



Comprehensive Reassessment of the Consent Decree Monitor Pursuant To Paragraph 456 of the NOPD Consent Decree

Released January 24, 2019

Office of the Consent Decree Monitor

New Orleans, Louisiana

Sheppard Mullin Richter & Hampton, LLP

Appointed By Order Of The U.S. District Court For The Eastern District Of Louisiana

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WHAT'S IN THIS REPORT?



Office of the Consent Decree Monitor

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WHAT WE DID IN 2018

- The Monitoring Team continued to review and approve policies, review all serious uses of force by officers, and evaluate the NOPD's implementation of all Consent Decree paragraphs.
- We spent significant time focusing on Community Engagement, including problem-oriented policing.
- We conducted audits of NOPD's uses of force, controlled electrical weapons usage, performance evaluations, Crisis Intervention Team, Police Integrity Bureau, Special Operations Division, and NOPD's patrol response to domestic violence, sexual assault, and child abuse.
- We focused on the Academy's curriculum, lesson plans, instructors, and courses for compliance with the Consent Decree.
- We conducted our biennial survey of the community, police officers, and detainees. The results will be reported in early 2019.

WHAT WE FOUND

- The data reflect significant NOPD improvement in all areas of the Consent Decree.
- As outlined in this report, many areas have moved into full and effective compliance or are nearing full and effective compliance.
- The NOPD continues to make steady progress toward implementing a robust Community Engagement plan.
- While NOPD continues to make progress toward achieving compliance with supervision, performance evaluations, and recruitment, the Monitoring Team continues to focus on the need to achieve full and effective compliance in these areas.

2019 ACTIVITIES

- Continue to focus closely on all aspects of the NOPD's Community Engagement efforts.
- Continue reviewing all serious uses of force.
- Continue working closely with the Academy to ensure continued progress.
- Analyze and report results of 2018 biennial survey.
- Focus on NOPD's progress toward compliance in the areas of supervision, stops/searches/arrests, performance evaluations, and others.
- Perform additional audits and reviews, and provide technical assistance as necessary.

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I. CONSENT DECREE AUTHORITY

“Two years after the effective date, the Monitor shall conduct a comprehensive assessment to determine whether and to what extent the outcomes intended by this Agreement have been achieved, and any modifications to the Agreement that are necessary for continued achievement in light of changed circumstances or unanticipated impact (or lack of impact) of the requirement. This assessment also shall address areas of greatest achievement and the requirements that appear to have contributed to this success, as well as areas of greatest concern, including strategies for accelerating full and effective compliance. . . .”

Consent Decree Paragraph 456¹

¹ Paragraph 456 provides for a “comprehensive assessment” two years after the “effective date,” which was January 11, 2013. Due to delays in the implementation of the Consent Decree and the initially slow pace of progress upon implementation, as the parties have done with other Consent Decree deadlines which became infeasible or no longer served their intended purpose, we deferred this assessment until such time as sufficient progress toward compliance had been made to allow the assessment to serve its intended purpose.

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II. NOTES

“The Monitor shall be subject to the supervision and orders of the [United States District Court for the Eastern District of Louisiana], consistent with [the Consent Decree]. The Monitoring Team shall only have the duties, responsibilities, and authority conferred by [the Consent Decree]. The Monitoring Team shall not, and is not intended to, replace or assume the role and duties of the City and NOPD, including the Superintendent.”

Consent Decree Paragraph 455

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IV. GLOSSARY OF ACRONYMS

“ASU”	Administrative Services Unit
“AUSA”	Assistant United States Attorney
“AVL”	Automatic Vehicle Locator
“BWC”	Body Worn Cameras
“CCMS”	Criminal Case Management System
“CD”	Consent Decree
“CEW”	Conducted Electrical Weapon
“CIT”	Crisis Intervention Team
“CODIS”	Combined DNA Index System
“ComStat”	Computer Statistics
“CPI”	California Psychological Inventory
“CSC”	Civil Service Commission
“CUC”	Citizens United for Change
“DA”	District Attorney
“DI-1”	Disciplinary Investigation Form
“DOJ”	Department of Justice
“DVU”	Domestic Violence Unit
“ECW”	Electronic Control Weapon
“EWS”	Early Warning System
“FBI”	Federal Bureau of Investigation
“FIT”	Force Investigation Team
“FOB”	Field Operations Bureau
“FTO”	Field Training Officer
“IACP”	International Association of Chiefs of Police
“ICO”	Integrity Control Officers
“IPM”	Independent Police Monitor
“KSA”	Knowledge, Skill and Ability
“LEP”	Limited English Proficiency
“LGBT”	Lesbian, Gay, Bi-sexual, and Transgender
“MMPT”	Minnesota Multiphasic Personality Inventory
“MOU”	Memorandum of Understanding
“NNDDA”	National Narcotics Detection Dog Association
“NOFJC”	New Orleans Family Justice Center
“NONPACC”	New Orleans Neighborhood and Police Anti-Crime Council
“NOPD”	New Orleans Police Department

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“NPCA”	National Police Canine Association
“OCDM”	Office of Consent Decree Monitor
“OIG”	Office of Inspector General
“OPSE”	Office of Public Secondary Employment
“PIB”	Public Integrity Bureau
“POST”	Police Officer Standards Training Counsel
“PsyQ”	Psychological History Questionnaire
“RFP”	Request for Proposal
“SART”	Sexual Assault Response Team
“SOD”	Special Operations Division
“SRC”	Survey Research Center
“SUNO”	Southern University of New Orleans
“SVS”	Special Victims Section
“UNO”	University of New Orleans
“USAO”	United States Attorney’s Office for the Eastern District of New Orleans
“VAW”	Violence Against Women



V. INTRODUCTION TO THE COMPREHENSIVE REASSESSMENT

2018 has proven to be a consequential year for the NOPD, as the Department made significant strides toward achieving “full and effective” compliance with the Consent Decree’s requirements. As a testament to this progress, in August 2018, Judge Morgan changed the monthly status conferences, which had been ongoing since the outset of the Consent Decree, to quarterly status conferences.

Judge Morgan also requested that the Monitoring Team perform a comprehensive reassessment of NOPD’s compliance in accordance with paragraph 456 of the Consent Decree, which directs the Monitoring Team to:

conduct a comprehensive assessment to determine whether and to what extent the outcomes intended by this Agreement have been achieved, and any modifications to the Agreement that are necessary for continued achievement in light of changed circumstances or unanticipated impact (or lack of impact) of the requirement. This assessment also shall address areas of greatest achievement and the requirements that appear to have contributed to this success, as well as areas of greatest concern, including strategies for accelerating full and effective compliance. . . .

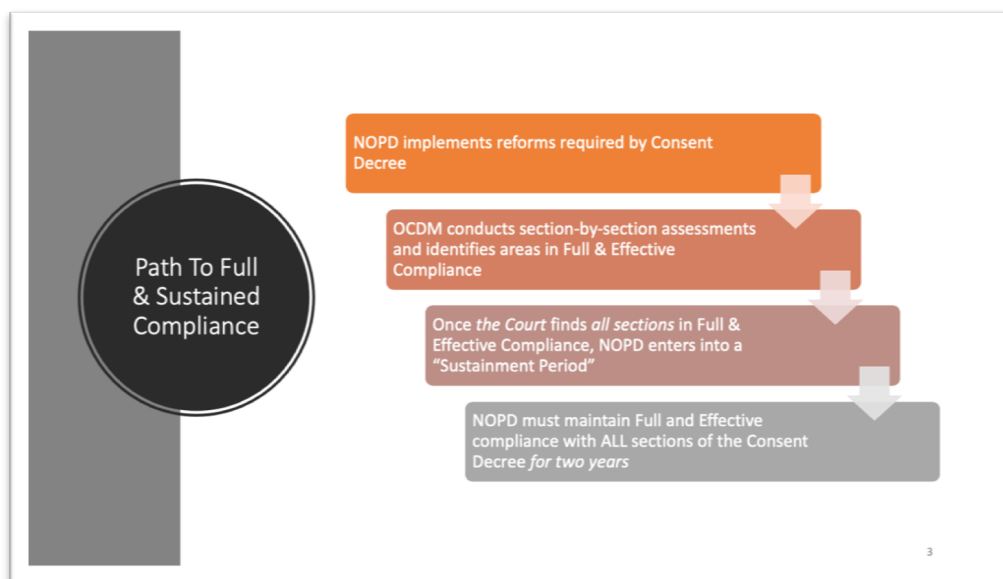
CD Paragraph 456. While the CD initially contemplated this reassessment would take place in 2015, the Department’s state of compliance at that time would have made such a reassessment an inefficient use of resources. The Department’s progress over the past three years, however, changed that, and, in the view of the Court, the Monitoring Team, and the Department of Justice, such a reassessment now makes sense.

The standard under which the Monitoring Team evaluates the state of NOPD’s compliance with the Consent Decree is “full and effective compliance.” The term is defined in the Consent Decree as:

sustained compliance with all material requirements of this Agreement or sustained and continuing improvement in constitutional policing, as demonstrated pursuant to the Agreement’s outcome measures.²

The Monitoring Team applies this standard on a section-by-section basis. While it is the Monitoring Team’s job to evaluate the NOPD’s progress in meeting this agreed-upon standard and to make recommendations to the Court, ultimately, it is solely the Court’s prerogative to make a definitive finding of full and effective compliance. The following graphic summarizes the process:

² Consent Decree paragraph 486.



As illustrated in the graphic above, the City must achieve full and effective compliance with all material terms of the Consent Decree – *in the eyes of the Court* – to fulfill its obligations under the Consent Decree.

The Monitoring Team is pleased to report NOPD has made significant progress in all areas of the Consent Decree, and, as outlined later in this report, has achieved “full and effective compliance” in several important areas. Its accomplishments to date include, but are not limited to, the following:

Use of Force

- New policies / training
- Effective Use of Force Review Board (UOFRB)
- Effective Force Investigation Team (FIT)

Crisis Intervention Team

- Implemented Memphis CIT model
- Established effective CIT Planning Committee
- Implemented effective training, and certified 37% of officers

Stops, Searches and Arrests³

- Strip/body-cavity searches now require supervisor approval
- Consensual searches now require written consent and supervisor approval

Custodial Interrogations

- Designated room with functioning audio/video
- Enhanced training
- Compliant facilities

³

Significant Monitoring Team audits continue in this area.



Photographic Lineups

- Double-blind lineups
- New process for filler photos
- Witness statements recorded

Bias-Free Policing

- Bias-Free and Equal Protection policies
- In-Service, roll call and daily training
- LGBTQ and LEP Community Engagement and Feedback

Sexual Assault

- The Special Victim Services is housed in the New Orleans Family Justice Center (NOFJC)
- Successful Sexual Assault Response Team (SART)
- Dedicated and consistent NOPD leadership continues to have a positive impact

Domestic Violence

- Effective supervision
- Qualified/committed staff
- DV Detectives housed in NOFJC with positive feedback
- Work closely with DA's office prosecutor

Community Engagement

- Staffed Community Liaison Officer (CLO positions)
- Developed online community policing reporting system
- Replaced ComStat with Management Analysis for eXcellence (MAX)
- Developed Community Policing Plan

Recruitment

- Newly developed Strategic Urgency to Recruit Great Employees (SURGE) working group
- Recent improvements in vetting candidates
- Overall improvement in Background Investigation process

Academy and In-Service Training

- Updated all lesson plans
- Re-sequenced curriculum
- Created standards & policies

Office Assistance and Support

- Established Officer Assistance Program (OAP)
- Office staffed with licensed professionals
- Regular Academy training

Performance Evaluations and Promotions

- New policies/training
- Enhanced INSIGHT system to include quarterly performance reviews
- Performance Evaluation Manual provided to supervisors

Supervision

- Commitment to investigating all Citizen complaints
- Improvement with adhering to supervisor-to-officer ratios
- 99% of all NOPD vehicles have operable in-car cameras

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Secondary Employment System

- Effective Office of Police Secondary Employment (OPSE)
- Successful transition to new Acting Director

Misconduct Complaint Intake, Investigation, and Adjudication

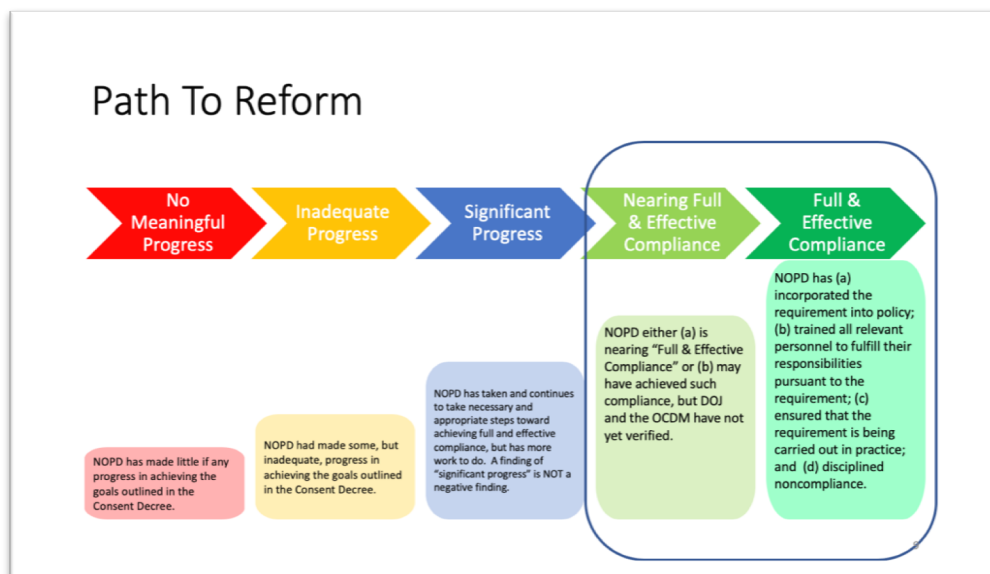
- Objective, thorough investigations
- Elimination of favoritism in adjudications
- Misconduct routinely reported and disciplinary process is transparent
- Administrative Investigation timeframes comport with requirements
- Evidence is properly identified, collected, analyzed and securely stored

Transparency and Oversight

- Leader in open policing data
- Transparency initiatives “ahead of the curve”
- Developed district community outreach programs and meetings
- Critical incident video release policy

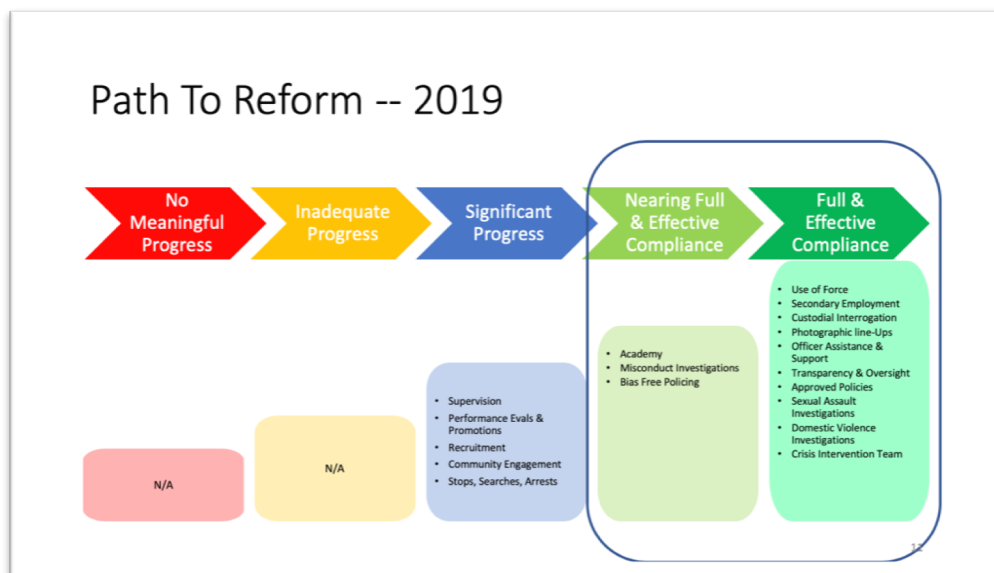
In fact, as we expect to report at the January 2019 public court hearing, for the first time, the Monitoring Team has found the Department to be in “*full and effective compliance*” with many sections of the Consent Decree. Other sections of the Consent Decree are nearing full and effective compliance, and the Monitoring Team has good reason to believe these areas are capable of moving into the full and effective compliance category. Other important areas, notwithstanding NOPD’s *significant progress*, still require additional work to achieve the CD’s demanding standard. As important, there are no sections for which the NOPD has failed to make significant progress toward compliance.

Consent Decree progress is not an all or nothing proposition. Accordingly, to help shed greater light on the Department’s progress toward achieving full and effective compliance with the Consent Decree as a whole, the Monitoring Team uses the following definitions to identify different states of compliance:



While these definitions are not explicitly spelled out in the Consent Decree, they reflect a useful means of reporting on NOPD's progress to achieving full and effective compliance under the terms of the Consent Decree.

With these definitions as background, the following graphic summarizes the current state of NOPD compliance in the view of the Monitoring Team:





The Monitoring Team and the United States are impressed with the number of categories NOPD has managed to “move into the green” over the past few years. These successes not only achieve critical Consent Decree requirements, they also are having very real impacts on the street. Here are some of the highlights:

- Intentional firearm discharges declined from 14 in 2013 to 5 in 2016, 3 in 2017, and 1 in 2018.
- Conducted Electrical Weapon (CEW or Taser) discharges declined from 138 in 2014 to 52 in 2016, 70 in 2017, and 52 in 2018.
- Use of Deadly Force (level 4) also has declined. Uses of deadly force by the NOPD declined to 14 in 2016 and just 7 in 2017 and 0 in 2018.
- Canine deployments resulting in bites declined from 12 in 2014 to 9 in 2016 and 0 in 2017 and 2018.
- The ratio of bites to deployments dropped from 34% in 2014 to 19% in 2016 and 0% in 2017 and 2018. Thus, canines are still being deployed but the deployments are resulting in fewer bites.
- Vehicle pursuits declined from 2014 through 2017. There was an increase from 64 in 2014 to 73 in 2015 but that likely is attributable to better reporting and tracking. After 2015, vehicle pursuits declined to 31 in 2016 and 21 in 2017. Property damage from vehicle pursuits declined from 14 in 2014 to 6 in 2016 to 3 in 2017.
- Complaints overall are down. Tellingly, public complaints are down, but rank-initiated complaints are up, which indicates supervisors are holding their fellow officers more accountable for complying with Department policies.

Obviously, these outcomes lie at the very heart of the purpose of the Consent Decree.

It also is clear the reforms NOPD has undertaken have not impaired the Department’s overall crime-fighting ability. Indeed, according to the *New Orleans Advocate*, in 2018, violent crime dropped to the lowest levels since 1970.⁴ Moreover, the District Attorney is accepting a higher percentage of cases presented by the NOPD (the “Acceptance Rate”).⁵

⁴ Ramon Antonio Vargas, *2018 Violent Crime in New Orleans Plummets to Levels Not Seen Since the 1970s*, *The New Orleans Advocate*, (Dec. 14, 2018, 7:00 PM CST), https://www.theadvocate.com/new_orleans/news/crime_police/article_be5ac24c-ffc0-11e8-ad65-d74ce16b6c85.html (last viewed December 21, 2018).

⁵ The Acceptance Rate has increased from 85.4% in 2014 to 92.1% in 2016.



Notwithstanding these successes – in terms of compliance and crime fighting – other areas of the Consent Decree still require additional attention.

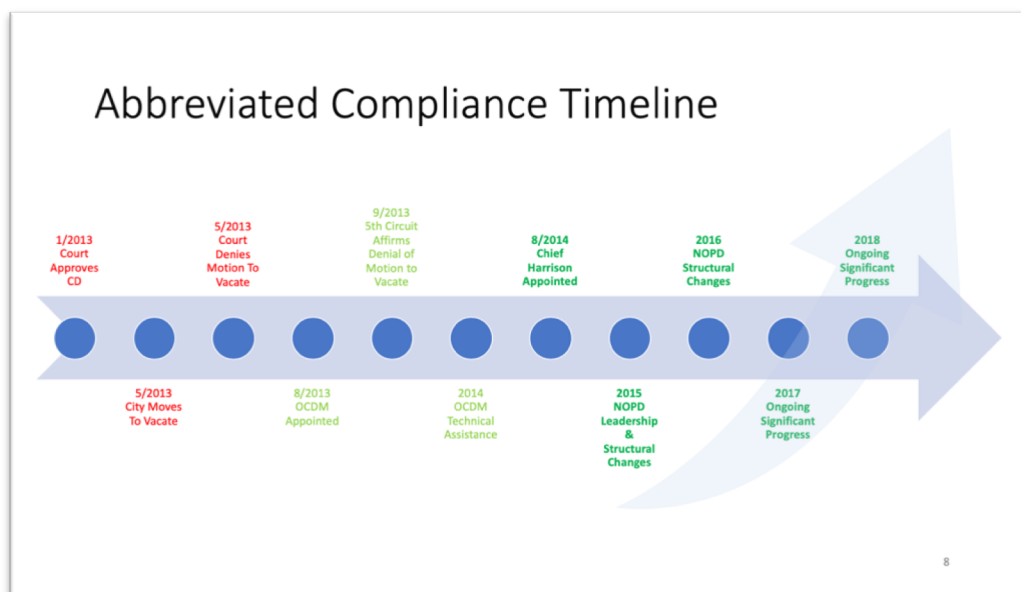
For example, while the Department has made progress toward complying with the “Stops, Searches, and Arrests” requirements of the Consent Decree, the Monitoring Team continues to find flawed documentation regarding pat downs (frisks), investigatory searches, and searches incident to arrest. This documentation fails to demonstrate compliance with applicable legal standards. We are still investigating the extent to which the documentation reflects non-compliant practices or just inadequate documentation. Obviously, it is essential that the NOPD officers comply with legal standards for pat-downs and searches and document their actions accurately.

Another area in which improvement has been made but more is required is supervision. The Consent Decree requires NOPD supervisors to provide, “the close and effective supervision necessary to direct and guide officers. (CD 306.) It then specifies elements of close and effective supervision, such as supervisors working the same shift, days and hours as the officers they supervise, and setting a ceiling on the number of officers assigned to a patrol supervisor. (CD 307-313.) Supervisors also are required to incorporate the knowledge gained from the review of in-car and body worn camera videos into their ongoing evaluation and supervision of officers. We continue to find uneven compliance with some of these paragraphs. Close and effective supervision is essential to ensuring that officers understand, follow, and are held accountable for complying with NOPD policies and, ultimately, to preserving the reforms NOPD has implemented.

Similarly, the elements focusing on supervision depend in part on the development and implementation of the early warning system called for by the Consent Decree, which the NOPD has named *Insight*. While NOPD has developed a robust Insight system, the Monitoring Team continues to see inconsistent use of the system by supervisors.

In the area of Performance Evaluations, our audits continue to show the need for further improvement. A 2018 audit of the new performance evaluations, for example, revealed that the NOPD was compliant in only 19 of the 40 cases reviewed (47.5% compliant). The NOPD was partially compliant in 2 of the 40 cases reviewed (5% partially compliant), and noncompliant in the remaining 19 cases reviewed (47.5% noncompliant). The Monitoring team also completed an additional audit of one District and concluded the NOPD remained in partial compliance only because there was no evidence that supervisors incorporated the knowledge gained from their review of ECW, BWC, and in-car camera recordings.

The need for ongoing work in these areas should not come as a surprise. A finding of “Significant Progress” *is not a negative finding*. NOPD has taken and continues to take meaningful steps to achieve full and effective compliance in each of these areas; but, likely due to the complicated nature of the task, has more work to do. It should be remembered, the City got off to a slow start with respect to its reform efforts.



As the timeline above (which, admittedly, is not drawn to scale) illustrates, the Department did not begin to make real progress under the Consent Decree until the 2014/2015 timeframe. Considering the long history of unconstitutional policing in New Orleans and the inherently complex nature of those requirements, no one should be surprised that full and effective compliance has taken longer in some areas than in others. Also, the City's progress in all areas was hindered by its slow start under the Consent Decree.

Further, to some extent, given the breadth and depth of the transformation required by the Consent Decree, as a practical matter implementation of the reforms required some sequencing. In other words, not everything can be done at the same time. Some of the sections in the "significant progress" category required establishment of new programs and systems for administering those programs before capable of being audited and monitored.

* * *

That the Department has achieved full and effective compliance in multiple areas of the Consent Decree is a meaningful finding for several reasons:

- Sections in full and effective compliance free up NOPD resources to focus on sections in need of additional work,
- Sections in full and effective compliance require less frequent OCDM monitoring, saving time and money, and

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- NOPD's 2-year clock will begin to run when all sections of the Consent Decree are in full and effective compliance.

But it is meaningful for an additional reason as well. The Department has put a lot of time and resources in becoming compliant in every area of the Consent Decree, and it deserves credit for doing so. Such credit should be given not only to the Department's management team, but also to the hundreds of officers who have embraced reform and are working day in and day out to transform NOPD into a world-class department.



VI. SUMMARY OF MONITORING ACTIVITIES

The Monitoring Team spent significant time over the course of 2018 reviewing, auditing, and evaluating multiple areas of Consent Decree compliance. Among other things, the Monitoring Team:

- Monitored NOPD handling of all serious uses of force, including NOPD's investigation into the fatal shooting of Officer McNeil, a Use of Force incident involving an officer who struck a handcuffed subject, and a Use of Force incident involving an SOD officer
- Attended Use of Force Review Board hearings, and ensured NOPD followed-through on the Board's recommendations.
- Conducted a detailed Use of Force audit.
- Conducted a detailed review of the Crisis Intervention Team (CIT).
- Provided technical assistance to support the creation of a new NOPD Use of Force reporting form.
- Reviewed countless police reports and Body-worn Camera (BWC) videos from specific stops, searches, and arrests (SSA).
- Reviewed, evaluated, and supported the revision of Academy lesson plans.
- Worked closely with the NOPD Compliance Bureau to ensure its internal audit protocols satisfy the standards called for by the Consent Decree to facilitate the transition of these functions from the Monitoring Team to the Compliance Bureau.
- Reviewed citizen and rank-initiated misconduct complaints.
- Provided technical assistance regarding the standards for constitutional searches, seizures, and arrests.
- Conducted regular audits of the NOPD's handling of photographic lineups, custodial interrogations, detective selection practices, and supervisor responsibilities.
- Regularly rode along with officers and supervisors in all Districts.
- Conducted regular audits of the NOPD's domestic violence patrol response.

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- Conducted regular audits of NOPD's handling of sexual assault incidents.
- Attended Department and District MAX meetings.
- Conducted audits of the NOPD's monthly community engagement efforts by reviewing internal reports and attending numerous NOPD-sponsored programs and New Orleans Neighborhood Anti-Crime Council (NONPACC) meetings.
- Observed NONPACC and other community meetings to assess NOPD's compliance with its community engagement and community-oriented problem-solving obligations.
- Reviewed the NOPD's employment law training presentation and oversaw the training of all current and new staff assigned to the Recruitment Unit.
- Reviewed and provided input on new Standard Operating Procedures in most NOPD bureaus/units.
- Supported the creation of and participated as an observer of the new Academy Performance Committee.
- Conducted a detailed audit of NOPD annual performance evaluations.
- Met regularly with NOPD management, supervisors, and officers to discuss areas in need of additional effort to achieve full and effective compliance.
- Conducted regular audits of NOPD's progress in implementing the "Misconduct Complaint Intake, Investigation, and Adjudication" and "Transparency and Oversight" Consent Decree paragraphs.
- Worked closely with NOPD to achieve compliance in its recruitment efforts, including helping NOPD develop a new SURGE (which stands for "Strategic Urgency to Recruit Great Employees") working group to expedite the Recruitment Division's ability to achieve full and effective compliance with the Consent Decree.
- Worked closely with NOPD to facilitate compliance with the Supervision requirements of the Consent Decree.

The Monitoring Team also spent time this year providing Technical Assistance to several of the Department's efforts to become a more efficient organization. For example, we provided technical assistance to support the Department's efforts to remedy problems with its Alternative Police Response (APR) unit and its Administrative Duty Division (ADD) practices, and to examine the Department's response to traffic accidents. Each of these areas are intimately

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intertwined with the Department's ability to meet its obligations under multiple Consent Decree paragraphs, many of which explicitly require the Department to dedicate adequate resources to its reform efforts. For example:

- Section I requires the City to provide “necessary support and resources to NOPD to enable NOPD to fulfill its obligations under this Agreement”
- Section X requires adequate “staffing allocation and personnel deployment . . . to ensure that core operations support community policing and problem-solving initiatives”
- Section XV requires “adequate number of qualified first-line supervisors . . . to provide the close and effective supervision necessary for officers”
- Section XVII requires that “a sufficient number of well-trained staff is assigned and available to complete and review thorough and timely misconduct investigations”

The technical assistance we provided the Department in the areas of APR, ADD, Recruitment, and traffic accidents played a key role in ensuring the Department has adequate resources to achieve all the reforms called for by the Consent Decree.

In addition to the foregoing, the Monitoring Team also spent significant time this period, as it always does, meeting with and listening to civilians, community leaders, and officers regarding the police department, the Consent Decree, and police reform generally.



VII. POLICIES AND TRAINING GENERALLY

The process implemented by the NOPD, the DOJ, and the Monitoring Team in 2014 to facilitate the review, revision, and approval of Department policies continues to be effective. NOPD completed numerous additional policies in 2018, which supplement a large number of policies previously approved by DOJ and the Monitoring Team. In 2018, the following policies were approved:

January 2018

In January, we approved the following policies:

- Chapter 1.3.1.2 – Control Devices and Techniques
- Chapter 1.11 – Warrant Inquiries
- Chapter 1.12 – Diplomatic Agents and Consul Officers
- Chapter 1.24 – In Custody Deaths
- Chapter 1.25 – Concealed Handgun Permit
- Chapter 1.8 – Weapons Evaluation Committee
- Chapter 11.0 – Organizational Command Responsibility
- Chapter 12.1 – Department Operations Manual
- Chapter 12.2 – Departmental Orders
- Chapter 13.08 – Administrative Communications
- Chapter 13.15 – Overtime Payment Requests
- Chapter 13.19 – Excusal from the Night Watch for Court Appearance
- Chapter 15.1 – Crime Analysis
- Chapter 16.1 – Transfers, Filling Vacancies, Specialized Units
- Chapter 17.01 – Fiscal Management
- Chapter 22.3 – Annual Leave
- Chapter 22.6 – Exit Interviews
- Chapter 33.4.2 – Driver Training Program
- Chapter 41.1 – District Patrol Functions
- Chapter 41.11 – Body Armor
- Chapter 41.1.2 – Uniformed Patrol Platoon Structure Assignments AWP Days
- Chapter 41.3.3 – Seat Belts
- Chapter 41.4.3 – Property Loss Report-Signal ‘21P’
- Chapter 41.37 – Notifications
- Chapter 42.2.10 – Auto Theft Investigations
- Chapter 42.16 – Preliminary Forensic Drug Testing
- Chapter 46.19 – Aircraft Accidents
- Chapter 45.2 – Emergency Utility Notification
- Chapter 46.3 – Bomb Calls
- Chapter 46.3.4 – Hazardous Materials Exposure and Response

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- Chapter 46.5 – Security of Visiting Dignitaries
- Chapter 46.9 – Marine Search Rescue
- Chapter 52.8 – Suspensions and Emergency Suspensions of Members
- Chapter 55.5.2 – Service Animals
- Chapter 61.1.9 – Speed Measuring Devices
- Chapter 61.9 – Traffic Direction and Control
- Chapter 61.11 – School Crossing Guards
- Chapter 61.13 – Disabled Vehicles - Stranded Motorist
- Chapter 61.13.1 – Abandoned and Nuisance Vehicles
- Chapter 61.20 – Compulsory Motor Vehicle Liability Security
- Chapter 74.3 – Court Appearances and Subpoenas
- Chapter 74.3.1 – Failure to Appear
- Chapter 81.3 – Police Radio
- Chapter 81.4 – Mobile Digital Computer and Automatic Vehicle Locator
- Chapter 81.7 – Police Complaint Signals and Dispositions
- Chapter 82.1 – Report Preparations
- Chapter 82.4 – Compliant Signals
- Chapter 83.2 – Computers and Digital Evidence

February 2018

In February, we approved the following policies:

- Chapter 1.3.2 – Force Investigation Team
- Chapter 41.8 – Affidavits and Summons
- Chapter 41.13.1 – Interactions with LGBTQ Persons

March 2018

In March, we approved the following policies:

- Chapter 1.3 – Use of Force
- Chapter 1.3.6 – Reporting Use of Force
- Chapter 1.7.1 – CEW
- Chapter 22.08 – Police Secondary Employment
- Chapter 41.8 – Affidavits and Summons
- Chapter 44.3 – Juvenile Warning Notice and Summons

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April 2018

In April, we approved the following policies:

- Chapter 1.15 – Felony Vehicle Entry and Removal in NCIC
- Chapter 13.02 – Department Forms- Development and Implementation
- Chapter 13.03 – Personnel Files
- Chapter 13.14 – Vehicle Fueling and Fuel Services
- Chapter 13.22 – Crash Review Board
- Chapter 13.27 – Professional Performance Enhancement Program (PREP)
- Chapter 17.2.2 – Take Home Vehicles
- Chapter 22.4 – Sick Leave
- Chapter 32.1 – Personnel Hiring Selection
- Chapter 41.1.1 – Unusual Occurrences
- Chapter 41.4.4 – Online Non-Emergency Crime Reporting
- Chapter 41.10 – Uniform Specifications
- Chapter 41.33 – Death Investigations
- Chapter 42.5 – Computer Voice Stress Analyzer, Polygraph Testing And Psychological Stress Evaluator
- Chapter 42.8 – Eyewitness Identification
- Chapter 42.10 – Interviews
- Chapter 43.6 – Criminal Street Gangs
- Chapter 46.14 – Active Shooter
- Chapter 61.21 – Vehicle Towing and Release
- Chapter 61.22 – Impoundment of Motor Vehicle Involved in Criminal Activity

May 2018

In May, we approved the following policies:

- Chapter 13.28 – Personal Appearance Standards
- Chapter 41.3.11 – Department Technology Use
- Chapter 42.2 – Sexual Assault
- Chapter 42.2.1 – Misdemeanor Sexual Battery
- Chapter 41.4.1 – Response to Police Calls
- Chapter 46.20 – Crime and Disaster Scene Integrity
- Chapter 51.1 – Criminal Intelligence
- Chapter 61.17 – Traffic Function and Responsibility

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June 2018

In June, we approved the following policies:

- Chapter 42.4 – Domestic Violence
- Chapter 42.4.1 – Domestic Disturbance
- Chapter 44.3 – Juvenile Warning Notice and Summons
- Chapter 74.3.2 – Protective Orders

July 2018

In July, we approved the following policies:

- Chapter 1.20 – School Incidents School Resource Officers
- Chapter 16.3 – Police Reserve Officer Program
- Chapter 22.14 – Extended Leave
- Chapter 33.4.3 – Field Training Program
- Chapter 42.9 – Confidential Informant Use and Processes
- Chapter 44.1.4 – Temporary Custody of Juveniles
- Chapter 44.2 – Juveniles

August 2018

In August, we approved the following policies:

- Chapter 1.9.2 – Arrest Warrant-Wanted Persons
- Chapter 1.20 – School Resource Officers
- Chapter 13.01 – Administrative Reassignment
- Chapter 16.3 – Police Reserve Officer Program
- Chapter 17.2 – Department Vehicle Use and Maintenance
- Chapter 22.14 – Extended Sick Leave
- Chapter 24.2 – Community Police Mediation
- Chapter 41.21 – Mounted Patrol
- Chapter 44.3 Juvenile Warning Notice and Summons
- Chapter 52.2 – Negotiated Settlement Agreements
- Chapter 82.1.1 – Records Release and Security
- Chapter 84.2.1 – Prescription Drug Drop Box Use and Disposal

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September 2018

In September, we approved the following policies:

- Chapter 11.1 – Organizational Structure
- Chapter 13.21 – Alcohol and Drug Use/Testing
- Chapter 33.4.3 – Field Training Program

October 2018

In October, we approved the following policy:

- Chapter 10.0 – Community Policing and Engagement

November 2018

In November, we approved the following policies:

- Chapter 1.2.4.2 – Search Warrants
- Chapter 1.9 – Arrests
- Chapter 41.3.10 – Body Worn Cameras
- Chapter 41.12 – Field Interview Cards

December 2018

In December, we did not approve any policies.

* * *

Each of the foregoing policies can be accessed at <https://www.nola.gov/nopd/policies>.



VIII. USE OF FORCE

The Consent Decree requires the NOPD “to develop and implement use of force policies, training, and review mechanisms that ensure that force by NOPD officers is used in accordance with the rights secured or protected by the Constitution and laws of the United States, and that any unreasonable uses of force are identified and responded to appropriately. NOPD agreed to ensure that officers use non-force techniques to effect compliance with police orders whenever feasible; use force only when necessary, and in a manner that avoids unnecessary injury to officers and civilians; and de-escalate the use of force at the earliest possible moment. To achieve these outcomes, NOPD agrees to implement the requirements set out [in the Use of Force paragraphs].”

A. Use of Force Generally

The Monitoring Team finds NOPD to be either in *full and effective compliance* with the Use of Force section of the Consent Decree. While the following graphic does not cover all elements of NOPD’s use of force obligations, it does highlight the progress NOPD has made in one critical area – officer involved shootings.

NOPD Officer-Involved Shootings				
Year	Persons	Animals	Accidental	Total
2012	9	9	2	20
2013	9	3	1	13
2014	8	2	1	11
2015	8	3	1	12
2016	3	2	2	7
2017	3	0	2	5
2018	0	1	3	4

This achievement is the result of close and regular coordination and cooperation among the NOPD, the DOJ, and the Monitoring Team to develop policies, enhance training, and implement improved structures and practices. As a result of NOPD’s diligence in revising its policies, the Monitoring Team and DOJ were able to approve new Use of Force Related policies, standards, training, and record keeping practices. We received and updated lesson plans,

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monitored recruit and in-service use of force Academy training, and observed relevant field training. We noted significant improvement in all areas.

To ensure that NOPD personnel's use of force practices actually conform to the new policies and training, the Monitoring Team reviews all serious uses of force by NOPD officers. We also meet regularly with the NOPD Force Investigative Team and attend Use of Force Review Board (UFRB) proceedings to ensure investigations met the standard set out in the Consent Decree. Additionally, the Monitoring Team conducted broader Use of Force audits to ensure uses of force are being accurately reported, meaningfully reviewed by supervisors, and, where necessary, fully evaluated by NOPD Public Integrity Bureau (PIB).

In addition to its regular audits, the Monitoring Team and DOJ conducted a joint "deep dive" Use of Force audit in mid-2018.⁶ The following summarizes our findings:

- Of the 122 incidents reviewed, we did not determine any of the uses of force to be unreasonable, i.e., contrary to law or Department policy.
- 99.9% of officers involved in a use of force and 97.5% of officers who witnessed a use of force submitted the required use of force statement, which describes the circumstance under which the force was used.
- 97.4% of involved officers activated their body-worn camera during the use of force incident, and those that did not were counseled or disciplined in accordance with NOPD policy.

Our findings were not uniformly positive, however. We found some cases in which the supervisor investigating the Use of Force failed to photograph the subject's injuries. We also found some incidents in which supervisors assessed the level of force incorrectly. While these areas need some additional work by the NOPD, NOPD leadership is aware of our findings and has taken steps to correct the deficiencies.

B. Conducted Electrical Weapon (CEW) Use

The Monitoring Team audited 33 randomly selected CEW usages, out of 137 reported usages. The sample included both Level I and Level II CEW incidents. There were no level III or IV incidents in 2018. The audit found that 30 of the 33 CEW incidents audited complied with NOPD policy. The three non-compliant instances involved non-serious and low-level incidents, for which CEW usage is not authorized. The officers in these incidents should have used other options. In all three incidents, officers failed to file Use of Force statements as required by NOPD policy.

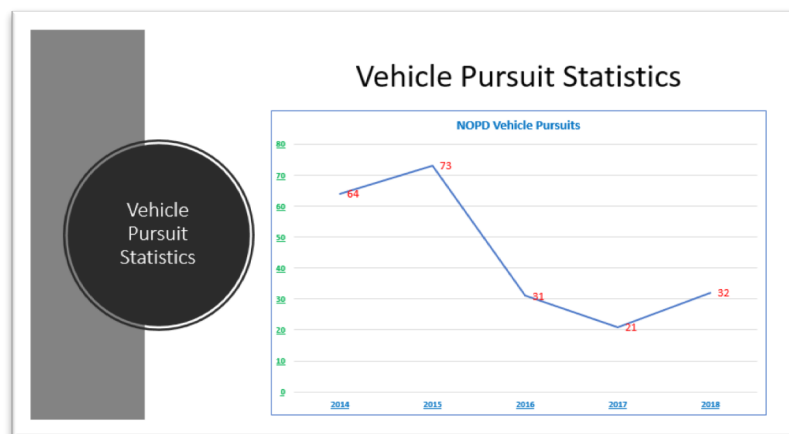
⁶ The joint OCDM/DOJ audit consisted of a statistically-valid review of 122 randomly-selected Use of Force incidents.



C. Vehicle Pursuits

Paragraphs 30 and 31 of the Consent Decree pertain to NOPD's Vehicle Pursuit policy. Specifically, NOPD's Vehicle Pursuit policy was approved on December 6, 2015 (Chapter 41.5). It established that there must be a "crime of violence"⁷ for NOPD officers to engage in a vehicle pursuit of a suspect. The Monitoring Team conducted a detailed vehicle pursuit audit and found NOPD to be in *full and effective compliance* with the applicable Consent Decree paragraphs. In response to the new pursuit policy, NOPD officials have implemented several mechanisms to ensure that initiating a vehicle pursuit is balanced against the risks associated with apprehending the individual. Furthermore, the NOPD has a rigid review process in place to ensure that its Vehicle Pursuit policy is strictly followed.

As a result of the close coordination among NOPD, DOJ, and the Monitoring Team, the frequency of vehicle pursuits has been reduced significantly, as reflected in the adjoining graphic:



The Monitoring Team reviewed each vehicle pursuit in 2018 and determined that the pursuit either (a) was authorized per NOPD regulation or (b) resulted in appropriate discipline for the violation of NOPD regulation. Of the 32 vehicle pursuits in 2018, only 2 (6%) were inconsistent with NOPD policy due to a major violation.

Not surprisingly, the impact of the new policy and practice has been positive. Property damage from vehicle pursuits, for example, has gone down significantly since 2014:

⁷ Crime of violence is defined as a felony involving the infliction or threatened infliction of serious bodily harm or death.



Property Damage Resulting from Vehicle Pursuits

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Light	11	5	1	2	0
Moderate	2	5	4	1	1
Heavy	1	2	1	0	1
Total	14	12	6	3	2

Officer and bystander injuries from vehicle pursuits have been more of a mixed bag, although the 2018 data show a reduction from 2017:

Injuries Resulting from Vehicle Pursuits

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Officers	2	1	0	0	0
Suspects	1	2	2	7	4
Bystanders	1	5	1	0	1
Total	4	8	3	7	5

At the same time, as reported by the *Times Picayune*, some police agencies across Louisiana and across the nation have applied a different vehicle pursuit standard, which has led to grave consequences on multiple occasions. In June 2017, for example, a seven-mile chase for



a stolen license plate by the Louisiana State Police led to the death of a two year old girl.⁸ According to a study by the *Times Picayune*, 20 of 47 state police chases ended in a car crash.⁹

To be clear, NOPD's policy does not prohibit vehicle pursuits, and, as noted above, NOPD has engaged in vehicle pursuits on occasion. For example, an authorized vehicle pursuit took place in April of 2018 following the non-fatal shooting of NOPD Deputy Chief John Thomas. The Monitoring Team firmly believes NOPD's policy has achieved the right balance between pursuing potential criminals and promoting the safety of officers and bystanders. We are confident NOPD's efforts in this area have contributed to officer and citizen safety.

D. SWAT Teams

In 2018, the Monitoring Team conducted a compliance assessment of the Special Operations Division (SOD). Among other things, this assessment evaluated the culture of SOD, as its historic culture was described in the Department of Justice Findings Letter as particularly problematic. The Monitoring Team audited two distinct periods: June-August 2016 and June-August 2017. All of these incidents reviewed by the Monitoring Team were found to comply with NOPD policy and the Consent Decree.

Further, the SOD's reporting of its uses of force was consistent with the terms of the Consent Decree in all but one instance. The Monitoring Team observed one instance in which it appeared force was used by an SOD officer, but was not reported. We brought the matter to the attention of FIT, which immediately conducted an investigation. FIT concurred with the Monitoring Team's initial assessment and initiated disciplinary investigation into the matter.

The Monitoring Team also reviewed a random sample of cases in which a suspect was charged with "resisting arrest" as a means of ensuring SOD officers accurately and consistently reported their uses of force. Each incident we identified in our audit had been properly reported and logged by SOD.

E. Use of Force Supervisory Investigations

The Monitoring Team conducted an audit of NOPD supervisory investigations in the early part of 2018, and concluded NOPD was nearing full and effective compliance in this area. To help move this area into full and effective compliance, NOPD subsequently amended its policy and updated its training. The Monitoring Team is in the process of reviewing the amended policy for compliance, and will continue to monitor NOPD's progress in this area.

⁸ See Emily Lane, *Toddler's Death after State Police Chase Reignites Debate on Pursuits: 'No Simple Answer,'* The Times-Picayune (June 30, 2017), https://www.nola.com/crime/index.ssf/2017/06/toddler_dies_police_chase_new.html.

⁹ See Emily Lane, *When Should Troopers Chase Suspects? 20 of 47 Local State Police Chases Ended in Crashes,* The Times-Picayune (Oct. 31, 2017), https://www.nola.com/crime/index.ssf/2017/10/police_chase_state_police_new.html.



F. Force Investigation Team

Paragraphs 96 through 107 of the Consent Decree pertain to the Force Investigation Team. The Monitoring Team conducted an audit in the early part of 2018 and concluded the NOPD was in partial compliance. Specifically, while FIT investigations generally complied with NOPD policy and the Consent Decree, the Monitoring Team noted some instances in which an incorrect Use of Force level was assigned to an incident. The Monitoring Team also observed some instances in which FIT failed to identify a policy or Consent Decree violation. When such observations occurred, the Monitoring Team brought them to FIT's attention and FIT reassessed each instance. The Monitoring Team conducted a subsequent audit of the NOPD and concluded NOPD it is in *full and effective compliance* with the applicable Consent Decree paragraphs.

G. Use of Force Review Board

Paragraph 108 of the Consent Decree pertains to the Use of Force Review Board. The Use of Force Review Board is functioning well. Specifically, the Use of Force Review Board (UFRB) is appropriately identifying departures from NOPD policy, and it is appropriately considering whether incidents suggest a need for policy or training revision. We note, however, that we actively continue to review whether the NOPD as a whole actively and effectively followed-up on all UFRB recommendations, and will report the results of that analysis in a forthcoming report.

* * *

In sum, the NOPD demonstrated in 2018 that it is *in full & effective compliance* with the Use of Force sections of the Consent Decree.

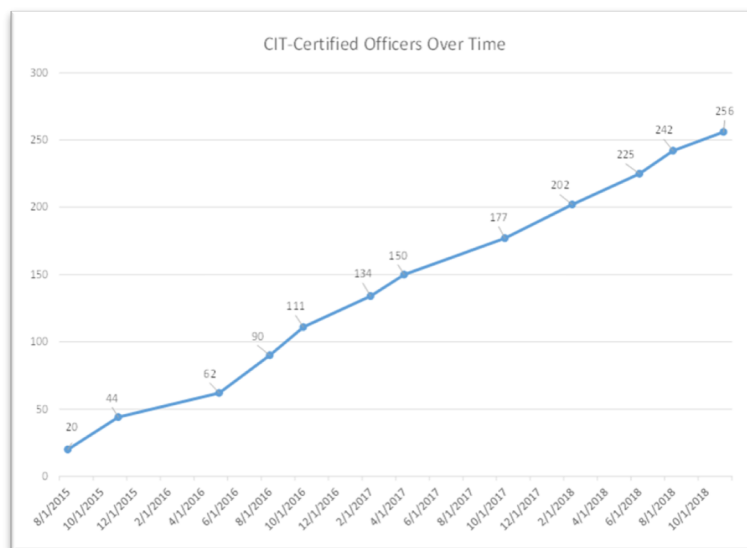


IX. CRISIS INTERVENTION TEAM

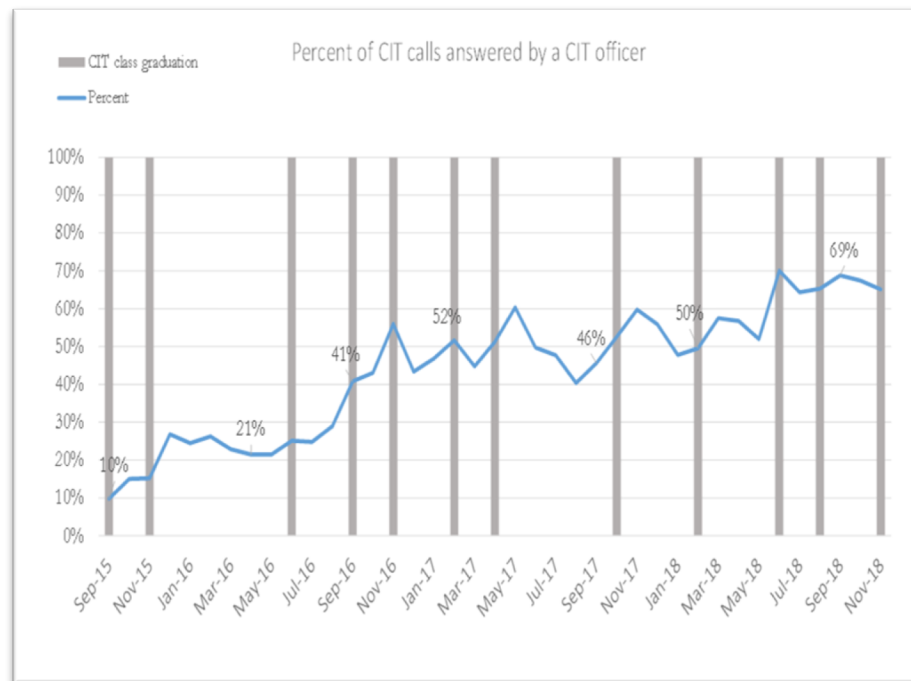
The Crisis Intervention Team (CIT) section of the Consent Decree generally requires the NOPD “to minimize the necessity for the use of force against individuals in crisis due to mental illness or a diagnosed behavioral disorder. To achieve this outcome, NOPD agrees to implement the requirements set out [in the Crisis Intervention Team paragraphs].”

The Monitoring Team and DOJ approved the Department’s CIT policy in February 2016. The Monitoring Team and DOJ also observed the Department’s CIT specialist certification and its broader CIT recruit training. Both trainings were excellent, and compliant with Consent Decree requirements.

Currently, the Department has more than 37% of its officers trained and certified as CIT specialists. This is significantly above the 20% required by the Consent Decree. As the graphic below attests, the CIT program continues to attract interest among officers, and NOPD continues to certify new officers in the program.



Having certified officers, of course, does not mean those officers are being deployed to calls efficiently or are handling calls effectively. Accordingly, in 2018, the Monitoring Team reviewed 47 randomly selected 103-M calls (disturbance calls involving an apparently mentally unstable individual). As reflected in the graphic below, the Monitoring Team discovered CIT-certified officers were present on 30 of the 47 calls, which represents 64% of the reviewed 103-M calls.



This is consistent with the overall CIT-certified officer response rate. As more officers become CIT-certified, we anticipate an increased rate of CIT-certified officer responses to these incidents.

Further, of the 47 calls we reviewed, all that were handled by CIT-certified officers were handled appropriately. Calls handled by responding officers who were not CIT-certified left room for improvement. Also, in six cases, the BWC video revealed no search of the subject prior to transport, a problem that also falls into the Stops/Searches/Arrests section of the Consent Decree.

But even with some opportunities for further improvement, overall, the Monitoring Team has been very impressed with NOPD's establishment and operation of its Crisis Intervention Team, and finds the Department is in Full and Effective Compliance with this section of the Consent Decree. To ensure the NOPD maintains its compliance with its "Crisis Intervention Team" obligations, however, the Monitoring Team will continue to make on-site visits to conduct monthly audits.



X. STOPS, SEARCHES, AND ARRESTS

The Stops, Searches, and Arrests (SSA) section of the Consent Decree requires the NOPD “to ensure that all NOPD investigatory stops, searches, and arrests are conducted in accordance with the rights secured or protected by the Constitution and laws of the United States. NOPD agrees to ensure that investigatory stops, searches, and arrests are part of an effective overall crime prevention strategy; are consistent with community priorities for enforcement; and are carried out with fairness and respect. To achieve these outcomes, NOPD agrees to implement the requirements set out [in the Stops, Searches, and Arrests] Consent Decree paragraphs.”

The Monitoring Team has spent significant time monitoring compliance in this area. We have reviewed policy revisions, lesson plans, Academy curriculum, Academy classes, and countless hours of BWC videos. We have provided Technical Assistance to the NOPD in areas requiring additional improvement. We also worked closely with the Compliance Bureau to deal with a number of complicated legal issues.

While the Department has made significant progress in all paragraphs of the Stop, Search, and Arrest section of the Consent Decree, we cannot yet find the Department in Full and Effective Compliance in this area. For example, our audits continue to reveal the following:

- Inconsistent documentation of searches (boilerplate language and inaccuracies),
- Consent searches are not consistently approved by supervisors,
- Training is in need of further improvement, and
- Supervisor reviews of search documentation are not consistent.

Notwithstanding these findings, we can say with confidence the NOPD has dedicated significant attention to this area, and, if it continues to do so, will be able to remedy the lingering shortcomings in this area.



XI. CUSTODIAL INTERROGATIONS

The Custodial Interrogations section of the Consent Decree requires the NOPD “to ensure that officers conduct custodial interrogations in accordance with the subjects’ rights secured or protected by the Constitution and laws of the United States, including the rights to counsel and against self-incrimination. NOPD agrees to ensure that custodial interrogations are conducted professionally and effectively, so as to elicit accurate and reliable information. To achieve these outcomes, NOPD agrees to implement the requirements set out [in the Custodial Interrogations Consent Decree paragraphs].”

The Monitoring Team finds the NOPD is in *full and effective compliance* with its Custodial Interrogation obligations under the Consent Decree. A summary of our most recent audit findings highlights the breadth of this achievement.

**2017/2018 NOPD Compliance Score for
Custodial Interrogations Paragraphs**

Districts	163	164	165	166	167	168
District 1	C	C	C	C	C	C
District 2	C	C	C	C	C	C
District 3	C	C	C	C	C	C
District 4	C	C	C	C	C	C
District 5	C	C	C	C	C	C
District 6	C	C	C	C	C	C
District 7	C	C	C	C	C	C
District 8	C	C	C	C	C	C
Homicide	C	C	C	C	C	C
SVS	C	C	C	C	C	C
SOD	C	C	C	C	C	C

Key:
C = Compliant
P = Partial Compliance
N = Not Compliant

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XII. PHOTOGRAPHIC LINE-UPS

The Photographic Line-Ups section of the Consent Decree requires the NOPD “to ensure that photographic line-ups are conducted effectively and in accordance with the rights secured or protected by the Constitution and laws of the United States, so as to elicit accurate and reliable information. To achieve this outcome, NOPD agrees to implement the requirements set out [in the Photographic Line-Ups Consent Decree paragraphs.]”

The Monitoring Team finds the NOPD is in *full and effective compliance* with its Photographic Lineup obligations under the Consent Decree. One issue warrants noting, however. Specifically, in some instances photographic identifications are not presented to the witness as a lineup, but rather by showing the witness a single photo. This is appropriate when the witness already has identified a specific individual and the purpose of the photo is simply to confirm the identification. In those circumstances, it is the practice of the majority of Districts not to log or otherwise preserve the photo that was shown. The only District preserving single photo identifications is NOPD’s Sixth District, which we commend. The Monitoring Team and NOPD have engaged in discussions concerning whether single photos used to identify an individual should be preserved. In our view, unless those photos are preserved there is no way to determine whether they are used only where appropriate. The NOPD has agreed to preserve single photos and revise its policies accordingly.



XIII. BIAS-FREE POLICING

The Bias-Free Policing section of the Consent Decree requires the NOPD “to deliver police services that are equitable, respectful, and bias-free, in a manner that promotes broad community engagement and confidence in the Department. In conducting its activities, NOPD agrees to ensure that members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity, and in accordance with the rights secured or protected by the Constitution and laws of the United States. To achieve these outcomes, NOPD agrees to implement the [Bias-Free Policing Consent Decree paragraphs].”

The Monitoring Team has spent significant time evaluating NOPD compliance in this area. Our initial efforts focused on the development of new policies, lesson plans, course curriculum, and internal audit protocols. We also reviewed video footage of officer interactions with individuals and subjects, and audited police reports, field interview cards, and complaints. We also met with community stakeholders and members of the public to solicit their views concerning whether the Department has made progress meeting the Consent Decree’s bias-free policing requirements. We have noted significant improvements in NOPD’s practices. This progress notwithstanding, we need to conduct additional assessments before we can find the Department in Full and Effective Compliance with the totality of this Consent Decree section. Additionally, our most recent audit found room for continued improvement in the way NOPD teaches this critically important subject. The NOPD Academy has been fully receptive to our findings and our recommendations to remedy the remaining shortcomings.

While there are challenges in assessing the absence of something (because it is inherently difficult to prove a negative), the Monitoring Team continues to monitor this area closely. We nonetheless are satisfied the Department is *nearing full and effective compliance* with its Consent Decree obligations.

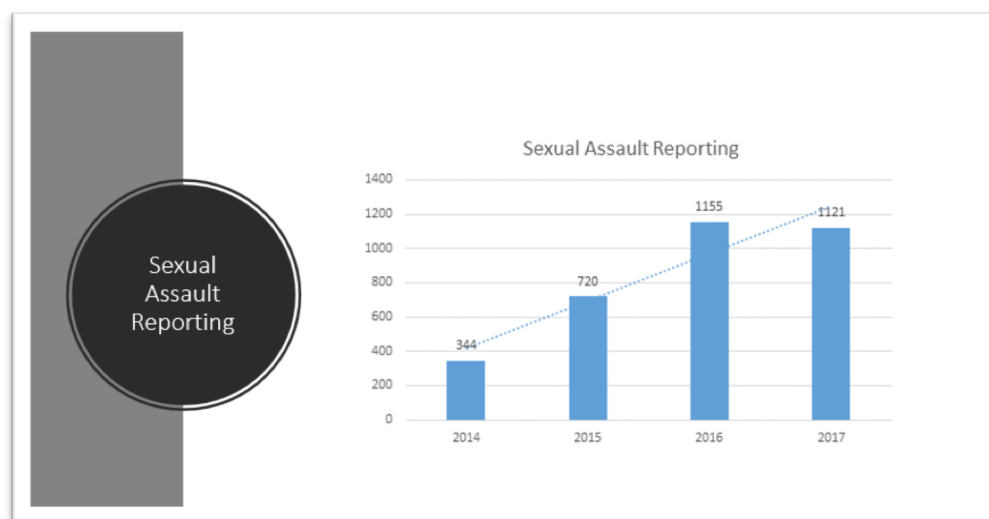


XIV. POLICING FREE OF GENDER BIAS

The Policing Free of Gender Bias section of the Consent Decree requires the NOPD generally “to respond to and investigate reports of sexual assault and domestic violence professionally, effectively, and in a manner free of gender-based bias, in accordance with the rights secured or protected by the Constitution and laws of the United States. NOPD agrees to appropriately classify and investigate reports of sexual assault and domestic violence, collaborate closely with the DA and community partners, including the New Orleans Family Justice Center (NOFJC), and apply a victim-centered approach at every stage of its response. To achieve these outcomes, NOPD agrees to implement the requirements set out [in the Policing Free of Gender Bias Consent Decree paragraphs].”

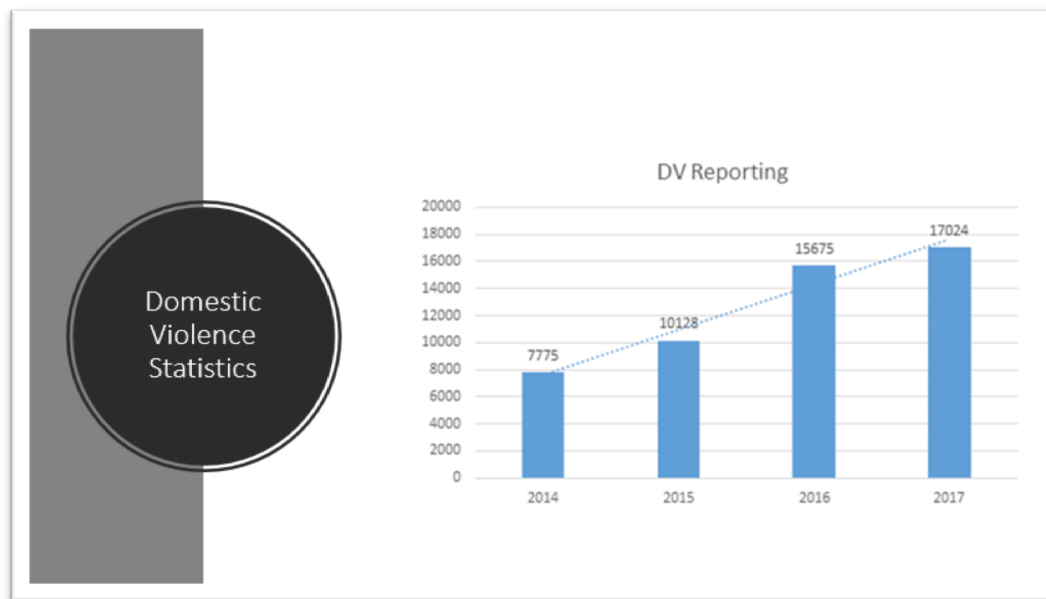
To determine compliance with this section, the Monitoring Team conducted monthly audits of the NOPD’s domestic violence patrol response team. The Monitoring Team also met with the NOFJC and other interested constituencies. The Monitoring Team completed an audit in June 2018 and determined NOPD is in *full and effective compliance* with the Consent Decree’s requirements for this section.

One clear reflection of the strides NOPD has made in this area is the increased faith victims of sexual assault and domestic violence have in the police department. The following graphic highlights the trend in sexual assault reporting in New Orleans since 2014. Notably, these data do not reflect an increase in sexual assault. Rather, they reflect an increase in the reporting of sexual assault, which reflect greater public trust in the way NOPD handles such cases.





We see a similar trend with regard to Domestic Violence (DV) reporting, as indicated on the graphic below:



Notwithstanding these encouraging statistics and our overall finding of Full and Effective Compliance in this area, it is important to note one area of NOPD compliance on which the Monitoring Team continues to focus.

In December 2017, we issued a special report focusing on the NOPD patrol response to DV calls and its practice of downgrading calls when they could not get to them on time.¹⁰ As we noted in our prior report, to its credit, the Department undertook an aggressive corrective action campaign following our report. Our 2018 patrol response audits show NOPD has made great strides in this area. For example, the NOPD adopted a more restrictive DV policy that requires any changes in call coding to be pre-approved by a supervisor over dispatch or in-person and recorded on a Body-worn Camera. Furthermore, all DV calls of a non-serious nature have been upgraded in the CAD system, which means they receive priority response over other non-emergency calls. Officers received extensive training once this new policy was implemented, and the latest October 2018 audit of the patrol response to DV incidents showed NOPD was in 100% compliance.

¹⁰ Office of the Consent Decree Monitor, *Special Report of the Consent Decree Monitor for the New Orleans Police Department: Domestic Violence Patrol Response Audit Report* (Dec. 21, 2017), <http://nopdconsent.azurewebsites.net/Media/Default/Documents/Reports/12-1924%20DV%20Special%20Report.pdf>.



XV. COMMUNITY ENGAGEMENT

The Community Engagement section of the Consent Decree requires the NOPD “to promote and strengthen partnerships within the community, and to engage constructively with the community, to ensure collaborative problem-solving and ethical and bias-free policing, and to increase community confidence in the Department. To achieve these outcomes, NOPD agrees to implement the requirements set out [in the Community Engagement Consent Decree paragraphs].”

To make sure the NOPD is complying with this requirement, the Monitoring Team conducted monthly audits, attended numerous NOPD-sponsored programs and NONPACC meetings, and reviewed the NOPD’s internal reports on its community engagement efforts. The Monitoring Team is in the process of creating its own report on NOPD’s community engagement progress and will make it publicly available upon its completion. Overall, the NOPD is making impressive progress toward establishing and operating an effective community engagement plan. As previously reported, NOPD has developed

- A meaningful Community Engagement Policy
- An effective Community Policing plan, which the Monitoring Team has reviewed and approved.
- A Community Engagement manual.
- Established Community Liaison Officers.
- Developed new “signal code” to help supervisors track and assess their officers’ engagement with the community.
- Developed a form to track community policing.
- Incorporated community-oriented problem solving into the MAX reporting and evaluation process, which allows supervisors and the Compliance Bureau to evaluate whether citizen priorities actually are being prioritized by the Department.
- Creation of a new “hot sheet” tool with which The NOPD can schedule extra patrols or investigate problems; problems that are not police matters are forwarded to the correct city department.

The Monitoring Team has reviewed and approved each of these innovations.

Other areas of the Consent Decree will require additional work by the Department. For example, NOPD still is in the process of completing its Geographic Deployment plan. NOPD has

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yet to assign platoon personnel to areas in New Orleans deemed “regular response zones” as required by the Consent Decree. The Monitoring Team will continue to monitor NOPD’s progress in this area.

While the Monitoring Team is impressed with the efforts NOPD has undertaken to become a true “community policing” Department, a true assessment of *the effectiveness* of its efforts takes time. Accordingly, the Monitoring Team cannot yet say the Department is in *full and effective compliance* in this area. But we can say we are impressed with the progress NOPD has made and continues to make.

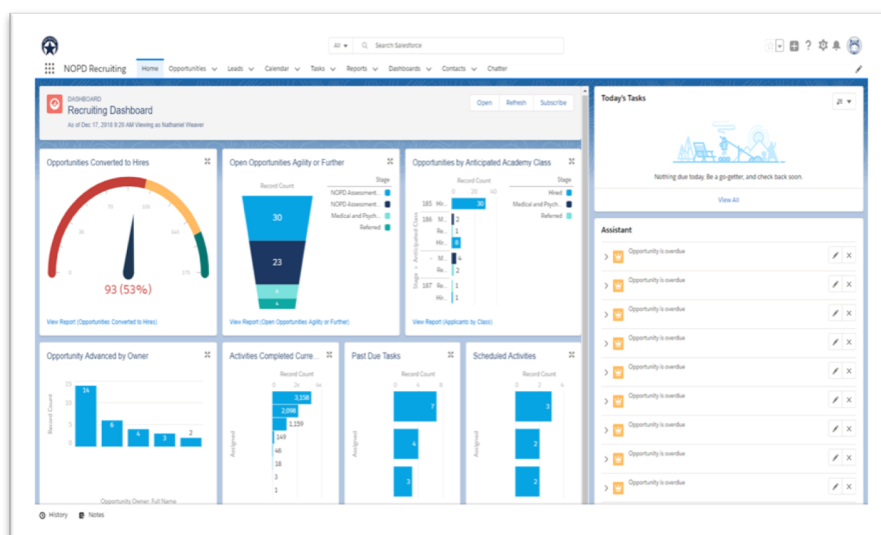
Lastly, one way the Monitoring Team assesses compliance in the area of community-oriented policing is through a Consent Decree-required biennial community survey. The Monitoring Team completed its third biennial survey in late 2018, and currently is analyzing the data. We anticipate reporting the results of the survey in the first quarter of 2019.



XVI. RECRUITMENT

The Recruitment section of the Consent Decree requires the NOPD and City, working with the Civil Service, “to develop and implement a comprehensive recruitment program that successfully attracts and hires a diverse group of highly qualified and ethical individuals to be NOPD police officers. NOPD and the City, working with the Civil Service, agree to ensure that NOPD’s recruit program assesses each applicant in a manner that is valid, reliable, fair, and legally defensible. To achieve these outcomes, NOPD and the City agree to implement the requirements set out [in the Recruitment Consent Decree paragraphs.]”

The Department has made some progress in this area. Thanks to a coordinated effort among the Department and the New Orleans Police and Justice Foundation, the Department has made great strides in using data to help achieve its goals. The development of a recruitment dashboard, for example, is one illustration of this progress.



Notwithstanding these improvements, the Monitoring Team has not been satisfied with the pace of progress within the Recruitment Department. This slow pace has contributed to the following ongoing shortcomings:

- Recruit numbers still are low,
- The quality of the vetting process remains inconsistent,
- Recruitment personnel communication with recruitment partners is inadequate,
- Internal and external communications also are inadequate,

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- The recruitment process often is inefficient, and
- The Department still is not attracting sufficient quantity and quality of recruits.

Accordingly, at the direction of the Court, the Monitoring Team worked closely with NOPD to reenergize the Department's compliance efforts in 2018. As a result of this coordination, the Department created a special working group (called SURGE) to focus on this issue. The SURGE team is made up of Department and community experts tasked with conducting a top-to-bottom assessment of the Recruitment practices – including staffing, recruitment, recruit vetting, internal organization, efficiency, and effectiveness. The Monitoring Team has participated in the SURGE meetings, and has provided extensive Technical Assistance. The New Orleans Police and Justice Foundation also has contributed expertise to this project, which has been invaluable.

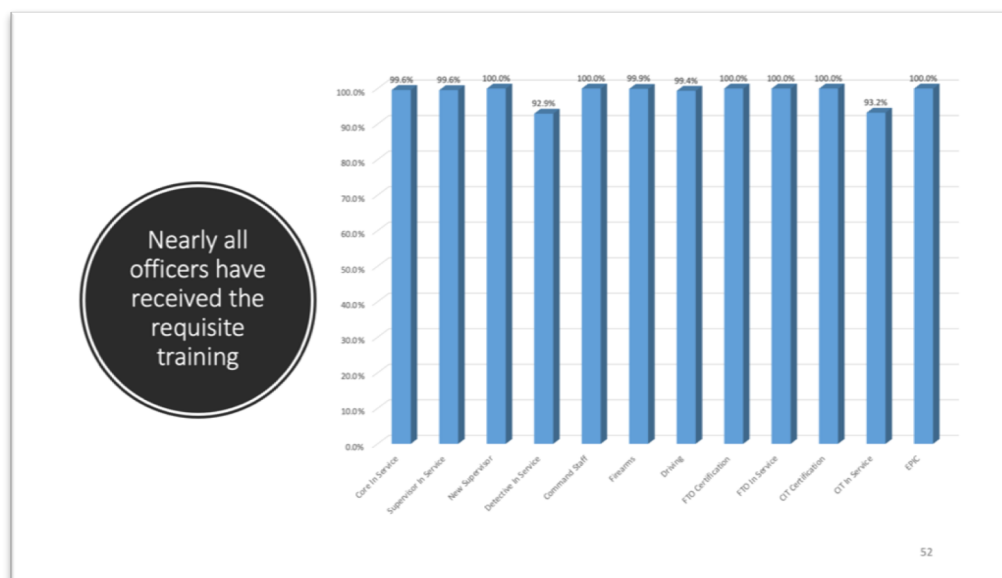
As a result of the SURGE effort, the Monitoring Team already has seen improvements in the Department's Recruitment efforts. Nonetheless, as these improvements are relatively recent, we are not yet able to find the Department in full and effective compliance in this area.



XVII. ACADEMY AND IN-SERVICE TRAINING

The Academy and In-Service Training section of the Consent Decree requires the NOPD to commit itself to “ensuring that all officers and employees receive adequate training to understand the law and NOPD policy and how to police effectively. NOPD training shall reflect and instill agency expectations that officers police diligently, have an understanding of and commitment to the constitutional rights of the individuals they encounter, and employ strategies to build community partnerships to more effectively increase public trust and safety. To achieve these outcomes, NOPD agrees to implement the requirements set out [in the Academy and In-Service Training Consent Decree paragraphs].”

The Academy has made remarkable progress over the past two years. Through the hard work of the Academy staff and the Monitoring Team, the Academy has turned itself around. Lesson plans have been created (it had none at the outset of the Consent Decree), the curriculum has been restructured (it had an inadequate one at the outset of the Consent Decree), and the quality of courses has been vastly improved (its prior courses were of very low quality). As a result of this hard work, the Academy is nearing full and effective compliance with the requirements of the Consent Decree. To cite just one of many relevant statistics, as reflected in the chart below, the Academy now does an excellent job ensuring all officers and supervisors receive the necessary training.



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One area where the Department made notable strides in 2018 was its creation of a comprehensive and sequenced curriculum. Working closely with the Monitoring Team, the Academy conducted a top-to-bottom assessment and re-sequencing of its entire curriculum, evaluating the content, length, and sequence (i.e., taught before or after class X or Y) of each course. The result is a sensible, organized, and effective color-coded course map, which guides the development of new and veteran officers. A page of this lengthy document is reproduced here as an illustration:

Calendar of Academy Re-sequence Curriculum				
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
7:00AM - 8:00AM ROLL CALL	7:00AM - 8:00AM ROLL CALL	7:00AM - 8:00AM ROLL CALL	7:00AM - 8:00AM ROLL CALL	7:00AM - 8:00AM ROLL CALL
8:00AM - 9:00AM Burglary Investigation INV-25 POST #09-105-R Instructor	8:00AM - 9:00AM Crisis Intervention Behavioral SP-4 POST #09-105-R Instructor	8:00AM - 9:00AM Crisis Intervention Techniques SP-12 POST #09-105-R Instructor	8:00AM - 9:00AM Verbal Communications Tools MF-30 #14-103-R Instructor	8:00AM - 9:00AM Test INV-23-33; DV-2-5; LA-51-57; SP-4-17
9:00AM - 10:00AM Burglary Investigation INV-30 POST #09-105-R Instructor	9:00AM - 10:00AM Crisis Intervention Behavioral SP-5 POST #09-105-R Instructor	9:00AM - 10:00AM Crisis Intervention Techniques SP-13 POST #09-105-R Instructor	9:00AM - 10:00AM Verbal Communications Tools MF-30 #14-103-R Instructor	9:00AM - 10:00AM Test INV-23-33; DV-2-5; LA-55-61
10:00AM - 11:00AM Burglary Report INV-45 #13-118-R Instructor	10:00AM - 11:00AM Crisis Intervention Behavioral SP-6 POST #09-105-R Instructor	10:00AM - 11:00AM Crisis Intervention Techniques SP-14 POST #09-105-R Instructor	10:00AM - 11:00AM Verbal Communications Tools MF-30 #14-103-R Instructor	10:00AM - 11:00AM Issuing Traffic Charters PA-50 POST #09-105-R Instructor
11:00AM - 12:00PM Identity Theft INV-31 POST #09-105-R Instructor	11:00AM - 12:00PM Crisis Intervention Behavioral SP-7 POST #09-105-R Instructor	11:00AM - 12:00PM Crisis Intervention Procedures SP-15 POST #09-105-R Instructor	11:00AM - 12:00PM Verbal Communication-Technical MF-30 #14-103-R Instructor	11:00AM - 12:00PM Issuing Traffic Charters PA-51 POST #09-105-R Instructor
12:00PM - 12:30PM LUNCH	12:00PM - 12:30PM LUNCH	12:00PM - 12:30PM LUNCH	12:00PM - 12:30PM LUNCH	12:00PM - 12:30PM LUNCH
1:00PM - 2:00PM Identity Theft INV-32 POST #09-105-R Instructor	1:00PM - 2:00PM Crisis Intervention Procedures SP-8 POST #09-105-R Instructor	1:00PM - 2:00PM Crisis Intervention Procedures SP-16 POST #09-105-R Instructor	1:00PM - 2:00PM Motor Vehicle Loss TS-1 POST #07-104-R Instructor	1:00PM - 2:00PM Issuing Traffic Charters PA-52 POST #09-105-R Instructor
2:00PM - 3:00PM Identity Theft INV-33 POST #09-105-R Instructor	2:00PM - 3:00PM Crisis Intervention Disorders SP-9 POST #09-105-R Instructor	2:00PM - 3:00PM Crisis Intervention-Legal SP-17 POST #09-105-R Instructor	2:00PM - 3:00PM Motor Vehicle Loss TS-2 POST #07-104-R Instructor	2:00PM - 3:00PM Elements-Weapons Violations LA-58 POST #09-105-R Instructor
3:00PM - 3:15PM Physical Fitness Training PT-56 POST #12-101-R Instructor	3:00PM - 3:15PM Crisis Intervention Disorders SP-10 POST #09-105-R Instructor	3:00PM - 3:15PM Physical Fitness Training PT-58 POST #12-101-R Instructor	3:00PM - 3:15PM Motor Vehicle Loss TS-3 POST #07-104-R Instructor	3:00PM - 3:15PM Physical Fitness Training PT-60 POST #12-101-R Instructor
3:15PM - 3:45PM Physical Fitness Training PT-57 POST #12-101-R Instructor	3:15PM - 3:45PM Crisis Intervention Techniques SP-11 POST #09-105-R Instructor	3:15PM - 3:45PM Physical Fitness Training PT-59 POST #12-101-R Instructor	3:15PM - 3:45PM Motor Vehicle Loss TS-4 POST #07-104-R Instructor	3:15PM - 3:45PM Physical Fitness Training PT-61 POST #12-101-R Instructor
HOMEWORK: BURGULARY REPORT	3:45PM - 4:45PM STUDY HALL		3:45PM - 4:45PM STUDY HALL	

While many people rightly can take credit for the Academy's turnaround, including the massive resequencing effort, Academic Director Dr. Deidre Magee (fairly called "the Dean" of the Academy), Deputy Chief John Thomas, then-Commander (now Deputy Chief) Chris Goodly, then-Commander (now Superintendent Shaun Ferguson), and Curriculum Director Duane Johnson deserve particular recognition. Their vision of what an Academy should look like and their willingness to work cooperatively with the Monitoring Team to achieve that vision paved the way for the Department's ability to take an underperforming institution and turn it into what one day will be a crown jewel of the Department.

To facilitate the continued improvement of the Academy, the Monitoring Team continues to work closely with the leaders and staff of the Academy. In February 2018, the NOPD and the Monitoring Team worked together to create an Academy Performance Committee, which is made up of six sub-committees: (1) Calendaring; (2) Sequencing; (3) Problem-based Learning; (4) Testing and Evaluation; (5) Technology; and (6) Standard Operating Procedures (including work focused on the recruit manual, staff and supervisor manual, and safety and facility manual).

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Each subcommittee is responsible for ensuring continued improvement in its specific area. To date, we have been impressed by the commitment and achievements of each group.

In conclusion, the Monitoring Team finds NOPD in or nearing compliance with most elements of this section, and commends NOPD for the remarkable progress it has made in turning its Academy around. We will continue to work closely with Academy officials to move NOPD into full and effective compliance.

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XVIII. OFFICER ASSISTANCE AND SUPPORT

The “Officer Assistance and Support” section of the Consent Decree requires the NOPD “to provide officers and employees ready access to the mental health and support resources necessary to facilitate effective and constitutional policing. To achieve this outcome, NOPD agrees to implement the requirements [in the Officer Assistance and Support Consent Decree paragraphs.]”

The Monitoring Team finds the NOPD in *full and effective compliance* with this section of the Consent Decree. This is a particularly important finding because, at the outset of the Consent Decree, NOPD had no meaningful Officer Assistance and Support (OAS) program. Considering the importance of an effective OAS program to the health and welfare of officers and their families, this was a tragic oversight on the Department’s part, but now is a signature achievement.



XIX. PERFORMANCE EVALUATIONS AND PROMOTIONS

The “Performance Evaluations and Promotions” section of the Consent Decree requires the NOPD “to ensure that officers who police effectively and ethically are recognized through the performance evaluation process, and that officers who lead effectively and ethically are identified and receive appropriate consideration for promotion. NOPD shall further ensure that poor performance or policing that otherwise undermines public safety and community trust is reflected in officer evaluations so that NOPD can identify and effectively respond. To achieve these outcomes, NOPD, working with Civil Service, agrees to implement the requirements set out [in the Performance Evaluations and Promotions paragraphs].”

The NOPD is not yet in full and effective compliance in this area. For example, our reviews continue to identify the following shortcomings:

- Supervisors are not consistently following performance evaluation guidelines,
- Supervisors are not consistently preparing meaningful evaluations,
- Commanders are not adequately focused on remedying the gaps in evaluations, and
- Supervisors are paying inconsistent attention to issues as they are raised.

But this is not to say NOPD has not made improvements in this area; it has. Its development of an early warning system to alert supervisors of officers in need of additional support, assistance, or supervision, for example, has been a critically important step toward Consent Decree compliance. But more work needs to be done, especially in the area of the quality of NOPD’s supervisor evaluations. Multiple audits conducted by the Monitoring Team continue to reveal supervisors are not putting the time necessary into their evaluations of officers. While we understand the burdens placed upon supervisors and the hours of a given day are finite, meaningful performance evaluations are critical to any organization’s ability to achieve its goals. Accordingly, the Monitoring Team continues to work closely with the Department’s Compliance Bureau to identify ways to move NOPD forward in this area.



XX. SUPERVISION

The Supervision section of the Consent Decree requires the NOPD and the City “to ensure that an adequate number of qualified first-line supervisors are deployed in the field to allow supervisors to provide the close and effective supervision necessary for officers to improve and grow professionally; to police actively and effectively; and to identify, correct, and prevent misconduct. To achieve these outcomes, NOPD agreed to implement the requirements set out [in the Supervision Consent Decree paragraphs.]”

As we have reported previously, NOPD continues to struggle in this area. This is not through a lack of effort, but simply because meaningful supervision requires significant time of supervisors – the same supervisors being asked to handle a host of other tasks required by the Department. For example, supervisors are responsible for, among other things, the following:

- Responding to the scene of certain arrests;
- Reviewing each arrest report;
- Responding to the scene when there has been a use of force;
- Investigating each use of force (except those investigated by FIT);
- Reviewing the accuracy and completeness of officers’ Daily Activity Reports;
- Responding to each complaint of misconduct;
- Ensuring that officers are working actively to engage the community and increase public trust and safety; and
- Providing counseling, redirection, and support to officers as needed, and that supervisors are held accountable for performing each of these duties.

These obligations are in addition to the supervisor’s responsibilities for officer deployment, payroll, discipline, report writing, roll call training, and, of course, providing day to day supervision and guidance to patrol officers. The Monitoring Team recognizes supervisors have no easy task. But the Monitoring Team also recognizes effective supervision is critical to the functioning of any police department.

The Monitoring Team’s 2018 audits have demonstrated NOPD is in compliance with many Supervision areas under the Consent Decree. However, we continue to see shortcomings, including:

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- Force statements and supervisor investigations of inconsistent quality,
- Supervisors who are not consistently working the same shifts as those they supervise,
- Districts not consistently meeting patrol/supervisor ratios,
- Elements of the Insight system still not being used effectively,
- Supervisors completing inadequate evaluations,
- Roll call training of inconsistent quality, and
- Many supervisors who simply lack the time to adequately supervise their officers.

NOPD is working diligently in these areas, and the Monitoring Team is convinced NOPD is making meaningful progress. Nonetheless, we cannot find the Department in full and effective compliance at this time.

One particular area in which NOPD has made notable strides, but more work is needed, is in the implementation of its Early Warning System (EWS), called Insight. Paragraph 316 of the Consent Decree requires the City to “to develop, implement, and maintain an EWS to support the effective supervision and management of NOPD officers and employees, including the identification of and response to potentially problematic behaviors as early as possible.”

The Monitoring Team conducted an audit of NOPD’s use of Insight in 2018 and concluded the Department was in partial compliance with paragraph 316. Specifically, the Monitoring Team conducted audits of completed officer and detective performance evaluations in February 2018, and assessed completed supervisor performance evaluations for compliance in March 2018. NOPD was compliant in 34 of the 40 cases reviewed (85% compliant), partially compliant in 1 of the 40 cases reviewed (2.5% partially compliant), and noncompliant in the remaining 5 cases reviewed (12.5% noncompliant). The Monitoring Team’s most recent review of NOPD’s performance evaluations showed that the NOPD has yet to fully implement the requirements of this paragraph.

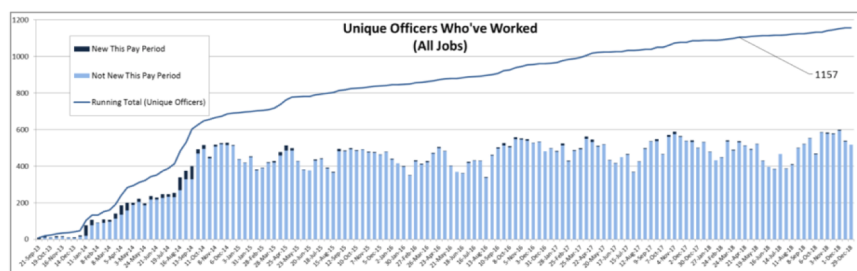
These findings are concerning. They make clear more work is needed in this area. Since quality performance evaluations are critical to continued improvement and sustainment of the Department’s reforms, the Monitoring Team will continue to focus closely on NOPD’s Insight compliance through our quarterly reviews.



XXI. SECONDARY EMPLOYMENT

One of the NOPD's first successes under the Consent Decree was its development of an effective secondary employment program. As we have previously reported, the Office of Police Secondary Employment (OPSE) is currently managing all police secondary employment, including hourly details, traffic, and special operations. The Monitoring Team has reviewed all aspects of OPSE and continues to be impressed with the significant improvement NOPD has made in this area. We also have been impressed, as the chart below reflects, that OPSE's work has translated into more employment opportunities for more police officers.

OPSE Has Expanded Opportunities For Officers



Moreover, we note the Department's data regarding officer OPSE violations further illustrates the effectiveness of the program:

Secondary Employment Violations

2014	2015	2016	2017	2018
11	1	3	1	0

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The Monitoring Team recognizes the hard work of former-OPSE director Col. John Salomone in remedying a system the United States DOJ previously found highly corrupt. We also commend Acting Director Barbarin's diligence in ensuring a smooth leadership transition and continuing leadership of OPSE. Officer participation in OPSE meets or exceeds pre-Consent Decree levels. Additionally, participating officers and OPSE customers report a high level of satisfaction with how OPSE manages secondary employment



XXII. MISCONDUCT COMPLAINT INTAKE, INVESTIGATION, AND ADJUDICATION

The Misconduct Complaint Intake, Investigation, and Adjudication section of the Consent Decree requires the NOPD and the City “to ensure that all allegations of officer misconduct are received and are fully and fairly investigated; that all investigative findings are supported using the preponderance of the evidence standard and documented in writing; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent. To achieve these outcomes, NOPD and the City agreed to implement the requirements set out [in the Misconduct Complaint Intake, Investigation, and Adjudication Consent Decree paragraphs.]”

The restructuring and professionalization of the Department’s Public Integrity Bureau (“PIB”) is one of the most extensive and consequential transformations in the Department. The policies, procedures, and practices for receiving, investigating, and adjudicating misconduct complaints has been completely changed. The new systems ensure that every complaint is logged into the system and professionally investigated. The investigative process has been changed to ensure impartiality and thoroughness. Under the current system, for example, the process ensures that officers’ accounts are not given more weight or determined to be more credible than a complainant’s or non-law enforcement witnesses’ account. The process for adjudicating complaints and imposing discipline similarly has been restructured to preclude favoritism. The changes made to misconduct complaint intake, investigation, and adjudication have increased public confidence in the NOPD’s ability to police itself. Equally important, officers who report misconduct or provide information in support of a complaint or allegation of misconduct know they will not be punished for doing so. Officers generally understand that if they violate Department policies, they will be investigated and held accountable.

Deputy Chief Arlinda Westbrook deserves special recognition for leading this transformation. From the outset of the Consent Decree she was open to our team’s guidance and offered a wealth of ideas of her own. She advocated for the NOPD when she believed it appropriate to do so, but advocated for our views when she believed it appropriate. She is the driving force behind the transformation of PIB into a professional, independent investigating unit that has earned our confidence and the confidence of officers and the community.

That the Misconduct Complaint Intake, Investigation, and Adjudication section of the Consent Decree is not yet in full and effective compliance is attributable primarily to our need to conduct a final compliance review, in conjunction with the DOJ. We have every reason to believe we will find this section in full and effective compliance when that review is complete.

Finally, any discussion of the Department’s misconduct investigation practices would be incomplete without some discussion of the misconduct data itself. The following graphic highlights the steady decline in citizen complaints since 2013, and the slight increase in internally generated complains during that same period.

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Total NOPD Complaints

Complaint Type	2013	2014	2015	2016	2017
Public Initiated	669 (71%)	654 (75%)	549 (65%)	591 (69.5%)	470 (64%)
Rank Initiated	279 (29%)	215 (25%)	301 (35%)	259 (30.5%)	264 (36%)
TOTAL	948	869	850	850	734

In the Monitoring Team's view, these data are reflective of the Department's overall improvement since the outset of the Consent Decree.



XXIII. TRANSPARENCY AND OVERSIGHT

The Transparency and Oversight section of the Consent Decree provides as follows: “To ensure comprehensive, effective, and transparent oversight of NOPD, NOPD and the City agree to develop, implement, and maintain systems that are meant to be sustained after the completion of this Agreement. To facilitate effective and constitutional policing and increase trust between NOPD and the broader New Orleans community, these oversight systems shall ensure that improper incidents, practices, or trends are identified and corrected in an equitable and timely manner. To achieve these outcomes, NOPD and the City agreed to implement the requirements set out [in the Transparency and Oversight Consent Decree paragraphs.]”

The Monitoring Team finds NOPD in *full and effective compliance* with this section. NOPD has demonstrated compliance with its data collection and public reporting obligations (paragraph 427-429), its obligations to implement a formal U.S. Attorney Criminal Justice Coordination Group (paragraph 430-431), its PCAB obligations (paragraphs 436-438), and its establishment of a mediation program consistent with its commitment to establish a community-based restorative justice project (paragraph 439). We also find the Department properly coordinates and shares appropriate information with the Office of the Independent Police Monitor, as required by the Consent Decree. We believe there is room for improvement in the consistency and quality of the Department’s various community meetings and we will continue to work with NOPD to make further improvements.



XXIV. CONCLUSION

The NOPD has made remarkable progress over the last few years. While work remains to be done in several significant areas, as summarized in this report, the Monitoring Team continues to be impressed with the level of cooperation from the Department's leadership and from the rank and file officers. The cooperation the Monitoring Team and the Department of Justice have experienced under Superintendent Harrison and his leadership team has been praiseworthy. The progress we have seen to date could not have been achieved without that level of cooperation.

But NOPD's journey is not over yet. The work that remains to be done is significant and will take continued commitment and diligence on the part of the Department and the City. Indeed, some of the areas not yet in full and effective compliance go to the very heart of the Consent Decree.

As has been widely reported in the media, the need for this continued effort comes at the same time Superintendent Harrison is leaving the Department for new challenges in Baltimore. While we will miss working with the Superintendent, we are thrilled that he was tapped for this important new position. He has been a great supporter of the Consent Decree and of reform generally. Indeed, we can't help but feel a certain sense of pride that other police agencies across the country are noticing the effective reforms that we — NOPD, the City, DOJ, the Monitoring Team, and the Court — have worked so tirelessly to achieve in New Orleans. That a police department like Baltimore, which is, by most accounts, in serious need of reform, would look to New Orleans to help it turn itself around is no small feather in the cap of the NOPD.

Change and transitions invariably raise questions about continuity. Will the New Orleans Police Department continue along the reform path it has been traveling the last three years? We are optimistic the answer is yes. The Mayor's decision to appoint Shaun Ferguson as the new Superintendent contributes to our optimism. The Monitoring Team has worked closely with Superintendent Ferguson since he took command of the Academy, and we have been impressed by his sincerity, his willingness to listen to others, and his commitment to solving problems. Moreover, Superintendent Ferguson publicly has stated his commitment to continuing the Department's ongoing reform effort. He also has made clear he plans to keep the current leadership team in place. In our experience, the current leadership team — including Deputy Chiefs Paul Noel, John Thomas, Chris Goodly, Arlinda Westbrook, and Danny Murphy — has played a crucial role in the Department's progress to date. We are confident that, if the City and NOPD maintain the commitment, dedication, and cooperation we have come to expect from Superintendent Harrison and his leadership team over the past few years, the Department's progress in achieving the requirements and goals of the Consent Decree will continue unabated.