practices, or training of the NOPD.
- **Unfounded** – according to the NOPD, when the NOPD makes the finding of unfounded this means under the standard of proof, the investigating officer or the hearing officer determined the alleged behavior or incident did not occur and / or that the alleged officer was not involved.

Other outcomes of complaints and / or disciplinary investigations may include the following terms:

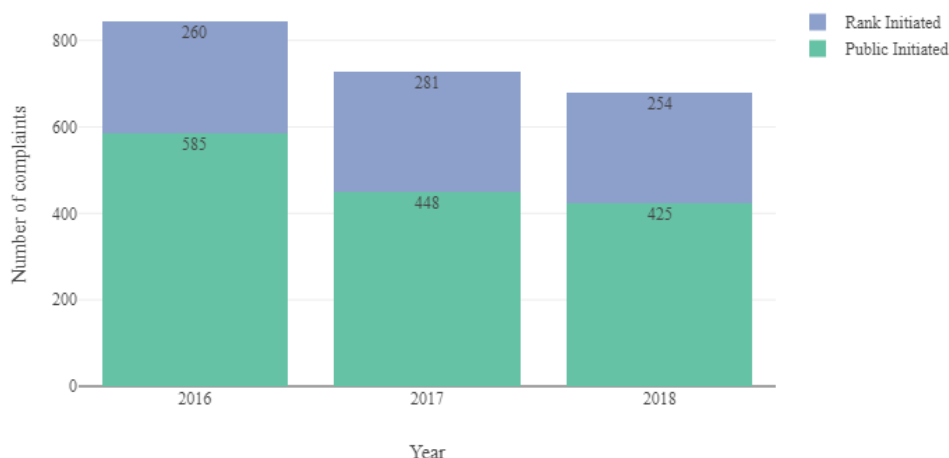
- **No Formal Investigation Merited (NFIM)** – A complaint action where the allegations alleged does not constitute a violation by an employee of any departmental rule, policy, procedure, policy, or law. These are only available for a select type of complaint, such as: traffic citations in certain circumstances, civil incident of an off-duty employee, NOPD employee did not work for NOPD at the time of the incident, and delayed police service in certain circumstances.
- **Retired / Resigned Under Investigation (RUI)** – when an officer retired or resigned when under investigation.
- **Mediation** – Mediation is an alternative to the traditional complaint investigation process. Mediation is voluntary, confidential, and non-judgmental. Two professional community mediators facilitate as individuals and officers share how their interaction affected one another and play an active role in creating a solution. Complaints such as professionalism and discourtesy may qualify for mediation.
- **DI-2** – Is a non-disciplinary action between a supervisor and employee including redirection and verbal counseling.

## 2018 Complaint & Allegation Data

### Complaints and Allegations by Year

Complaints appear to have slight decrease in 2018 and 2017 compared with 2016. This appears to be on trend with other United States police departments of similar size, which are experiencing stagnation in complaints or decreases<sup>1</sup>. Given that complaint decreases are taking place in metropolitan police departments across the U.S., this may indicate a universal reform in policing over the past few years.

**Figure 2: Complaints by Year**



**Figure 3: Allegations by Year**



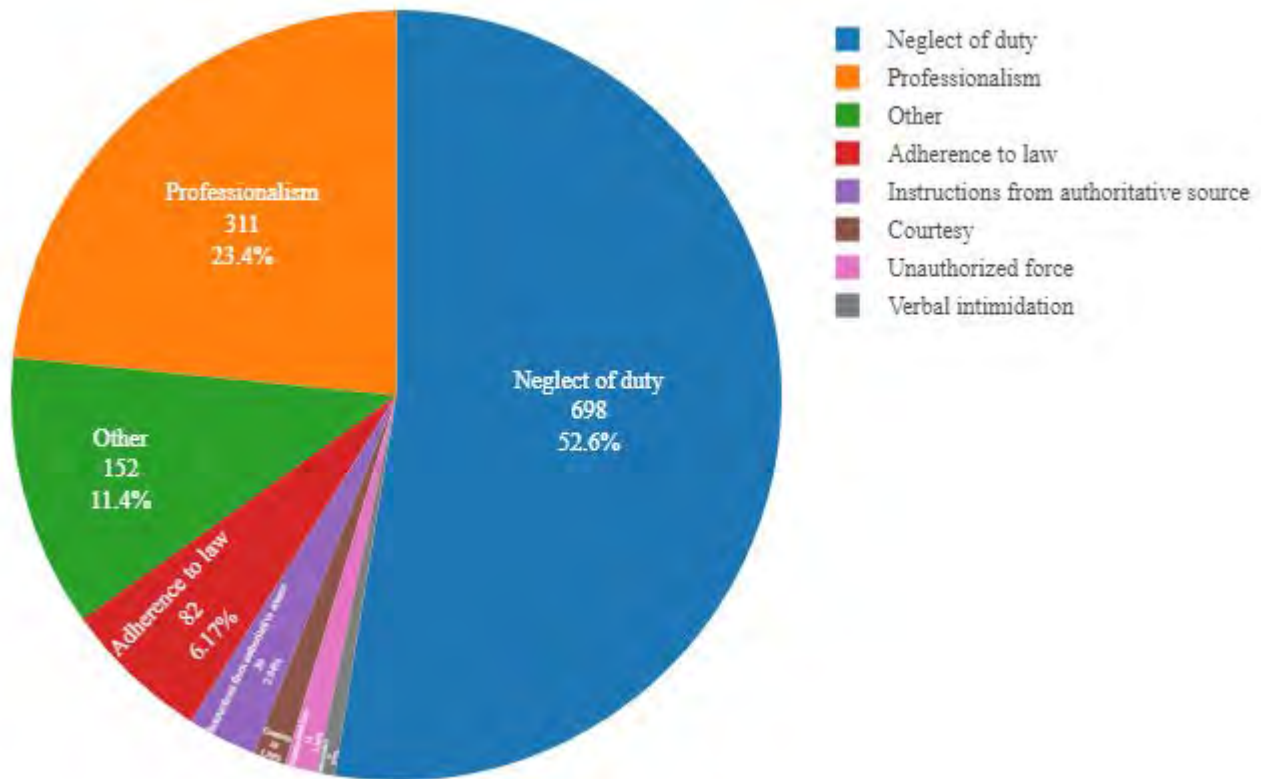
<sup>1</sup> Boulder Police Department, Professional Standards Report, p. 6, from <https://boulder.colorado.gov/police/police-annual-reports>, [https://www-static.boulder.colorado.gov/docs/Professional\\_standards\\_report\\_Final3-26-1-201903261155.pdf](https://www-static.boulder.colorado.gov/docs/Professional_standards_report_Final3-26-1-201903261155.pdf), accessed April 9, 2019.

Chicago Police Department, Chicago Police Department: Annual Report 2017, p. 28-29, from <https://home.chicagopolice.org/inside-the-cpd/statistical-reports/annual-reports/>, <https://home.chicagopolice.org/wp-content/uploads/2019/03/Chicago-Police-Department-Annual-Report-2017.pdf>, accessed April 9, 2019.

Government of the District of Columbia, Police Complaints Board, Office of Police Complaints, Annual Report 2018, pg. 6, from <https://policecomplaints.dc.gov/page/annual-reports-for-OPC>, <https://policecomplaints.dc.gov/node/1366436>, accessed April 9, 2019.

Toledo Police Department, The Toledo Police Annual Report: 1867-2017, 150 years of service, pg. 35, from <https://toledopolice.com/>, <https://www.toledopolicemuseum.com/tpd-2018-annual-report>, accessed April 9, 2019.

**Figure 4: Most Common Allegations**



## Allegation analysis

Allegations are different from complaints. Within one complaint may be multiple allegations of misconduct. According to NOPD data, the two most common complaint allegations in 2018, representing roughly 75% of all allegations, were: “neglect of duty,” and “professionalism”. Similar to findings analyzed of other departments, complaints tend to originate from civilian interactions<sup>2</sup>.

The dispositions of the complaints filed in 2018 are illustrated in the figure 4: “Most Common Allegations.” This figure illustrates that the most common allegation of “Neglect of Duty” is also the allegation most frequently marked “sustained”. This is consistent with 2017 findings.

Complaint allegations have shifted slightly from 2017. While “neglect of duty” and “professionalism” remained the most common allegations, the third most common switched from “instructions from an authoritative source” in 2017 to “adherence to law” in 2018. While there was not a significant percentage change in “adherence to law” allegations between 2017 and 2018, “instructions from an authoritative source” allegations decreased by almost sixty (60) allegations, or over 3%.

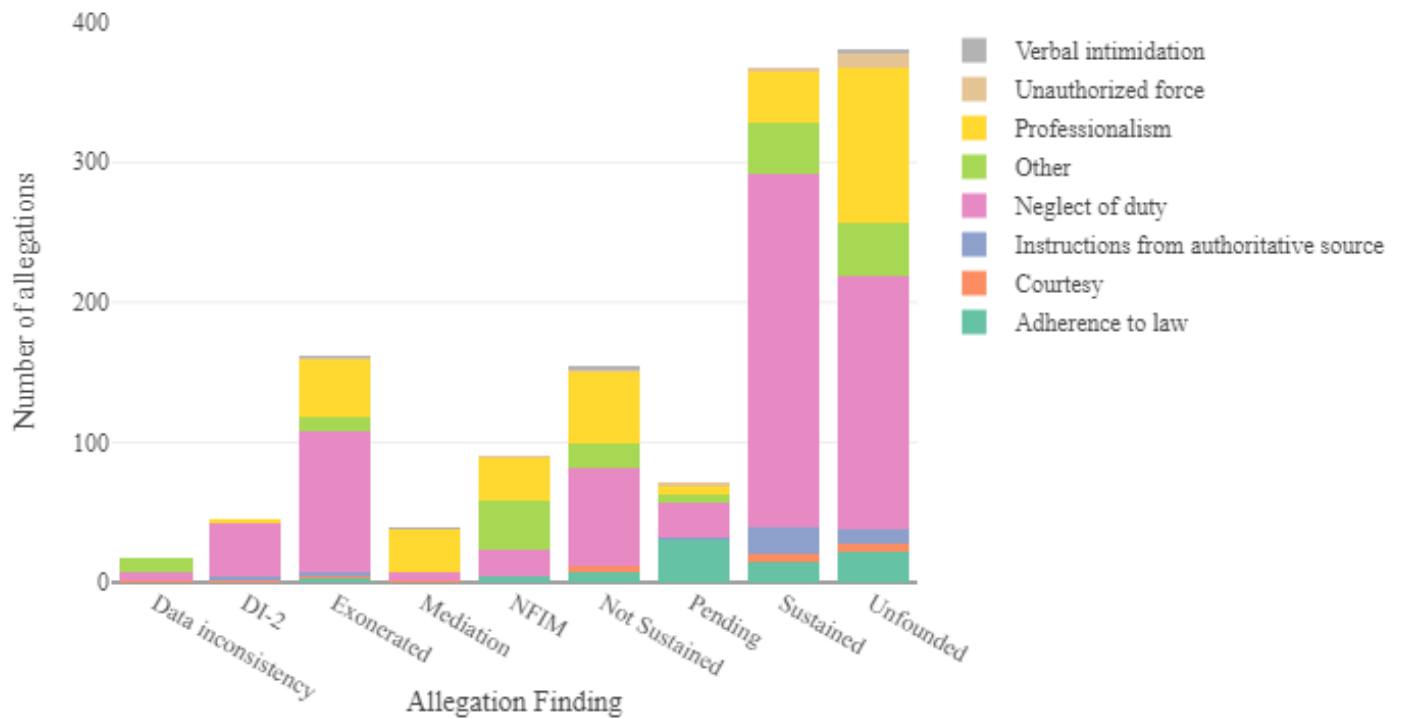
<sup>2</sup> Chicago Police Department, Chicago Police Department: Annual Report 2017, p. 28-30, from <https://home.chicagopolice.org/inside-the-cpd/statistical-reports/annual-reports/>, <https://home.chicagopolice.org/wp-content/uploads/2019/03/Chicago-Police-Department-Annual-Report-2017.pdf>, accessed April 9, 2019.

Government of the District of Columbia, Police Complaints Board, Office of Police Complaints, Annual Report 2018, pg. 7, from <https://policecomplaints.dc.gov/page/annual-reports-for-OPC>, <https://policecomplaints.dc.gov/node/1366436>, accessed April 9, 2019.

There was a disciplinary matrix change implemented in March of 2018, as a result, there was a policy shift to more accurately determine the appropriate charge between neglect of duty and instructions from an authoritative source. This resulted in a change in PIB practice resulting in more charges of neglect of duty in 2018.

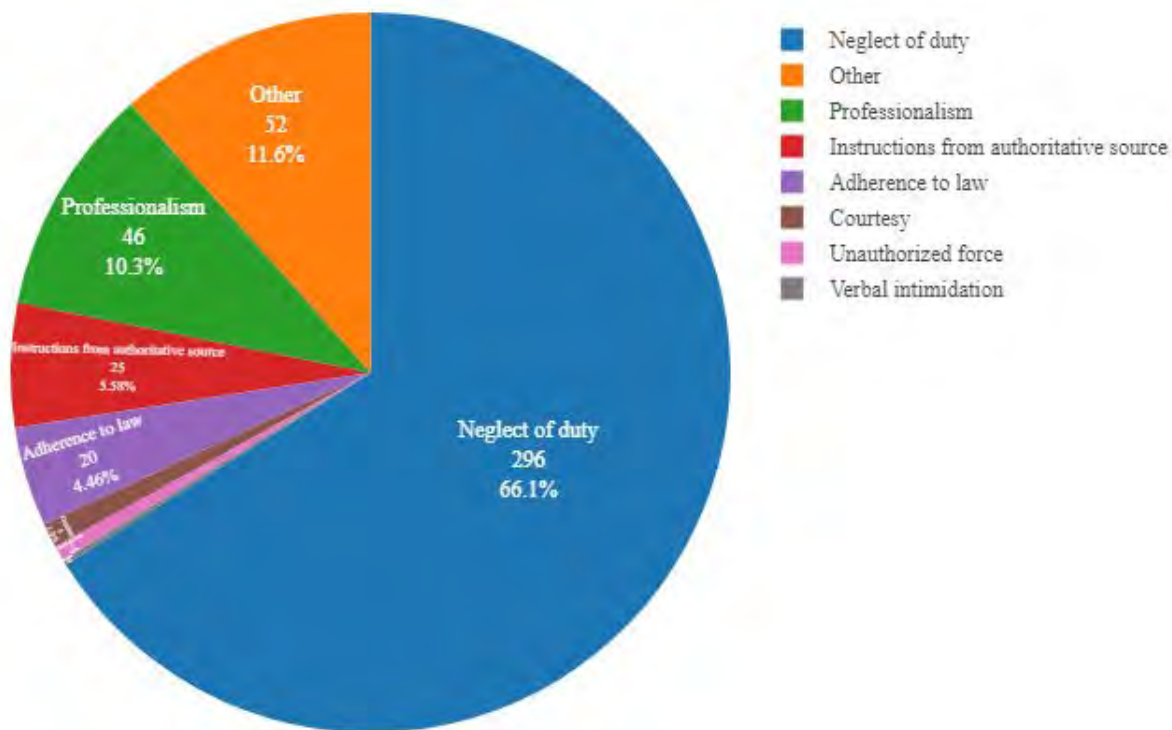
## Outcome of Complaints

**Figure 5: NOPD Allegation Findings**



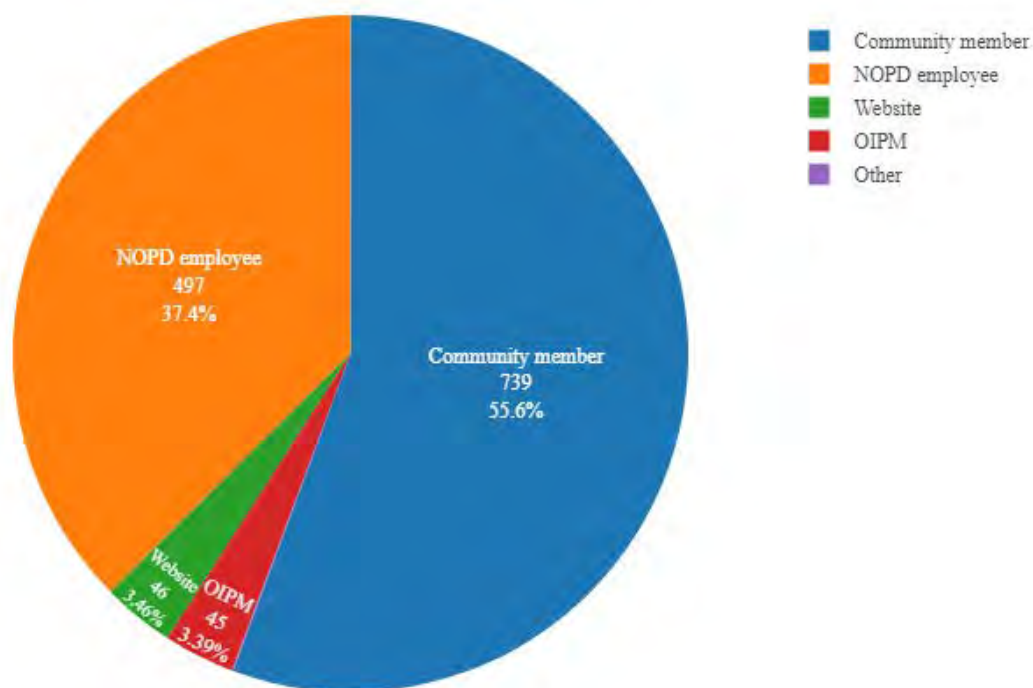
In 2018, the most common sustained allegation is “neglect of duty” at 52%, mostly unchanged since 2017.

**Figure 6: Most Sustained Allegations**



These totals are based on sustained allegations only.

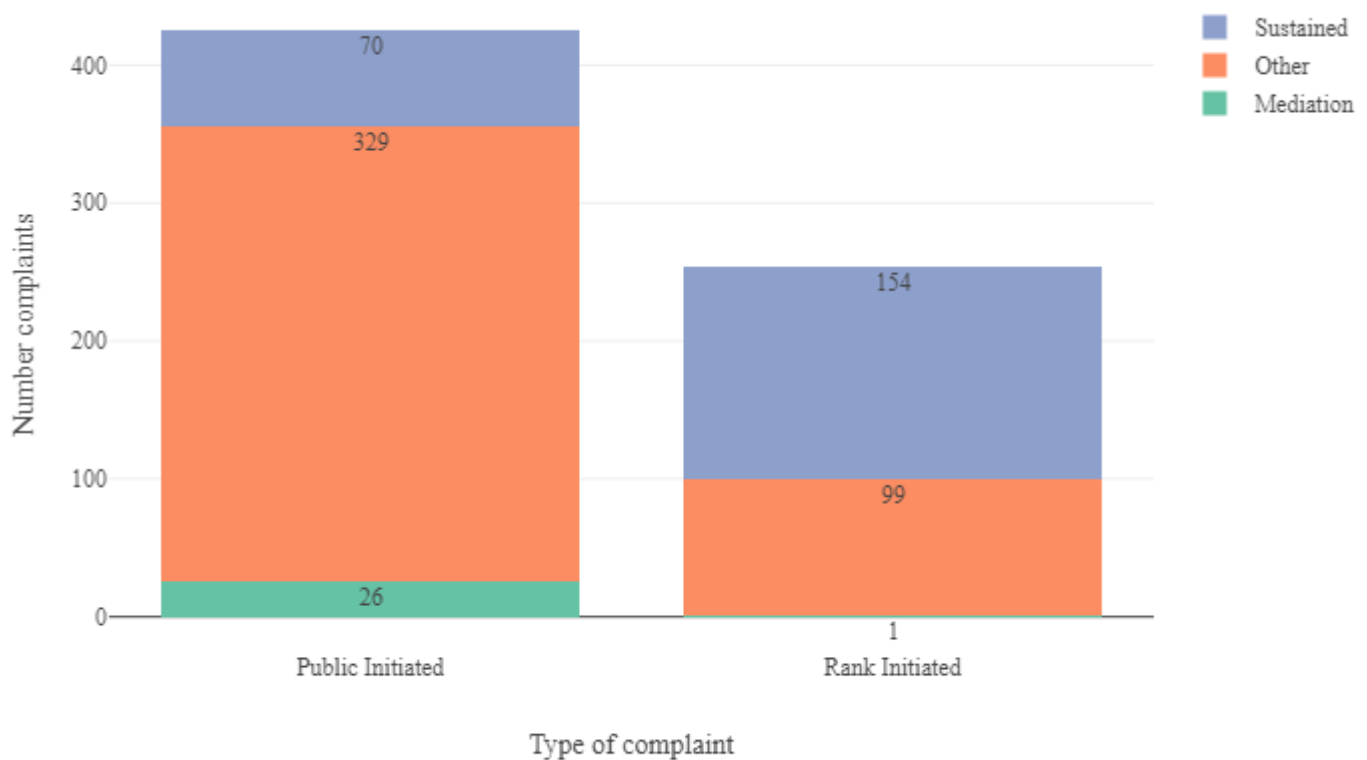
**Figure 7: Allegations by Source**





This classification of each allegation is complimentary to and consistent with the Public vs Rank Initiated classification that each allegation also receives. In 2018, 62% of allegations are classified as the public initiated. Of the 62% of allegations made by the public, approximately 55.5% of those allegations were classified as initiated by a civilian, which means a member of the public was the source of the complaint and a member of the public submitted a complaint in person to a NOPD employee. Moving forward, the OIPM and the NOPD is going to examine this public initiated category (type) to better identify the source of the complaint. The goal is to better differentiate the data from website complaints, OIPM referrals, and civilian complaints to confidently determine in the data what is coming from a public source.

**Figure 8: Complaint Disposition by Source**



## Complaint Analysis

The largest grouping was of “sustained” complaints at 29.3%. This is almost the identical rate from 2017 (29.2%).

While 14.6% of public complaints are sustained (15.6% in 2017), 53.7% of rank complaints are sustained (50.7% in 2017), this is more than three times the rate of public complaints. In New Orleans, the public

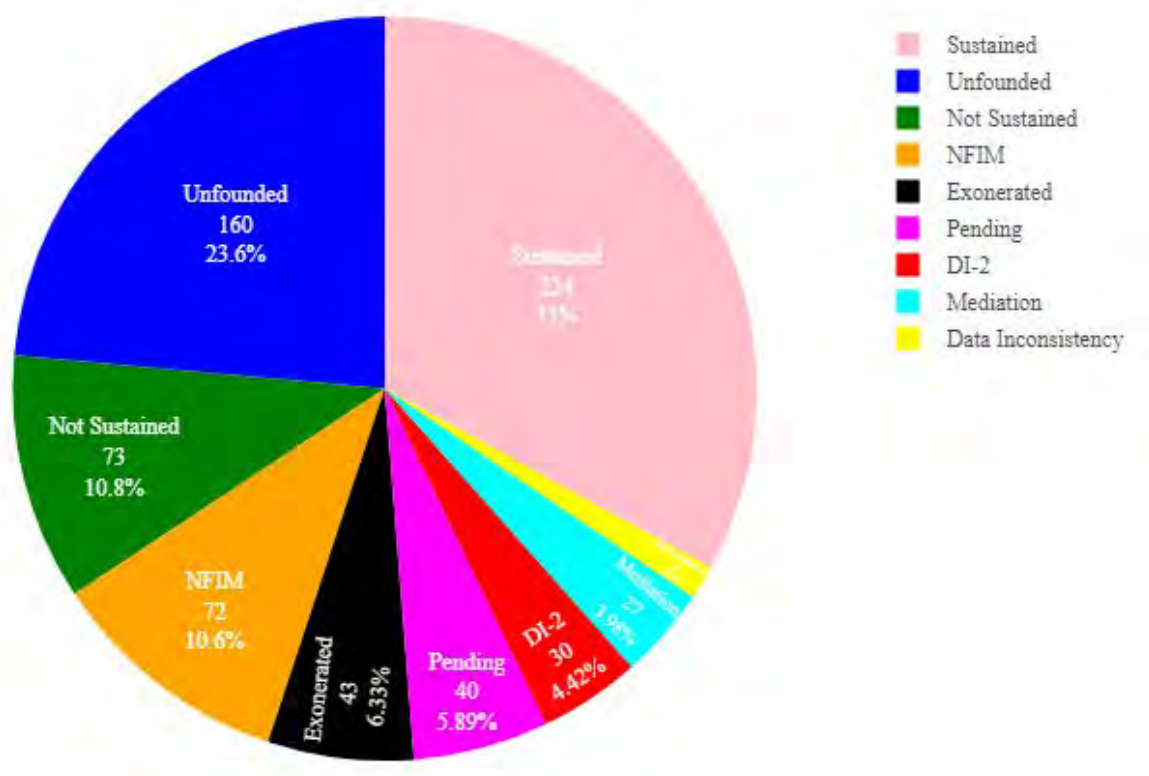


initiates roughly 1.7 times the number of complaints than does rank. In police departments across the US, public complaints often represent the majority of complaints but are the least often sustained.<sup>3</sup>

There are different conclusions that can be drawn from this trend. A rank-initiated complaint may and often does originate from misconduct observed by a supervisor during a public interaction. At this time, the data does not capture when a rank-initiated complaint originates from an observed act of misconduct during an interaction with a member of the public.

There is an argument that the number of sustained rank-initiated complaints is growing because there is an increase of supervisor-based accountability. This means that rank is required under the Federal Consent Decree to review officer action within the community, identify misconduct in those interactions, and then initiate discipline against officers. When rank-initiates a complaint, limited investigation is required because a supervisor observed the misconduct as it occurred or during his or her review the officer's Body Worn Camera.

**Figure 9: All Complaints by Outcome**

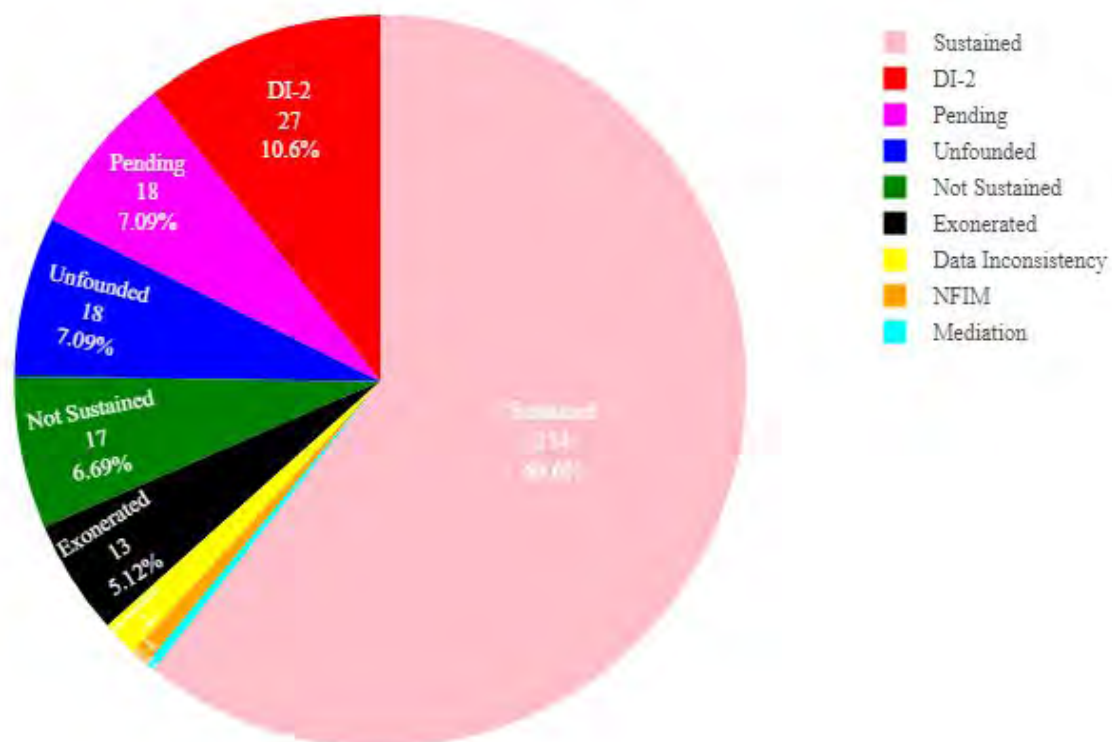


<sup>3</sup> Boulder Police Department, Professional Standards Report, p. 6, from <https://bouldercolorado.gov/police/police-annual-reports>, [https://www-static.bouldercolorado.gov/docs/Professional\\_standards\\_report\\_Final3-26-1-201903261155.pdf](https://www-static.bouldercolorado.gov/docs/Professional_standards_report_Final3-26-1-201903261155.pdf), accessed April 9, 2019.

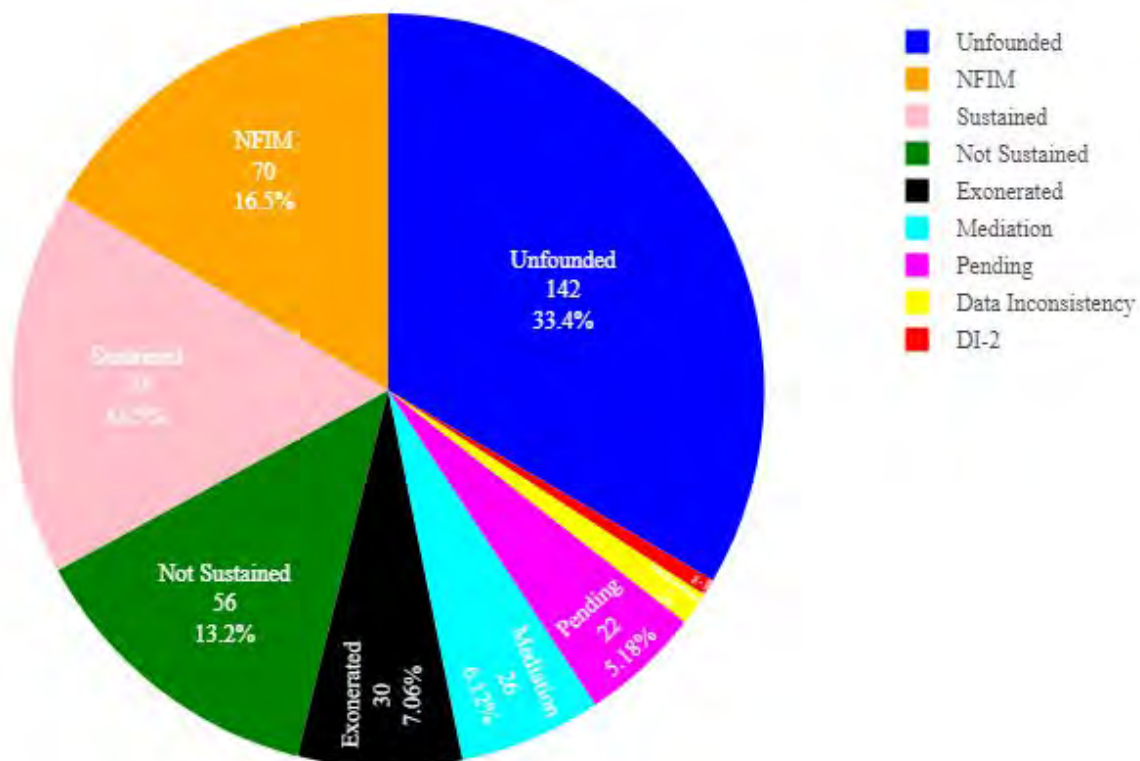
“Data,” Citizen Police Data Project, accessed April 9, 2019, <https://data.cdpd.co/data/bPpjvw/citizens-police-data-project>.

Toledo Police Department, The Toledo Police Annual Report: 1867-2017, 150 years of service, pg. 36, from <https://toledopolice.com/>, <https://www.toledopolicemuseum.com/tpd-2018-annual-report>, accessed April 9, 2019.

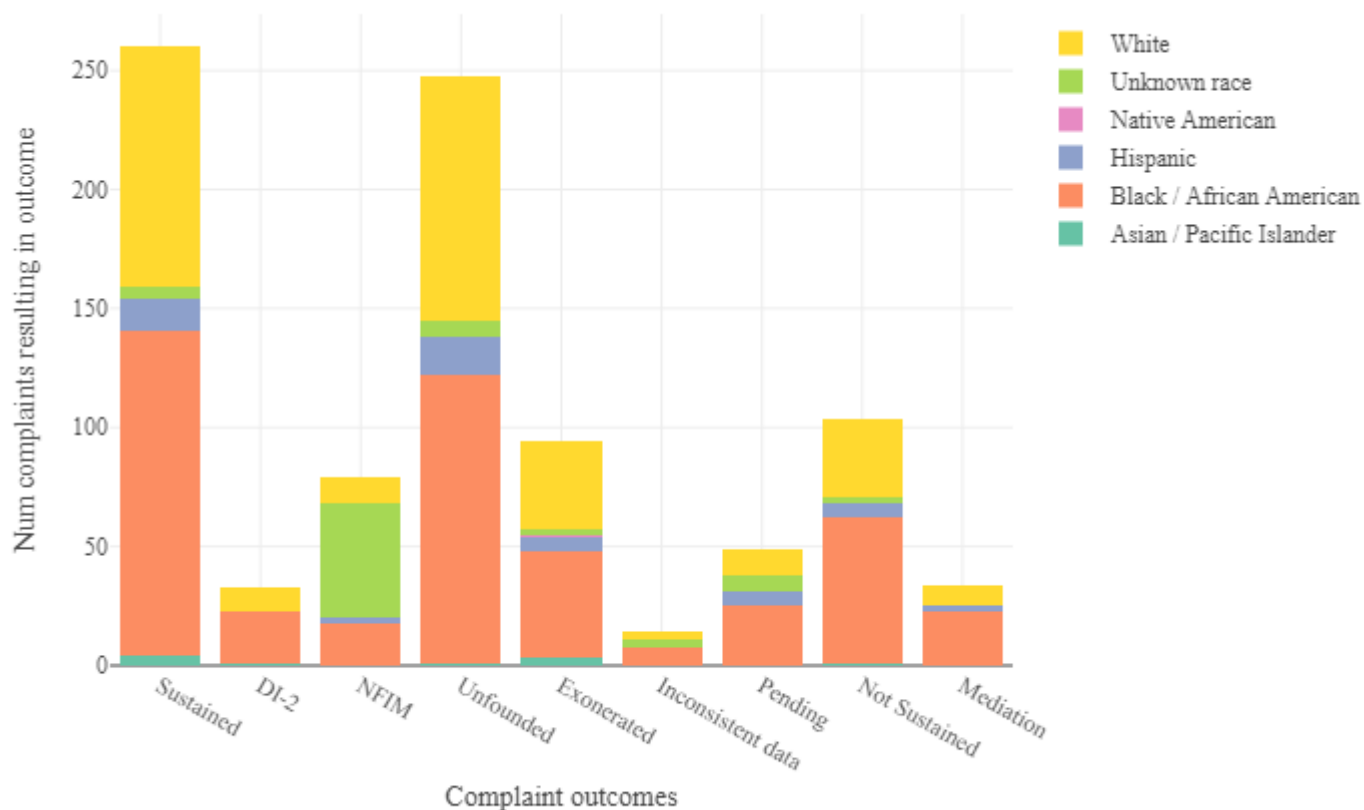
**Figure 10: Rank Complaints by Outcome**



**Figure 11: Public Complaints by Outcome**

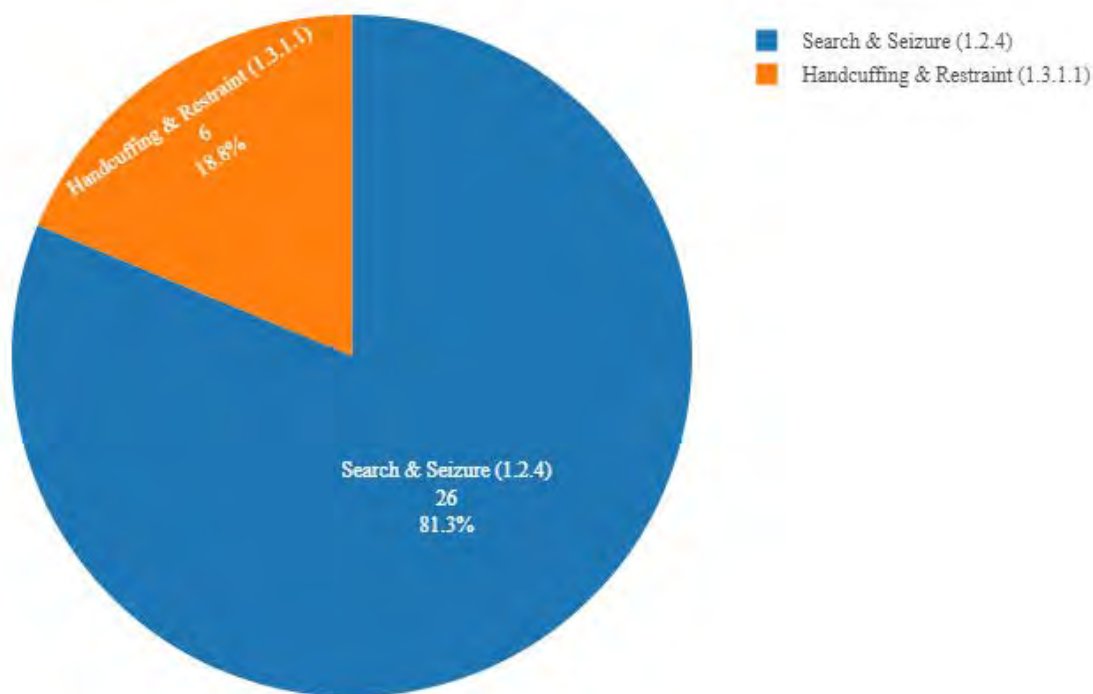


**Figure 12: Complaint Outcomes by Officer Race**

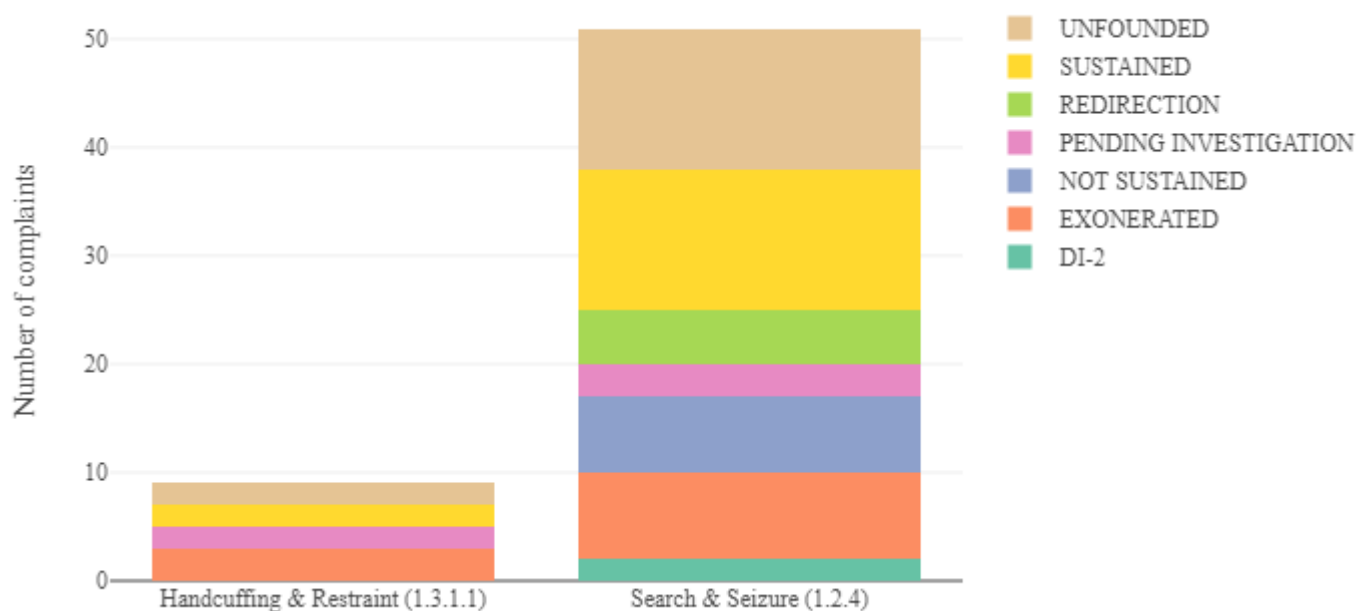


According to NOPD data (please refer to [annual-report-2018.nola.ipm.gov](http://annual-report-2018.nola.ipm.gov)), sustained complaints appear to be consistent with officer race demographics. Officers classified as African American / Black have a higher rate of participation in mediation. The OIPM cannot draw a definitive conclusion from this data but the OIPM and NOPD would like to explore this trend in future reports.

**Figure 13: Fourth Amendment Complaints**



**Figure 14: Fourth Amendment Allegations by Outcome**

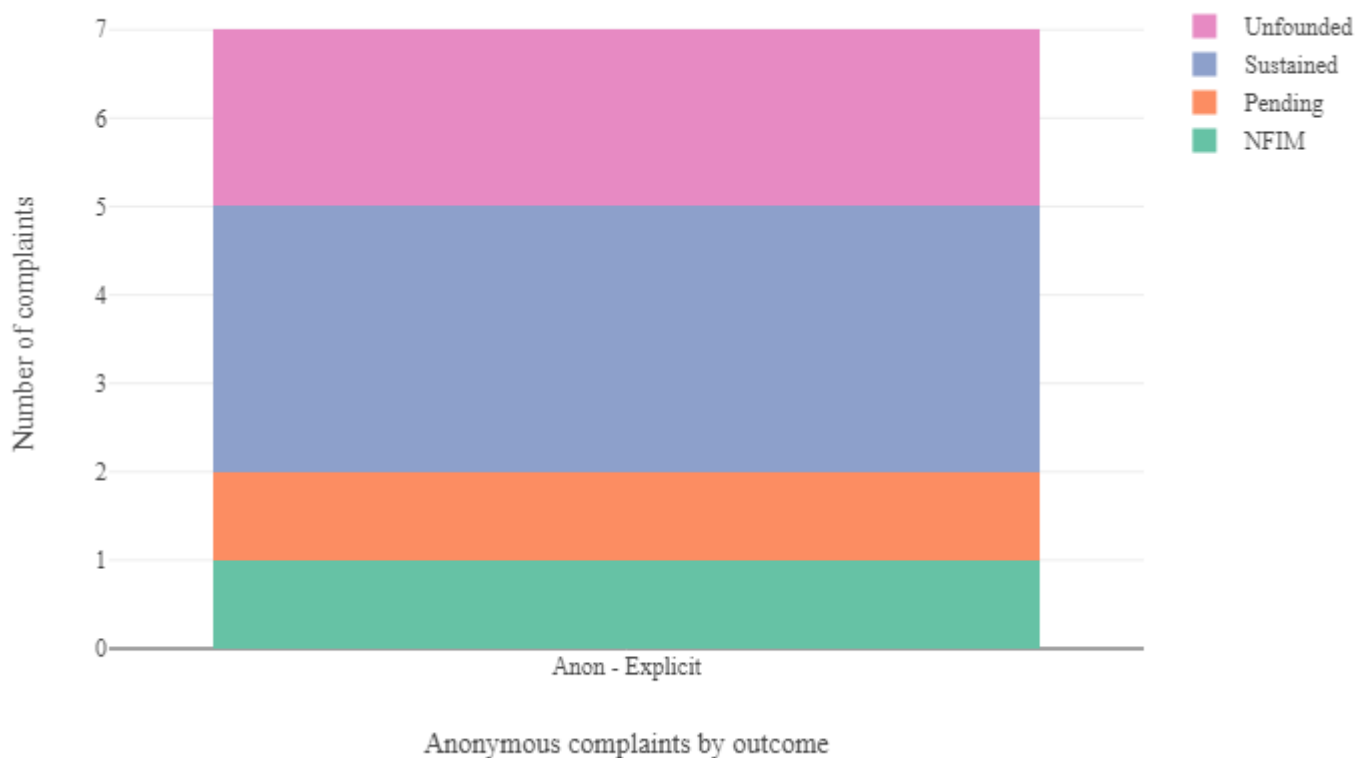


Search and seizure and handcuffing and restraint were the two high risk allegations that composed Fourth Amendment allegations. According to NOPD data, illegal search and seizure was more prevalent than handcuffing and restraints in 2018 at 85.4% of allegations. There were 29 total Fourth Amendment sustained allegations in 2018.

Furthermore, NOPD's data does not make it easy to identify possible 4<sup>th</sup> Amendment related allegations. Moving forward, NOPD and OIPM will work on this issue together.

The outcomes of Fourth Amendment allegations were relatively similar for both search and seizure and handcuffing and restraint. In both instances, the number of sustained allegations matches that of those exonerated. This is a slight deviation from 2017, when exonerations were nearly twice as likely as sustained allegations. These findings may indicate a greater accountability mechanism in the department.

**Figure 15: Anonymous Complaints**



This chart of anonymous complaints captures when the complainant chooses not to give his or her name. Of the three anonymous complaints in 2018, two remain pending; the third was found to have No Formal Investigation Merited (NFIM). These findings are similar to those from 2017, where only 1 of 10 anonymous complaints was sustained.

Similar to 4<sup>th</sup> Amendment complaints, there is no clear way to use NOPD's data to identify anonymous complaints from nameless complainants in the data. The results may not reflect the actual number of anonymous complaints.

## Disciplinary Proceedings

The OIPM is responsible for monitoring whether all NOPD action taken during disciplinary proceedings are compliant with state and federal law, NOPD policy, the Consent Decree, and the Memorandum of Understanding between the NOPD and the OIPM executed on November 10, 2010. The OIPM monitors and assesses the efforts of NOPD to ensure all disciplinary investigations and proceedings are conducted in a manner that is non-retaliatory, impartial, fair, consistent, and truthful in accordance with NOPD policies. The OIPM reviews the disciplinary investigations and proceedings executed by NOPD to ensure they are executed in a timely manner that is consistent with all requirements under law.

When the OIPM monitors the NOPD administration of discipline, the OIPM reviews to ensure the discipline is not discriminatory or biased against or towards any NOPD employee on the basis of race, creed, national origin, ancestry, gender, sexual orientation, age, religion, political affiliation, disability, or any other basis protected by federal or state law or city ordinance.

The NOPD is responsible for notifying the OIPM of disciplinary proceedings against NOPD employees. Disciplinary proceedings against NOPD employees will occur when a misconduct investigation results in a preliminary recommendation of sustained. The OIPM will review such proceedings to ensure the NOPD is compliant with Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication.

Adjudication of misconduct is handled internally by the PIB or the officer or employee's Bureau. The OIPM may monitor the process conducted by the PIB or by the Bureau; however, under the MOU, there are detailed directions regarding how the OIPM is notified of investigations by the PIB and similar protocol does not currently exist for Bureaus. For that reason, the OIPM tends to be more involved with investigations and disciplinary proceedings conducted by the PIB.

The procedure for adjudication of misconduct has slight deviations when it is executed by the Bureau or the PIB. If an investigation is conducted by the PIB, first, an investigation into the alleged misconduct occurs. Second, the investigation is reviewed by the PIB. In the case of serious misconduct, once the investigation is reviewed by the PIB, then the OIPM is notified if a hearing or predisposition conference is required. Third, if any of the allegations are sustained, PIB conducts a predisposition conference. At the predisposition conference, the hearing officer will render a finding of sustained, not sustained, unfounded, or exonerated. Fourth, if any allegation is sustained, then the officer proceeds to a Commander's pre-disciplinary hearing. Only the alleged allegations that the Hearing Officer sustains proceeds to a pre-disciplinary hearing. The Commander will recommend a penalty based upon the Disciplinary Matrix for Superintendent's approval.

If the penalty for alleged violation results in a lengthy suspension penalty or possible dismissal, a Superintendent's Committee Disciplinary Panel hearing will take place. The Committee would recommend a disposition and penalty for Superintendent's approval. Ultimately, the Superintendent either rejects, accepts, or amends the disposition and/or the recommended penalty.

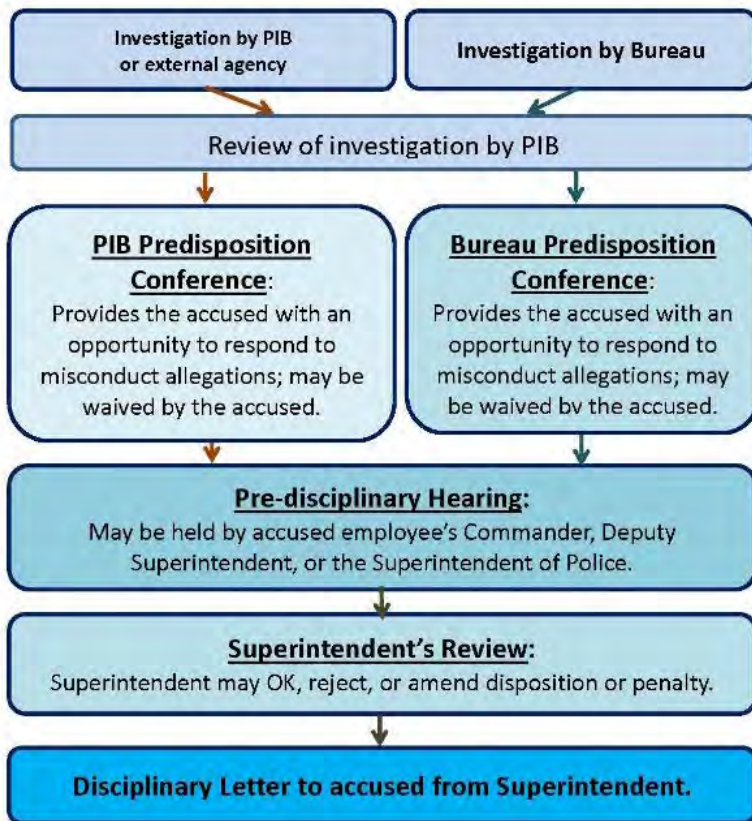
Differently, if the investigation is conducted by the Bureau, then the once the investigation is reviewed, the Bureau will conduct the predisposition conference. During the predisposition conference, the hearing officer will render a finding of sustained, not sustained, unfounded, or exonerated. If any allegation is sustained, then the hearing officer will immediately consider mitigating and aggravating factors present and will issue a





penalty to the officer. The recommended penalty will be based upon the Disciplinary Matrix for Superintendent's approval.

Below is a table with the flow chart of disciplinary proceedings:



Once the Superintendent reviews the disciplinary proceeding, the NOPD employee will receive a disciplinary letter with the final outcome.

Prior to the predisposition conference, the OIPM reviews the misconduct investigation from the PIB and completes: (1) the first half of the OIPM-created matrix; and (2) a preliminary memorandum to the PIB with initial findings and recommendations. The matrix remains within the OIPM electronic file. The preliminary memorandum to the PIB is disseminated to the PIB prior to the predisposition hearing for their review.

As required, in the preliminary memorandum to the PIB, the OIPM will, 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 as authorized by the Ordinance, the MOU, and the Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication. These determinations, recommendations, and findings shall be submitted to the NOPD in writing.

At the predisposition conference or the pre-disciplinary hearing, the OIPM representative does not speak on the record but does speak prior to the start of the hearing, during deliberation on the allegations and the determination of penalties, where appropriate, and upon the conclusion of the hearing. During this time, the OIPM representative may provide training, practice, and policy recommendations for the individual officer or employee and / or the district along with feedback on the thoroughness of the investigation.

In accordance with the MOU, the OIPM identifies possible trends and makes recommendations to the NOPD regarding the investigation and disciplinary proceeding. The OIPM shall: (1) access the quality and timeliness of the PIB complaint processing, including investigation and determinations stemming from complaints, whether civilian or internally generated; (2) review the adequacy of the PIB's data collection and analysis; (3) review the PIB's policies and procedures; (4) review the PIB's resource needs; and (5) review how relevant disciplinary policies and practices conform with the Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication. Based on those assessments, the OIPM will

make recommendations to the Superintendent to improve the PIB data collection and analysis, and resources. The OIPM analyzes aggregate data to track trends in relation to types and sources of civilian and internally generated complaints, processing and investigation, and determinations stemming from complaints, discipline imposed by type of complaint, use of any early warning system to intervene with a department member in need of additional training, supervision or other issues of concern that arise during a review by the OIPM.

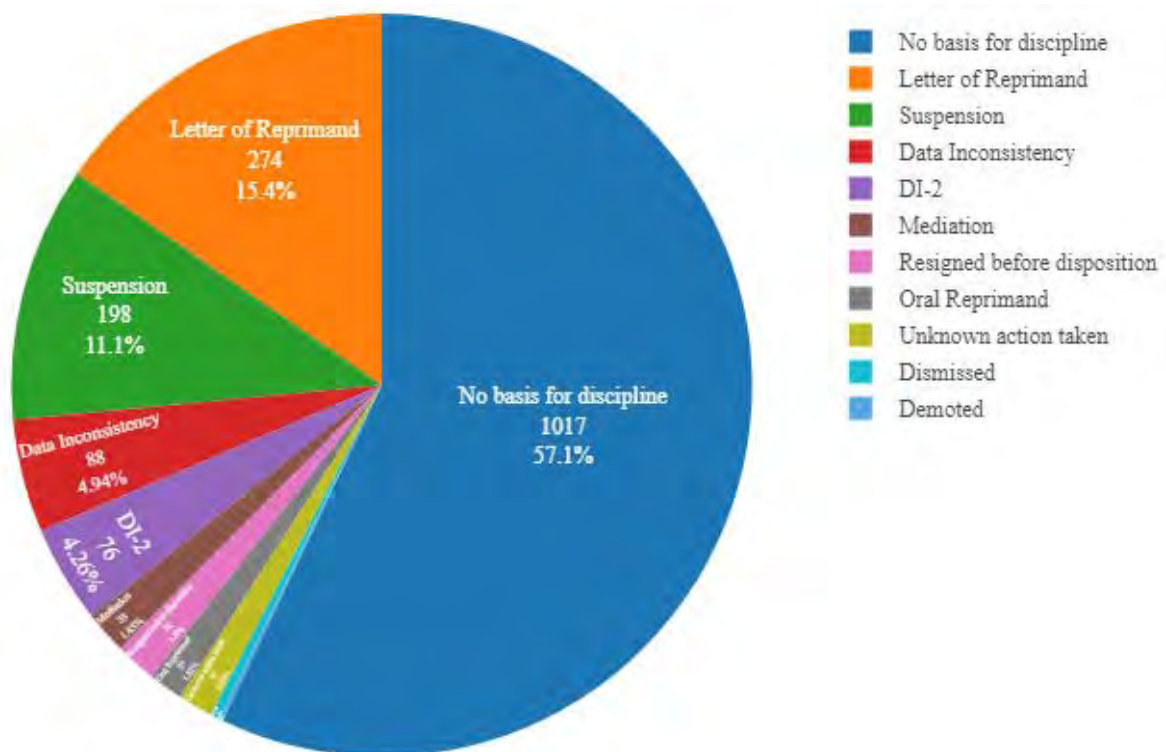
The OIPM shall make recommendations to the Superintendent to improve NOPD policies and practices based on national best practices. The OIPM shall review specific issues regarding supervision, training, discipline, and other issues to identify problems, mitigate risk, and make recommendations for improvement.

The annual report is one such opportunity for the OIPM to provide feedback to the Superintendent, the NOPD, and the community regarding the OIPM's findings from the disciplinary adjudication process. For the most part, the following data is from the NOPD and was prepared by the NOPD but analyzed by the OIPM in order to identify and highlight patterns, trends, and outliers of note.

## Discipline Data

In 2018, there were roughly 20 types of allegations alleged against NOPD employees. The top three were “neglect of duty,” “instructions from an authoritative source,” and “professionalism.” This remains in step with trends from 2017. In 2018, the most common outcomes were letter of reprimand and suspension. In 2017 the most common outcomes were DI-2 and suspensions.

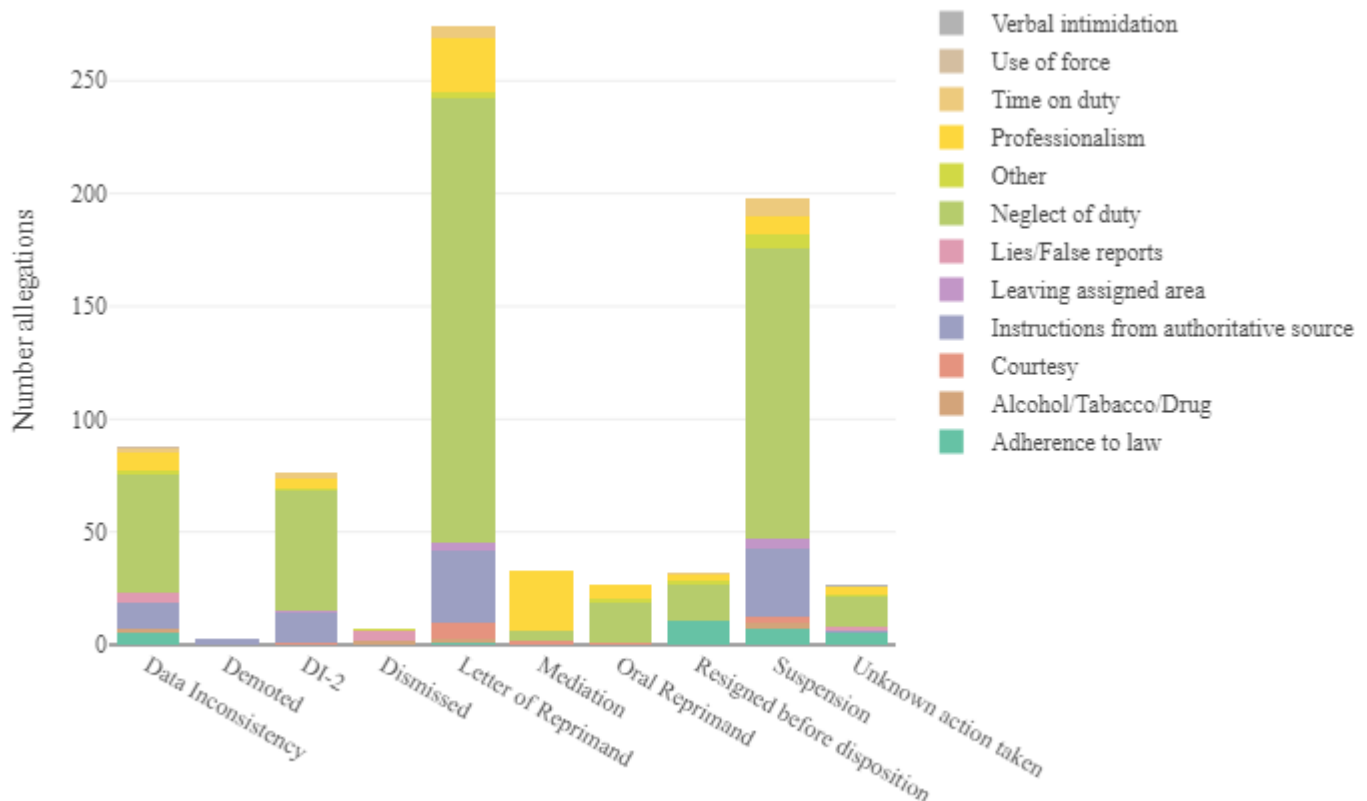
**Figure 16: Action Taken**





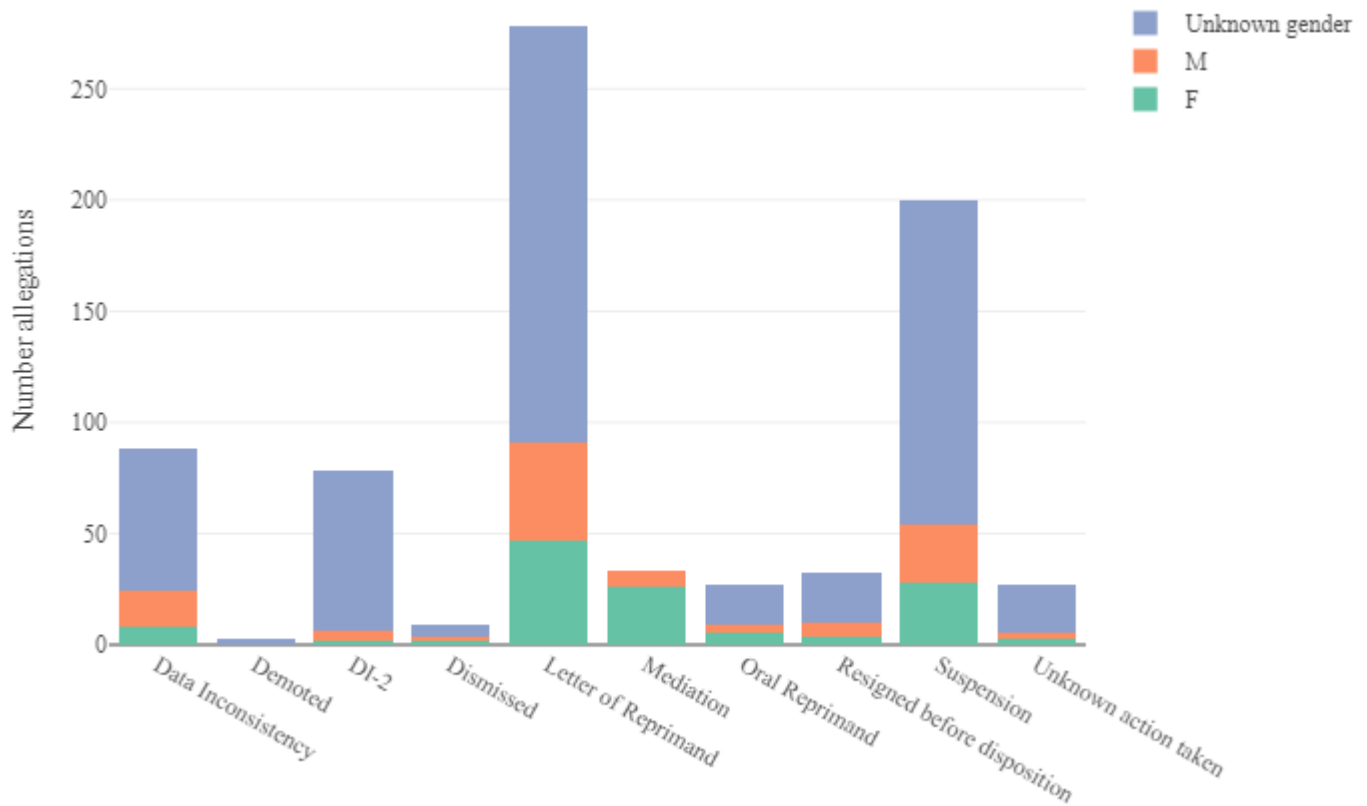
In chart above (Figure 16) are all the outcomes of allegations brought against NOPD employees. Some of these outcomes are disciplinary and others, like mediation and Resigned / Retired Under Investigation (RUI), are not disciplinary actions. “No basis for discipline” encompasses allegations that are found to be unfounded, exonerated, and not sustained. This means the NOPD conducted an investigation and determined these allegations were not eligible for disciplinary actions.

**Figure 17: Outcomes**



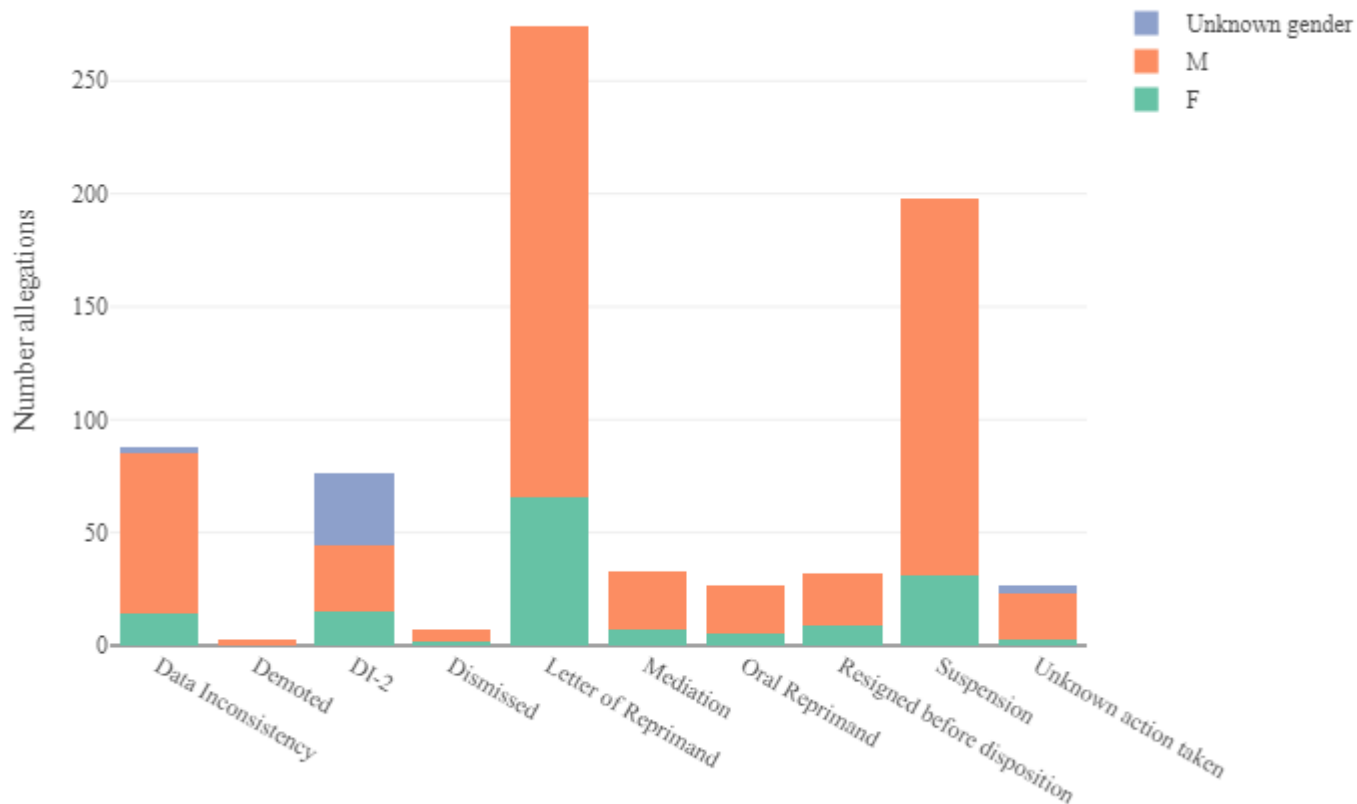
This chart (Figure 17) captures the outcomes of disciplinary investigations. Some outcomes are disciplinary actions and some are not disciplinary actions, like mediation and Resigned / Retired Under Investigation (RUI). This chart differs from Figure 16 because Figure 16 includes all outcomes, even those that had no basis for disciplinary action.

**Figure 18: Discipline by Complainant Gender**



Males, females, and people of unknown gender were proportionally represented as sources of complaints. Their disciplinary outcomes are similar except for DI-2, letter of reprimand, and suspension which are disproportionately from complainants of unknown gender. Most likely, this is because those outcomes are the result of rank-initiated complaints and if rank-initiated, the NOPD database does not capture the rank's gender.

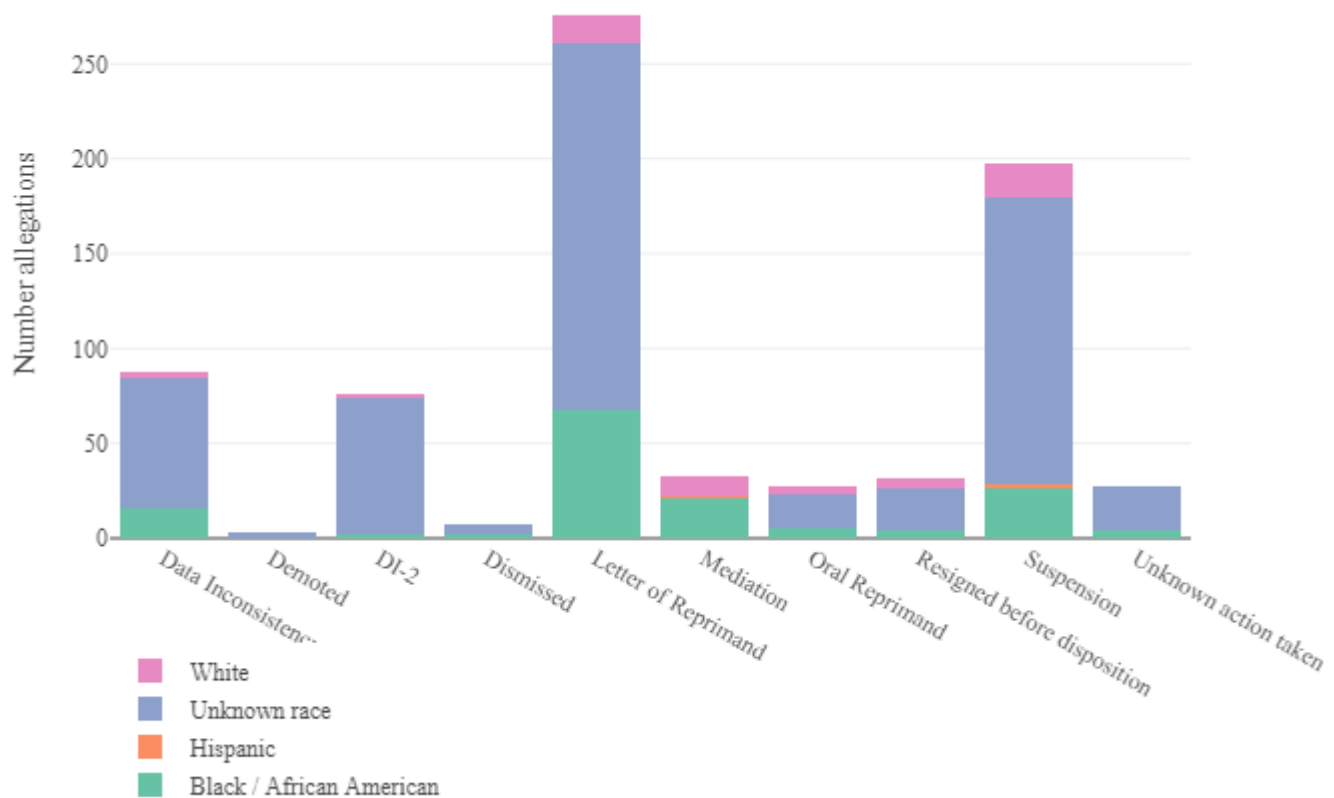
**Figure 19: Outcomes by Officer Gender**



Outcomes appear to be proportional to the gender breakdown of the NOPD. Males make up 76% of the police department and are proportionally represented in most types of discipline and similarly, female employees are also proportionally represented. There is a negligible number of complaints concerning an officer with an unknown gender.

According to the disciplinary matrix, many first offenses are initially resolved with letter reprimand or short suspensions.

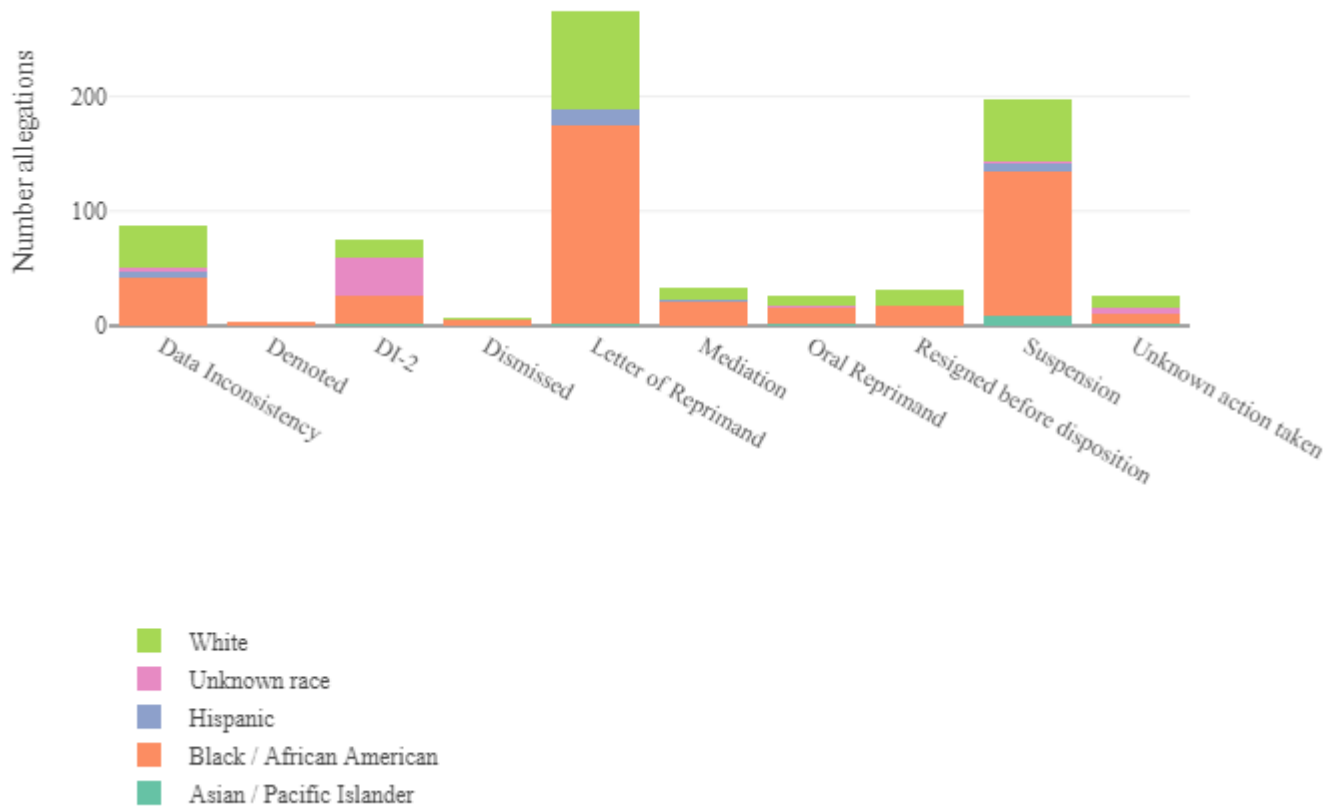
**Figure 20: Outcome by Complainant Race**



50.1% of complainants are categorized as Black / African American. This number is low relative to the Black / African American population of New Orleans and the higher rates of involvement Black / African American people experience with law enforcement. Hispanic and Asian complainants are least represented. There are 19 Hispanic complainants (1.9% of all complaints) categorizations but Hispanic people are 5% of the population. 2.9% of people in New Orleans are Asian but there were no complaints categorized as from an Asian complainant. One reason for this pattern is that people of unknown race account for 59% of all complaints.

That said, disciplinary actions appear to be applied proportionally, regardless of the race of the complainant. Further analysis is needed to determine if any more nuanced race base trends exist in subcategories of the data.

**Figure 21: Discipline by Officer Race**



Like other police departments analyzed, employee race generally corresponds with department demographics.<sup>4</sup> However, all officers receiving a demotion as a form of discipline were Black / African American officers. Black / African American officers or employees are also disproportionately likely to be dismissed. At this time, it is difficult to determine the cause of this pattern or if there is a pattern within the NOPD data. OIPM would also like to continue to examine this trend with the NOPD in the coming year.

<sup>4</sup> Chicago Police Department, Chicago Police Department: Annual Report 2017, p. 24, from <https://home.chicagopolice.org/inside-the-cpd/statistical-reports/annual-reports/>, <https://home.chicagopolice.org/wp-content/uploads/2019/03/Chicago-Police-Department-Annual-Report-2017.pdf>, accessed April 9, 2019.

Government of the District of Columbia, Police Complaints Board, Office of Police Complaints, Annual Report 2018, pg. 13, from <https://policecomplaints.dc.gov/page/annual-reports-for-OPC>, <https://policecomplaints.dc.gov/node/1366436>, accessed April 9, 2019.

## **Internal Goals for 2019**

In the coming year, the OIPM has numerous goals regarding complaints, commendations, and disciplinary proceedings. These goals will improve the internal operation of the OIPM and increase the impact of our preexisting work.

### **Development and Implementation of Updated Policies**

In 2018, OIPM began the process of updating the internal policies regarding the intake and referral process for both commendations and complaints along with the monitoring and review of the disciplinary proceeding process. These policies improve the consistency and thoroughness of our work, creating better synergy between the OIPM departments and, eventually, the NOPD.

Examples of such policy changes includes that the OIPM's Use of Force Section, headed by the Chief Monitor, will take on more leadership in monitoring in the NOPD adjudication of Use of Force allegations. Formally including the Chief Monitor will enable a holistic and consistent review since the Chief Monitor will follow the use of force incident through the Use of Force Review Board meeting into any resulting disciplinary proceeding.

Another example of policy change is the increase of Consent Decree related language in internal policy and practice. The OIPM believes grounding policies and practice in the language of the Consent Decree will ensure that the Consent Decree stays in the forefront of our work and NOPD interactions, ideally guiding the NOPD to full compliance and tracking continued compliance in the coming years.

In 2019, we will expand the development of updated policy including case monitoring, criminal liaison, case review, and building security and complainant interactions. The OIPM will continue to codify these internal policies and practices and will share relevant finished policies with NOPD as these practices intersect with them.

### **Data Tracking and Sharing**

In 2018, the OIPM took many positive steps in internal and external data work. Internally, the OIPM worked with partners, Invisible Institute and Thoughtworks, to build a complaint tracking database called: Complaint Manager. Complaint Manager captures relevant complaint data, including involved officers and units / districts, allegations, and locations of alleged misconduct. In 2019, the OIPM seeks to continue to build internal tracking database systems to expand the OIPM's ability to track complaint, disciplinary proceeding, and critical incident data and produce relevant work product in an efficient and timely manner. This includes tracking recommendations made by OIPM to the NOPD and any NOPD effort to consider and implement such recommendations.

In 2018, the OIPM began working with the NOPD to finalize a proposed data sharing agreement between the NOPD and OIPM. This data agreement would expand the OIPM's ability to receive updated data from the NOPD. In 2019, the OIPM seeks to execute and implement the data sharing agreement with the NOPD.



## External Goals for 2019: Recommendations to NOPD

### OIPM Recommendations from 2018

In 2018, OIPM made the following recommendations in memos to the NOPD. The OIPM looks forward to working with the appropriate leadership and units to address these recommendations in 2019:

- **Recommended the NOPD train or refresh responding officers on evidence collection, evidence preservation, and report preparation.** *Recommendation put forth in OIPM Memo regarding PIB # 2018-0289-P*
  - *NOPD Response:*
    - NOPD is committed to having the best trained officers in the nation. Training is not limited to just recruits. Veteran officers receive refresher training (In-Service) on various topics throughout the year. PIB will work with the Academy to verify that these particular areas of concerns are included in the upcoming Recruit and Veteran Officers' training sessions.
- **Recommended NOPD provide training or refresh officers on what reports are required for what responses and how to prepare those reports in a thorough manner.** *Recommendation put forth in OIPM Memo regarding PIB #2018-0350-R*
  - *NOPD Response:*
    - NOPD is committed to having the best trained officers in the nation. Training is not limited to just recruits. Veteran officers receive refresher training (In-Service) on various topics throughout the year. PIB will work with the Academy to verify that these particular areas of concerns are included in the upcoming Recruit and Veteran Officers' training sessions.
- **Recommended NOPD reexamine T.R.I.P. Payroll System, secondary employment and timekeeping policy and practice, and ensure supervisors are prepared to guide employees on appropriate protocol.** *Recommendation put forth in OIPM Memo regarding PIB #2018-0057-R*
  - *NOPD Response:*
    - T.R.I.P. Payroll system is no longer used. It has been replaced by ADP system.
- **Recommended the NOPD conduct a sexual harassment and diversity training within the homicide division.** *Recommendation put forth in OIPM Memo regarding PIB #2017-0727-R*
  - *NOPD Response:*
    - The City of New Orleans conducted a mandatory on-line training for all City employees. The training was entitled "Preventing Sexual Harassment" and "Preventing Sexual Harassment for Supervisors." The training began February 1, 2019.
- **Recommended OIPM and PIB work together to develop specialized workplace investigations protocols and after investigation actions plans.** *Recommendation put forth in OIPM Memo regarding PIB #2017-0727-R*



- *NOPD Response:*
  - Sexual Harassment Policy and Complaint/Investigation Procedures:
    - Revised Policy Memorandum No. 141 (R) Sexual Harassment Policy and Complaint/Investigation Procedures issued by the CAO which includes the regulations set forth in M. C. Ordinance No. 27795.
    - Implemented 1-24-19.
- **Recommended supervising officers be trained on how to identify potential payroll fraud; specifically, train supervisors on how to properly monitor Workman's Compensation related injuries and treatment, including how and when that treatment may occur during work hours.**  
*Recommendation put forth in OIPM Memo regarding PIB #2017-0172-R*
  - *NOPD Response:*
    - NOPD is committed to having the best trained officers in the nation. Training is not limited to just recruits. Supervisors receive refresher training (In-Service) on various topics throughout the year. PIB will work with the Academy to verify that these particular areas of concerns are included in the upcoming Recruit and Supervisory In-Service training sessions.

## **Moving Forward: Additional Recommendations the OIPM seeks to make to NOPD in 2019**

### **Recommendation: Meaningful Complainant Interactions**

In response to community feedback, in 2019, the OIPM will recommend to the NOPD to expand their policy and practice in misconduct investigation to include more guidance regarding language barriers, mental health challenges, and complainant convenience.

For example, it is becoming established national best practice among other cities under Consent Decrees to require that the police force contact complainants at times and places that are convenient for the complainant to ensure the process is welcoming and does not discourage engagement. Currently, the NOPD does not have a policy, nor does the Consent Decree Para. 420, require that investigating officers of misconduct check in with complainants at times / places that are convenient to the complainant. In practice, this means a complainant may receive a phone call from an investigating officer after 11pm when the officer starts his / her shift. This type of contact may be intimidating or anxiety provoking for a civilian who has just filed a misconduct claim against the NOPD. While the NOPD is nearing compliance in Section XVII of the Consent Decree regarding Misconduct Complaint Intake, Investigation, and Adjudication, this is an area where the NOPD may be seen in compliance with the Consent Decree but can continue to improve practice and policy by becoming more responsive to the needs of the community in how the NOPD conducts misconduct investigations.

- *NOPD Response:*
  - PIB is committed to continue to work with OIPM to develop possible policy and procedures to address any and all citizens' concerns regarding the compliant process in general. PIB is open to suggestions on improving efficiency and transparency.



**Recommendation: Improved Efforts to Track Disciplinary Proceedings in IAPro**

The OIPM renews all data recommendations made in previous years, including in 2017, for the NOPD to improve their efforts in tracking disciplinary proceedings in IAPro and keeping IAPro updated on all disciplinary outcomes, including civil service determinations.

Additionally, in 2019, the OIPM seeks to work with the NOPD to encourage and support the NOPD in any building of additional data tracking systems within the Public Integrity Bureau and any effort to clarify data already being collected within misconduct complaints and disciplinary proceedings. The OIPM seeks to work with the NOPD in 2019 to build data partnerships that would help with this endeavor with organizations such as Thoughtworks, the Invisible Institute, and any other similar organization.

- *NOPD Response:*
  - PIB is committed to continue to work with OIPM relative to the data tracking and to clarify data already being collected within misconduct complaints and disciplinary proceedings. PIB is open to suggestions on improving efficiency and transparency.

**Recommendation: Improved Credibility Assessments in Investigations**

In 2019, the OIPM would like to revisit a previous recommendation to the NOPD from years prior to equip and prepare all investigating officers to complete thorough, thoughtful, and informed credibility assessments. The Consent Decree Paragraphs 382 and 413 requires that the NOPD be trained and prepared to conduct thorough credibility assessments of officers and civilians involved in the misconduct investigation. In years prior, the OIPM lead a training for the NOPD on how to conduct credibility assessments during misconduct investigations. In 2019, the OIPM would like to return to this recommendation and work with PIB leadership to discuss how to train all relevant officers to make these determinations with finality.

- *NOPD Response:*
  - PIB recognizes that there is a need to continuously train and develop District and internal investigators and to be more efficient writing Credibility Assessments. PIB has committed to working with OIPM in 2019 to provide more Credibility Assessment training to investigators (District and Internal) and all reviewers of investigations (Lieutenants and Commanders).

## Conclusion

In this section of the annual report, the OIPM reviewed the vital role it plays in the intake and monitoring of misconduct complaints, the collection and referral of commendations, oversight of the NOPD disciplinary process, and the implementation and compliance of the Consent Decree.

The OIPM explained the process by which the OIPM receives and monitors complaints of misconduct and how and when the OIPM reviews disciplinary adjudication of allegations of misconduct. The OIPM explained how that role differs from the OCDM in both scope and content, and that the OIPM is responsible for engaging with and answering to the needs of the community.

In this report, the OIPM provided a collection of recommendations made to the NOPD in 2018 through OIPM Disciplinary Memos and new recommendations that the OIPM would like to work with the NOPD to achieve in the coming year. These recommendations ranged from how the NOPD collects and inputs data to how the NOPD interacts with the community during misconduct investigations.



In the coming year, through the work conducted in complaints, commendations, and disciplinary proceedings, the OIPM looks forward to widening its impact, producing more data and reports, enforcing the Consent Decree, and working with the community and the NOPD to build public trust and engagement.



Office of the Independent Police Monitor

City of New Orleans

# 2018 Annual Report: Community-Police Mediation Program



Susan Hutson  
Independent Police Monitor

May 30, 2019

## Table of Contents

<b>INDEPENDENT POLICE MONITOR MISSION AND RESPONSIBILITIES .....</b>	<b>4</b>
<b>A NOTE FROM THE INDEPENDENT POLICE MONITOR .....</b>	<b>5</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>6</b>
<b>ABOUT THE COMMUNITY-POLICE MEDIATION PROGRAM.....</b>	<b>7</b>
INTRODUCTION.....	7
METHODOLOGY.....	7
WHY COMMUNITY-POLICE MEDIATION? .....	8
HISTORY.....	10
PROGRAM STANDARDS AND BEST PRACTICES.....	12
WHAT IS COMMUNITY-POLICE MEDIATION?.....	13
THE MEDIATION PROCESS.....	14
What Types of Cases Get Mediated?.....	14
How Does a Case Get to Mediation?.....	14
Where and When do Mediations Take Place? .....	15
Who is in the Mediation Room?.....	16
What Happens During the Mediation?.....	16
EXAMPLE ISSUES AND AGREEMENTS IN MEDIATION .....	18
Systemic Change Through Mediation.....	19
<b>2018 REVIEW OF MEDIATION COMPLAINTS .....</b>	<b>20</b>
DATA ON MEDIATIONS .....	20
Number and Type of Complaints Referred and Mediated.....	20
Allegations.....	21
FIGURE 1: ALLEGATIONS IN COMPLAINTS REFERRED TO MEDIATION FROM PIB IN 2018 .....	21
Year to Year Comparison.....	22
FIGURE 2: YEAR TO YEAR COMPARISON: PERCENTAGE OF COMPLAINTS MEDIATED OF COMPLAINTS REFERRED BY PIB	22
FIGURE 3: YEAR TO YEAR COMPARISON: PERCENTAGE OF COMPLAINTS REFERRED TO MEDIATION OF COMPLAINTS RECEIVED BY PIB.....	22



Demographics of Mediation Participants.....	22
FIGURE 4: RACE DEMOGRAPHICS OF PARTICIPANTS.....	23
FIGURE 5: GENDER DEMOGRAPHICS OF PARTICIPANTS.....	24
Mediator Data – Demographics .....	25
FIGURE 6: MEDIATOR DEMOGRAPHICS .....	27
Locations of Mediations.....	27
EVALUATION: RESULTS FROM 2018 SURVEYS.....	28
Quantitative Data .....	28
FIGURE 7: POST-MEDIATION MEDIATOR SURVEY FEEDBACK.....	28
FIGURE 8: POST-MEDIATION OFFICER SURVEY FEEDBACK.....	29
FIGURE 9: POST-MEDIATION CIVILIAN SURVEY FEEDBACK.....	29
Qualitative Data.....	32
Post-Mediation Civilian Survey Feedback.....	32
Post-Mediation Police Officer Survey Feedback .....	33
<b>2018 FINDINGS AND RECOMMENDATIONS.....</b>	<b>35</b>
CONCLUSION .....	38
<b>APPENDICES .....</b>	<b>39</b>
FIGURE 10: THE COMPLAINT PROCESS .....	40
FIGURE 11: THE MEDIATION PROCESS.....	41



## Independent Police Monitor Mission and Responsibilities

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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 OIPM's recommendations to improve NOPD's accountability systems originate from these activities.



## A Note from the Independent Police Monitor

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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 30, to the ethics review board and New Orleans City Council 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 2018, 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.

This “2018 Annual Report: Community-Police Mediation Program” is part of that annual report. The OIPM presents the data relating to the OIPM's 2018 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,<sup>1</sup> the Memorandum of Understanding between the NOPD and the Office of the Independent Police Monitor (OIPM),<sup>2</sup> and the Consent Decree.<sup>3</sup> 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.

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<sup>1</sup> Section 2-1121 of Article XIII of the City Code of Ordinances.

<sup>2</sup> 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.”

<sup>3</sup> Consent Decree, page 108, Section VXIII, Subsection E., Paragraph 439.



## Executive Summary

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The year 2018 was the fourth 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."<sup>4</sup>

In 2018, the Community-Police Mediation Program held 29 mediations involving 28 civilians and 34 officers. A total of 75 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 96% of civilians and 100% of officers who participated in mediations thought that the mediation meetings were unbiased; 88% of civilians and 90% of officers felt they had the opportunity to explain their point of view; 86% of officers and 88% of civilians agreed that mediation is a good way of resolving disputes between civilians and police officers. 80% of civilians and 86% of officers said they would recommend mediation to other civilians or officers; 84% of civilians and 90% of officers were satisfied with the mediation process according to surveys completed after each mediation.

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





# About the Community-Police Mediation Program

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## 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 which opened its doors 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 2018.

## 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 2018'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 consequences<sup>5</sup>. 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 emergency<sup>6</sup>. 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

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<sup>5</sup> Skogan, W. and K. Frydle. *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.

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



social change and impacting officers' work in the long term. 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.<sup>7</sup>

Mediation is also far more likely to lead to satisfaction among complainants and officers than the traditional complaint-handling process.<sup>8</sup> 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.<sup>9</sup> These gains enhance the efficiency of NOPD and improve police-community relations, which leads to the ultimate goal of keeping communities safe.

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<sup>7</sup> [http://cops.usdoj.gov/html/dispatch/March\\_2009/mediation.htm](http://cops.usdoj.gov/html/dispatch/March_2009/mediation.htm)

<sup>8</sup> [http://cops.usdoj.gov/html/dispatch/March\\_2009/mediation.htm](http://cops.usdoj.gov/html/dispatch/March_2009/mediation.htm)

<sup>9</sup> 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 Deputy Independent Police Monitor Simone Levine, Executive Director of Community Relations Ursula Price, and Dr. Astrid Birgden, 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. In 2017, the program mediated 32 cases out of 77 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,<sup>10</sup> 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 Framework<sup>11</sup> to utilize for the program.

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

Ten Point Community Mediation Model from Community Mediation Maryland

<sup>11</sup> <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 Chapter 24.2 of the Operations Manual (formerly Policy 1025) lists the types of cases that are ineligible 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 Operations Manual Chapter 24.2. 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 the participants have up to 2 hours and 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.

The IPM's pool of 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.

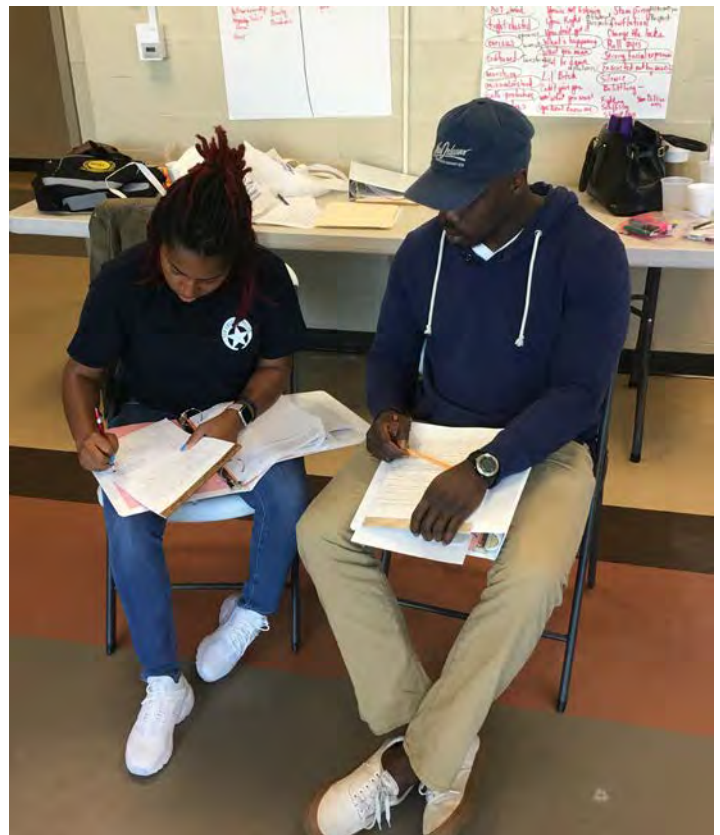
### *What Happens During the Mediation?*

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.

*Photos: 2018 New Mediator Training*



## 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 following<sup>12</sup> 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 the station and gives her address for a supplemental report.
- Officer Sam clarifies the 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.
- 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.

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<sup>12</sup> Names and details are changed to honor confidentiality and privacy.





## *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.



# 2018 Review of Mediation Complaints

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## Data on Mediations

### *Number and Type of Complaints Referred and Mediated*

In 2018, the Community-Police Mediation Program received a total of 75 cases referred from the Public Integrity Bureau. Three (3) of these cases were not eligible for mediation due to involvement of allegations that are excluded for mediation according to NOPD Chapter 24.2. Of the 72 eligible cases referred, 27 cases were mediated (38%). In addition, the program mediated one case that was not a formal complaint, but a conflict between a community member and officer. Also, one case required 2 mediation sessions. Thus, a total of 29 mediation sessions were held in 2018.

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

- 1 officer declined due to family issues
- 1 officer was unreachable
- 11 civilians were not reachable with the contact information they provided (phone numbers disconnected, wrong contact information provided, no response to phone calls and emails)
- 1 mediation could not be scheduled within the 10-day time frame required by NOPD Chapter 24.2
- 31 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 2018, the majority of complaints referred to mediation were for allegations of Professionalism or Neglect of Duty.

Figure 1: Allegations in Complaints Referred to Mediation from PIB in 2018

<b>106</b>	<b>Total Allegations*</b>
<b>85</b>	<b>Professionalism</b>
<b>16</b>	<b>Neglect of Duty</b>
<b>2</b>	<b>Discourtesy</b>
<b>1</b>	<b>Acting in a Civil Matter</b>
<b>2</b>	<b>Verbal Intimidation</b>

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

### Summary Statistics of Complaints Referred to Mediation:

- 98% of officers agreed to mediate (87 out of 89 officers; Some cases involved multiple officers, so the number of officers is greater than the number of cases).
- 47% of the civilians who were reachable agreed to mediate (27 out of 58 civilians).
- 38% of eligible cases referred to the Mediation Program were mediated (27 out of 72 eligible cases).
- The most common types of allegations in cases referred to mediation were Professionalism (80%, 85 out of 106 allegations) and Neglect of Duty (15%, 16 out of 106 allegations).

## *Year to Year Comparison*

The following figures illustrate mediation numbers for 2018 in comparison to previous years.

**Figure 2: Year to Year Comparison: Percentage of Civilian-Initiated Complaints Mediated of Complaints Referred by PIB**

	2018	2017	2016	2015	2014
Total Complaints Referred to Mediation	75	77	104	45	9*
Total Complaints Mediated	27	32	41	22	6*
% of Cases Mediated of Total Cases Referred by PIB	36%	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**

	2018	2017	2016	2015	2014
Total Civilian-Initiated Complaints Received by PIB	425	489	540	549	654
Total Civilian-Initiated Complaints Referred to Mediation	75	77	104	45	9*
% of cases referred to mediation of total civilian-initiated complaints received by PIB	18%	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 2018, 27 civilians and 34 police officers participated in mediation sessions through the program. Six of the mediated complaints included two or more officers, which is why there are more officers than civilians.
- The average age of officer participants was 36 years old and the average age of civilian participants was 37 years old.
- The average number of years of NOPD service of the officers who participated was 13 years.





Figure 4: Race Demographics of Mediation Participants

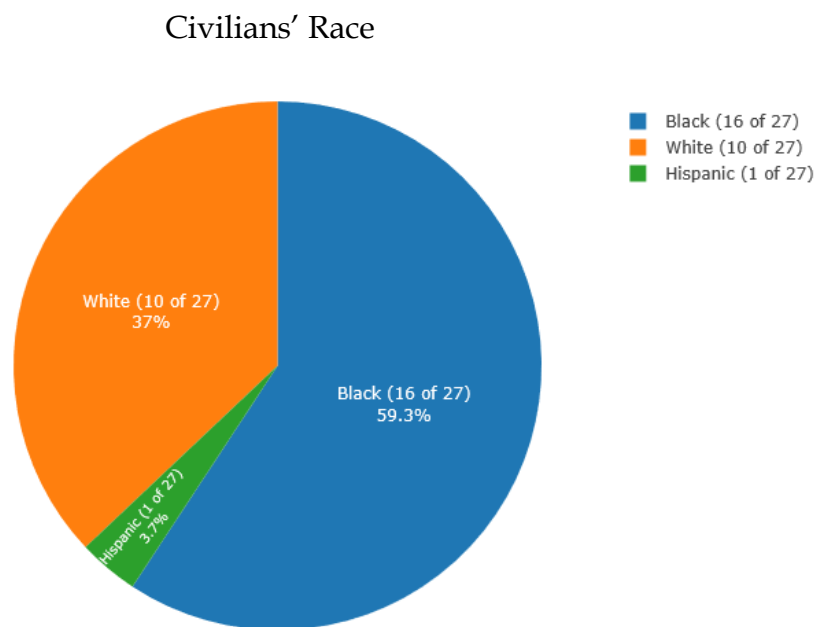
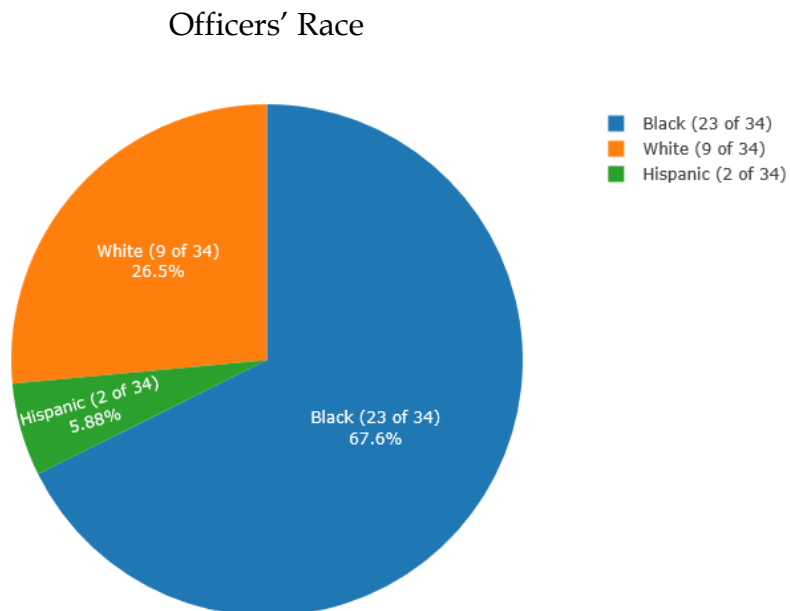
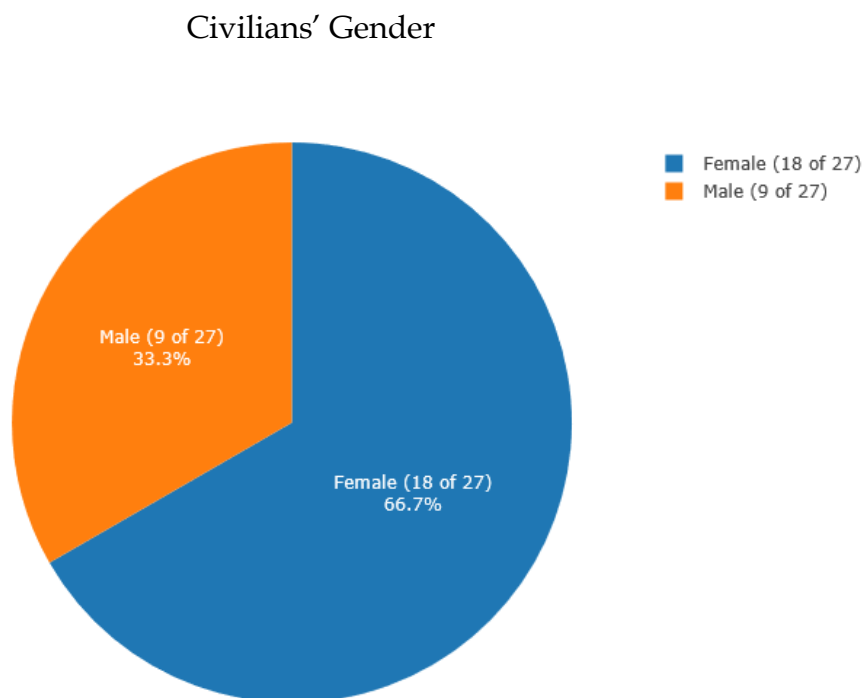
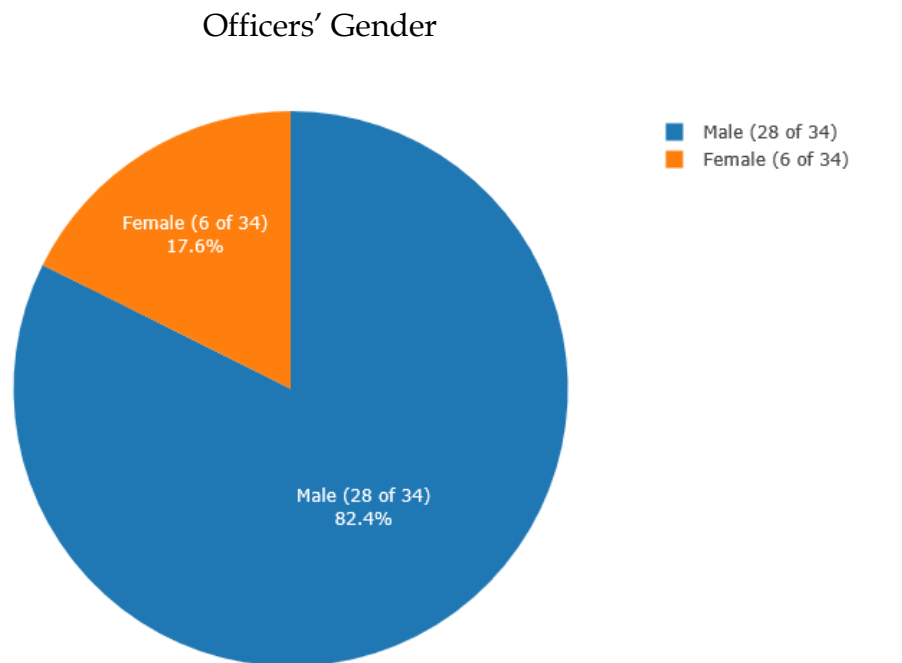


Figure 5: Gender Demographics of Participants



## *Mediator Data – Demographics*

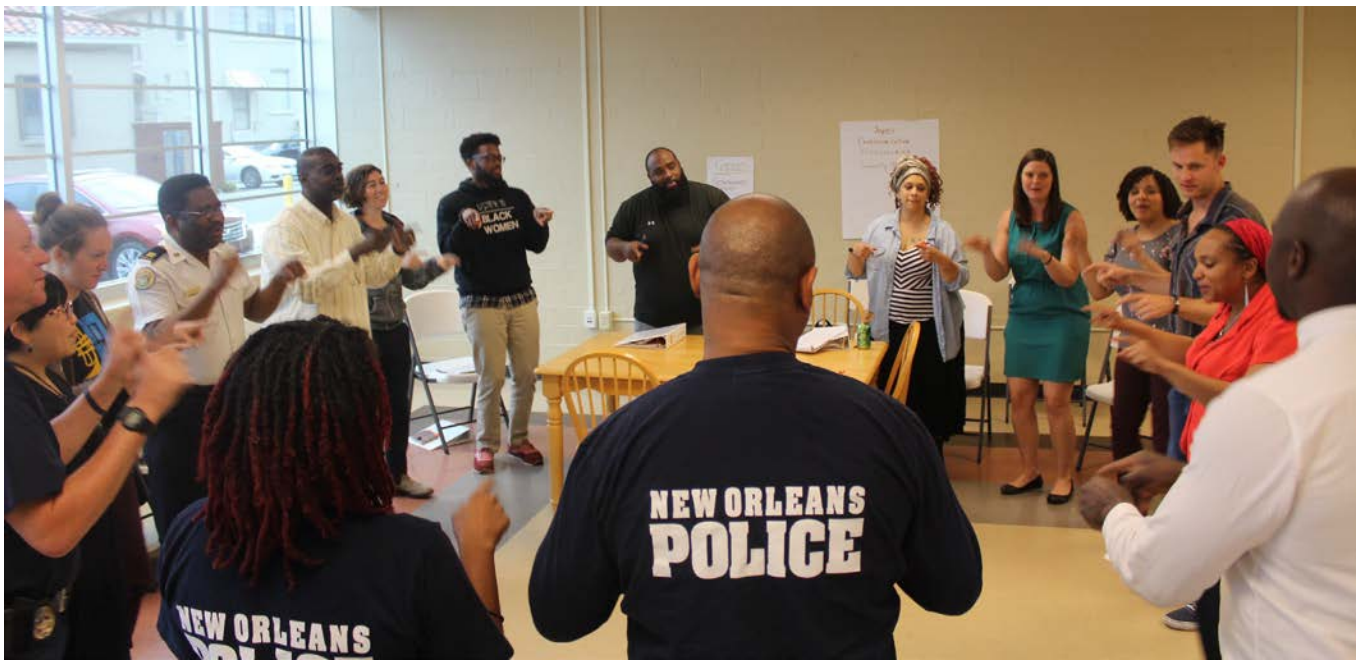
The New Orleans Community-Police Mediation Program has a total of 26 active mediators on its roster. In 2018, a new class of 12 mediators were recruited and trained. The response to the recruitment process was extremely successful, with more than 100 applicants for the 12 spots including many excellent candidates and a diverse pool. Through a rigorous interview and scoring process, the 12 new recruits were carefully selected and then participated in a 50-hour New Mediator Training over 6 days in March 2018. The training was led by top mediation trainer Tracee Ford, from Community Mediation Maryland. Four NOPD officers also participated in the training as ambassadors to the program. The officer participants give mediators a more authentic experience through role-plays and in-depth conversations about how officers may behave during mediation.

All Community-Police 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 2018, the Program provided an additional 30 hours of Professional Development training through 11 in-service mediator trainings, offered monthly.



*2018 New Mediator Training*





*Photos: Mediation Training 2018*





Figure 6: Mediator Demographics

RACE	GENDER	AGE
50% Black (13/26)	38% Male (10/26)	8% - 30 & under (2/26)
46% White (12/26)	62% Female (16/26)	46% - 31 to 40 (12/26)
4% Native American (1/26)		23% - 41 to 50 (6/26)
4% Asian-American (1/26)		23% - 51 & up (6/26)

### *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 2018, mediations took place at the following locations:

- Algiers Regional Public Library
- Ashe Cultural Arts Center
- Latter Branch Public Library
- Main Branch Public Library
- Mid-City Public Library
- New Orleans East Public Library
- New Orleans Healing Center
- New Orleans Office of the Independent Police Monitor
- Norman Mayer Public Library
- Our Lord Resurrection Church
- Propeller Incubator
- Robert E Smith Public Library
- Rosa Keller Public Library
- Stallings St. Claude New Orleans Recreation Department Center
- Treme New Orleans Recreation Department Center

The OIPM thanks its fellow city agencies, NORDC and the New Orleans Public Library for their invaluable assistance in providing safe spaces for mediation.

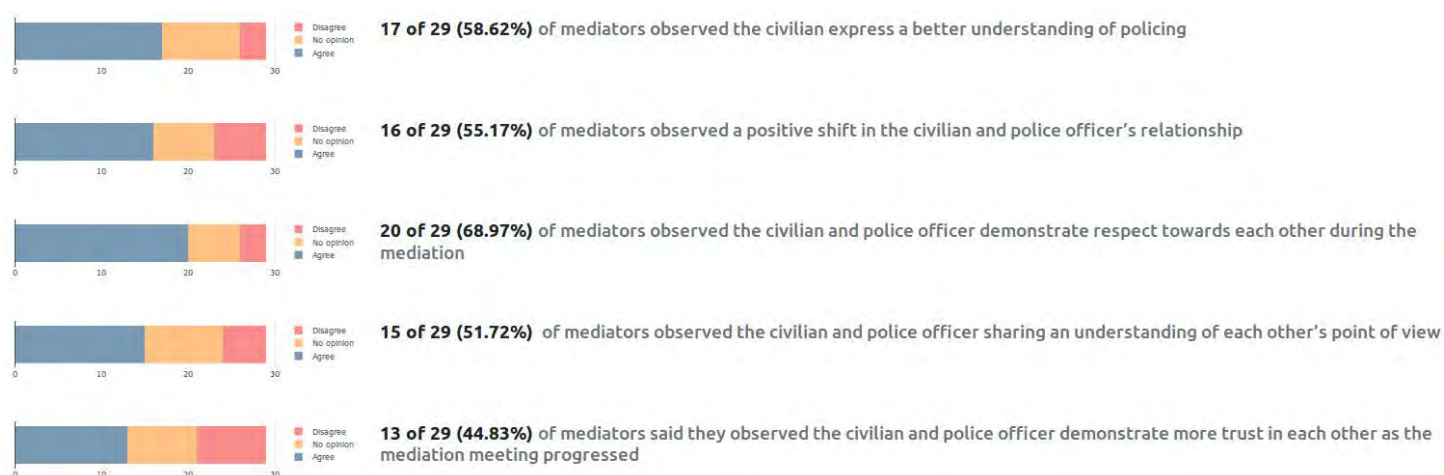


## Evaluation: Results from 2018 Surveys

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



## Figure 8: Post-Mediation Officer Survey Feedback



## Officer Survey Responses continued

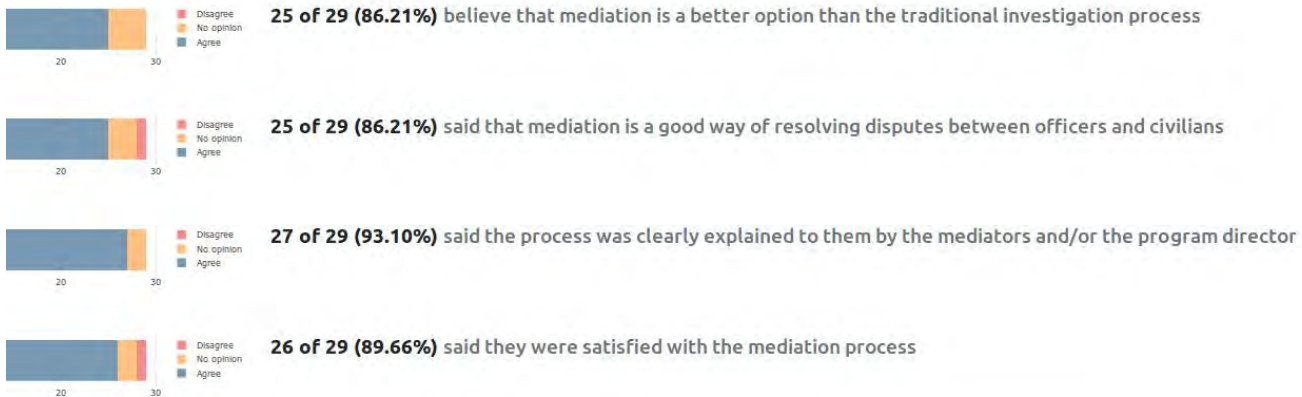
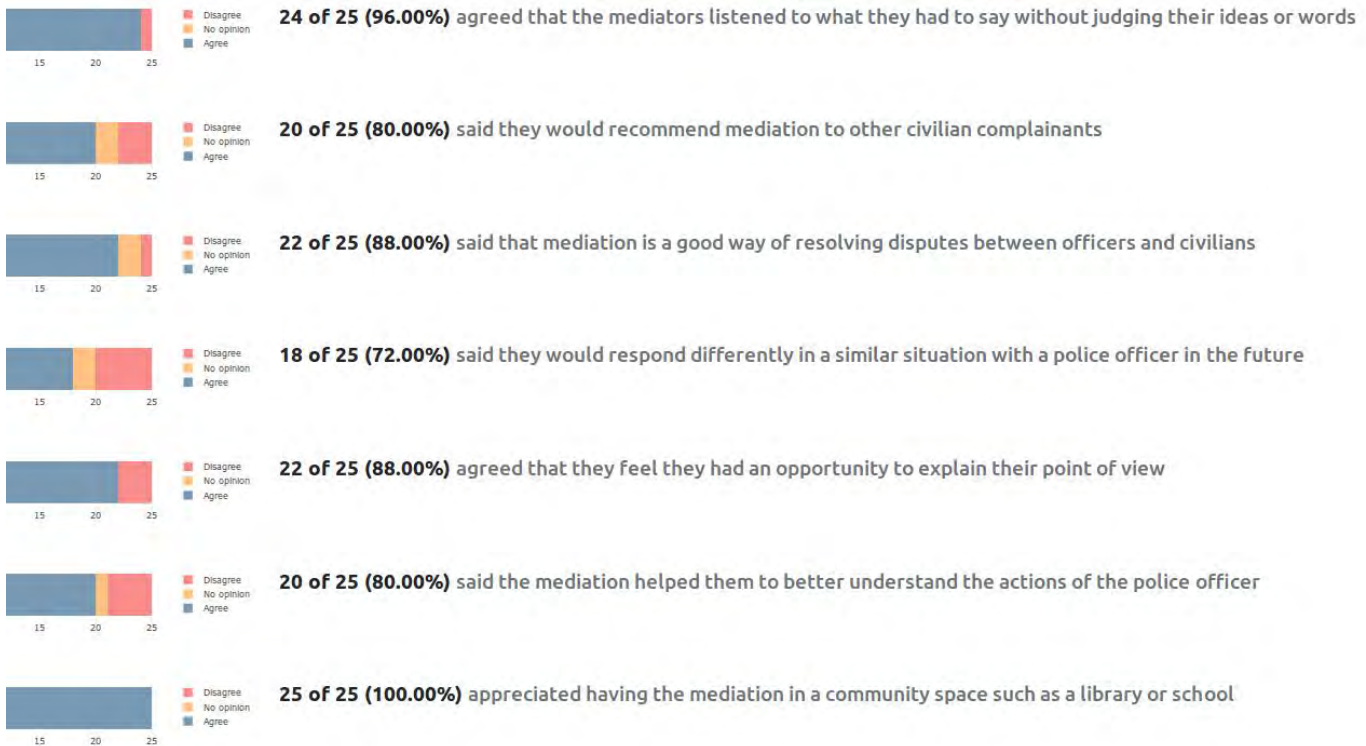
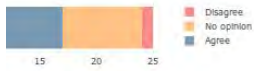


Figure 9: Post-Mediation Civilian Survey Feedback

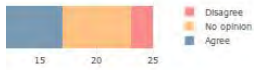




## Civilian Survey Responses continued



**17 of 25 (68.00%)** found it helpful to bring or have the option to bring a support person to mediation



**17 of 25 (68.00%)** said that if they have a complaint against an officer in the future, they would agree to mediation



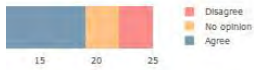
**19 of 25 (76.00%)** agreed that the mediation helped them gain a better understanding of police practices or policies



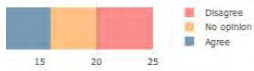
**17 of 25 (68.00%)** found it helpful to bring or have the option to bring a support person to mediation



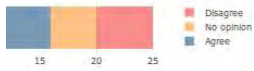
**17 of 25 (68.00%)** said that if they have a complaint against an officer in the future, they would agree to mediation



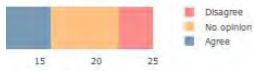
**19 of 25 (76.00%)** agreed that the mediation helped them gain a better understanding of police practices or policies



**16 of 25 (64.00%)** agreed that if they have information about a crime they would share that information with the Officer



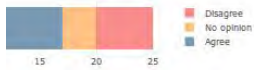
**16 of 25 (64.00%)** agreed that the mediation helped build some level of mutual respect between them and the officer



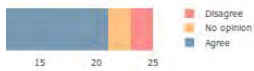
**16 of 25 (64.00%)** believe that mediation is a better option than NOPD's traditional investigation process



**24 of 25 (96.00%)** said the process was clearly explained to them by the mediators and/or the program director



**17 of 25 (68.00%)** said the mediation ended in a resolution



**21 of 25 (84.00%)** said they were satisfied with the mediation process



## *Qualitative Data*

### *Post-Mediation Civilian Survey Feedback*

"I was happy for the opportunity to show my daughter that she has the right to stand up for herself!"

"I would encourage others to use mediation so that officers can see that they have to be accountable to the public when they behave inappropriately."

"I participated in mediation because I wanted the opportunity to improve policing by sharing my experience. It also gave me a chance to get things off my chest and to get a clearer understanding of why I received a ticket and why the officer responded the way he did."

"It was eye opening and very helpful to hear how others feel. I worked as a police officer for many years and after this experience I can see how civilians feel when addressed by an officer."

"My approach or response to officers is totally different now because I understand that the officers have a different process to follow that I didn't know about."

"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."



"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*

"The advice I would give fellow police officers is, "Go and listen. Be sincere. If you made a mistake, apologize. If you felt you handled the situation correctly, it's a chance to explain yourself fully."

"What I liked best about mediation is that it was very non-judgmental. I'm glad I didn't go through the more traditional avenue because it felt like she (complainant) got heard. This was much better than PIB saying we're not going to entertain this complaint. It is a constructive way of dealing with police complaints."





“Mediation impacted my understanding of the community I serve and the specific civilian who filed the complaint. Mediation gave me a greater respect for the community I serve. It pushed me to do a self-check and realize that maybe I can listen more and make a conscious effort to be more aware of the civilian point of view.”

“It's an opportunity to tell people what we as officers have to go through. You can explain your step by step actions. It's good to be out of the scene and explain. The civilian is less likely to be upset and negative since you're in a neutral calm setting.”

“I wouldn't change anything about the mediation. If you listen, you get a lot more. It might be useful to prevent you from getting another complaint. It allowed a human connection/communication.”

“During the mediation I felt like we were on the same page finally. I heard her, she heard me, and we found a common ground through communicating.”

“I appreciated hearing her feedback. She had a very positive perspective. It was great for police to be able to sit down with a community person and be better related going forward thanks to the new knowledge shared with me.”

“The mediation was an unpressured meeting and I was able to take my time to explain myself.”



*Photo: Mediators, IPM staff, and NOPD officers at 2018 Mediation Training*



## 2018 Findings and Recommendations

---

In 2018, OIPM and PIB met to review the policies and processes that dictate the mediation program. With the support and urging of the Ethics Review Board, through a series of meetings and conversations, recommendations were drafted to ensure the continued success of the program and to help grow the program to the next level, thus providing more opportunities for confidence, understanding, and trust.

The following recommendations were made and were unanimously agreed to by both OIPM and PIB leadership. The necessary revisions to NOPD Chapter 24.3 were drafted and approved in March 2019 by the PIB Department of Compliance, the Department of Justice, and the Federal Office of the Consent Decree Monitors.

The recommendations and their justifications were as follows:

### 1. Mediation Timeline

- a. Currently, Chapter: 24.2 states that OIPM has 10 days to receive officer and civilian consent from the day OIPM receives the complaint from PIB. OIPM recommends increasing the timeline from 10 days to 20 days for OIPM to receive consent from the civilian, if the officer has agreed to mediation and signed the 60-day extension form. The timeline will remain 10 days to receive consent from the officer, so as not to interrupt PIB's investigation timeline in case the officer does not agree to mediate and PIB must proceed with traditional investigation. However, once the extension is received, OIPM will have up to 20 days since receipt of the case to obtain consent from the civilian. This change addresses the reality that it often takes several days to hear back from the officer, their supervisor, and their commander, which often leaves only a few days to reach the civilian before the deadline. OIPM has had several instances where a civilian called back a few days after the deadline wishing to mediate, but the case has already been sent back to PIB for traditional investigation. The extra days will help prevent this from occurring.
- b. Currently, Chapter:24:2 states that PIB has 3 days to refer the case to OIPM for mediation once it is received. This is not aligned with PIB's classification timeline (see Chapter 52.1.1 Misconduct Complaint Intake and Investigation), which states PIB has 14 days to classify a complaint. OIPM recommends updating Chapter 24:2 to accurately reflect the complaint investigation policy by stating that PIB must refer eligible cases for mediation within 14 days of receipt.
- c. Currently the policy states that "Mediation occurs within 25 days after the complaint is received by NOPD." OIPM recommends updating to accommodate the above changes of 14 days for PIB and 20 days for OIPM to receive consent. OIPM also recommends allowing 15 days once consent is received for the mediation to actually take place, to allow sufficient time to



coordinate the schedule of the officer, civilian, and 2 mediators. Given this recommended timeline, the policy should be amended to state “Mediation occurs within 60 days after the complaint is received by NOPD.”

## **2. Allow allegations of Discriminatory or Bias-based Policing to be eligible for mediation**

- a. Currently, the following cities’ Community-Police Mediation Programs allow mediation of racial profiling and discriminatory policing complaints: Albany, NY; New York, NY; San Francisco, CA; Kansas City, KC; Calvert County, MD; Portland, ME; Berkeley, CA; Los Angeles, CA; Greenville, SC; Denver, CO; and Boston, MA
- b. The U.S. Department of Justice’s report “Mediating Citizen Complaints Against Police Officers” states that “Mediation is uniquely suited to help bridge the racial and ethnic divide because it is the only procedure for investigating complaints that bring the disputing parties together in a face-to-face meeting.” (<http://restorativejustice.org/am-site/media/mediating-citizen-complaints-against-police-officers.pdf> (2002))
- c. PIB has expressed support several times of this recommendation.
- d. In 2017, according to IAPro, there were:
  - i. 34 public-initiated complaints with the allegation “Rule 4: Perf of Duty, Discriminatory Policing-Racial Bias-Based Policing;”
  - ii. 13 complaints of “Rule 2: Moral Conduct, Paragraph 4 – Discrimination”;
  - iii. Only 3 out of these 47 allegations were found Sustained
- e. In 2016, according to IAPro, there were:
  - i. 26 public initiated complaints with the allegation “Rule 4: Perf of Duty, Discriminatory Policing-Racial Bias-Based Policing;” and
  - ii. 25 complaints of “Rule 2: Moral Conduct, Paragraph 4 – Discrimination”
  - iii. Only 8 out of these 51 allegations were found Sustained
- f. To ensure the appropriateness of mediation, OIPM will implement extra screening criteria for any referrals with allegations of discriminatory policing. For example, complaints would be considered ineligible if the complaint included:
  - i. Ethnic remark or other specific discourtesy directed at a class of persons
  - ii. Any mention of allegations that are ineligible for mediation (i.e. unlawful search, false arrest, unreasonable use of force).

## **3. Allow bifurcation for complaints with multiple allegations**

For complaints with one allegation that is eligible for mediation and another allegation that does not require extensive investigation (i.e. allegations eligible for Negotiated Settlement, Body-Worn Camera violations), we recommend bifurcating allegations so that eligible allegations can be mediated. This might necessitate instruction to PIB intake staff on how they can log two different outcomes for different allegations in IAPro. OIPM recommends implementing training to PIB intake staff along with the procedural change.



#### 4. Improve audit and review processes

- a. Establish regular, bi-weekly phone call between the OIPM Mediation Director and PIB Intake Lieutenant to review new cases that could potentially be referred to mediation and discuss cases that did not get referred. This is to clarify and improve screening criteria and procedures, ensure that all eligible complaints are being referred to mediation, and look for any patterns that indicate the need for new or updated processes or policies.
- b. Establish quarterly in-person meetings with the OIPM Mediation Director and PIB Intake team to evaluate what is working and not working, provide any updates or training, troubleshoot challenges, and share accomplishments
- c. Establish annual meeting with the OIPM Police Monitor, PIB Deputy Superintendent, and other stakeholders to review overall mediation program accomplishments and address any necessary changes or improvements.

#### 5. Ideas to grow outside of the existing complaint system

- a. OIPM will offer each District 2 free mediations per year for community problem solving. For example, if there is an ongoing conflict with certain neighbors or a particular business or civilian that is resulting in multiple calls for police service, OIPM will offer mediation as a way for the community and police to work together to address the roots of the problem and come up with solutions or agreements. OIPM will work with leadership of each District to determine eligibility and suitability.
- b. OIPM will offer a few mediations per year for rank-initiated complaints. Upon referral, OIPM will determine suitability and eligibility.

OIPM looks forward to working closely with PIB throughout 2019 to implement these updates and monitor the impact they have on the referral process and caseload. At the time of writing this report (May 23, 2019), the number of mediation referrals and mediations has already **doubled** when compared to this time last year (in 2018, there have been 20 mediations out of 49 referrals so far, compared to this time last year there had been only 9 mediations out of 26 referrals). OIPM commends PIB for their ongoing commitment to the mediation program and looks forward to continuing to grow and improve the program together.



## Conclusion

In 2018, 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.





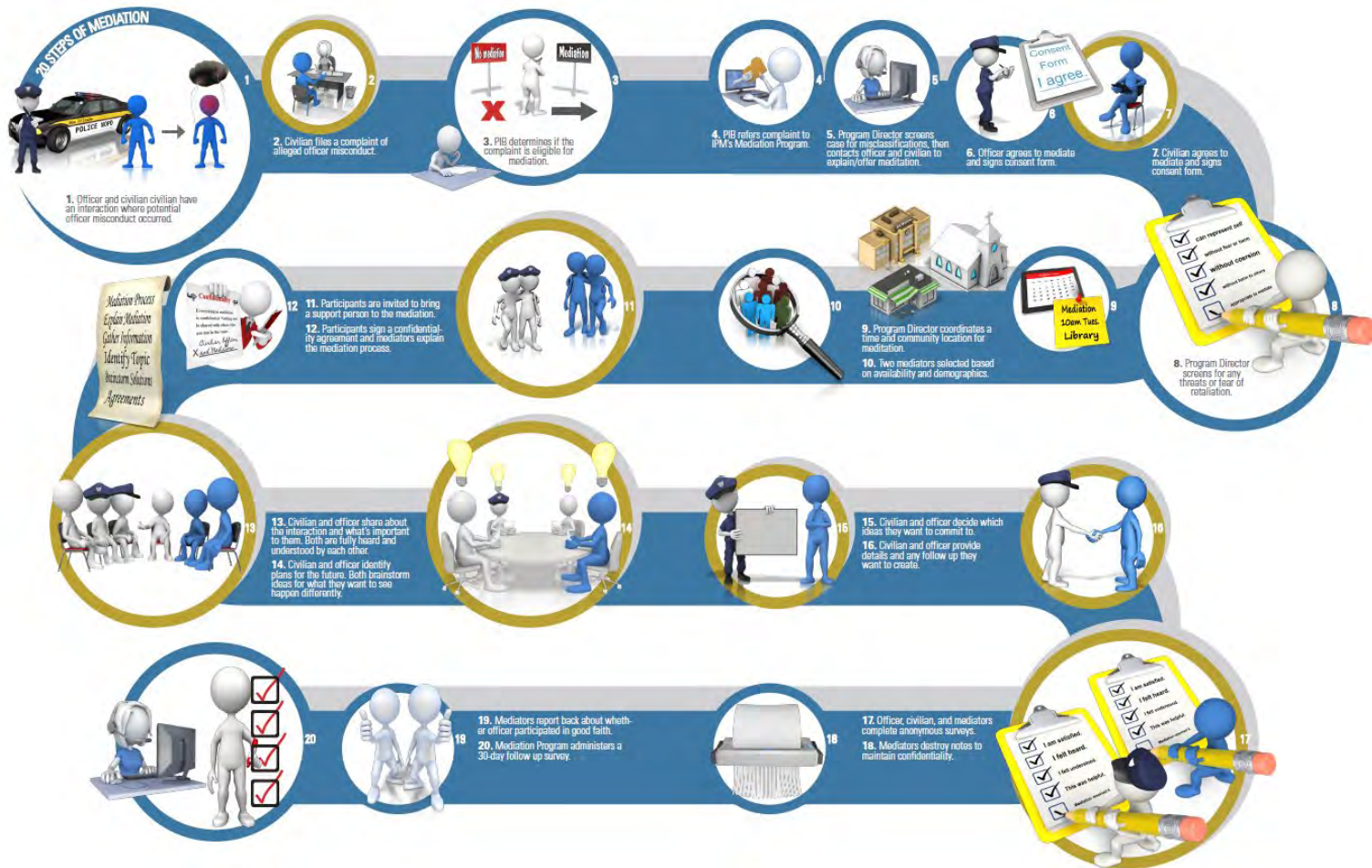
# Appendices



Figure 10: The Complaint Process



Figure 11: The Mediation Process



Office of the Independent Police Monitor

City of New Orleans

# 2018 Annual Report: Statistical Review of NOPD's Use of Force



Susan Hutson

Independent Police Monitor

May 30, 2019



## TABLE OF CONTENTS

Independent Police Monitor Mission and Responsibilities .....	4
A Note from The Independent Police Monitor.....	5
2018 OIPM Use of Force Monitoring and review Activities .....	6
NOPD's 2018 Use of Force Annual Report.....	6
Investigations and Levels of Force.....	6
OIPM Recommendations from 2017 Annual Report.....	7
Summary .....	8
Data Sources .....	9
Methodology .....	9
2010 US Census.....	11
Access .....	11
Quality.....	11
Methodology .....	11
2018 NOPD Use of Force.....	12
SECTION 1: COMPARISON TO OTHER CITIES .....	12
Amount of Force Compared to Other Cities .....	12
SECTION 2: FORCE OVER TIME.....	13
Annual Comparison – Incidents Involving Force (FTN) by Year .....	13
Amount of Force Used (UOF) by Year .....	14
FTN & UOF in 2018 By Month.....	15
SECTION 3: FORCE BY TYPE AND LEVEL.....	16
Level 1 Force.....	16
Level 2 Force.....	17
Level 3 Force.....	18
Level 4 Force.....	19
2018 Statistics .....	20
Force By Type and Level .....	20
Force by Level and District/Division.....	21
Types of Force by Level .....	22
SECTION 4: FORCE BY OUTCOME.....	26
Force by Type and Effectiveness .....	26



NOPD's Determination of Unauthorized Force.....	28
Officer and Individual Injuries .....	29
SECTION 5: JUSTIFICATION FOR FORCE.....	31
Reason for Force .....	31
Reason for Exhibiting Firearms .....	33
Service Type or "What Preceded the Use of Force .....	34
SECTION 6: OFFICERS THAT USE THE MOST FORCE .....	35
Number of Officers And How Much Force They Use .....	36
SECTION 7: GROUPING OF NOPD OFFICERS.....	38
Use of Force by Officer Age and Years of Experience.....	38
Type of Force by Officer Gender and Race.....	39
Use of Force by Female Officer Race .....	40
Use of Force by Male Officer Race .....	41
SECTION 8: INDIVIDUALS SUBJECTED TO NOPD FORCE.....	42
Use of Force by Individual Gender and Race.....	42
Female Individual UOF by Type and Race.....	43
Male Individual UOF by Type and Race.....	43
Varying Details About Force Used On Individuals .....	44
RACE OF INDIVIDUAL BY MONTH.....	45
PERCENTAGE OF UOF AGAINST BLACK INDIVIDUALS PER DISTRICT .....	46
Research Based Areas For Future Analysis.....	47



## INDEPENDENT POLICE MONITOR MISSION AND RESPONSIBILITIES

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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 New Orleans Police Department (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

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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 30, to the ethics review board and New Orleans City Council 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 "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 2018 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.

The OIPM would like to acknowledge the invaluable assistance of the Public Integrity Bureau (PIB) of NOPD for helping OIPM to meet its statutory obligations. The working relationship between the OIPM and PIB was especially noteworthy this year. PIB cleared its decks to meet with the OIPM and provide thoughtful and insightful feedback regarding the OIPM's Annual Report. In my nine years as the Independent Police Monitor, these discussions concerning the Annual Report and the OIPM recommendations were the most collaborative I have seen and the resulting pledges to work towards the same goals makes me excited to take on this work in 2019. The self-critiquing growth and internal betterment of the NOPD over these almost nine years, but especially during the Consent Decree, speaks to the leadership of this important and special bureau and the men and women that work therein. On behalf of the OIPM, I thank PIB for their efforts in strengthening this report and look forward to achieving these goals together in 2019.



# 2018 OIPM USE OF FORCE MONITORING AND REVIEW ACTIVITIES

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## NOPD's 2018 Use of Force Annual Report

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This year NOPD has drafted an annual report which details the number and types of force reported during 2018. These reports will be issued by the NOPD's Public Integrity Bureau (PIB) and the Professional Standards & Accountability Bureau. The NOPD's 2018 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

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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:"<sup>1,2</sup>

- Level 1 – the lowest level of force, may involve "pointing a firearm at a person and hand control or escort techniques applied as pressure point compliance techniques that are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use of an impact weapon for nonstriking purposes that does not result in actual injury or complaint of injury."
- Level 2 – "include use of a CEW (including where a CEW is fired at a person but misses); and force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 3 use of force."
- Level 3 – "any strike to the head (except for a strike with an impact weapon); use of impact weapons when contact is made (except to the head), regardless of injury; or the destruction of an animal."
- Level 4 – include all 'serious uses of force' as listed below:
  - (a) All uses of lethal force by an NOPD officer;
  - (b) All critical firearm discharges by an NOPD officer;
  - (c) All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization;
  - (d) All neck holds;
  - (e) All uses of force by an NOPD officer resulting in a loss of consciousness;
  - (f) All canine bites;
  - (g) More than two applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the

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

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

applications are by the same or different officers, or CEW application for 15 seconds or longer, whether continuous or consecutive;

- (h) Any strike, blow, kick, CEW application, or similar use of force against a handcuffed subject; and
- (i) Any vehicle pursuit resulting in death, serious physical injury or injuries requiring hospitalization.

“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.”<sup>3</sup>

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.

FIT 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 2017 ANNUAL REPORT

In its 2017 annual report, OIPM made a recommendation to NOPD regarding defining the various levels of effectiveness. The following is the status of that recommendation.

**2017 Recommendation:** OIPM recommends that NOPD include the definitions for effective, not effective and limited effectiveness in the NOPD Operations Manual. This way members of the police department have a common understanding of these terms.

- **NOPD 2017 Response:** 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.

As of the date of this report NOPD has not implemented this recommendation. However, OIPM met with the Commander of the Professional Standards & Accountability Bureau of NOPD. The Commander has agreed to work with OIPM in 2019 to figure out the best way to address this issue. OIPM looks forward to reporting in 2019 on how this recommendation was implemented.

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<sup>3</sup> NOPD Operations Manual, Chapter: 1.3.6, Paragraph 1.

## SUMMARY

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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](http://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 2018 annual report on use of force was due by May 1, 2019 and a final draft was due May 30, 2019. OIPM's ability to directly access the source data for this report has historically been problematic. For this report, OIPM was unable to independently access the relevant data and had to rely on data prepared by NOPD. Furthermore, NOPD was not able to verify numbers with OIPM, so it is difficult to be confident in the accuracy of this analysis.

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 was the first year that OIPM had independent access to a copy of the database that contains use of force information. We have used the data on [data.nola.gov](http://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 where there is a large discrepancy.<sup>4&5</sup> There is still uncertainty about the accuracy of 2015 numbers in IAPro. Therefore, what is shown below is taken from historic reporting for 2015 and earlier. Data beginning in 2016 was pulled from IAPro by NOPD and provided to OIPM, whereas last year OIPM was able to access the data directly. NOPD and OIPM remain in frequent communication about these issues and 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.

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<sup>4</sup> 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.

<sup>5</sup> 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.

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## Data Sources

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The following datasets were used for this report:

- Use of force incidents: The data utilized in this report was originally pulled from IAPro by NOPD on February 21, 2019 and updated on May 29, 2019. Last year OIPM had direct access to the data.
- Active NOPD officers: The IAPro database that OIPM has access to contains officer information that is not always up to date. For the official count of active NOPD officers in 2018, 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 database.
- Arrests: Booking information provided by OPSO.
- United States Census 2010: OIPM obtained directly from *census.gov*.

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## Methodology

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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 presents findings that are supported by the information available and noted where further investigation, data normalization, and understanding of context is merited.

### **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 441 FTNs issued in 2018. 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 1,108 UOFs in 2018.

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 2.5 times more UOFs than FTNs. This means that each incident involved an average of 2.5 different types of force, officers, or individuals. In 2017, the ratio was 2.6 UOF per FTN.

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.

### **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, by a large margin, the majority of force used by the NOPD. 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%<sup>6</sup>.

### **Firearm and CEW/Taser Usage Terminology**

Throughout the report there will be several references regarding firearms and tasers. Below is a list of terminology and the definitions to explain their use in the report.

- **Discharge:** When a police officer fires a gun, it is called a 'discharge'.
- **Deployment:** When a police officer fires a CEW/Taser, it is called a 'deployment'.
- **Exhibits:** When an officer 'exhibits' a gun or a Taser by pulling the weapon out of its holster and pointing it, but not deploying or discharging it.

### **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.

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<sup>6</sup> 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%).

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#### 2010 US Census

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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.

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#### Access

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Data was downloaded from *census.gov*

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#### Quality

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

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#### Methodology

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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.

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## 2018 NOPD USE OF FORCE

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

1. Comparison to Other Cities
2. Force Over Time
3. Force by Type and Level
4. Force by Outcome
5. Justification of force
6. Officers Who Used the Most Force
7. Groupings of NOPD Officers
8. Individuals Subjected to NOPD Actions

### SECTION 1: COMPARISON TO OTHER CITIES

#### Amount of Force Compared to Other Cities

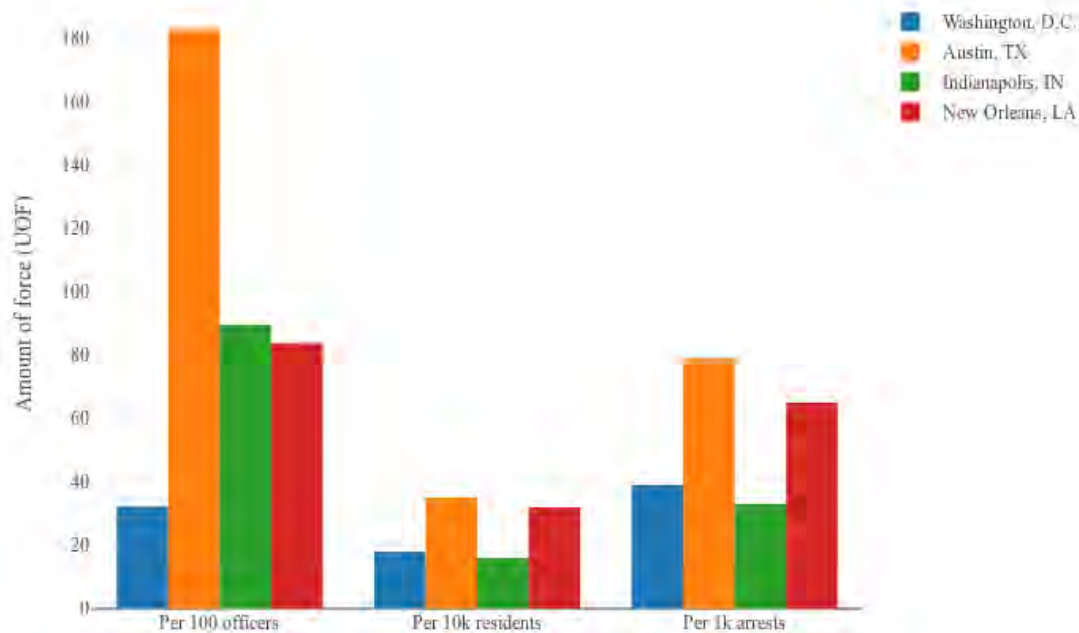


FIGURE 1: NOPD FORCE (UOF) COMPARED TO OTHER CITIES

Every police department in USA has different policies about the use of force. Each department also has different tools, such as body-worn cameras, which can be used to more accurately capture force incidents. Furthermore, the cities in which every police department operates is also unique in its demographics and crime patterns.

Despite these known issues with comparing use of force statistics from other jurisdictions, the figure above helps give a generalized understanding of how New Orleans compares to other cities.

New Orleans is the smallest city being compared. The city populations (city only, not metro area) are as follows:

- Austin: 950,715
- D.C.: 702,455
- Indianapolis: 863,002
- New Orleans: 343,829

New Orleans uses the second most amount of force compared to other cities in terms of force per resident and force per arrest and the least relative force when looked at from a per-officer basis.

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## SECTION 2: FORCE OVER TIME

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### Annual Comparison – Incidents Involving Force (FTN) by Year

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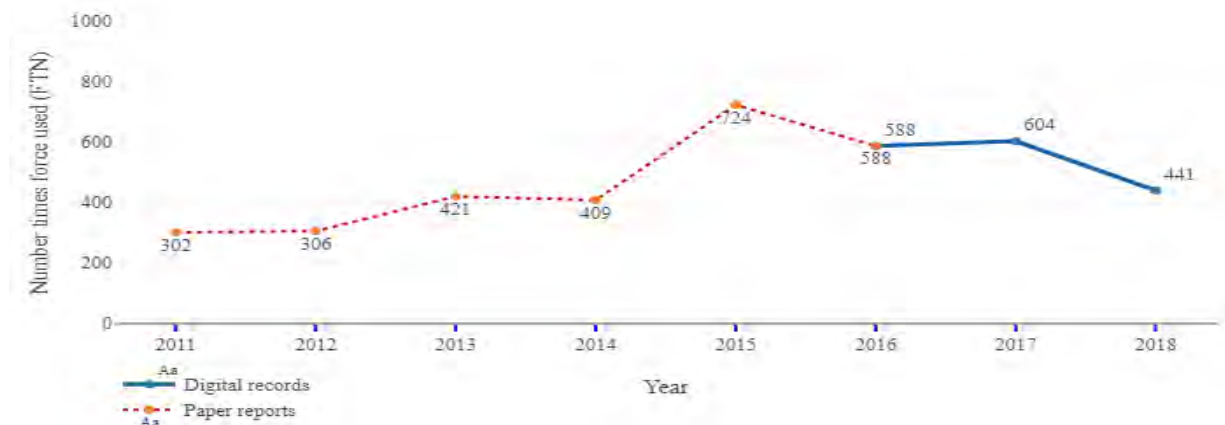


FIGURE 2: TOTAL FTN BY YEAR

- Force in 2015 and earlier is taken from paper reports, not digital records.
- Data showed that UOF and FTN remained fairly consistent from 2013 to 2014. However, force spiked between 2014 and 2015.
- From 2015 to 2016, UOF increased while FTN decreased.
- In 2017, both FTN and UOF increased. Notably, both UOF and FTN experienced sharp declines in 2018.

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### Amount of Force Used (UOF) by Year

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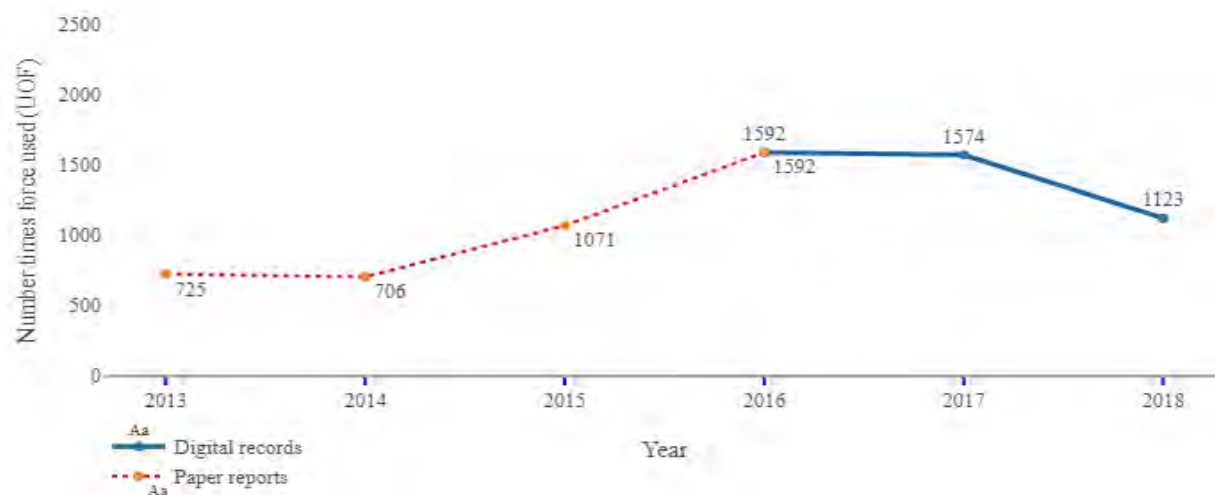


FIGURE 3: TOTAL UOF BY YEAR

- There were 1123 UOF in 2018, down significantly from 1574 in 2017. The number of FTN in 2018 was 441, resulting in a decrease of 163 since 2017 when there were 604 incidents. The trend of UOF in other police departments surveyed was an increase in 2018.<sup>7</sup>
- 102 of the reduction in UOF may be attributed to the change of policy no longer requiring the reporting of exhibition of taser as a UOF, based on projections using 2016 and 2017 averages. This represents 22% in the decline of UOF. See narrative under Figure 5 for further explanation.
- Notably, even with the increase of UOF in other cities, the overall numbers for UOF per capita in New Orleans was substantially higher than other cities. For example, Indianapolis Police Department has 896 UOF and a population of 863,000, and DC PD had 323 UOF with 694,000 residents.<sup>8</sup>
- Data showed that UOF and FTN remained fairly consistent from 2013 to 2014. However, force spiked between 2014 and 2015. From 2015 to 2016, UOF increased while FTN decreased. In 2017, both FTN and UOF increased. Notably, both UOF and FTN experienced sharp declines in 2018.

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<sup>7</sup> Boulder Police Department Professional Standards Report, p. 6, accessed April 9, 2019.

<sup>8</sup> Government of the District of Columbia, Police Complaint Board, Office of Police Complaints, Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018, page 31.

## FTN & UOF in 2018 By Month

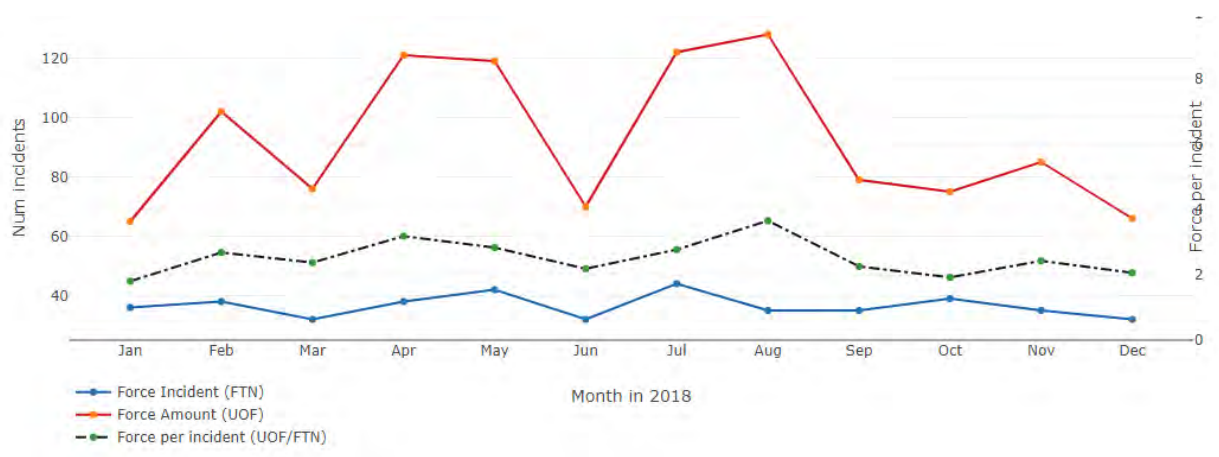


FIGURE 4: FTN & UOF BY MONTH

- Figure 4 clarifies the relationship between the number of incidents (FTN) and amount of force (UOF).
- On average, there has been a minor decrease in UOF per FTN per month from 2017 to 2018 of 2.6 to approximately 2.5.
- In 2017 both UOF and FTN peaked during August. In 2018 UOF also reached its maximum in August, but the 2018 FTN max was July.
- April, May, June, and August were months when the UOF was substantially higher than the median of 82. The average of UOF/FTN was approximately 2.5 in 2018, compared with 2.7 in 2017. Crime rates and force is known to rise during summer months<sup>9</sup>. This could explain the June and August outcomes. OIPM did not attempt to investigate the fluctuation in April and May further.

<sup>9</sup> Government of the District of Columbia, Police Complaint Board, Office of Police Complaints, Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018, page 29. Seasonal Patterns in Criminal Victimization Trends, <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5028>

### SECTION 3: FORCE BY TYPE AND LEVEL

NOPD classifies UOF incidents into four levels: 1, 2, 3, and 4 -- with level 4 being the most serious and level 1 being the least serious. These levels were defined in more detail during the introductory portion of this report, in the section titled “Investigations and Levels of Force”.

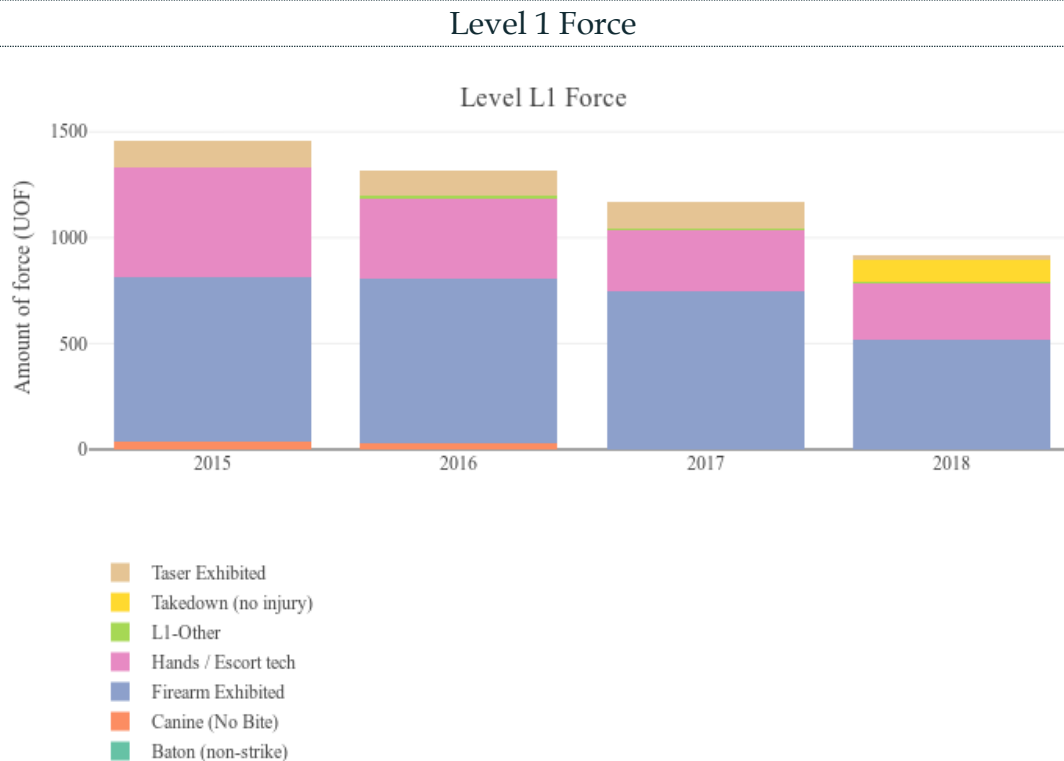


FIGURE 5: AMOUNT OF FORCE (UOF) BY LEVEL BREAKDOWN: LEVEL 1

- Level 1 force decreased for the third year in a row.
- In 2018, NOPD stopped counting the exhibition of tasers as a use of force. In 2017, there were 126 such incidents. In 2016 there were 118. The policy change caused the number to drop to 20 before the policy took effect in April 2018. Using historic trends, this policy change is projected to account for the reduction in UOF to 102 for 2018<sup>10</sup>.
- From 2017-2018, Level 1 force decreased by close to 270 UOF or 77% more than from 2016-2017. But 38% of that decline may be attributed to the policy change regarding taser exhibition.

<sup>10</sup> If we assume the expected number of taser exhibitions to be the 2016/2017 average ( $126 + 118 / 2 = 122$ ), then this policy change can be attributed to a 102 decrease in UOF (122 expected taser exhibition - 20 recorded exhibitions).

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## Level 2 Force

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FIGURE 6: AMOUNT OF FORCE (UOF) BY LEVEL BREAKDOWN: LEVEL 2

- Level 2 UOF decreased 49% in 2018, dropping from 382 in 2017 to 185 in 2018. This is the lowest Level 2 has been since 2015.
- Defense tech/take down decreased by 72%, from 296 to 83.
- Taser deployment has averaged about 57 UOF from 2016 to 2018 and remained consistent.
- Canine (no bite) decreased by 5 incidents from 21 in 2017 to 16 in 2018.

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### Level 3 Force

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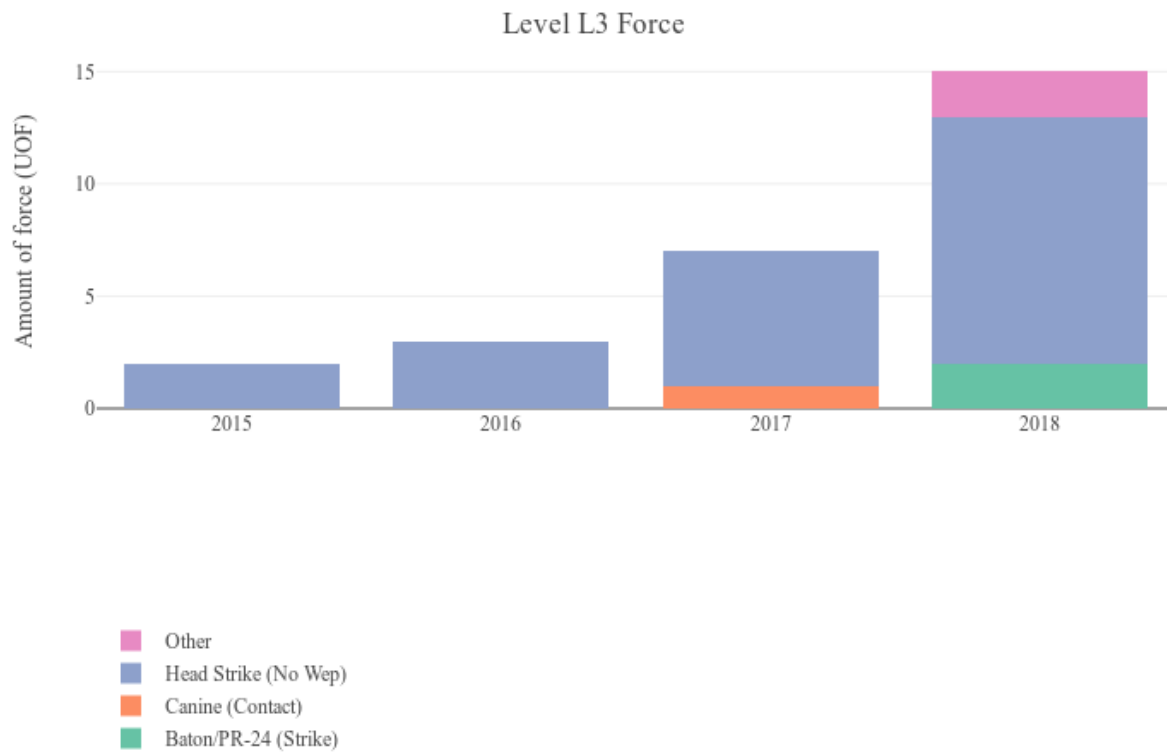


FIGURE 7: AMOUNT OF FORCE (UOF) BY LEVEL BREAKDOWN: LEVEL 3

- Level 3 force has doubled for the second year in a row. There were 3 L3 UOF in 2016, 7 in 2017, and 15 in 2018.
- Since 2015, head strike (no weapon) has been steadily increasing up to 11 in 2018 after starting at 2 in 2015.



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## Level 4 Force

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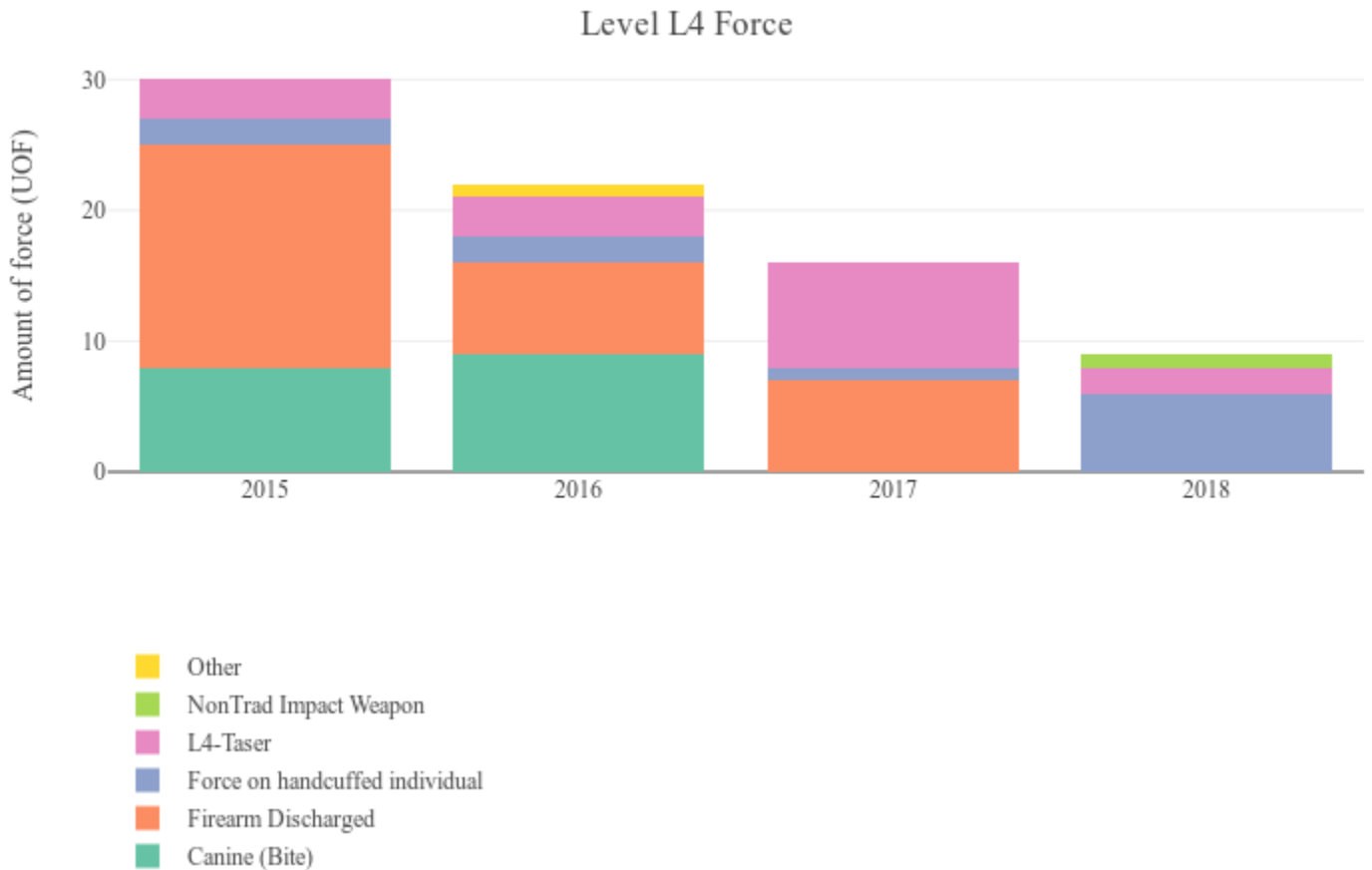


FIGURE 8: AMOUNT OF FORCE (UOF) BY LEVEL BREAKDOWN: LEVEL 4

- Level 4 force has decreased yearly since 2015.
- There was no firearm discharged at a person in 2018.
- While level 4 UOF has decreased overall, force while handcuffed increased from 1 in 2017 to 6 in 2018.
- One UOF was classified as Other in 2016 corresponding to serious physical injury occurring when the individual placed his legs on the interior door panel of the police vehicle and pushed out as officers on the door's exterior pushed the door closed. The individual's leg was dislocated during this process.

The remainder of this report focuses on 2018 data only.

### Force By Type and Level

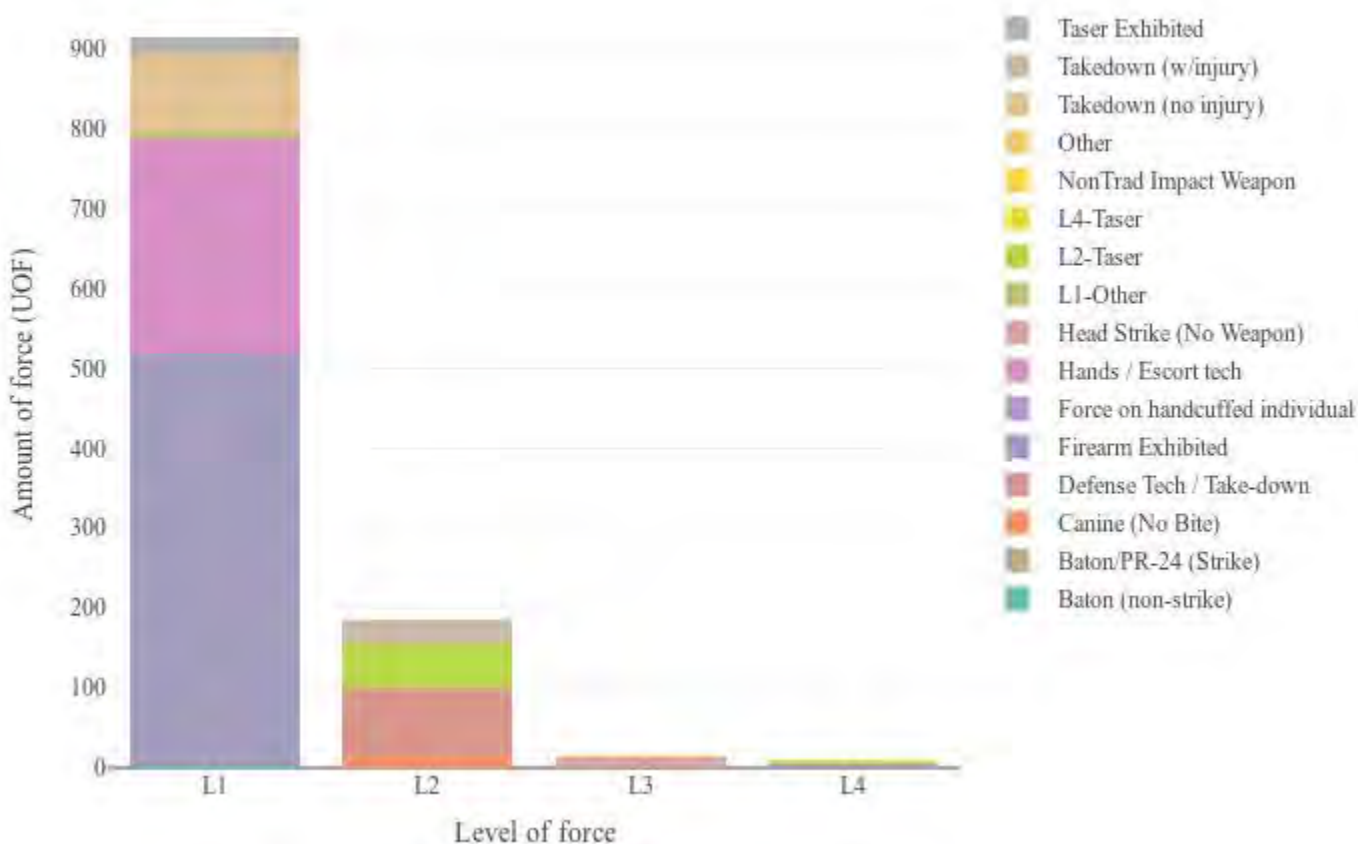


FIGURE 9: FORCE BY TYPE AND LEVEL OVERVIEW

- Level 1 force accounts for just over 81% of all force followed by Level 2 with just over 16% of all force.
- Exhibiting firearms accounts for slightly more UOF than all other types combined, similar to 2017 statistics.

## Force by Level and District/Division

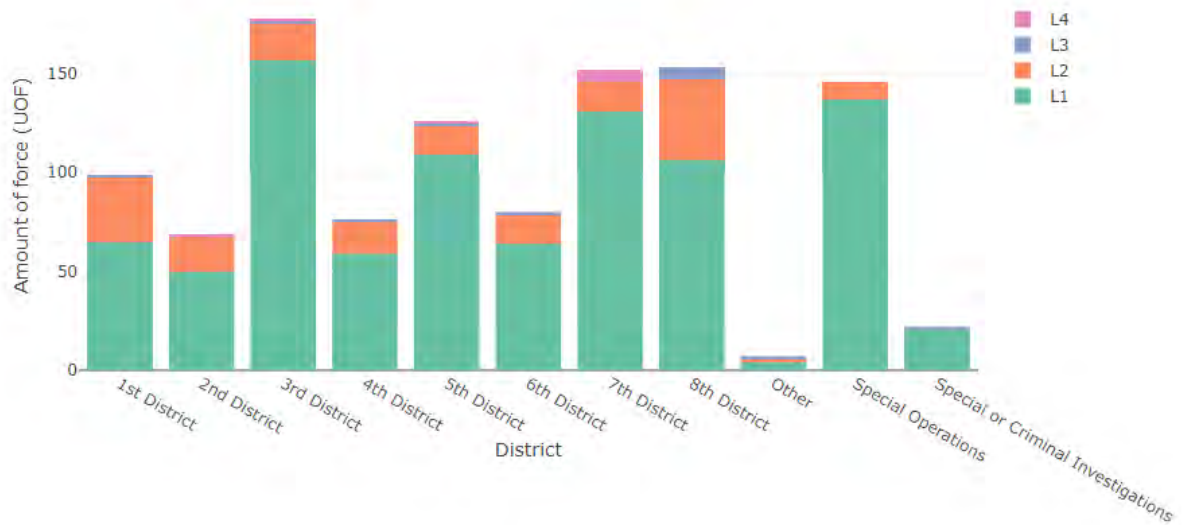


FIGURE 10: UOF BY DISTRICT/DIVISION LEVEL AND TYPE

- The 8 police districts in New Orleans represent different types and patterns of criminal activity. Variations in police use of force in these districts cannot solely be attributed to differences in policing practices. The same is true for Special Operations and other divisions tasked with specific subsets of police work.
- The districts with the highest UOF are the 3rd, 8th, 7th, and Special Operations, respectively. These districts are the top four for a second year in a row.
- The 7th district has the highest level 4 UOF and the 8th district has the highest level 3 UOF.

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## Types of Force by Level

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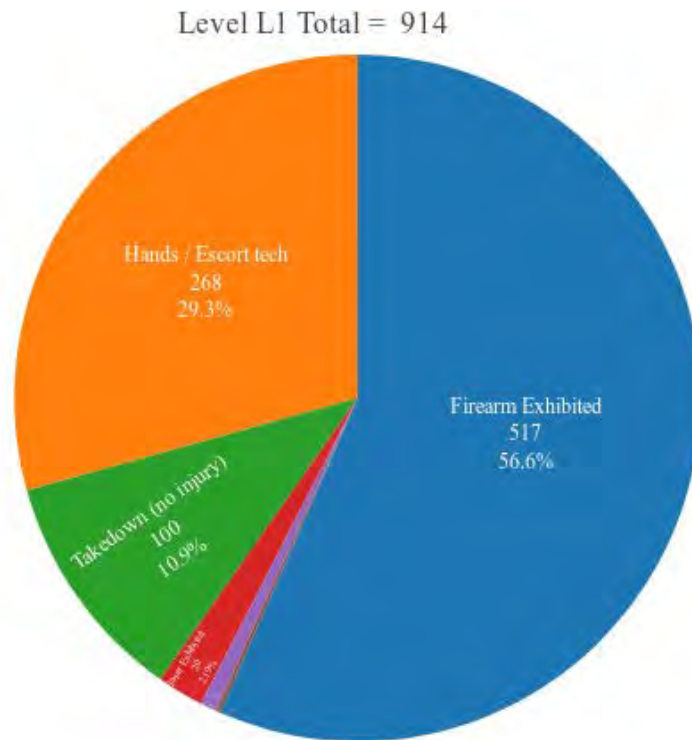


FIGURE 11: LEVEL ONE USE OF FORCE

- The highest percentage of level 1 UOF is firearm exhibited.
- Hands/escort tech is the second most common low level UOF, followed by takedown (no injury). Together, the top three types represent more than 96% of all level 1 force.
- Level 1 force is more common than all other levels of force.

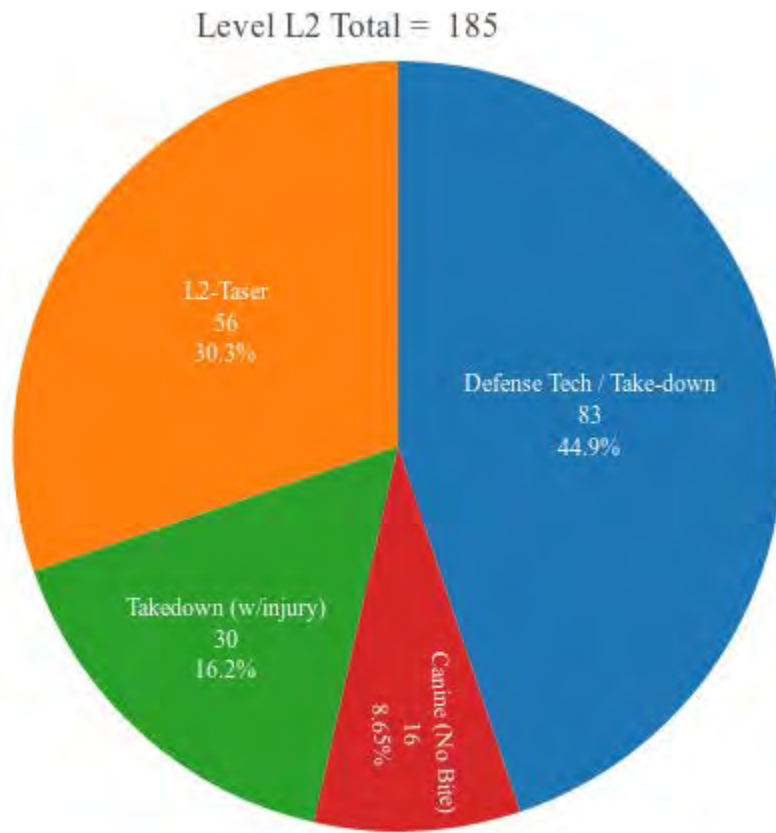


FIGURE 12: LEVEL TWO USE OF FORCE

- Defense tech/takedown represents almost half of all level 2 force in 2018 with approximately 45%. That percentage is down from 77.4% in 2017.
- Taser is the second most common level 2 UOF, representing just over 30% of the category.

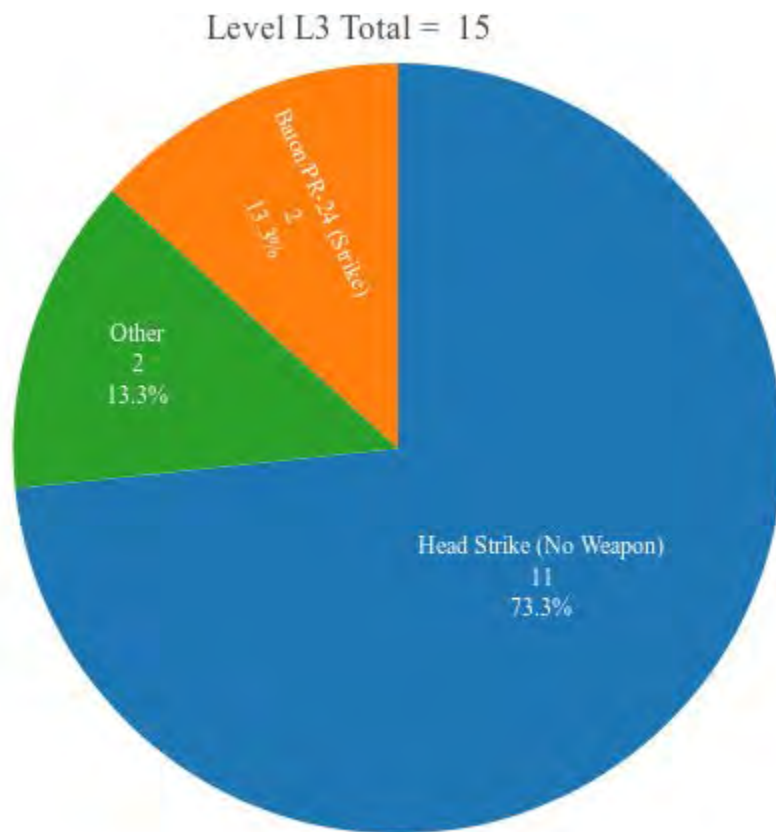


FIGURE 13: LEVEL THREE USE OF FORCE

- Head strike (no weapon) is overwhelmingly the level 3 UOF utilized for a second year in a row, with 11 UOF in 2018. At 73.3%, head strikes (no weapon) were down 14.3% from 2017.
- The Other UOF represents a single FTN where two officers both used head strikes and body strikes against a single individual.

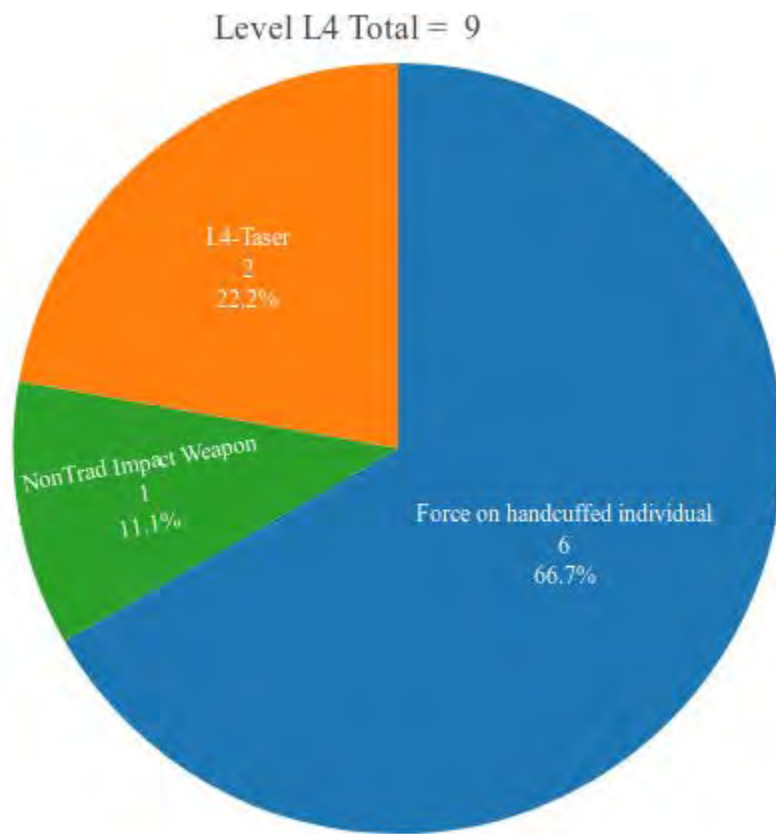


FIGURE 14: LEVEL FOUR USE OF FORCE

- Level 4 UOF is least common, with 9 total instances.
- Force on handcuffed individuals are the most frequent Level 4 UOF (6), followed by L-4 taser (2).



## SECTION 4: FORCE BY OUTCOME

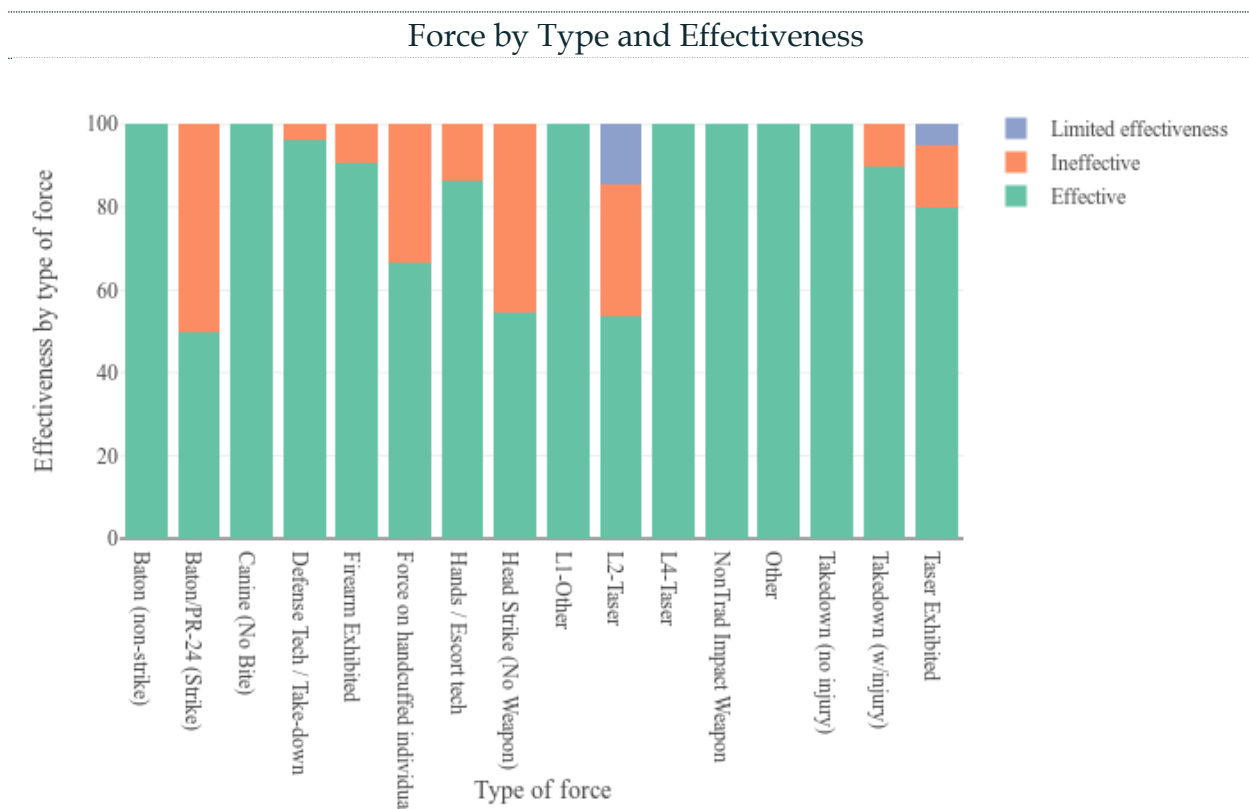


FIGURE 15: UOF EFFECTIVENESS BY TYPE

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 NOPD’s use of force tracking software 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/combatant 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**

- NOPD self-determined effectiveness and its guidelines remain unclear.
- Most UOF is determined effective by NOPD.
- For two years in a row, baton (non-strike), L1-other, and L2-other were deemed 100% effective.
- In 2018, just as in 2017, L2-taser was determined to be one of the least effective UOF types.
- Taser deployments were the only categories that had any force that was classified as “limited effectiveness”.

## **Recommendation**

In 2017 OIPM recommended that NOPD include the definitions for effective, not effective and limited effectiveness in the NOPD Operations Manual. This way members of the police department have a common understanding of these terms. One thought was to put these definitions in Blue Team in addition to the NOPD Operations Manual.

In 2017 NOPD agreed to explore how they could best implement this recommendation. However, this recommendation was not implemented.

## **NOPD Response to the Recommendation**

Prior to the issuance of this report, OIPM met with the Commander of the Professional Standards & Accountability Bureau of NOPD. The Commander has agreed to work with OIPM in 2019 to figure out the best way to address this issue. OIPM looks forward to reporting in 2019 on how this recommendation was implemented.

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## NOPD's Determination of Unauthorized Force

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- In previous years, OIPM reported dispositions at the UOF level. Doing so does not accurately represent NOPD data which only captures dispositions at the incident (FTN) level. In this report and future reports, force dispositions will be reported by FTN.
- There were 7 unjustified UOF in 2018.
- The number of unjustified UOF has increased from 1, to 6, to 7 (2016-2018).
- A study on complaints stemming from a use of force by the National Institute of Justice predicts 6.5 unjustified use of force for a department the size of NOPD<sup>11</sup>.
- NOPD determined that force is “not justified” in 1.4% of force incidents in 2018.

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[https://policecomplaints.dc.gov/sites/default/files/dc/sites/police%20complaints/publication/attachments/Citizen\\_Complaints\\_and\\_Use\\_of\\_Force\\_DOJ.pdf](https://policecomplaints.dc.gov/sites/default/files/dc/sites/police%20complaints/publication/attachments/Citizen_Complaints_and_Use_of_Force_DOJ.pdf)

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## Officer and Individual Injuries

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### Officer Injury

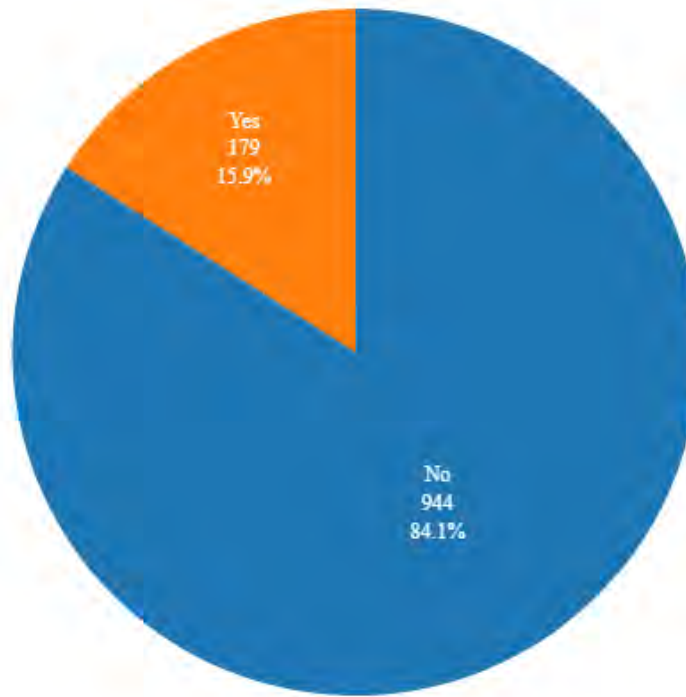


FIGURE 16: UOF LEADING TO OFFICER INJURY

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.

- Officers were injured by UOF close to 16% of the time.
- Officer injuries increased by 2.4% since 2017.

### Individual Injury

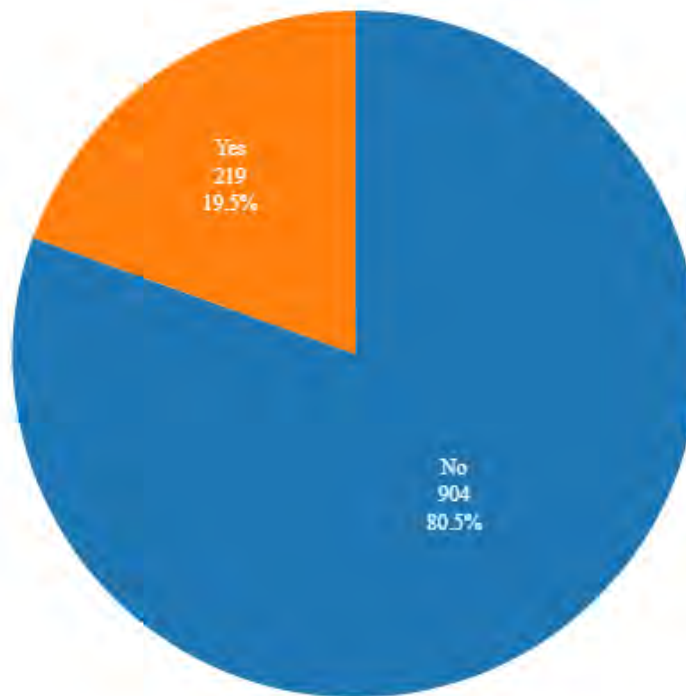


FIGURE 17: UOF LEADING TO INDIVIDUAL INJURY

- Risk of injury is not unique to officers. Individuals who are the subjects of police force also face a risk of injury.
- Individuals were injured by UOF 19.5% of the time.
- Individuals with injuries were down 2.8% from 2017.
- The percentage of individual injuries related to UOF appears lower than in some other municipalities, for instance District of Columbia Police Department with 55%.

## SECTION 5: JUSTIFICATION FOR FORCE

### Reason for Force

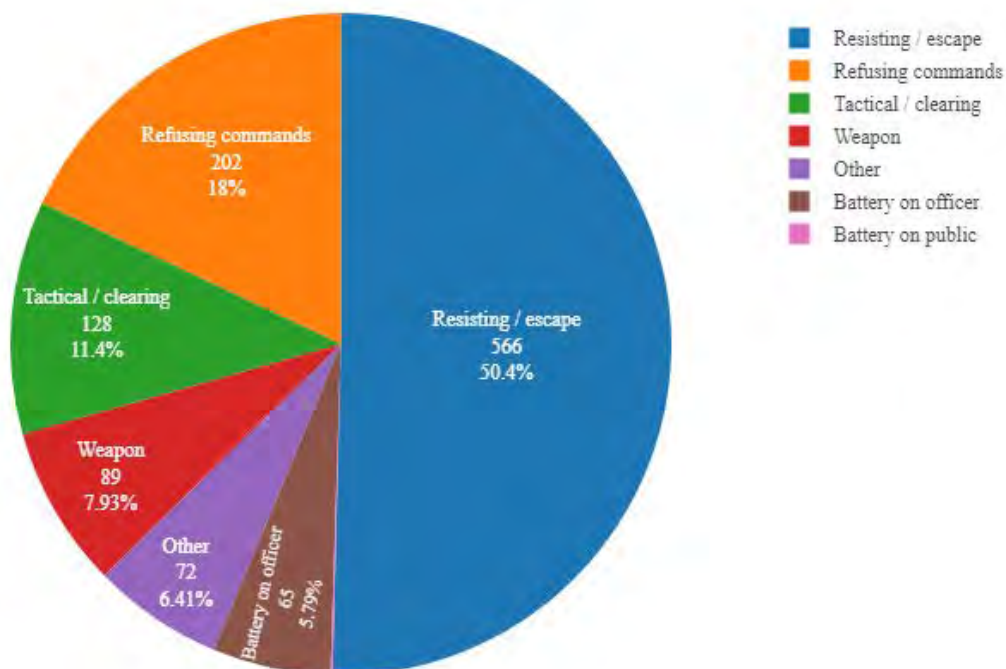


FIGURE 18: UOF BY REASON

- For the second year in a row, resisting arrest/escape is the most common reason for force at 50.4%, followed by refusing verbal commands at 18%.
- The other category decreased notably from 18.9% in 2017 to 6.4% in 2018.
- Upon reviewing UOF statistics information from other police departments, it remains unclear as to whether “refusing verbal commands” is a justifiable reason for UOF.<sup>12</sup> It is unclear from the data whether “refusing verbal commands” solely was the reason for the use of force or if verbal commands were part of a continuum and other incidents occurred that justified the force.
- Some other departments also take into consideration whether a subject is exhibiting possible signs of mental illness in deciding if UOF is appropriate or justified.<sup>13</sup>

<sup>12</sup> Boulder Police Department Professional Standards Report, p. 9, accessed April 9, 2019.

<sup>13</sup> Government of the District of Columbia, Police Complaint Board, Office of Police Complaints, Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018, page 20.

**In response to the last bullet point by OIPM above the NOPD sent the following response:**

NOPD policy 1.3: Use of Force states that “When feasible based on the circumstances, officers will use de-escalation techniques, disengagement; area containment; surveillance; waiting out a subject; summoning reinforcements; and/or calling in specialized units such as mental health and crisis resources, in order to reduce the need for force, and increase officer and civilian safety. Moreover, the officers shall de-escalate the amount of force used as the resistance decreases.”

The use of force principles enshrined in policy 1.3: Use of Force include the following: “Officers will use disengagement; area containment; surveillance; waiting out a subject; summoning reinforcements; and/or calling in specialized units such as mental health professionals or a crisis response team, when feasible, in order to reduce the need for force and increase officer and civilian safety. (e) When possible, officers shall allow individuals time to submit to arrest.”

Police 1.3: Use of Force also specifically names “the subject’s mental state or capacity” as one of the “facts and circumstances” to consider “when determining whether to use force and in evaluating whether an officer has used reasonable force.”

All NOPD officers have received a minimum of eight hours of training on responding to persons in behavioral or mental crisis, as well as annual refresher instruction on crisis intervention and de-escalation tactics during Core In-Service.

NOPD has adopted the Crisis Intervention Team (CIT) model, a nationally recognized ‘best practices’ approach in recognizing and managing behavior that may be attributable to a mental health disorder. Under this program, specially chosen officers receive 40 hours of intense training from mental health experts focused on techniques and best practices for minimizing the use of force against individuals in crisis due to mental illness or a behavioral disorder. CIT officers are assigned to each police district and are trained to respond to and de-escalate mental health crises. As of May 2019, NOPD has trained and certified 263 officers and supervisors. CIT-trained officers currently account for 38% of all patrol officers

**Recommendation**

OIPM recommends that NOPD clarify what the category “refusing verbal commands” means. It is unclear from the data whether “refusing verbal commands” solely was the reason for the use of force or if verbal commands were part of a continuum and other incidents occurred that justified the force.



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## Reason for Exhibiting Firearms

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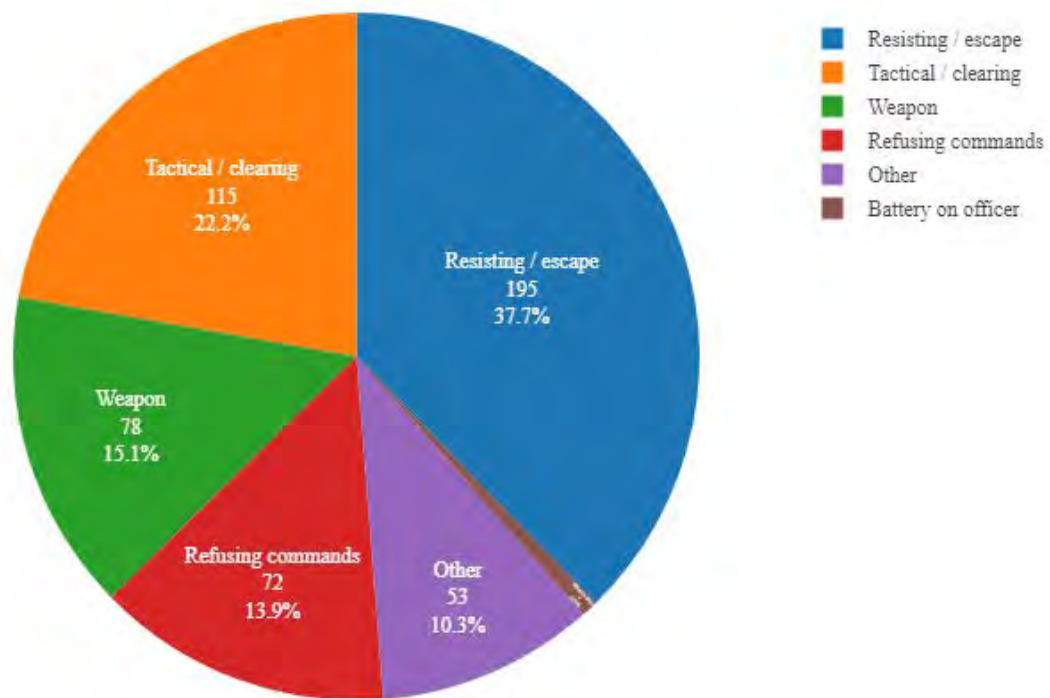


FIGURE 19: REASONS FOR EXHIBITING FIREARMS

- Weapon exhibited was not the most common reason for exhibiting a firearm; it represented about 15% of total reasons.
- The top three reasons for exhibiting firearms are flight from an officer, tactical deployments, and resisting lawful arrest.
- Other represented about 10% of the reason for exhibiting a firearm, down from 30% in 2017 and over 50% in 2016. We commend NOPD for following our recommendation to address the excessive categorization of Other.

### **Recommendation**

OIPM recommends that Other categories should generally make up no more than 5% of the group.

### **NOPD Response to the Recommendation**

NOPD accepted the recommendation and agreed to continue to evaluate this category and make necessary adjustments.

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## Service Type or What Preceded the Use of Force

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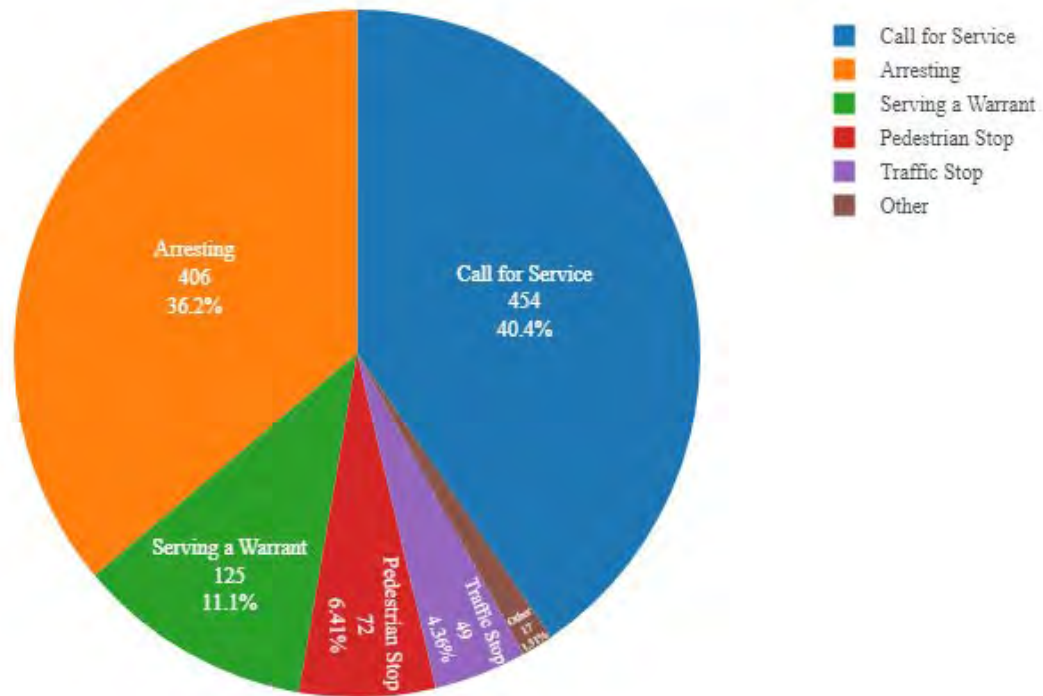


FIGURE 20: UOF BY SERVICE TYPE

- More than 75% of instances that preceded force were “Calls for Service” or “arresting” (an individual).
- While traffic stops were the third most common event to precede force in 2017 at 12.4%, it was the fifth most common in 2018 at 4.36%.

## SECTION 6: OFFICERS THAT USE THE MOST FORCE

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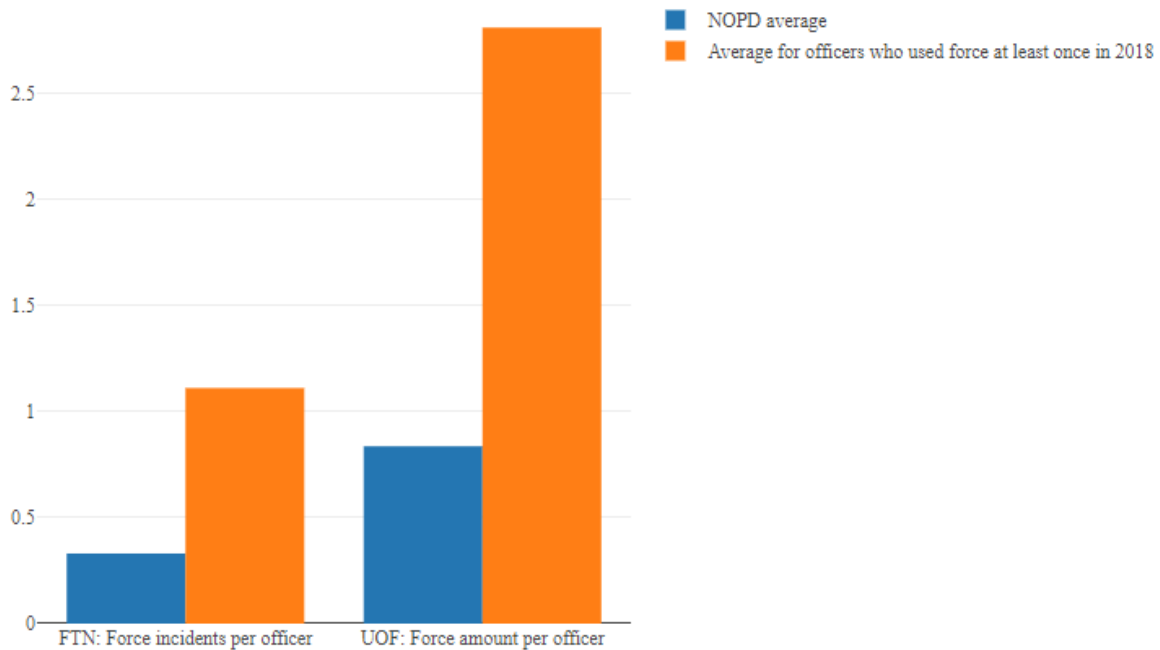


FIGURE 21: AVERAGE FTN AND UOF PER OFFICER

- The average UOF data from 2018 has decreased since 2017 and 2016.
- The average officer will use force once every 3 years. In 2017, the average officer used force once every 2 years. Another way to think about this is that in 2018, the average force incidents (FTN) per officer was 0.33 but was 0.47 in 2017.
- If only the officers that used force at least once are considered, the average officer then has 1.11 force incidents per year.

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## Number of Officers And How Much Force They Use

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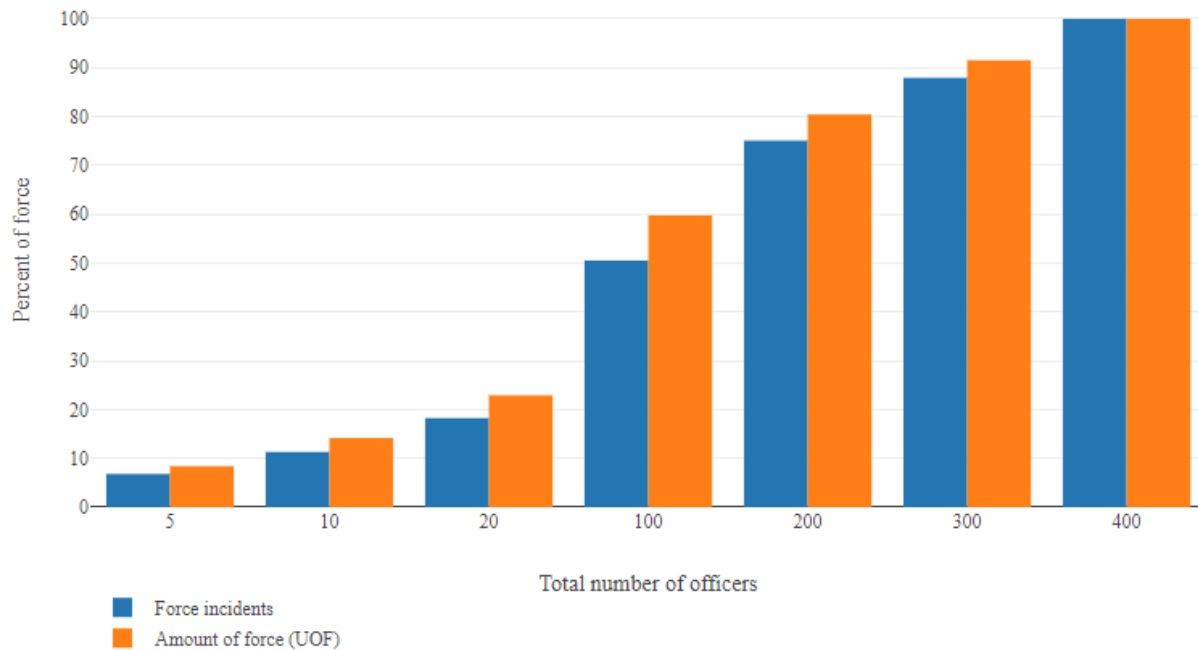


FIGURE 22: OFFICERS WHO USE THE MOST FORCE

- How to read the graph: The vertical axis is percentage and horizontal axis is number of officers. The graph is cumulative, meaning that the top 10 officers includes the top 5 officers.
- The top 10 officers are responsible for a little over 11% of all force incidents (FTN) in 2018, up from 10.3% in 2017.
- The top 10 officers are responsible for just over 14% of all force (UOF) in 2018. This is a small increase from 13.4% in 2017.
- About the same number of officers used force in 2018 as in 2017.

<p>Force Incidents (FTN)</p> <p>Among the top 5 officers using most force:</p> <ul style="list-style-type: none"> <li>• Responsible for 6.8%</li> <li>• Number men: 5</li> <li>• Age range: 23 - 35</li> <li>• Exp range: 2 - 6 years</li> <li>• White: 2, Black: 3, Latinx: 0, Native: 0, Asian: 0</li> </ul>	<p>Amount of Force (UOF)</p> <p>Among the top 5 officers using most force:</p> <ul style="list-style-type: none"> <li>• Responsible for 8%</li> <li>• Number men: 5</li> <li>• Age range: 23 - 41</li> <li>• Exp range: 2 - 6 years</li> <li>• White: 2, Black: 3, Latinx: 0, Native: 0, Asian: 0</li> </ul>
<p>Force Incidents (FTN)</p> <p>Among the top 10 officers using most force:</p> <ul style="list-style-type: none"> <li>• Responsible for 11.3%</li> <li>• Number men: 10</li> <li>• Age range: 23 - 41</li> <li>• Exp range: 2 - 6 years</li> <li>• White: 6, Black: 4, Latinx: 0, Native: 0, Asian: 0</li> </ul>	<p>Amount of Force (UOF)</p> <p>Among the top 10 officers using most force:</p> <ul style="list-style-type: none"> <li>• Responsible for 14%</li> <li>• Number men: 10</li> <li>• Age range: 23 - 41</li> <li>• Exp range: 2 - 6 years</li> <li>• White: 6, Black: 4, Latinx: 0, Native: 0, Asian: 0</li> </ul>
<p>Force incidents (FTN)</p> <p>Among the top 20 officers using most force:</p> <ul style="list-style-type: none"> <li>• Responsible for 18.3 %</li> <li>• Number men: 19</li> <li>• Age range: 23 - 54</li> <li>• Exp range: 12 - 9 years</li> <li>• White: 10, Black: 7, Latinx: 2, Native: 0, Asian: 1</li> </ul>	<p>Amount of Force (UOF)</p> <p>Among the top 20 officers using most force:</p> <ul style="list-style-type: none"> <li>• Responsible for 22.9%</li> <li>• Number men: 18</li> <li>• Age range: 23 - 44</li> <li>• Exp range: 10 - 9 years</li> <li>• White: 11, Black: 8, Latinx: 0, Native: 0, Asian: 1</li> </ul>

OIPM was not able to provide the divisions and districts corresponding to these officers. In the 2017 report, we found that many of the officers that use the most force are in divisions like Special Operations that are put into more interactions where force is used. Different districts also have different patterns of criminal activity that could effect policing.

## SECTION 7: GROUPING OF NOPD OFFICERS

### Use of Force by Officer Age and Years of Experience

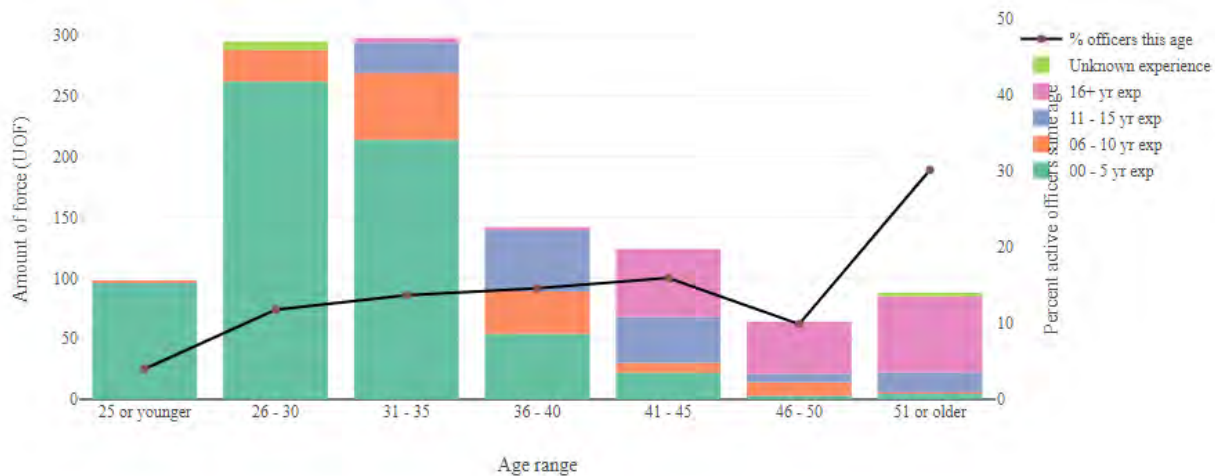


FIGURE 23: UOF BY OFFICER AGE & YEARS OF EXPERIENCE

- Use of force varies greatly by age group. Officers ages 26-35 account for more UOF than all other groups combined but are only about 24% of officers. Within the 26-30 and 31-35 groups, officers with less than 5 years of experience are most likely to use force.
- The oldest (51 or older) NOPD officers are least likely to use UOF. They account for over 30% of officers but have the second fewest force incidents.
- The youngest officers account for just under 9% of all UOF but they comprise 4% of officers. Relative to the number of officers, the youngest officers do use a disproportionate amount of force.
- Starting around age 30, many officers with more than 5 years of experience use force at non-negligible rates.

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## Type of Force by Officer Gender and Race

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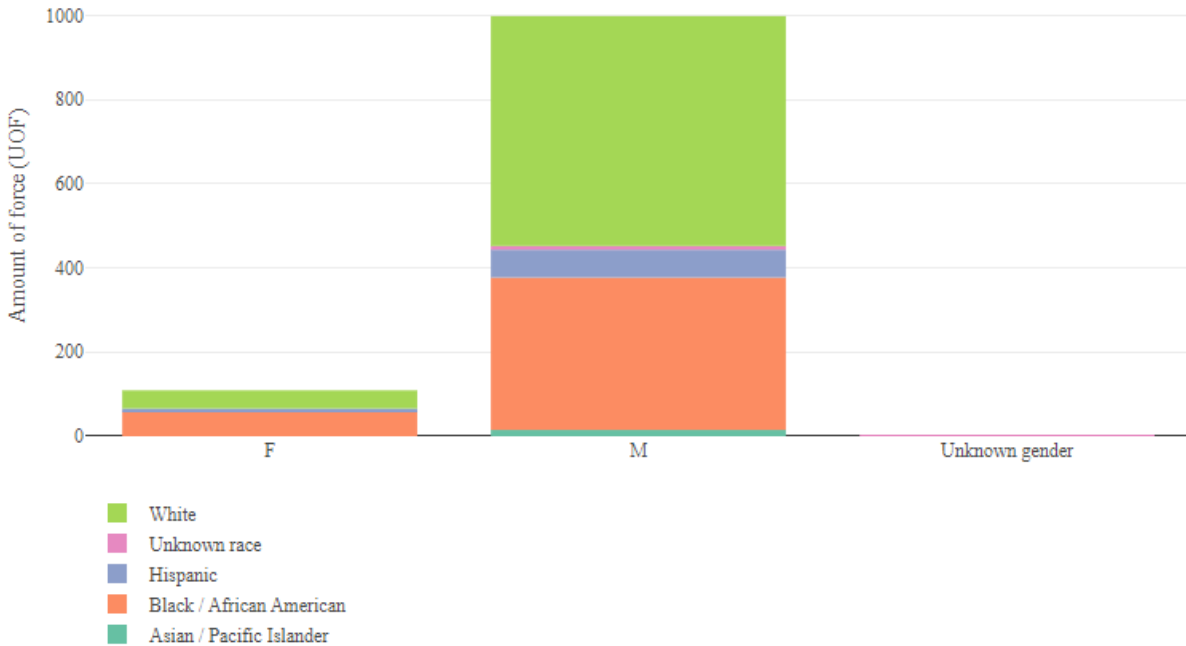


FIGURE 24: TYPE OF FORCE BY OFFICER GENDER AND RACE

- There are approximately 3.5 times more male officers than females. But male officers account for about 9.5 times the amount of force as female officers.
- In 2018, white male officers account for 15 more UOF than all other officers combined, though they make up less than 50% of NOPD. These statistics are nearly identical to 2017's data.



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## Use of Force by Female Officer Race

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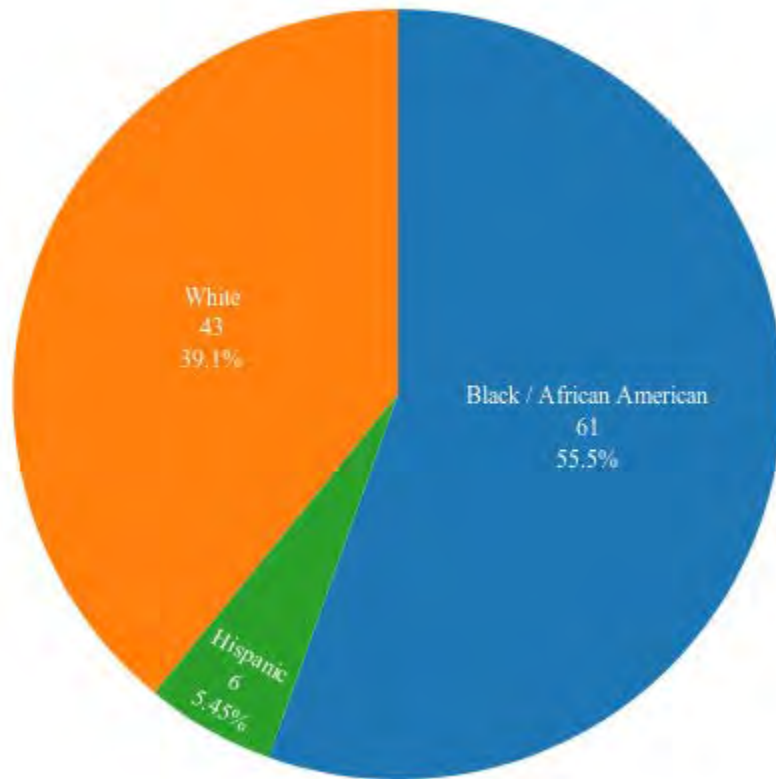


FIGURE 25: UOF BY TYPE FOR FEMALE OFFICERS

- Black female officers used slightly more force than white female officers. Because there are more black female officers than white female officers, their use of force is proportional.
- Female officers are responsible for approximately 10% of all use of force.

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## Use of Force by Male Officer Race

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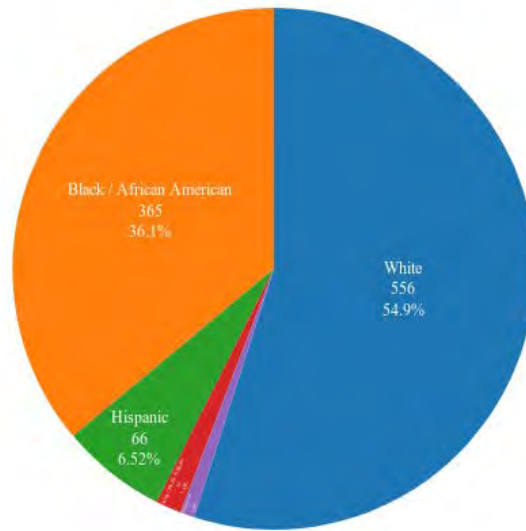
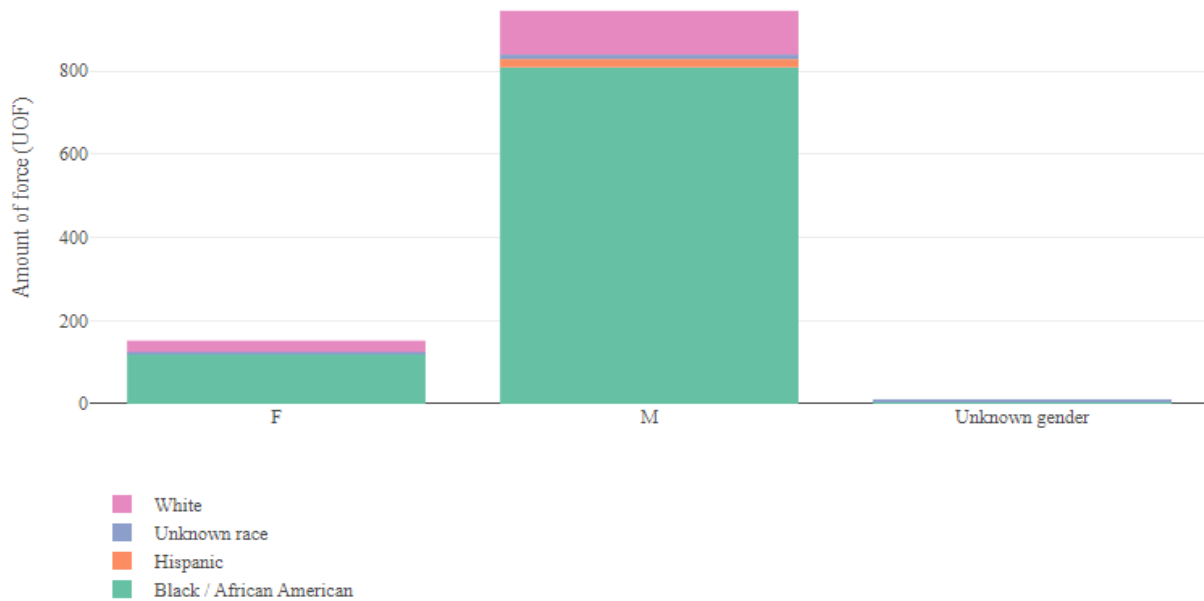


FIGURE 26: UOF BY TYPE FOR MALE OFFICERS

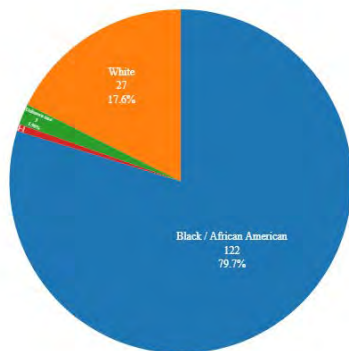
- Male officers are responsible for approximately 90% of force.
- There are 450 white male officers and 481 black male officers.
- White male officers use 1.5 times the force of black male officers.

## SECTION 8: INDIVIDUALS SUBJECTED TO NOPD FORCE

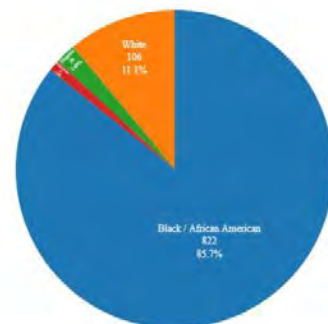
### Use of Force by Individual Gender and Race



#### UOF By Female Individual Race

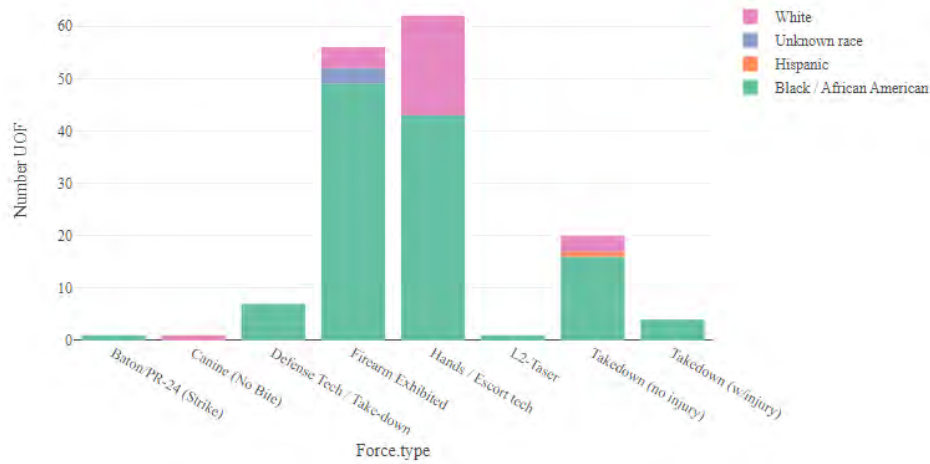


#### UOF By Male Individual Race

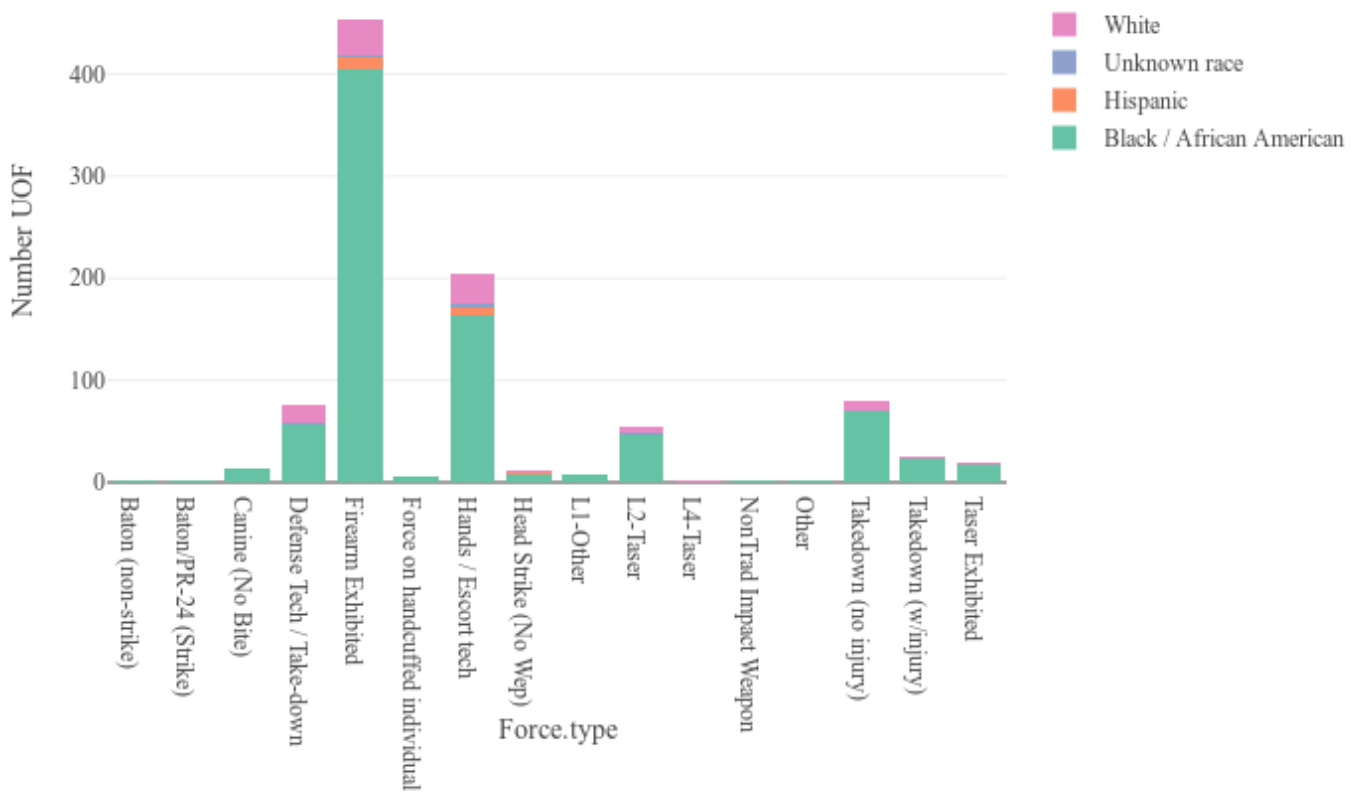


- Black men had approximately 6 times more force used against them than all other males combined.
- Black females had 4 times more force used against them than all other women combined.

## Female Individual UOF by Type and Race



## Male Individual UOF by Type and Race



- Baton/pr-24 (strikes), defense tech/take-down, L2-taser, and take-down (w/ injury) were used exclusively on black females. Canine (no bite) was used exclusively on white women.
- While white males made up all L4-taser UOF, black males experienced nearly all other UOF at the highest rates across all force levels.
- Therefore, UOF by type and race is strikingly similar to 2017, however firearm exhibition has decreased significantly overall.

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### Varying Details About Force Used On Individuals

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In the following sections, we highlight the amount of force used against black people in New Orleans. Much of our analysis shows that black people (excluding other people of color) in New Orleans experience, by a large margin, the majority of force used by the NOPD. Therefore, 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%<sup>14</sup>.

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<sup>14</sup> 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%).

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## RACE OF INDIVIDUAL BY MONTH

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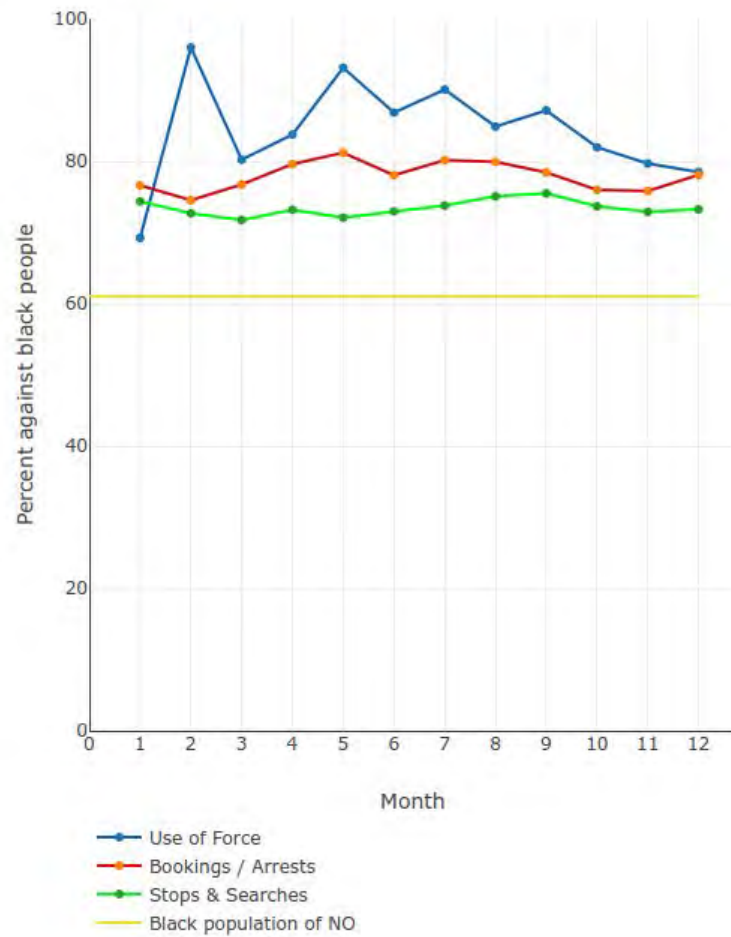


FIGURE 27: UOF AGAINST BLACK PEOPLE

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## PERCENTAGE OF UOF AGAINST BLACK PEOPLE PER DISTRICT

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Note: Currently missing OPSO data required to show arrests

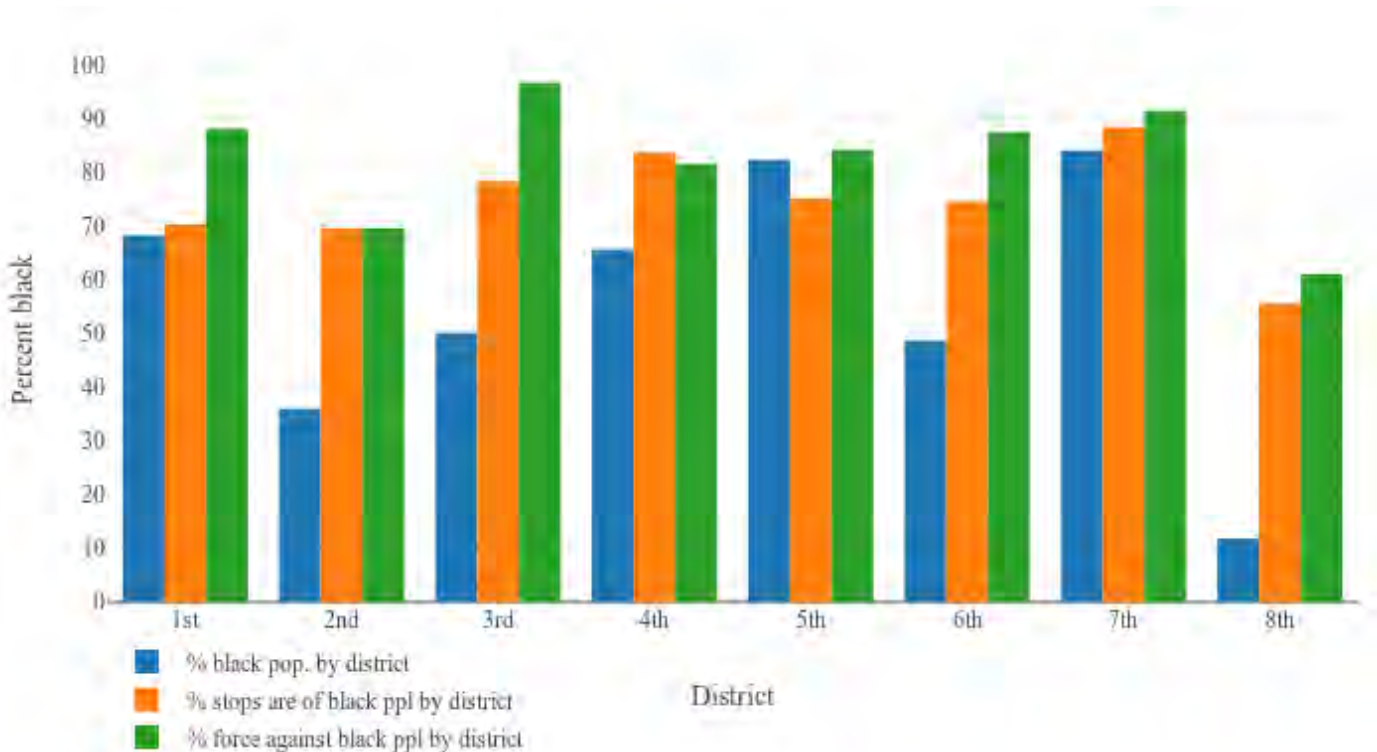


FIGURE 28: UOF AGAINST BLACK PEOPLE BY DISTRICT

- Stops & searches, as well as UOF, disproportionately negatively impact Black people. Other departments analyzed, such as the Metropolitan Police Department (Washington DC) and Chicago Police Department, suggest that increased community policing and increased and improved officer training could begin to remedy disparities in the policing of Black people.<sup>15</sup>
- These results are consistent with 2017 where force is used disproportionately against Black people in nearly every month and district.

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<sup>15</sup> Boulder Police Department Professional Standards Report, p. 2, accessed April 9, 2019.



### **Recommendation**

OIPM recommends that NOPD train all police officers on implicit bias and anti-oppression. That would be two concrete steps toward addressing the over-policing of Black people in New Orleans.

### **NOPD Response to the Recommendation**

NOPD officers receive a minimum of four hours of training annually on bias-free policing, which includes implicit bias. Principles of community-oriented policing are infused throughout courses in both the Academy and officers' required annual Core In-Service training.

OIPM is pleased to report on the training that is already in place at NOPD. However, because the training does not appear to have the anti-oppression component that OIPM is recommending, OIPM will attend the current training to see if there are any further recommendations that can be made. OIPM will report out on its findings in its 2019 Annual Report or sooner.

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### Research Based Areas For Future Analysis

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- For at least two years (2017 and 2018) OIPM has raised concerns about NOPD use of force policing patterns regarding African American civilians in New Orleans. Currently both African American women and African American men experience the highest levels of most types of UOF. In next year's report, we hope to investigate and explore the reasons for these trends.

### **Recommendation:**

OIPM recommends that NOPD's Public Integrity Bureau and Professional Standards & Accountability Bureau work with OIPM to develop a methodology for researching this area. OIPM also suggests that both agencies work together to figure out potential outside partner agencies that have an expertise in this area to work with NOPD and OIPM to get maximum and fully understand the results from this process. OIPM recommends that a joint report between OIPM and NOPD be released by the end of 2019 and/or by the time of the OIPM 2019 Annual Report that documents the findings of the research.