

Office of the Independent Police Monitor

City of New Orleans

2013 ANNUAL REPORT



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Independent Police Monitor

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Mission and Responsibilities

The Office of the Independent Police Monitor (OIPM) is a civilian police oversight agency operating out of the Office of the Inspector General (OIG). The OIPM is independent of the New Orleans Police Department (NOPD) and the elected officials who govern the City of New Orleans.

The mission of the OIPM is to improve police service to the community, citizen trust in the NOPD, and officer safety and working conditions. The OIPM works to ensure the accountability, transparency, and responsiveness of the NOPD to the community it serves.

Through extensive community outreach, the OIPM encourages constructive and informed public dialogue about systemic issues of police policy and police reform.

Staff

The OIPM's office consists of a staff of three: the Independent Police Monitor, the Deputy Police Monitor, and the Executive Director of Community Relations. The OIG provides the OIPM with an Office Manager position for essential office management tasks.

Additionally, 31 local volunteers assisted the OIPM at various intervals throughout the year with duties including complaint intake, legal research, case file review, report writing, and other monitoring activities. These volunteers included pro bono attorneys, student law clerks, subject matter experts and interns.



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A NOTE FROM THE POLICE MONITOR

The Office of the Independent Police Monitor (OIPM) is an independent, civilian police oversight agency created in August of 2009. The OIPM's mission is to improve police service to the community, trust in the New Orleans Police Department (NOPD), and officer safety and working conditions. We accomplish this mission through three principles: accountability, fairness and transparency. In order to achieve better accountability, the OIPM monitors the misconduct investigation and adjudication process to assist the NOPD in accomplishing a fair, timely, and thorough accountability system. The OIPM recognizes that accountability includes positive encouragement and therefore the OIPM invests time in gathering officer commendations in addition to complaints about NOPD officers. The OIPM attempts to ensure the NOPD provides fair treatment to all people, regardless of race, religion, economic standing, gender, sexual orientation, or relationship to the officer. The OIPM's commitment to transparency includes an ongoing, open exchange with the community regarding its police department. As mandated by its ordinance, the OIPM issues public reports on an annual basis. The OIPM considers public reporting one of its greatest responsibilities because only an informed and engaged community can hold the Department accountable to a higher standard.

The OIPM is not statutorily permitted to conduct its own administrative investigations, except in regards to details, but does oversee, analyze, and make recommendations regarding the administrative investigations and disciplinary actions of the NOPD. The OIPM presents the raw data contained herein for the public's review, but will later supplement this Annual Report with a statistical analysis and a review of selected investigations conducted by the Public Integrity Bureau (PIB) once the OIPM receives the preliminary data from the NOPD.

For convenience, we have provided the following highlights from each section of the 2013 Annual Report herein:

2013 Year in Review

- In January 2013, Federal Judge Susie Morgan entered an order approving the NOPD Consent Decree; all of the City's motions to appeal were denied. Sheppard Mullin Richter & Hampton, LLP was chosen as the Federal Court Monitor after several public forums and input from the OIPM.
- One NOPD Officer was killed and four other officers were shot in the line of duty in 2013.



- NOPD Officer Colclough pleaded guilty to manslaughter after shooting and killing civilian Wendell Allen. The OIPM brought a key piece of evidence to the attention of the NOPD in the Wendell Allen case.
- The convictions of all officers in the Danziger Bridge trial have been overturned; the retrials of all of the Danziger Bridge officers are delayed. In the Henry Glover trial, Officer David Warren's conviction was overturned and Warren was acquitted in a new trial in December 2013.
- The NOPD has rewritten its policies, provided more training to officers, hired new officers, purchased new cars and camera equipment, and increased the number of disciplinary actions issued to officers.

2013 NOPD Complaints and Disciplinary Action Taken

A complaint classification determines whether or not a formal investigation of a complaint will occur. In 2013, PIB changed its classification system which resulted in a dramatic increase in the percentage of cases that get a formal investigation. Complaints are labeled "sustained" when the allegations against the officers are proven.

- Cases were sustained at an overall rate of 11.77%. 5.6% of Civilian Initiated Complaints were sustained. 26.4% of Rank Initiated Complaints were sustained.
- Officers with 0-5 years of service are most often the subject of complaints. As years of service increase, the number of complaints decreases.
- Officers who receive the most complaints are between 30 and 39 years of age.

When a NOPD employee is found to have violated a NOPD administrative rule, they may be subject to a disciplinary hearing depending on the severity of the rule violation. The OIPM monitors disciplinary hearings that could result in termination. For each hearing, the OIPM conducts a review of the investigation and offers an analysis to the Deputy Superintendent adjudicating the hearing. Our review includes a review of the accused officer's complaint and use of force history.

- In 2013, seven NOPD employees resigned while under investigation; six were dismissed.
- Overall, the OIPM has observed that when Deputy Superintendents have solicited and received input from the case investigator, city attorney personnel and the OIPM, the disciplinary hearing process is more thorough.
- Most officers were dismissed for violations of moral conduct policies.



2013 OIPM Complaint Intake Activities

In 2013, the OIPM continued to serve as an alternative complaint intake site. This year the OIPM received and forwarded 86 complaints to PIB.

- The most common complaint allegations received by the OIPM involved professionalism, adherence to law and neglect of duty.
- Most neglect of duty complaints involved a complainant who did not believe the NOPD employee fully responded to or investigated a crime.
- The OIPM forwarded five complaints of racial profiling.
- In 2013, the OIPM recorded 32 complaints of retaliation, including seven complaints from police officers complaining of intra-departmental retaliation.
- The OIPM recognizes that retaliation against civilian complainants and officer whistleblowers presents a risk to the public and to the Department. Later in 2014, OIPM hopes to publish a subject matter report on retaliation.

2013 OIPM Use of Force Monitoring activities and Critical Incident Response

The OIPM continued to monitor NOPD Use of Force incidents, including the most serious incidents of Use of Force which are Critical Incidents. While numerically a smaller percentage of the OIPM's case monitoring and review functions, investigations of Critical Incidents are the OIPM's highest priority. While on the scene of Critical Incidents, the OIPM collected information regarding the involved officers' conduct during the Critical Incident and the investigative procedures that followed the Critical Incident.

- There were 17 Critical Incidents in 2013, of which 13 involved an officer's firearm being discharged.
- The OIPM identified concerns about the NOPD's control of the Critical Incident crime scene, the sequestration of involved officers, and the possible endangerment of bystanders.
- Two involved suspects died in custody, while four officers and five suspects sustained injuries in Critical Incidents.
- The largest number of Critical Incidents occurred in the 4th District. There were no Critical Incidents in the 2nd District or 3rd District.
- When it comes to overall use of force, the 5th, 7th, and 8th Districts lead the NOPD in the number of reports of Use of Force.
- In 2013, officers reported using force the most through their hands, Tasers, and takedowns, in that order.
- NOPD statistics show that African American males have force used against them almost 6 times more than White males or African American females.



- For officers who use force, the amount of force used diminishes as the years of service increase.
- The IAPRO case management system had a little more than half of the Critical Incidents in the system. PIB, did however, maintain a backup database which housed a majority of the Critical Incidents.
- The Rank of 'Police Officer¹' used deadly force the most often, as would be expected. Most patrol officers are of this rank.

2013 Community Engagement

- The OIPM met with more than 20 groups in 2013, in addition to presenting recurring Rights and Responsibilities trainings at the Day Reporting Center and Liberty's Kitchen.
- At the end of 2013, the OIPM added a staff-person fluent in Spanish to the team.

¹ This includes the rank of Police Officer I, Police Officer II, Police Officer III, and Police Officer IV.



2013 YEAR IN REVIEW

NOPD Consent Decree

In May 2010, the Department of Justice (DOJ) initiated a comprehensive investigation into NOPD operations, including the NOPD's recruitment, training, supervising, and disciplinary processes.² Released in March 2011, the principal finding recognized by the DOJ investigation was that the NOPD had engaged in widespread individual and structural patterns of misconduct, violating federal and state law.³

Throughout 2011 and 2012, the DOJ and the City Attorney's office negotiated the terms of the consent decree between the DOJ and the City of New Orleans. The consent decree, hailed as one of the most detailed and comprehensive consent decrees in the nation, was signed by the City of New Orleans and the United States Department of Justice on July 24, 2012.⁴ The November 10, 2010 Memorandum of Understanding between the NOPD and the OIPM was incorporated by reference into the consent decree.

On January 11, 2013, the Honorable Susie Morgan, Judge of the United States District Court for the Eastern District of Louisiana, entered an order approving the consent decree. The City of New Orleans' Motions to Stay and to Vacate the Consent Decree, were denied and the consent decree became effective on August 9, 2013.

The District Court coordinated several public forums where the community was allowed to share concerns, opinions and commentary on the applicants for the Federal Court Monitor (Court Monitor) over the NOPD consent decree. The OIPM sent members of its pro bono team to these public forums where each volunteer took notes on the community's concerns and voiced OIPM's positions. After the public forums but before the Court's formal decision, the OIPM sent a position letter to Judge Morgan supporting the law firm of Sheppard Mullin Richter & Hampton, LLP as the Court Monitor. In the letter to the Court, the OIPM cited extensive research into the backgrounds of members of the Sheppard Mullin team; endorsing Sheppard Mullin to the Court while also citing some areas of concern over the applicant. Judge Morgan, after the request for proposals was reviewed and vetted, selected Sheppard Mullin to oversee implementation of the consent decree.

² Assistant Attorney General Thomas E. Perez at a Press Conference to Announce NOPD Investigation Findings <http://www.justice.gov/crt/opa/pr/speeches/2011/crt-speech-110317.html>

³ Investigation of the New Orleans Police Department http://www.nolaoig.org/uploads/File/All/doj_report_110317.pdf

⁴ See, <http://new.nola.gov/mayor/press-releases/2012/20120724-mayor-landrieu,-justice-department-announ/> and <http://www.justice.gov/opa/pr/2012/July/12-ag-917.html>.



The OIPM began meeting with various members of the Court Monitoring team in August of 2013. The OIPM regularly attends the U.S. Attorney Consent Decree Working Group.

2013 Major Incidents and Actions

Officers Killed or Seriously Injured in the Line of Duty

In 2013, one New Orleans police officer, Officer Rodney Thomas, was killed when struck by a vehicle. Additionally, four police officers, Officers Kevin Doucette, John Passaro, Troy Pichon and Sgt. Sidney Jackson were all shot in the line of duty, but survived their injuries. The OIPM responded to and monitored the crime scenes where Passaro, Pichon and Jackson were shot.

Part of the OIPM's mission is to improve officer safety and working conditions. The OIPM responds to the scene of many incidents in which officers' lives are threatened. The OIPM believes that if officers are taught to follow best practices in police tactics, their lives are less at risk, which also makes the public safer. The OIPM will continue to gather data regarding officer tactics and training in order to report their recommendations and conclusions to the public and to NOPD command staff.

Resolving the Wendell Allen Case

On March 7, 2012, NOPD Officer Joshua Colclough, a four year veteran of the NOPD, shot and killed Wendell Allen, who was unarmed, during the service of a search warrant. Wendell Allen was an African American college student inside the house where Officer Colclough and his NOPD team executed a search warrant. On Friday, August 16, 2013, Colclough pleaded guilty to manslaughter and was sentenced to four years in prison.

The OIPM is required to monitor all critical incidents where a civilian dies in NOPD custody. Thus, the Police Monitor was on the crime scene when Wendell Allen was shot, creating an independent report of the OIPM's observations. The Deputy Police Monitor monitored NOPD interviews of officers and witnesses. While monitoring the NOPD interviews, the Deputy Police Monitor became aware of the existence of a video, previously undiscovered, which she brought to the attention of the Deputy Superintendent of PIB. The OIPM then worked closely with PIB to ensure that the video was taken into evidence. The District Attorney, in releasing this video after Colclough's plea, announced that "it was clear there was no justification for the shooting."



The Henry Glover Trial

In March of 2011, Officer David Warren was convicted in federal court of both a civil rights violation and manslaughter charges. Warren was sentenced to 25 years in jail in connection with the death of 31-year-old Algiers resident Henry Glover in the aftermath of Hurricane Katrina. Warren's conviction was overturned on appeal and he was acquitted in a new trial in December of 2013. The OIPM attended several portions of Warren's new trial in December 2013. The OIPM has maintained contact with the Glover family during this difficult period.

The Danziger Bridge Trial

In June 2011, the trial of five former NOPD officers accused of multiple civil rights violations stemming from the Danziger Bridge shooting began. The shooting, which occurred in the wake of Hurricane Katrina, resulted in the deaths of two civilians and the wounding of four others. Sergeants Kenneth Bowen, Robert Gisevius, and Arthur Kaufman; Officers Robert Faulcon and Lt. Anthony Villavaso were accused of shooting at unarmed civilians and covering up the incident by attempting to frame innocent civilians. All five officers were convicted on August 5, 2011. The OIPM pro-bono team attended every day of the 2011 trial, taking notes so that the OIPM would have a record to aid with any administrative investigation subsequently conducted by PIB. On September 17, 2013, the trial judge overturned their convictions and granted all officers a new trial, due to alleged prosecutorial misconduct in the U.S. Attorney's Office.

NOPD Sgt. Gerard Dugue was tried separately for his part in allegedly covering up the incident, but that proceeding ended in a mistrial in January 2012. The retrial for all officers has been delayed. The U.S. Department of Justice (DOJ) said it would appeal the trial court's decision to overturn the convictions. However, as of the date of this report, the DOJ has not yet filed an appeal.

Highlights from NOPD's Budget Presentation

In his annual presentation to the City Council, the Superintendent of Police provided, amongst other items, that NOPD:

- Completed a re-write of the entire NOPD manual on June 30, 2013 (over 1,000 pages) to be consistent with Best Practices and Consent Decree requirements.
- Expanded the use of Digital Mobile Video/Audio Recording systems in department patrol vehicles
- Initiated purchasing procedures to acquire body worn cameras for NOPD officers – deployment expected once the NOPD's internal policies have been approved by the Consent Decree Monitor.
- Disciplinary actions from criminal or administrative investigations are up 33.1 % YTD



- Suspensions are up 34.4 % YTD
- FIT (Force Investigation Team) Members attended a 32-hour block of instruction hosted and conducted by the FBI and additional training.
- PIB updated its directives to be consistent with Consent Decree mandates.
 - o FIT has drafted an internal manual of standard operational policy and procedures in compliance with the "Consent Decree."
 - o Submitted a policy to help expedite settlements of disciplinary cases to the Consent Decree Monitor for review.
- Members of PIB have completed approximately 88 hours of training.
- Hired & Trained 30 new recruits
- Administration purchased 100 new vehicles (currently being outfitted with decals & equipment)



2013 NOPD COMPLAINT INTAKE

The OIPM is required by City Code § 2-1121 to take complaints of misconduct, monitor the classification, quality, and timeliness of NOPD investigations of civilian- and internally-generated complaints, review completed investigations, and monitor disciplinary actions. The OIPM is not statutorily permitted to conduct its own administrative investigations, except in regards to details, but oversees, analyzes, and makes recommendations regarding the administrative investigations and disciplinary actions of the NOPD.

Internal Affairs Database

In the winter of 2010, at the OIPM's recommendation, the OIG purchased a new internal affairs database software (hereinafter IAPRO) for use by the OIPM and PIB. The system became operational in April of 2011.

PIB continues to enter information into the IAPRO system and was able to enter all complaints for 2013. As a result, the OIPM and PIB will now be able to perform statistical analyses on the data to look for trends and patterns in misconduct complaints and Uses of Force.

The majority of information for NOPD officers from 2005 to present is contained IAPRO. This historical data was taken directly from the old PIB database and imported into the new IAPRO system. Historical data is important for a number of reasons, including:

- Each time a complaint is taken by the OIPM, the accused officer's history is reviewed to determine if the officer has a pattern of similar complaint allegations, and
- An officer with a significant number of complaints within a 12 month period may trigger an alert in the Early Warning System (EWS)⁵ and may be referred into the Professional Performance Enhancement Program (PPEP).⁶

The OIPM was provided the following raw data contained herein, which is presented for the

⁵ The EWS is a computerized data-driven system containing information about complaints, Uses of Force, and other information that automatically alerts PIB and the OIPM to officers that may need intervention. An alert is triggered when an officer reaches the threshold for complaints or Uses of Force. An alert may also be triggered for specific types of complaints against officers, such as criminal allegations.

⁶ Chapter: 13.27 of the NOPD Operations Manual governs PPEP. The program requires that NOPD employees be evaluated for inappropriate patterns of behavior and that a suitable remedy be applied, such as training, reassignment, or monitoring.

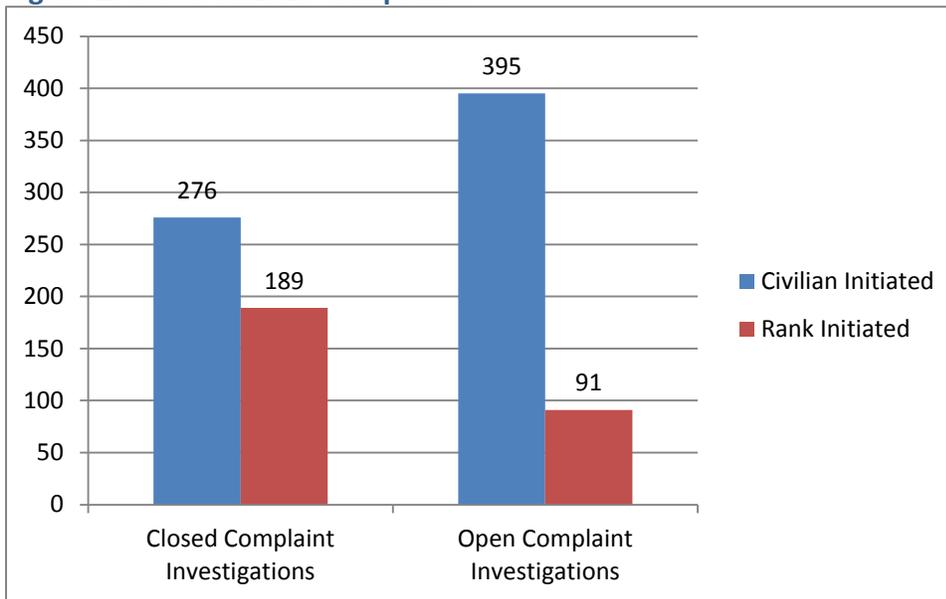
public's review. The OIPM hopes to supplement this Annual Report in the summer of 2014 with both a statistical analysis of this data and a review of some of the investigations conducted by PIB.

2013 NOPD Complaints and Disciplinary Actions Taken

Complaint Totals

In 2013, according to PIB there were 951 total complaints received by the NOPD, a decrease from its reported total of 1176 in 2012.⁷ This reduction by 225 complaints represents a 19.1% decrease from the previous year. The following table provides the status of the investigations into the complaints received by the NOPD.

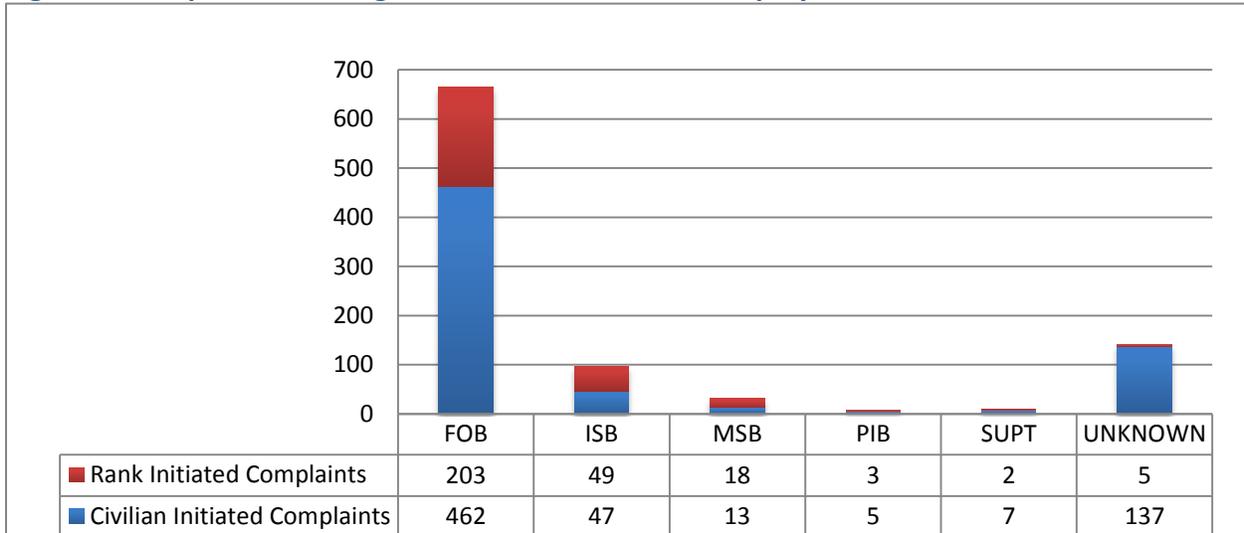
Figure 1: Status of 2013 Complaints



⁷ On March 14, 2013, the OIPM was provided with PIB information which listed 1184 complaints. However, during the March 27, 2013 meeting of the Criminal Justice Committee of the City Council, Superintendent Ronal Serpas advised that there were 1176 complaints in 2012.

The following table lists the number of civilian and rank initiated complaints for officers and employees of the five NOPD bureaus. ⁸

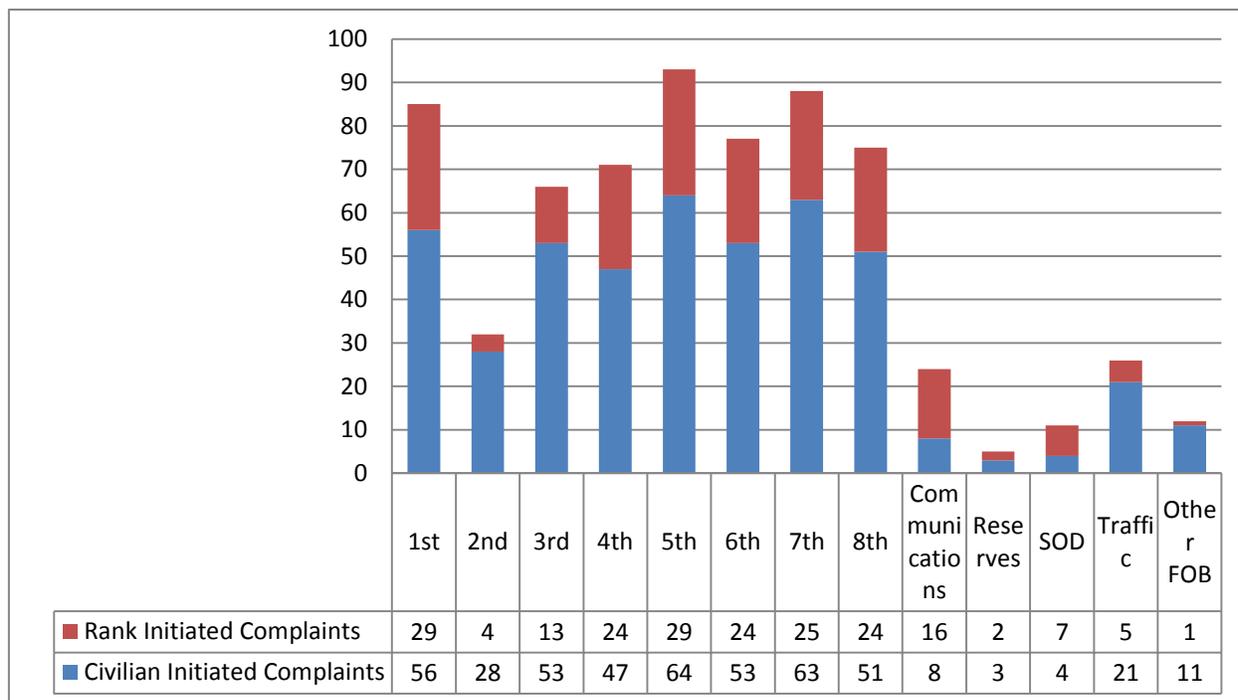
Figure 2: Complaints Filed Against NOPD Officers and Employees in the NOPD Bureaus



⁸ The five NOPD Bureaus are: the Field Operations Bureau (FOB), the Investigation and Support Bureau (ISB), the Management Services Bureau (MSB), the Office of the Superintendent (SUPT), and the Public Integrity Bureau (PIB).

In the following table the OIPM provides an additional breakdown of the number of complaints against officers in the Field Operations Bureau, which includes all eight police districts.

Figure 3: Complaints Filed Against NOPD Officers and Employees in the Field Operations Bureau



Complaint Classifications

When a member of the public or a police officer makes a complaint against an NOPD officer, PIB is charged with classifying that complaint. The classification determines whether or not a formal investigation will take place. DI-1 cases are formal investigations, whereas DI-2, DI-3, NFIM, NVO, and INFO cases may not include interviews of witnesses and other investigative steps.

The classification definitions in the following table were provided by PIB in January 2014.

Figure 4: Classification Definitions

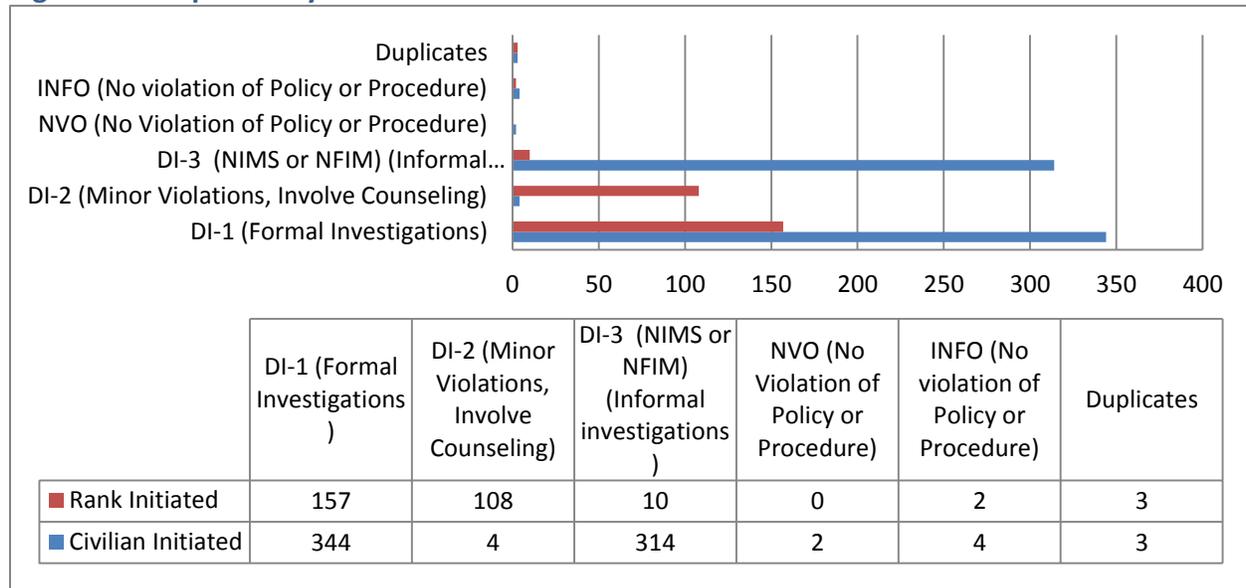
Type	Description
DI-1	Documentation of the initiation of a formal disciplinary investigation of a complaint from a citizen (third party or anonymous), employee, or observed behavior of an employee which involves an alleged violation of criminal law or a Departmental regulation, order,

	<p>policy or procedure. Behavior which mandates a DI-I classification:</p> <ul style="list-style-type: none"> • An alleged violation of a Departmental order, policy or procedure, except a violation of a minor nature which can be corrected by simple counseling or minimal intervention by a supervisor (DI-2); (such as reporting for duty violations, uniform wear violations; • An alleged violation which parallels the same behavior documented in three DI-2 citations, all three cited violations having occurred with the 12 months prior to the date of occurrence of the current complaint; • An alleged violation which parallels the same behavior documented in three NFIM investigations, all three alleged behaviors having occurred within the 12 months prior to the date of occurrence of the current complaint; • An alleged violation of a criminal law or an alleged involvement in criminal activity.
DI-2	<p>Documentation of counseling - When the supervisor becomes aware of an infraction committed by an officer. The action taken must originate from a supervisor's knowledge of an employee's behavior which involves a minor administrative violation of a Departmental order, policy or procedure. The behavior must not severely impair or impact the efficiency of the public service, or the official mission and goals of the Department. This behavior must be considered so minor that it is correctable by simple counseling or minimal intervention by a supervisor.</p>
No Formal Investigation Merited (NFIM)	<p>Documentation to resolve the following types of complaints:</p> <p>(a) Complaints disputing traffic citations, except that allegations of misconduct contained in such complaints (e.g., racial profiling, illegal search, excessive force) will be classified and investigated according to its merits;</p> <p>(b) Complaints alleging a delay in police service such as patrol response or detective follow up, where the preliminary investigation demonstrates that the delay is due to workload. However, if the preliminary investigation discloses that misconduct such as negligence rather than workload caused the delay, the complaint will be classified according to its merits;</p> <p>(c) Complaints regarding off-duty officer conduct of a civil nature, unless the alleged conduct or its effects constitute misconduct or have a substantial nexus to the officer's employment;</p> <p>(d) Complaints in which the preliminary investigation demonstrates that the subject officer does not work for NOPD or where the identity of the subject officer cannot be determined, despite the best efforts of the Public Integrity Bureau (PIB); and</p> <p>(e) Other documentation of an incident as approved by investigating member's Deputy Superintendent.</p>

The information in the following table was directly provided to the OIPM by PIB.



Figure 5: Complaints by Classification



Allegations against NOPD officers

The following table contains the types of allegations filed against officers by members of the public (Civilian Initiated Complaints) versus those filed by ranking NOPD supervisors (Rank Initiated Complaints). This information was obtained from the IAPRO database. The OIPM provides this information to allow the public to compare and contrast the types of complaint allegations filed by those who work for the department and the complaint allegations filed by members of the public.

Figure 6: DI-1 Complaint Allegations by Civilian or Rank

Allegation	Citizen Initiated Total	Number of Citizen Initiated Sustained	Rank Initiated Total	Number of Rank Initiated Sustained
Blank ⁹	197	5	225	57
NVO ¹⁰	135	0	3	0
Adherence to Law	94	3	36	5
Professionalism	206	18	43	5
Fictitious Illness or	0	0	3	1

⁹ No further information was provided.

¹⁰ No Violation Observed.

Injury				
Reporting for Duty	1	0	23	4
Use of Departmental Equipment	0	0	2	0
Abuse of Position	0	0	2	0
Associations	1	0	0	0
Courtesy	96	11	5	1
False/Inaccurate Reports	28	1	4	2
Instructions from Authoritative Source	205	35	192	73
Devoting Entire Time to Duty	5	0	3	0
Honesty and Truthfulness	2	0	9	1
Public Statements	1	0	1	0
Accepting , Giving Anything of Value	1	0	0	0
Discrimination	1	0	0	0
Neglect of Duty	140	35	87	25
Referrals	1	1	0	0
Verbal Intimidation	19	1	0	0
Leaving Assigned Area	2	1	4	0
Unauthorized Force	62	0	6	0
Acting Impartially	10	1	0	0
Courage	0	0	1	0
Use of Drugs/Substance Abuse	0	0	2	1
Use of Drugs/Alcohol on Duty	0	0	2	0
Leaving City on Duty	2	0	1	0
Failure to Report Misconduct	2	0	0	0
Use of Alcohol/Drugs Off	0	0	3	1



Duty				
Failure to Cooperate With a Departmental Investigation	1	0	0	0
Interfering with Investigations	0	0	1	0
Social Networking Websites	0	0	1	1
Maintaining Standards of Service	0	0	1	1

Demographics for Complainants and Officers who are the Subject of a Complaint¹¹

The information in the following chart was directly provided to the OIPM by PIB.

Figure 7: Civilian Initiated Complaints 2013 - Demographics of Civilian Complainants

Race/Sex	<20 Years of Age	20 to 29 Years of Age	30 to 39 Years of Age	40 to 49 Years of Age	>50 Years of Age	Total
Asian Male	0	0	1	0	0	1
Black Male	1	39	37	26	39	142
Hispanic Male	1	0	2	0	0	3
Indian ¹² Male	0	0	0	0	0	0
Unknown Male	0	0	2	0	0	2
White Male	0	13	7	11	15	46
Asian Female	0	0	0	1	0	1
Black Female	6	37	39	34	47	163
Hispanic Female	0	0	1	0	0	1
Indian ¹³ Female	0	0	0	0	0	0

¹¹ The race or national origin of individuals designated as Indian (South Asian) was not clearly defined in the IAPRO system.

¹² Refers to an Indian person of South Asian Descent.

Unknown Female	0	1	0	0	0	1
White Female	0	12	7	11	12	42
Total	8	102	96	83	113	402

Figure 8: Civilian Initiated Complaints 2013 – Demographics for Officers who were the Subject of a Complaint

Race/Sex	<20 Years of Age	20 to 29 Years of Age	30 to 39 Years of Age	40 to 49 Years of Age	>50 Years of Age	Total
Asian Male	0	0	1	2	0	3
Black Male	0	39	105	101	58	303
Hispanic Male	0	4	2	10	1	17
Indian¹⁴ Male	0	0	0	0	0	0
Unknown Male	0	0	0	0	0	0
White Male	0	27	79	56	33	195
Asian Female	0	0	0	0	0	0
Black Female	0	14	55	38	7	114
Hispanic Female	0	0	1	0	0	1
Indian¹⁵ Female	0	0	0	0	0	0
Unknown Female	0	0	0	0	0	0
White Female	0	2	9	5	3	19
Total	0	86	252	212	102	652

¹³ Refers to an Indian person of South Asian Descent.

¹⁴ Refers to an Indian person of South Asian Descent.

¹⁵ Refers to an Indian person of South Asian Descent.

Figure 9: Civilian Initiated Complaints 2013 – Years of Service for Officers who were the Subject of a Complaint

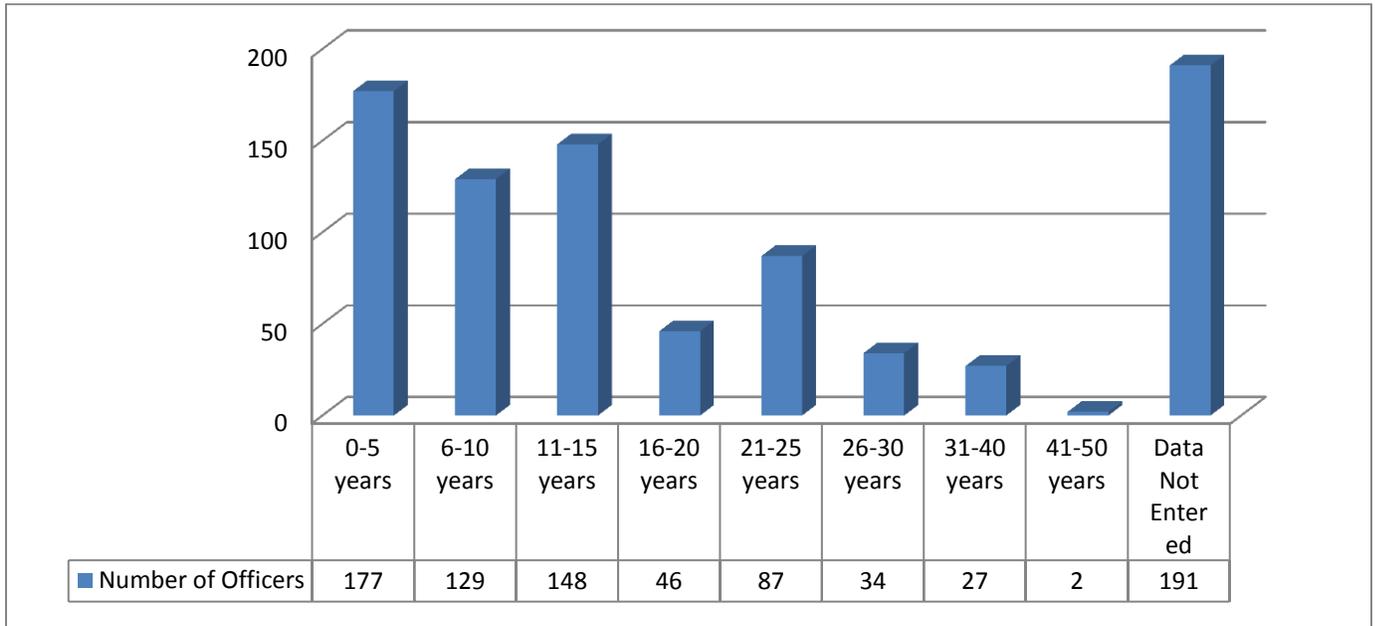


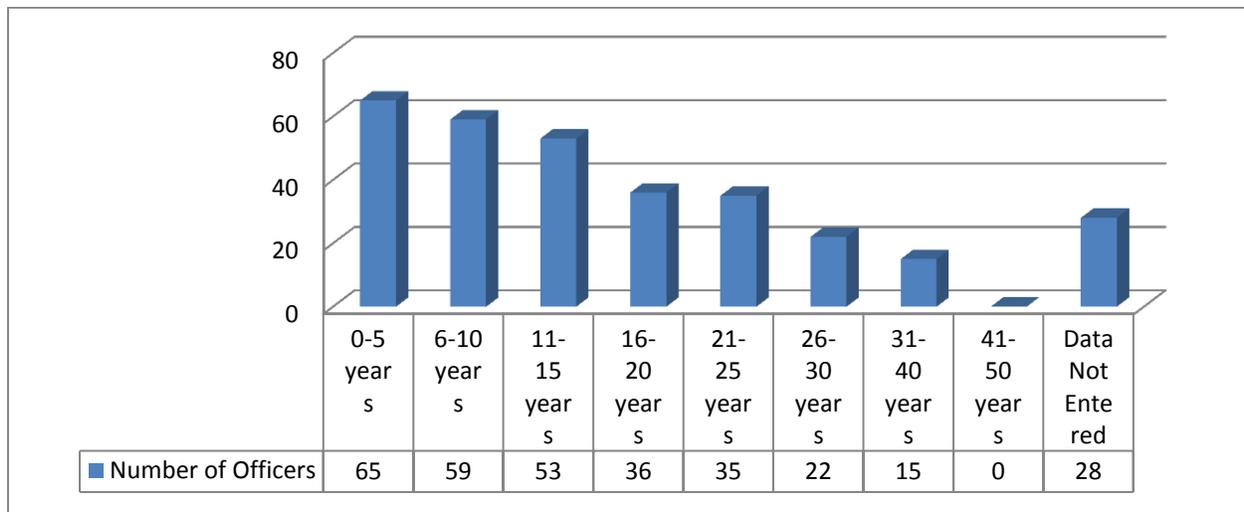
Figure 10: Rank Initiated Complaints 2013 - Demographics of the Officers who were the Subject of a Complaint

Race/Sex	<20 Years of Age	20 to 29 Years of Age	30 to 39 Years of Age	40 to 49 Years of Age	>50 Years of Age	Total
Asian Male	0	3	2	0	0	5
Black Male	0	13	37	47	27	124
Hispanic Male	0	1	0	5	0	6
Indian ¹⁶ Male	0	0	0	0	0	0
Unknown Male	0	0	0	0	0	0
White Male	0	14	29	28	19	90
Asian Female	0	0	0	0	0	0
Black	0	13	23	11	7	54

¹⁶ Refers to an Indian person of South Asian Descent.

Female						
Hispanic Female	0	0	0	0	0	0
Indian¹⁷ Female	0	0	0	0	0	0
Unknown Female	0	0	0	0	0	0
White Female	0	0	4	1	1	6
Total	0	44	95	92	54	285

Figure 11: Rank Initiated Complaints 2013 – Years of Service for Officers who were the Subject of a Complaint



Complaint Dispositions

The following tables contain the dispositions (outcome) of complaints investigated by one of the five bureaus of the NOPD: The Field Operations Bureau (FOB), Investigation and Support Bureau (ISB), Management Services Bureau (MSB), Office of the Superintendent (SUPT), and Public Integrity Bureau (PIB). These totals include both Civilian (external) and Rank (internal) initiated complaints.

¹⁷ Refers to an Indian person of South Asian Descent.

Figure 12: DI-1 Sustained Rate – Overall

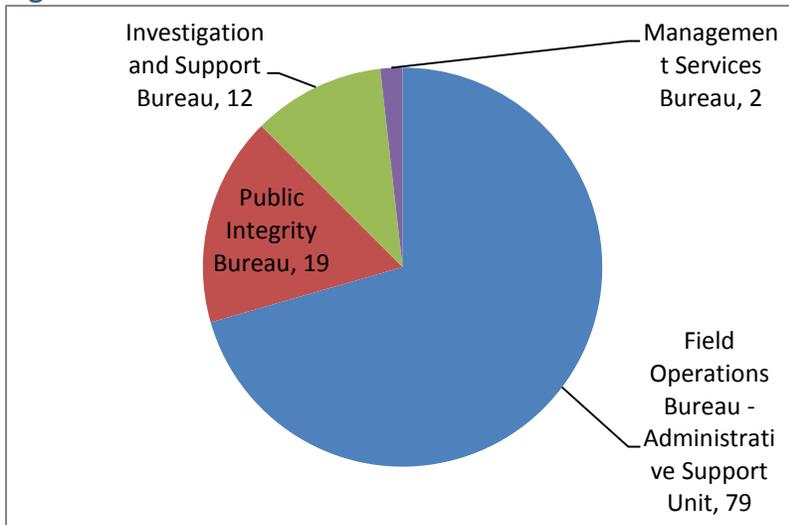


Figure 13: DI-1 Sustained Rate - Field Operations Bureau

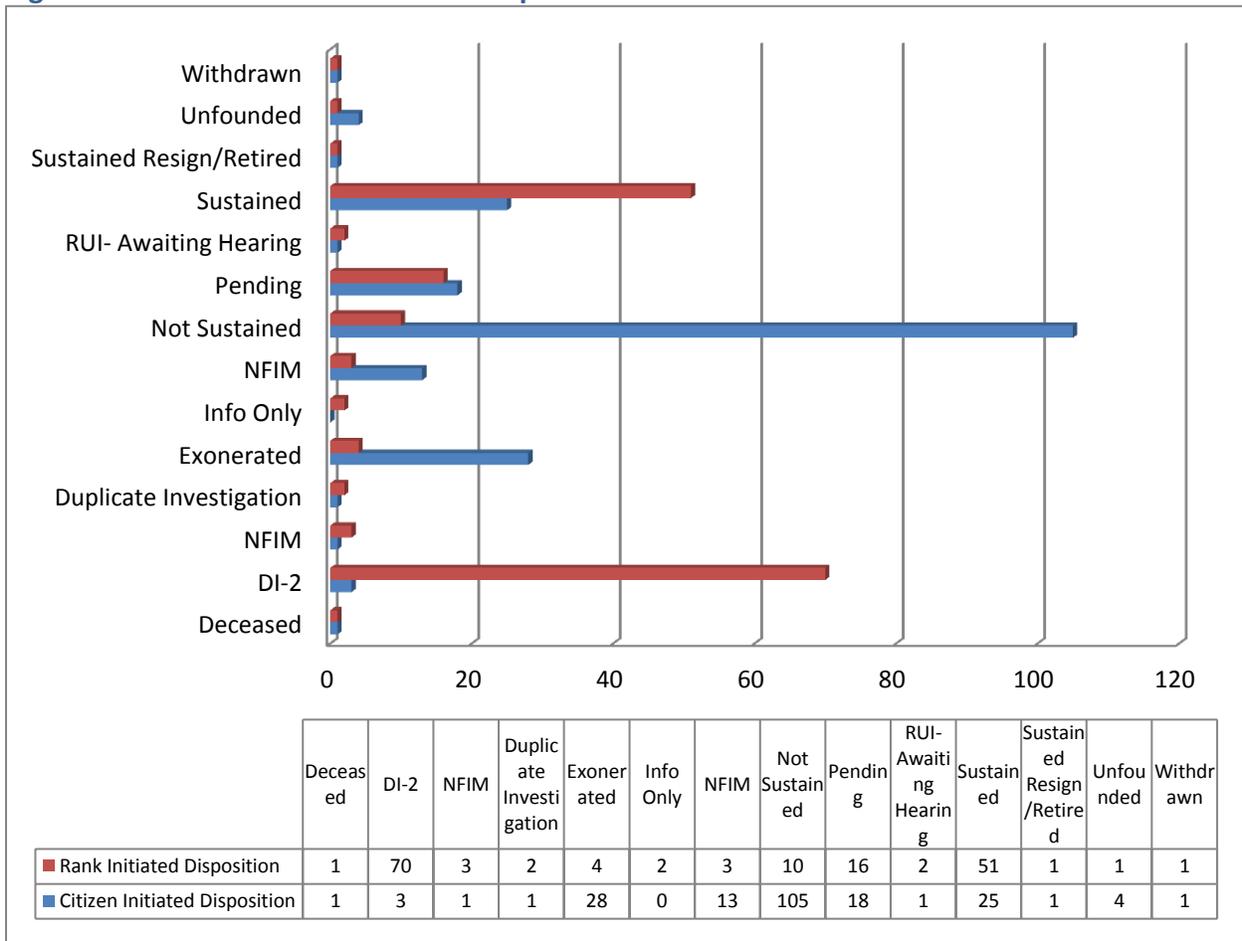


Figure 14: DI-1 Sustained Rate - Public Integrity Bureau

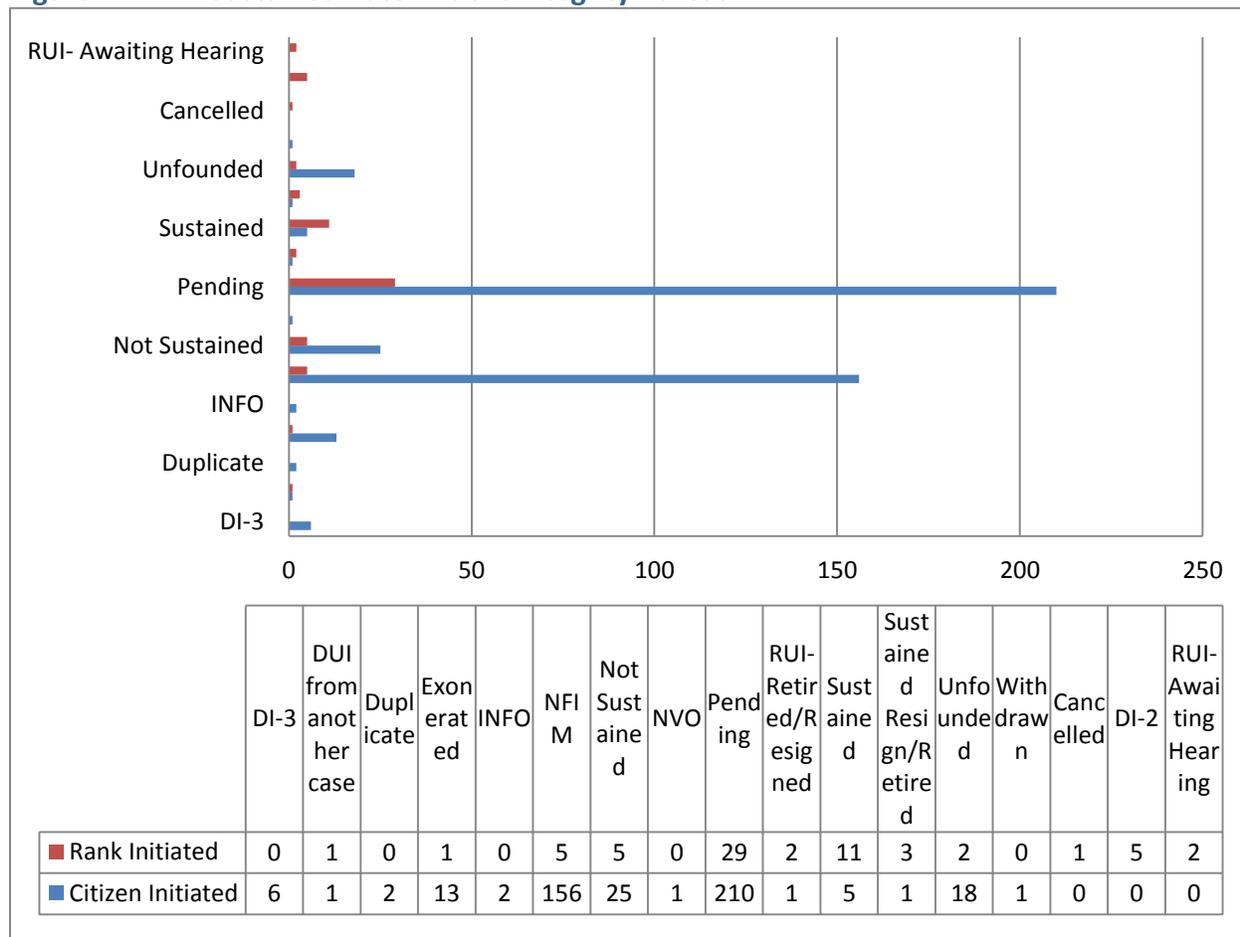


Figure 15: DI-1 Sustained Rate - Investigation and Support Bureau

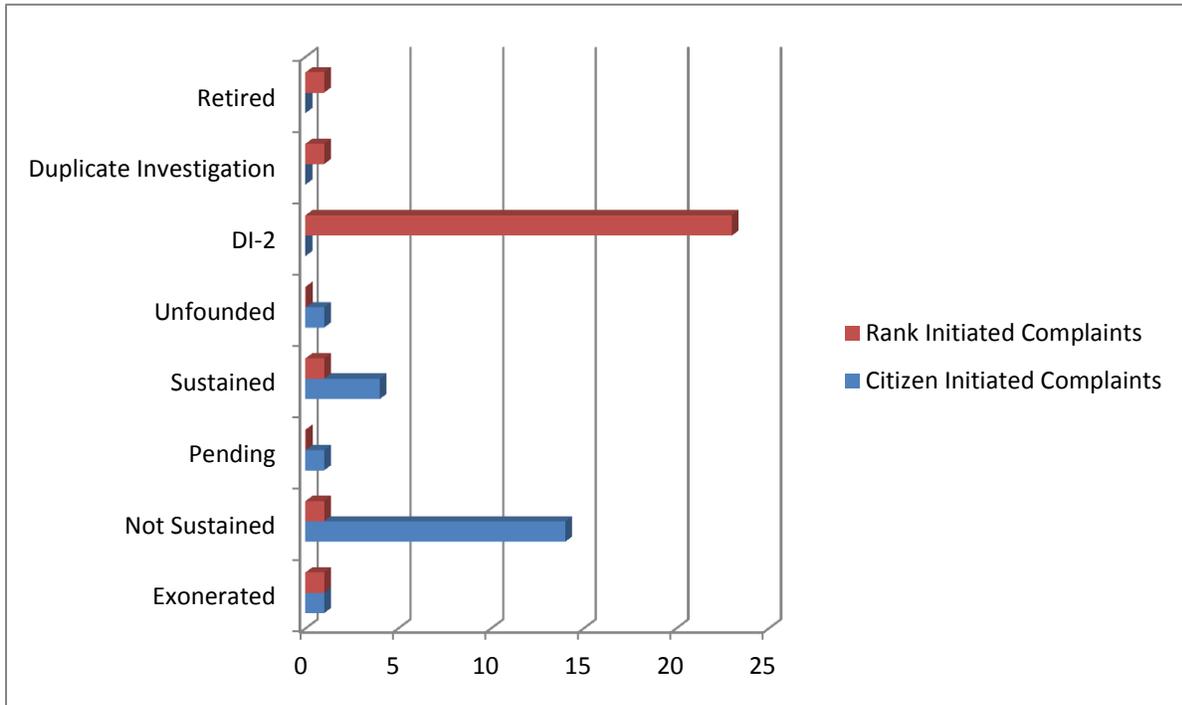


Figure 16: DI-1 Sustained Rate - Management Services Bureau

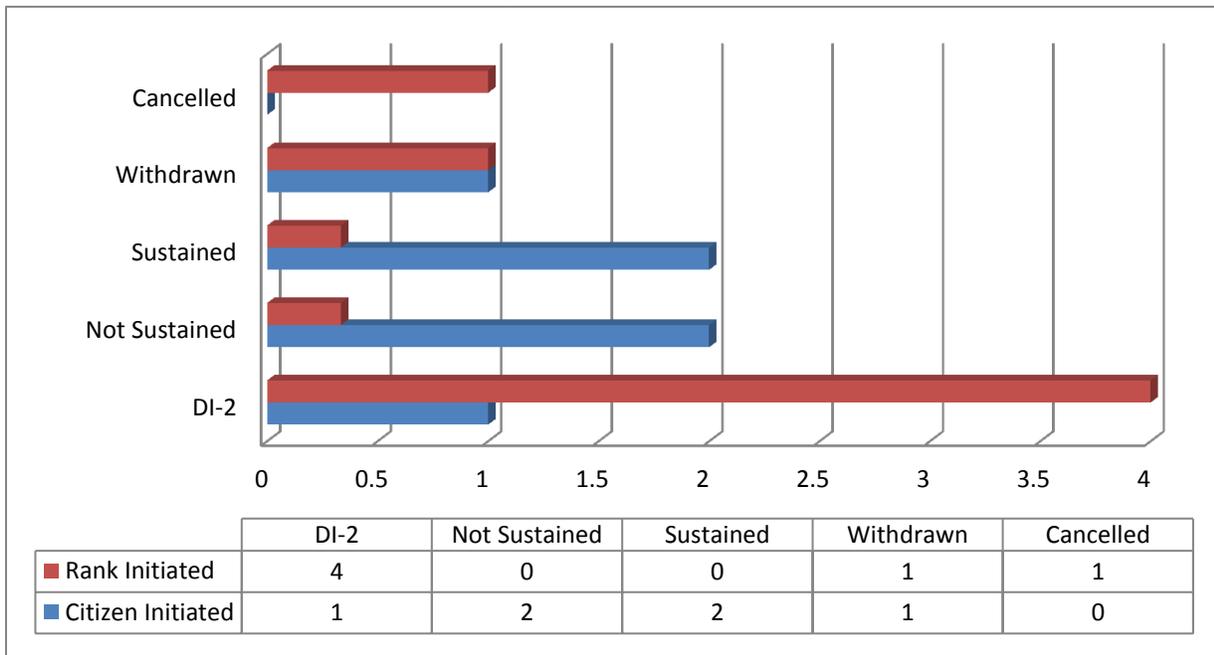
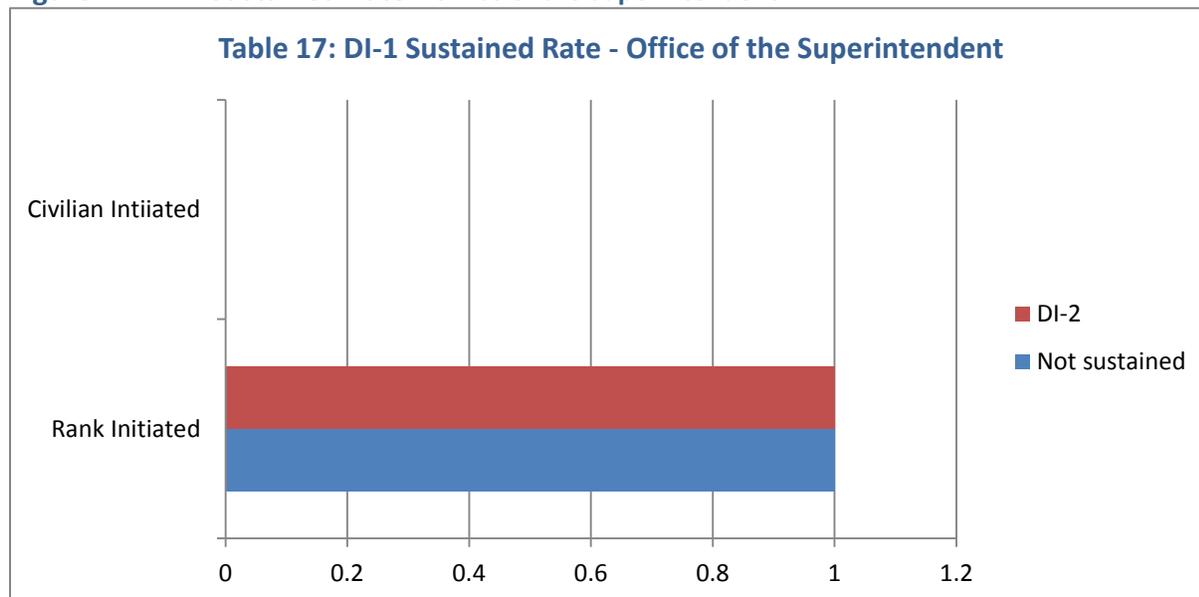


Figure 17: DI-1 Sustained Rate - Office of the Superintendent



Disciplinary Actions

The potential disciplinary actions in any administrative case include: termination, demotion, suspension, letter of reprimand and counseling. The following table contains the number of suspensions and letters of reprimand issued in 2013. This information was directly provided to the OIPM by PIB.

Figure 18: Total Suspensions and Letters of Reprimand

Type of Action	Number
Suspensions	89
Letters Of Reprimand	38

Notable Cases - Administrative Disciplinary Investigations in 2013

- Officer August Michel was dismissed after he brought his departmental firearm into a bar on Bourbon Street. An investigation established that Mr. Michel had fought with a patron in the bar while the officer had a blood-alcohol limit more than twice what is

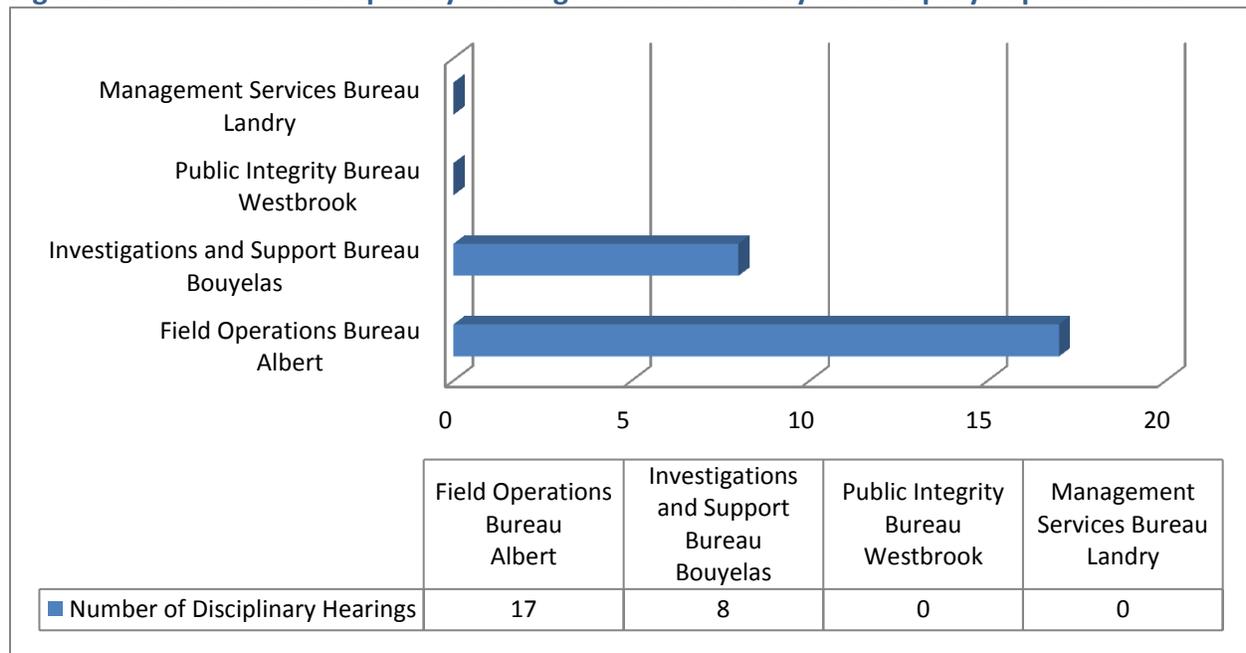
considered legal to drive. The OIPM agreed that there was sufficient evidence to sustain the charges against Officer Michel.

- Officer Gary Lee was terminated after calling in sick to the NOPD but later being caught working that same day during the Mardi Gras season at a private business not associated with his duties as an officer. The OIPM agreed that there was sufficient evidence to sustain the charges against Officer Michel.
- Officer Jeremy Wilcox was terminated for allegedly writing a bad check nine years before the disciplinary hearing occurred and failing to resolve the matter which resulted in an outstanding warrant for his arrest. Wilcox was aware of the bad check for over a year and was aware of the warrant but failed to resolve it. The OIPM agreed that there was sufficient evidence to sustain the charges against Officer Wilcox.

Disciplinary Hearings Attended by OIPM

When a NOPD employee is found to have violated an administrative rule of NOPD, they are subjected to a disciplinary hearing. The Deputy Superintendent responsible for supervising the disciplined employee's NOPD Bureau presides over those disciplinary hearings where a suspension or a dismissal may be imposed. Each Deputy Superintendent has a bureau for which he or she is responsible. The Field Operations Bureau (FOB) has the most NOPD employees out of all the bureaus and the Public Integrity Bureau (PIB) has the least number of NOPD employees out of all of the bureaus. See Figure 19 below for the number of disciplinary hearings each Deputy Superintendent presided over in 2013.

Figure 19: Number of Disciplinary Hearings Presided over by each Deputy Superintendent



Before a Deputy Superintendent disciplinary hearing occurs, the OIPM reviews the investigations prepared against employees that the NOPD is seeking to discipline. The OIPM reviews these investigations for issues related to:

- Evidence Sufficiency
- Constitutional Law
- Internal Retaliation
- Risk Analysis
- Liability and
- The Police Officer Bill of Rights

The OIPM reviews the NOPD employees being investigated for issues related to:

- A Pattern of Similar Past Complaints
- A Significant Number of Past Complaints
- Need for Additional Training
- Whistleblower Status

Prior to a Deputy Superintendent hearing, the OIPM provides the presiding Deputy Superintendent with an analysis of the investigation. In order to do so, the OIPM reviews the investigation conducted by the NOPD and any audio or video evidence that accompanies the disciplinary investigation. In 2013, the NOPD emailed the OIPM the disciplinary investigations for 30 disciplinary hearings and did not email the disciplinary investigation for one disciplinary hearing. In 2013, the NOPD did not send the OIPM the audio or video evidence associated with two disciplinary investigations, before the occurrence of the disciplinary hearing.

The NOPD normally provides the OIPM with formal written notice of all disciplinary hearings. In 2013, the NOPD gave the OIPM formal written notice of 23 disciplinary hearings presided over by a Deputy Superintendent. The NOPD did not give the OIPM formal written notice of one disciplinary hearing in 2013.

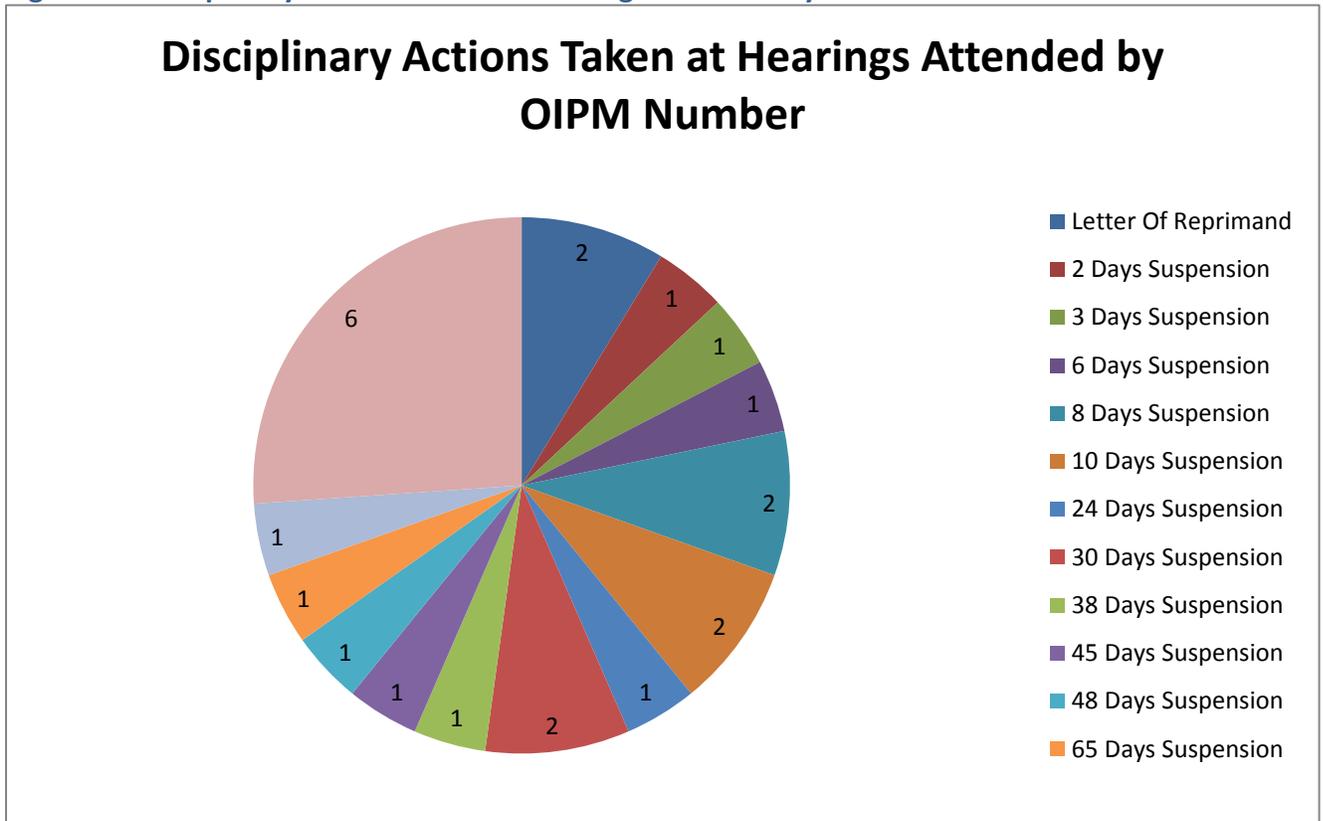
In 2013, the Independent Police Monitor's office observed 24 police disciplinary hearings presided over by a Deputy Superintendent of the New Orleans Police Department. The hearings involved the investigations of 26 NOPD employees. A disciplinary hearing investigation centers on a complaint allegation; more than one NOPD employee may be investigated in any one disciplinary hearing. More than one NOPD Deputy Superintendent may preside over a single disciplinary hearing if the investigated NOPD employees work in different NOPD Bureaus.



In 2013, one NOPD employee's actions were investigated in two disciplinary investigations. Twenty-five NOPD employees were investigated in only one Deputy Superintendent disciplinary hearing.

The 24 disciplinary hearings resulted in the imposition of 15 suspensions, six dismissals and two letters of reprimand; three NOPD employees did not have the charges against them sustained. The disciplines for NOPD employees are broken down in Figure 20. Seven NOPD employees resigned while under investigation and did not go through with the Deputy Superintendent disciplinary hearing that had been scheduled.

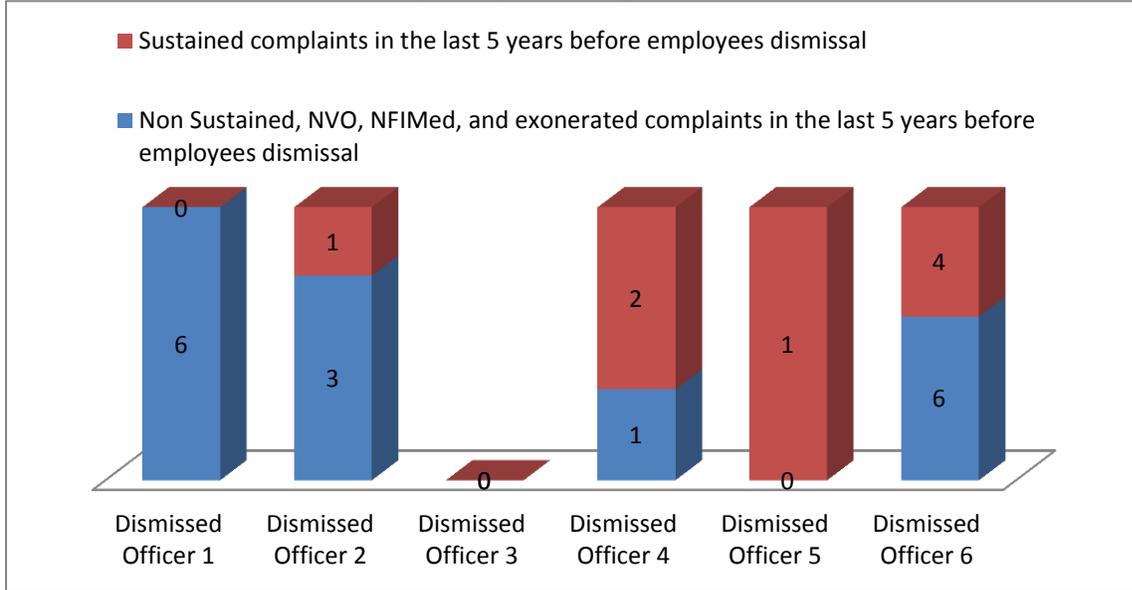
Figure 20: Disciplinary Actions Taken at Hearings Attended by OIPM



The OIPM studied the employee's pre-disciplinary hearing complaint history. The number of complaints made against an employee can be an indicator that the NOPD employee should have been more closely supervised before the employee progressed to the point where he or she faced a serious disciplinary charge. For purposes of disciplinary investigations, NOPD categorizes investigated complaints as: Sustained, Unsustained, No Further Investigation Merited (NFIM), No Violation Occurred (NVO) and Exonerated. Figure 21 indicates the number

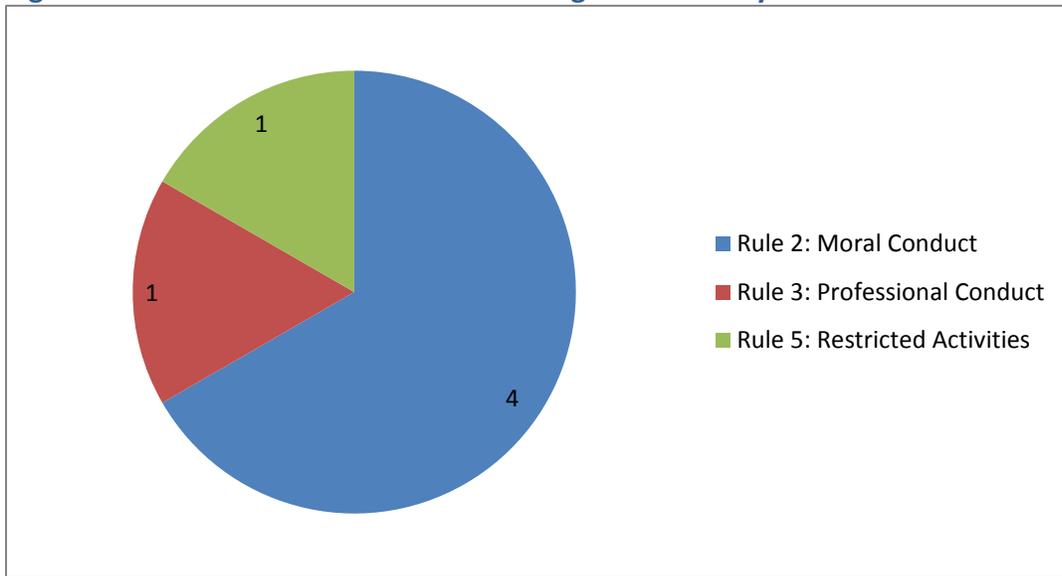
of complaints in the NOPD Employee’s disciplinary history five years before that employee was dismissed at a disciplinary hearing.

Figure 21: Disciplinary History of NOPD Employee for the last five years before the Employee was Dismissed in their Disciplinary Hearing: Sustained and Non-Sustained Complaints.



As a general observation, the OIPM was impressed by the deliberative process of each Deputy Superintendent presiding over a disciplinary hearing. As a general conclusion, each Deputy Superintendent appeared to invest sufficient time into questioning the NOPD employee and learning of all relevant facts, evidence, and information. The OIPM has observed that evidence and information is more forthcoming when a Deputy Superintendent is able to ask questions of the NOPD disciplinary investigator before the disciplinary hearing begins or during the deliberation portion of the disciplinary hearing. The OIPM has observed that to achieve the most thorough and complete disciplinary decision the Deputy Superintendent should ask for and weigh the opinion of the OIPM and the City Attorney personnel (if present) on evidence sufficiency, risk analysis, constitutional law, and other involved issues.

Figure 22: Reasons for Dismissals at Hearings Attended by the OIPM



PIB COMPSTAT

The OIPM attends PIB’s COMPSTAT meetings, which usually occur on a weekly basis, and receives updates on investigations into complaints of misconduct taken by the OIPM and other issues of public significance. The OIPM continues to regularly meet with the PIB’s Deputy Superintendent and her staff to discuss cases that have been brought to the OIPM by members of the public or officers.

2013 OIPM COMPLAINT INTAKE ACTIVITIES

The OIPM Complaint Process

The OIPM serves as an alternate complaint intake site for those who prefer not to complain directly to PIB or to other NOPD supervisors about the specific conduct of NOPD employees. Once a complaint is received, the OIPM forwards it to PIB for inclusion in the IAPRO system and for investigation assignment.

The OIPM writes up the complaint in the form of a letter to PIB, and specifies within its letter which NOPD administrative policy, statute or constitutional provision may have been violated by the NOPD employee's conduct. In its letter to PIB, the OIPM includes information from the accused officer's disciplinary history for the last 5 years and makes a recommendation on whether the specific NOPD officer should attend the Professional Performance Enhancement Program (PPEP).

The OIPM has entered into community partnerships with organizations to conduct complaint intake off site. Safe Streets/Strong Communities has taken complaints primarily from residents of the Central City area. Women with a Vision has agreed to take complaints from women at risk in the New Orleans community. Silence is Violence has agreed to take complaints from victims of violence in the New Orleans community. Additionally, BreakOut! has agreed to take complaints from lesbian, gay, bisexual, transgender, queer (LGBTQ) complainants in the New Orleans community.

The OIPM's complaint forms and procedures have been translated into Spanish and Vietnamese in an effort to reach the widest possible audience.

2013 Complaints Taken by the OIPM

The OIPM received 125 contacts in 2013 regarding officer behavior from the public and officers, down from 160 contacts in 2012. Of the reports received, the OIPM forwarded 94 complaints or inquiries to PIB for investigation.

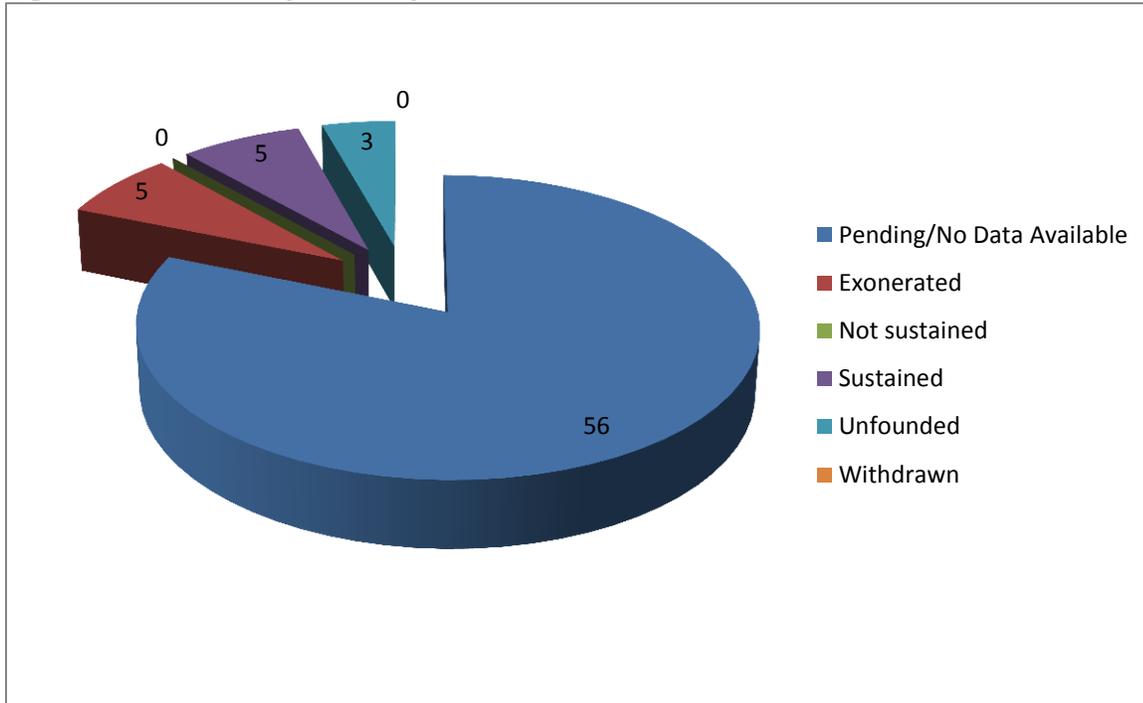
Case Monitoring

In 2013, the OIPM monitored 30 investigations after receiving requests or deciding on its own to monitor a particular investigation. The OIPM primarily checks the status of cases through the IAPRO system and during PIB's weekly COMPSTAT meeting.



The dispositions of the complaints filed with the OIPM in 2013 are as follows:

Figure 23: OIPM Complaint Dispositions



The OIPM did not forward to PIB complaint allegations which had already been previously reported to PIB by the complainant, complaint allegations which did not rise to the level of administrative or criminal misconduct, or complaint allegations for which the complainant did not complete the intake process.

The OIPM received the following allegation types from the complainants with whom the OIPM interacted.¹⁸

Figure 24: Allegation Types

Allegations	
Type	Number
ADHERENCE TO LAW	64
FICTITIOUS ILLNESS OR INJURY	0

¹⁸ Each complaint may contain more than one allegation, e.g. professionalism and unauthorized force. OIPM staff took the complainant's allegations and assigned an administrative allegation type based on the NOPD Operations Manual. In some cases, the OIPM may not have received enough information to formulate an allegation.

PROFESSIONALISM	95
REPORTING FOR DUTY	1
ACTING IMPARTIALLY	10
RULES OF PROCEDURES	14
ABUSE OF POSITION	7
ASSOCIATIONS	2
COURTESY	42
FALSE OR INACCURATE RECORDS	16
INSTRUCTIONS FROM AUTHORITATIVE SOURCE	10
HONESTY AND TRUTHFULNESS	15
CITIZENS REPORT COMPLAINT	1
DISCRIMINATION	1
NEGLECT OF DUTY	65
CEASING TO PERFORM BEFORE END OF SHIFT	1
VERBAL INTIMIDATION	18
UNAUTHORIZED FORCE	16
FAILURE TO REPORT MISCONDUCT	5
FAILURE TO COOPERATE/WITHHOLDING INFORMATION	2
INTERFERING WITH INVESTIGATIONS	5
TOTAL	390



Figure 25: Breakdown of Adherence to Law Allegations¹⁹

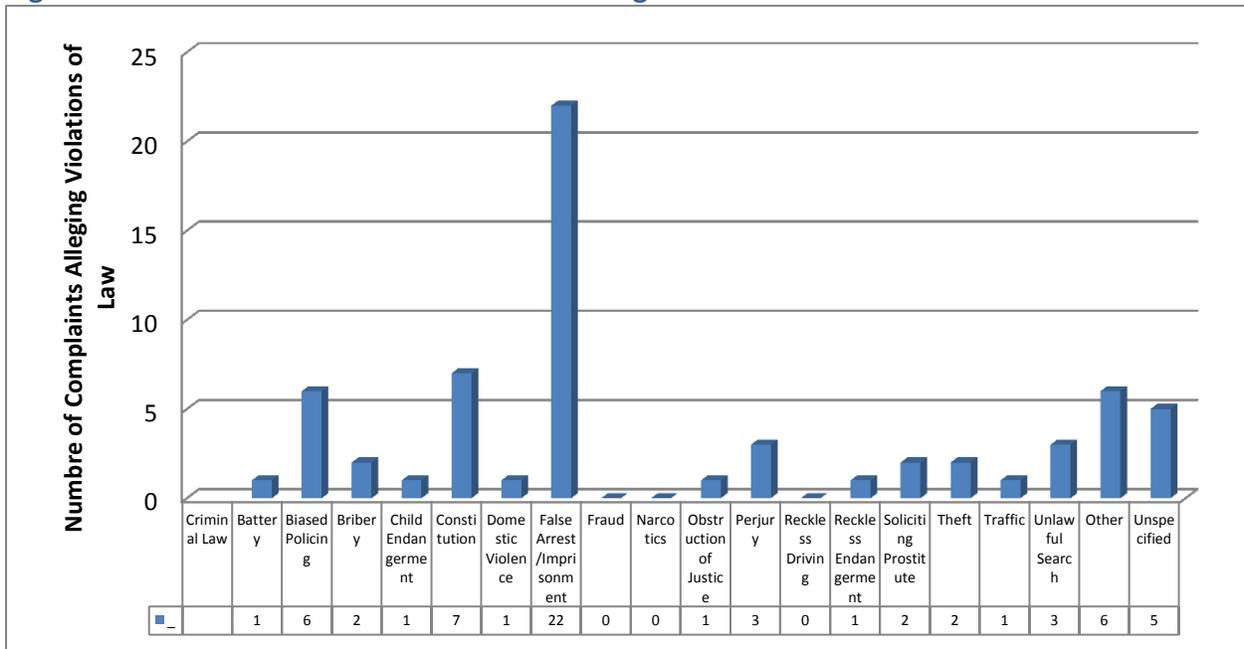
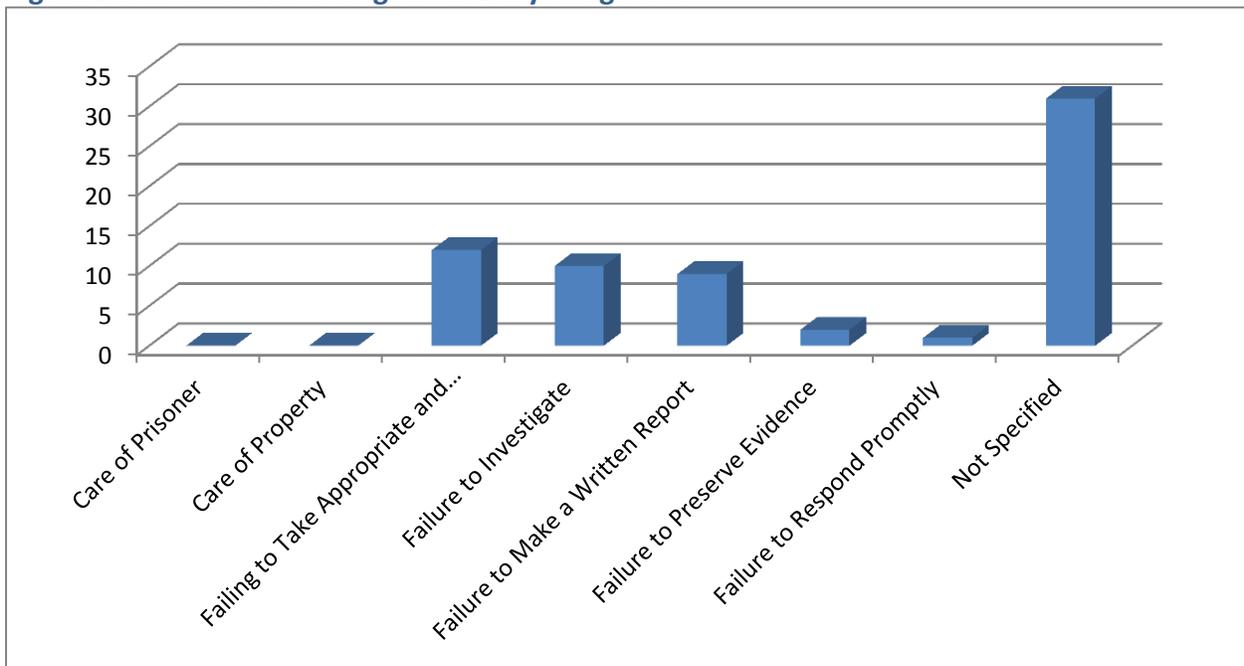


Figure 26: Breakdown of Neglect of Duty Allegations²⁰



¹⁹ “Adherence to Law” allegations are allegations that an officer may have violated a law or rule contained in the Federal or Louisiana State constitutions, criminal or civil statutes, ordinances, or administrative regulations.

Racial Profiling - Stops and Frisks - Fourth Amendment Protections against Search and Seizure

In 2013, the OIPM received six allegations specifically related to racial profiling, 22 allegations of false imprisonment, and three allegations of improper stop and frisk procedure for a total of 31 allegations. These allegations were contained in 22 distinct complaints. The OIPM provides an initial allegation to assist PIB, but the OIPM has limited information during complaint intake. The allegations are subject to change as the investigation develops.

Retaliation against Complainants

Out of the 125 contacts with citizens and officers in 2013, 25 contacts contained a civilian's allegation of retaliation or a fear of NOPD retaliation. For civilians, the most common forms of retaliation alleged are harassment, threats, retaliatory police action (issuing citations, arrests, stops, etc.), and discouragement from filing a complaint or NOPD interference with complaint process. The OIPM tracks retaliation concerns and when the OIPM refers a complaint to PIB, it notes its concern about retaliation. Specifically, the OIPM requests within the body of the complaint that when the subject officer is notified of the complaint, that he/she be counseled in writing to not retaliate against the complainant.

In addition to the 25 members of the public expressing retaliation concerns in 2013, the OIPM also took seven retaliation complaints from NOPD employees containing allegations of interdepartmental retaliation. Common forms of interdepartmental retaliation include other NOPD employees filing retaliatory complaints or threatening retaliatory complaints against whistleblowers; reassignment or the threat of reassignment of whistleblowers; interfering with complaint investigations and/or the disciplinary hearing that results from the complaint investigation; refusing to receive complaints or the failure to investigate complaints; and harassment and/or other unprofessional conduct.

The NOPD retaliation policy created in 2013 is awaiting approval or recommendations from the United States District Court's Monitor and the DOJ. The OIPM monitored retaliation in 2013 and hopes to provide separate recommendations to NOPD regarding policy and training recommendations.

²⁰ "Neglect of Duty" allegations are allegations that an officer failed to properly perform his or her function when the officer was required to perform certain duties and assume certain responsibilities.



Complainants occasionally wish to remain anonymous due to their concerns about retaliation. In 2013, nine out of the 86 complaints forwarded to PIB by the OIPM involved anonymous complaints.

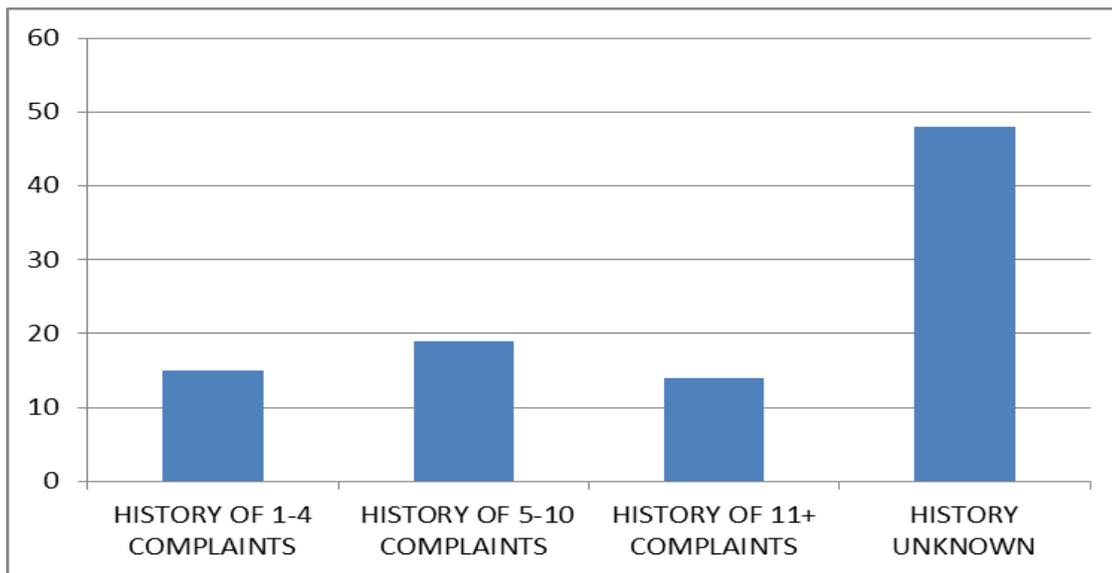
PPEP and EWS

The NOPD redesigned and reinstated the Professional Performance Enhancement Program (PPEP) in 2011. PPEP provided a 40-hour training session to officers identified as possibly being at risk by the Early Warning System (EWS); this Program includes a session taught by the OIPM.

The EWS alerts the NOPD and the OIPM to officers who have received more than three complaints or use of force reports within a 12 month period. The primary goal of EWS is to detect officers at risk of doing serious harm to themselves or to others and to change the behavior of individual officers who have triggered the system. PPEP involves the use of deterrence tools and training tools.

As a complement to the EWS, for each officer involved in a Critical Incident or complaint made to the OIPM, the OIPM reviews the officer's use of force and complaint history to determine if there is a pattern of force or allegations against the officer. The officer's history will determine if the OIPM will recommend that the officer be included in PPEP training. Officers who were the subjects of the complaints the OIPM took, had the following complaint histories:

Figure 27: Officers Histories



In 2013, the OIPM referred NOPD officers to the PPEP 15 times. Of those 15 referrals, nine were unique referrals and 6 were repeated requests to have two different officers referred to PPEP. Three times the OIPM made the request that these same two officers attend PPEP. As a result of the referral, both officers attended PPEP once in 2013. Of the 15 PPEP referrals, eight did not result in the officer attending PPEP classes.



2013 OIPM USE OF FORCE MONITORING ACTIVITIES AND CRITICAL INCIDENT RESPONSE

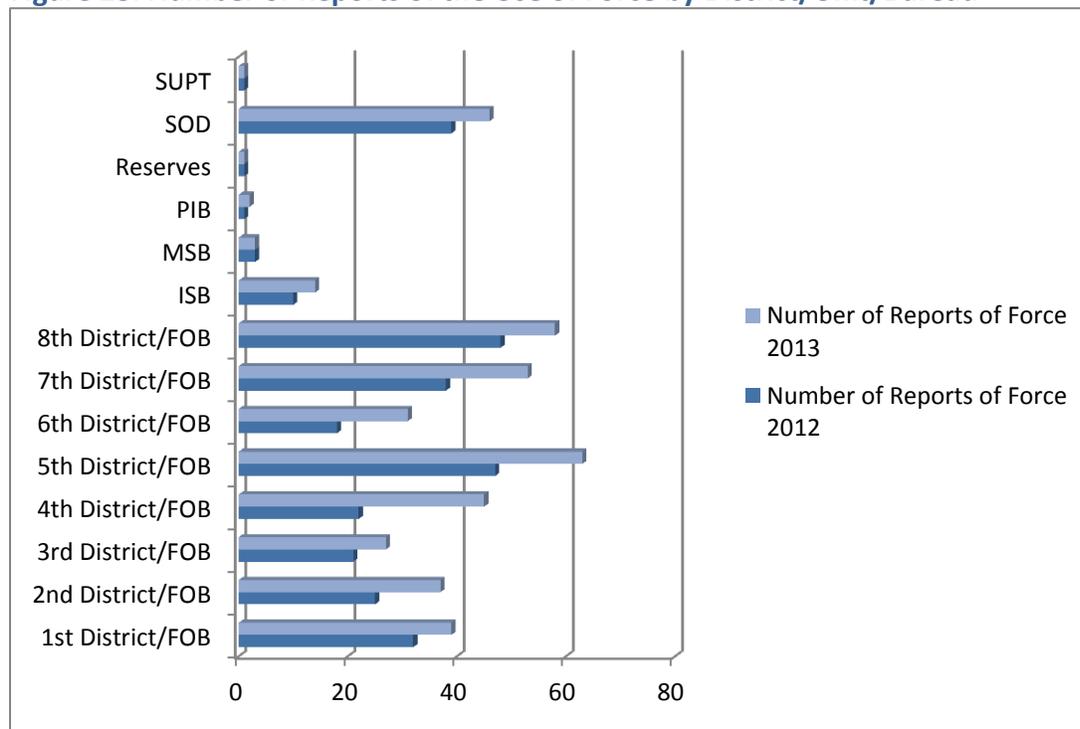
The OIPM is required by City Code § 2-1121 to monitor the quality and timeliness of NOPD’s investigations into uses of force and in-custody deaths.

Uses of Force Incidents

According to the information provided by PIB, there were 420 Use of Force Incidents in 2013.

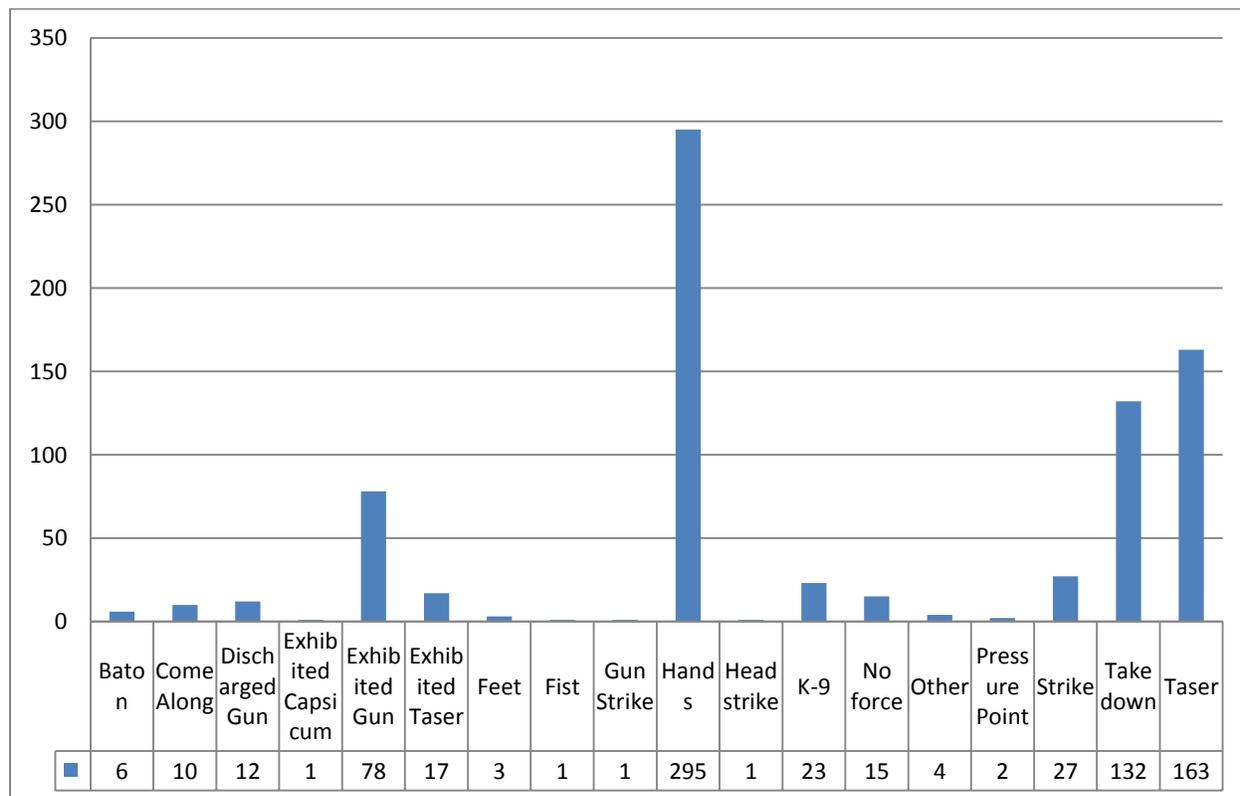
The following table provides the reported uses of force incidents for each District and the Bureaus.

Figure 28: Number of Reports of the Use of Force by District/Unit/Bureau



The following table provides the types of force used in each Use of Force incident report as a whole and by the involved District/Unit/Bureau. There may be more than one type of force used in an incident and reported in a single use of force report.

Figure 29: Types of Force Used - Total



The following table provides a comparison of the number of uses of the Taser in 2012 and 2013. In 2013, there were 127 use of force reports in which Taser usage was documented, up from the 106 reports in 2012. PIB reported that in 2013 there were 46 accidental discharges of a Taser, up from 23 in 2012.

Figure 30: 2012 and 2013 Taser Usage

District/Unit/Bureau	2012	2013
1 st District/FOB	18	17
2nd District/FOB	7	17
3rd District/FOB	13	14
4th District/FOB	9	20

5th District/FOB	22	27
6th District/FOB	9	4
7th District/FOB	17	20
8th District/FOB	17	37
ISB	1	2
MSB	1	2
PIB	0	0
Reserves	0	0
SOD	11	3
SUPT	0	0
Total	125	163

The following table contains civilian demographics from the Use of Force reports included in the IAPRO database. There may be more than one civilian per incident.

Figure 31: Civilian Demographics

Race/Sex	<20 Years of Age	20 to 29 Years of Age	30 to 39 Years of Age	40 to 49 Years of Age	>50 Years of Age	Total
Asian Male	0	0	0	1	0	1
Black Male	58	69	41	15	19	202
Hispanic Male	0	3	3	1	0	7
Indian ²¹ Male	0	0	0	0	0	0
Unknown Male	0	0	1	0	0	1
White Male	1	19	8	4	5	37
Asian Female	0	0	0	0	0	0
Black Female	8	13	6	5	2	34
Hispanic Female	0	0	0	0	0	0
Indian ²² Female	0	0	0	0	0	0

²¹ Refers to an Indian person of South Asian Descent.

Unknown Female	0	0	0	0	0	0
White Female	1	10	3	0	0	14
Total	68	114	62	26	26	296

The following table contains officer demographics from the Use of Force reports included in the IAPRO database. There may be more than one officer per incident.

Figure 32: Use of Force - Officer Demographics

Race/Sex	<20 Years of Age	20 to 29 Years of Age	30 to 39 Years of Age	40 to 49 Years of Age	>50 Years of Age	Total
Asian Male	0	2	4	0	1	7
Black Male	0	34	93	67	38	232
Hispanic Male	0	4	4	3	1	12
Indian ²³ Male	0	0	0	0	1	1
Unknown Male	0	0	0	0	0	0
White Male	0	37	73	42	12	164
Asian Female	0	0	0	0	0	0
Black Female	0	15	21	12	2	50
Hispanic Female	0	0	2	0	0	2
Indian ²⁴ Female	0	0	0	0	0	0
Unknown Female	0	0	0	0	0	0
White Female	0	4	3	5	3	15
Total	0	96	200	129	58	483

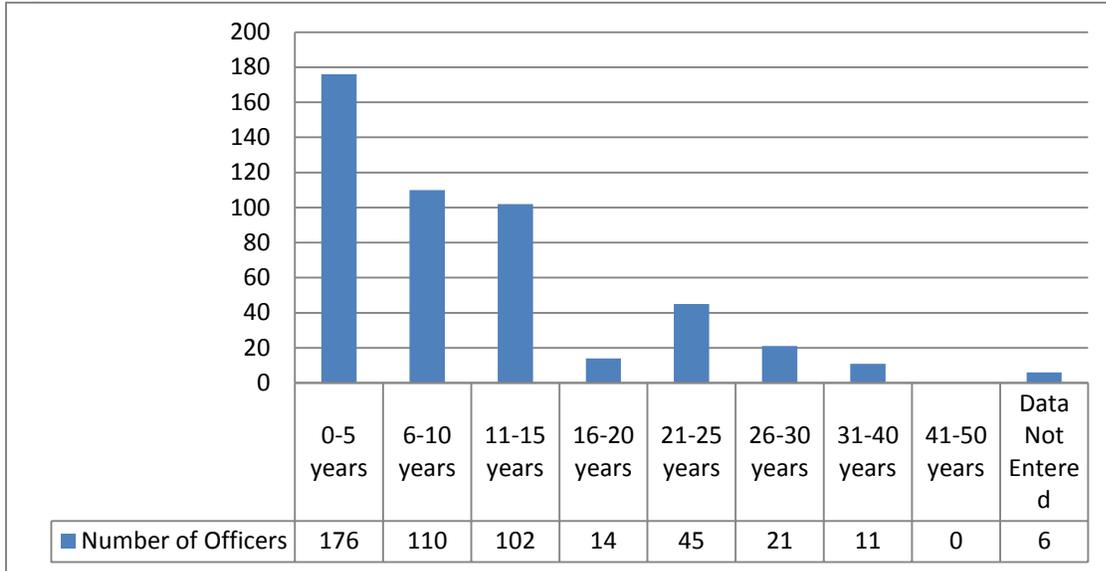
²² Refers to an Indian person of South Asian Descent.

²³ Refers to an Indian person of South Asian Descent.

²⁴ Refers to an Indian person of South Asian Descent.

The following table contains the years of service for officers who were involved in a Use of Force incident.

Figure 33: Use of Force - Officer Years of Service



OIPM Critical Incident Response

Investigations of Critical Incidents, although numerically a smaller percentage of the OIPM’s case monitoring and review functions, are the OIPM’s highest priority. These cases, which include officer-involved shootings and officers’ uses of other deadly force, are often subject to great public scrutiny as well as involving great physical and professional risk to the officers involved. Most importantly, these cases involve the potential loss of life.

In November 2010, the OIPM and NOPD agreed upon a Memorandum of Understanding (NOPD-OIPM MOU) to provide a structure for the personnel of both agencies to work together and to allow the OIPM to fulfill the will of the public codified in the OIPM’s Ordinance. The MOU provides that the OIPM will monitor Critical Incident investigations on the same basis and using the same procedures as the OIPM uses for monitoring civilian and internally generated complaints.

The MOU defines a Critical Incident as:

- All incidents involving the use of deadly force by an NOPD officer, including an Officer Involved Shooting (“OIS”);
- All uses of force by an NOPD officer resulting in an injury requiring hospitalization, (commonly referred to as a law enforcement related injury or “LERI” incident);
- All head strikes with an impact weapon, whether intentional or not;
- All other uses of force by an NOPD officer resulting in a death, (commonly known as a law enforcement activity related death or “LEARD” incident); and
- All deaths while the arrestee or detainee is in the custodial care of the NOPD, commonly referred to as an in-custody death or “ICD”;

Force Investigation Team

In the fall of 2010, the OIPM sent recommendations to NOPD requesting that a specialized investigations team be created in PIB to investigate critical incidents. The unit began operating in early 2012. In 2013, PIB’s Force Investigation Team (FIT) conducted all of the Critical Incident Investigations. Prior to 2013, the NOPD managed its Critical Incident investigations primarily through three units: 1) The Homicide Unit; 2) Investigators in the district; and 3) PIB. Previously, PIB was responsible only for the administrative investigation of the officer. The administrative investigation determines whether the officer followed NOPD’s policies during the incident.

FIT responds to many use of force incidents, as required by the Consent Decree, which are not identified as Critical Incidents under the NOPD-OIPM MOU. Therefore, the OIPM does not roll out to all scenes to which FIT may be called.

OIPM’S Objectives

The two objectives behind the OIPM’s response to the Critical Incidents scenes are to determine whether the NOPD properly managed these scenes and to evaluate the effectiveness of the NOPD’s initial investigations into these major uses of force.

Accordingly, the MOU required the NOPD to perform the following functions for Critical Incidents:

- Notify the OIPM of the occurrence of any Critical Incident, within one hour of its occurrence.
- Designate one supervisory officer of the investigating unit, at the scene, to provide the OIPM with an overview of the incident, access to the scene, and walk-through of the crime scene area and perimeters.



- Provide the OIPM access to the incident report, use of force report and the investigative report (with complete investigation), within 24 hours of the creation of the report.
- Notify the OIPM at least 48 hours prior to the interviews of police officers involved in critical incidents, to allow the OIPM to attend those interviews.
- Assign a lead investigator responsible for keeping the OIPM staff member assigned to monitor the case informed of all pertinent issues.

Additionally, to achieve its objectives, the OIPM asks for and records the following information at each scene:

- Location and District of Occurrence: (Address/Intersection/Description);
- Incident Details;
- Officers Involved (District assignments, Badge/Employee No., rank);
- Subjects Involved (Name, DOB, race, sex, address);
- Deaths (If known);
- Injuries, Number & Injury Type (to officers and subjects);
- # of Bullets/bullet casings/hits;
- Weapons/Caliber;
- Physical Evidence Collected;
- Entry or exit points;
- Pathways taken by the involved officers, subjects and witnesses;
- Any video or audio that will be viewed at the scene by investigators;
- Control of the scene;
- Legality of the entry or detention;
- Legality and appropriateness of the use of force given the total circumstances;
- Appropriateness of the tactics given the total circumstances;
- Appropriateness of the drawing/exhibiting/holstering of the officer's weapon given the total circumstances; and
- Any other concerns or observations.

The OIPM is required to submit a critical incident report to PIB within seven days of the OIPM's receipt of PIB's complete critical incident internal investigation. The OIPM's critical incident report must be submitted to PIB prior to the Administrative Shooting Hearing decision relating to the appropriateness of the use of force. This OIPM written report includes such issues as: investigative techniques, unchallenged assumptions or unconscious biases of the investigators, case law, discipline, training, department policy, as well as a consideration of tactics employed during the incident and investigative thoroughness (depth and scope).

The OIPM was unable to review the investigations of the seven Critical Incident Investigations which were completed in 2013, due to a lack of timely access to the NOPD investigative files for



those seven Critical Incident Investigations. The OIPM hopes to supplement this annual report with a later analytical report which will include a comprehensive review of each of the completed Critical Incident Investigations.

2013 NOPD Critical Incident Statistics

In 2013, there were 17 Critical Incidents. Thirteen of these Critical Incidents involved the firing of an officer's firearm. The types of Critical Incidents which occurred in 2013 are set out in Figure 34 below.

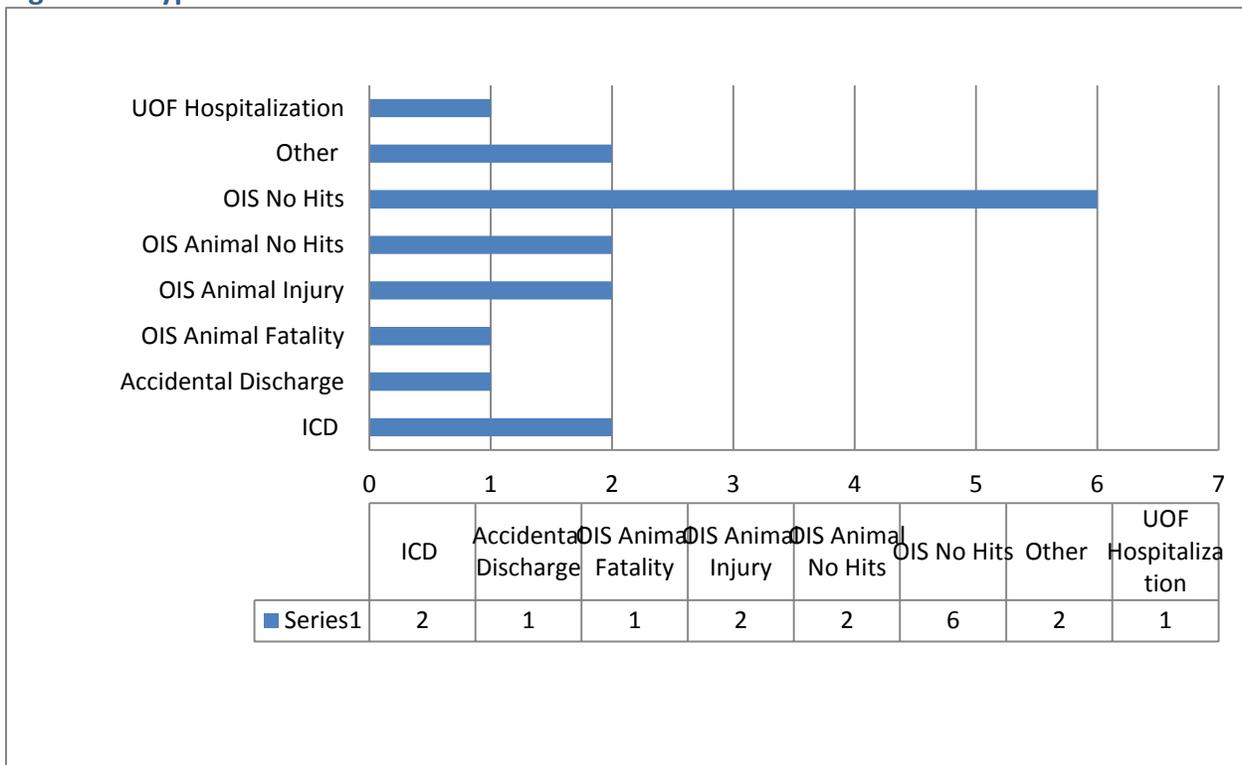
The OIPM went to the scenes of 12 critical incidents. The OIPM was unable to respond to the scene of three incidents, two OISs with no hits and one animal OIS, because the OIPM was not notified in a timely manner of the incidents by the NOPD. The OIPM was unable to respond to one Critical Incident in which a suspect shot himself and also shot the officer, because the OIPM was not provided with enough information regarding the incident. OIPM personnel did not respond to the scene of one OIS with no hits because the OIPM did not answer the call from Command Desk.

Officer and Suspect Injuries

In four of the 17 Critical Incidents from 2013, police officers sustained injuries. These officer injuries included three gunshot wounds and one dog bite. In seven of the 17 Critical Incidents from 2013, involved suspects sustained deaths or injuries. Two involved suspects sustained self-inflicted fatal gunshot wounds. Suspect injuries included one non-fatal gunshot wound, two dog bites, one tasing, and one drug overdose.



Figure 34: Types of Critical Incidents²⁵²⁶



Data Accuracy

The Early Warning System (EWS) relies on the inclusion of both Use of Force incidents and complaints of police misconduct. Through the EWS, PIB and the OIPM are alerted of officers who are receiving numerous complaints or engaging in numerous Use of Force incidents during the calendar year. It is critical that all of these incidents be included in the IAPRO database. PIB is responsible for entering this critical data into the EWS which is housed within IAPRO.

In late March of 2014, when OIPM staff attempted to verify entry of these critical incidents into the EWS, the OIPM found that nine of the Critical Incidents for 2013 were entered in the IAPRO database and eight of the Critical Incidents for 2013 were not entered in the IAPRO database. The OIPM is aware that PIB is working to include all of the cases in the IAPRO database.

As a ‘back-up’ to the IAPRO system, the FIT maintains a spreadsheet of uses of force. OIPM staff attempted to verify entry of these critical incidents into the ‘back-up’ spreadsheet kept by

²⁵ The ICD category refers to the number of In Custody Deaths.

²⁶ The Other category includes one incident where a NOPD officer was allegedly shot by a suspect with the officer’s own weapon and another incident where a NOPD officer was allegedly shot by the suspect using the suspect’s weapon.

FIT. The OIPM found that 15 of the Critical Incidents for 2013 were entered into the 'back-up' FIT spreadsheet and two of the Critical Incidents for 2013 were not entered.

Critical Incident Data

The following figures contain information obtained from the NOPD by the OIPM at the time the OIPM responded to the scene of the Critical Incident.

Figure 35: Month

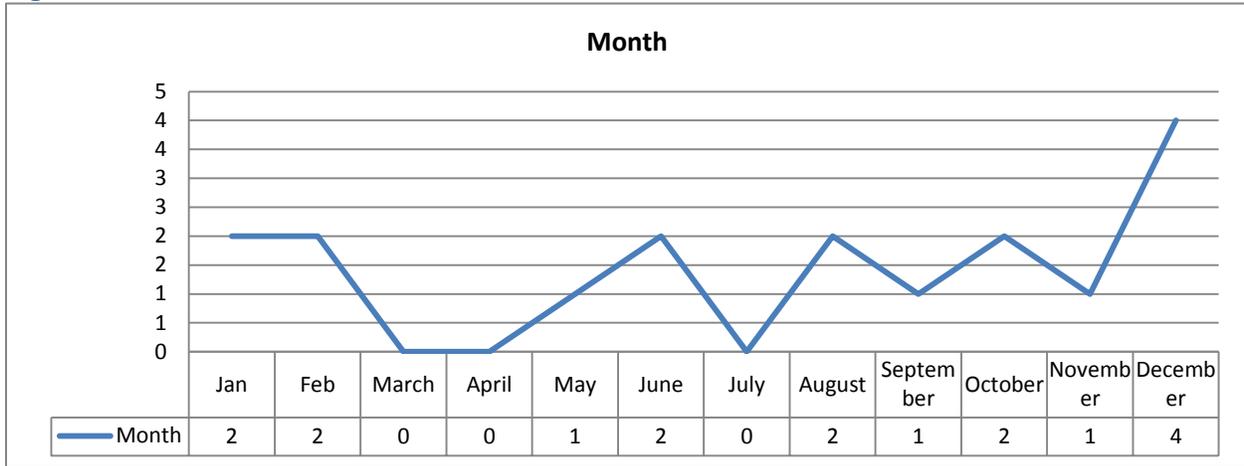


Figure 36: Day of Week

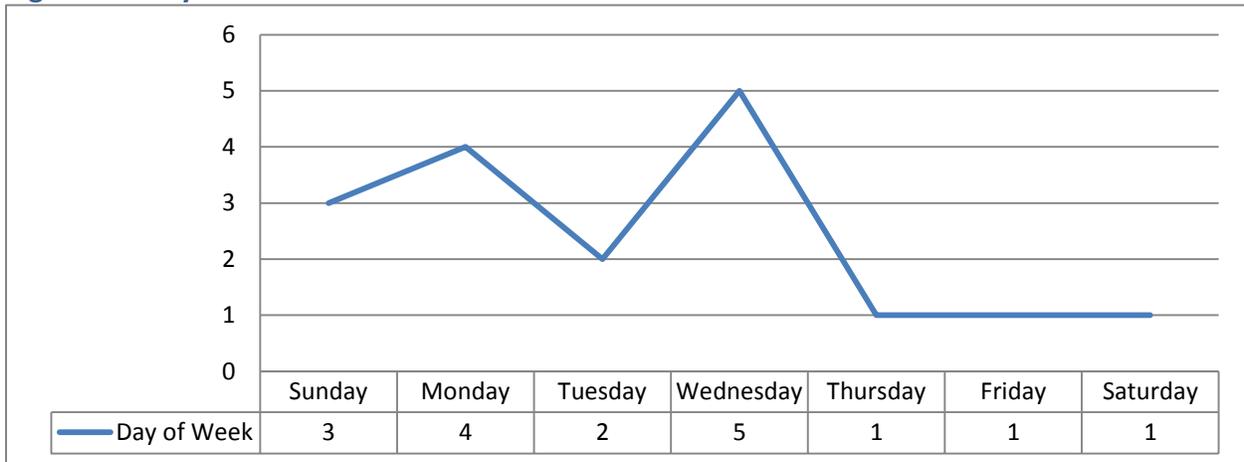
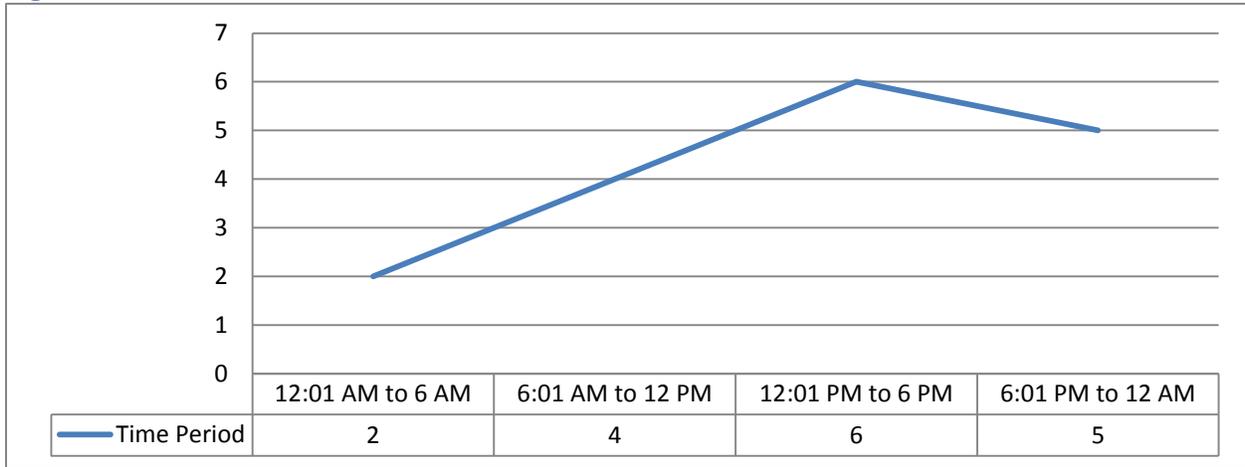
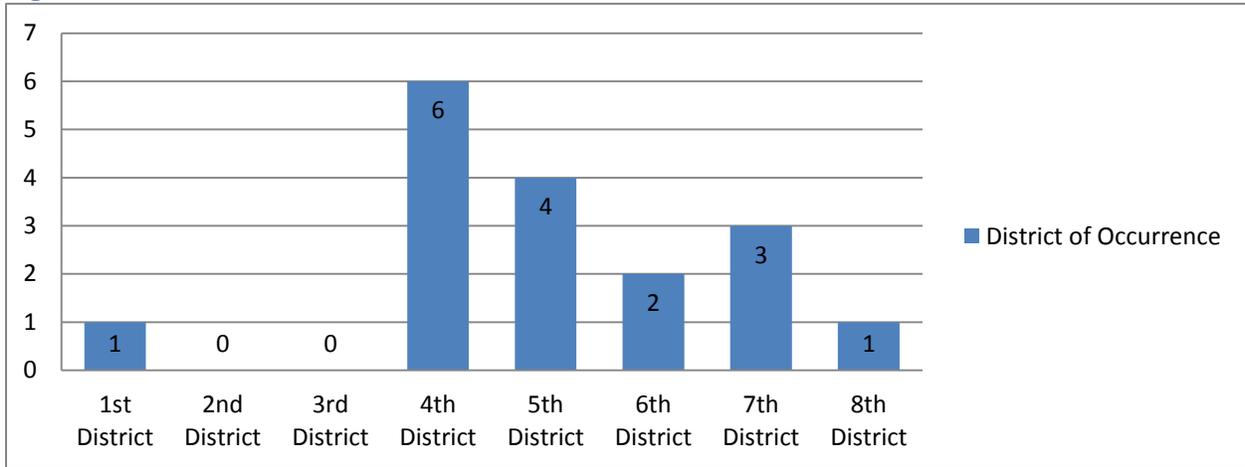


Figure 37: Time



The largest number of critical incidents, six, occurred in the 4th District. The total number of critical incidents for each district is as follows:

Figure 38: District of Occurrence



There were 42 officers involved in the 17 critical incidents in 2013. The officers' information is contained in the following tables:

Figure 39: Rank of the Involved Officer

Rank	Number
Lieutenant	1
Sergeant	5
Officer	35
Police Recruit	1
Total	42

Figure 40: Race/Sex of the Involved Officer

Race/Sex	Number
Black Female	4
Black Male	21
White Female	3
Hispanic Male	1
White Male	13
Total	42

The following table contains the years of service for each NOPD officer involved in a 2013 Critical Incident.

The least number of service years for an officer involved in a Critical Incident was less than one year for a Police Recruit; the longest tenure of an officer involved in a Critical Incident was 31 years of service.

Figure 41: Critical Incidents Years of Service

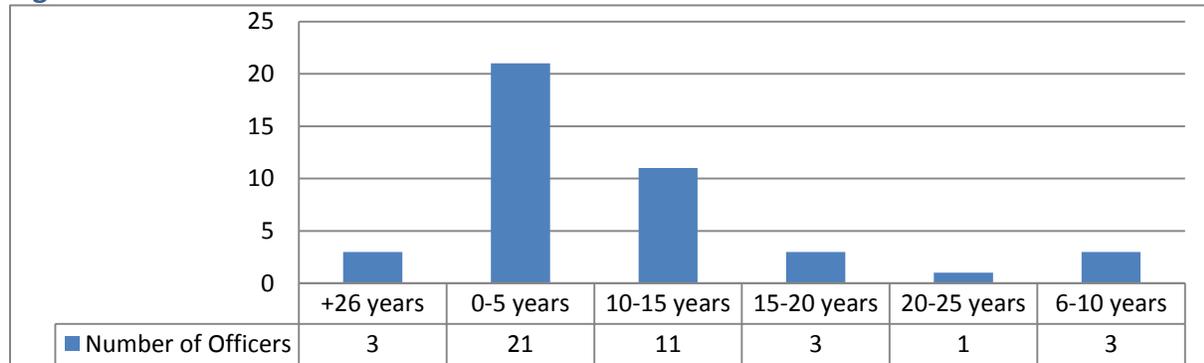


Figure 42: Officer Duty Status-On Duty/ Off Duty/On Detail

On Duty/ Off Duty/Detail	Number
On duty	17
Off duty	0
Detail	0
Total	17

The following table contains the race and sex of involved members of the public which the OIPM recorded at the scene of each Critical Incident. Suspect information was not available in all cases.

Figure 43: Race/Sex of Involved Member of the Public

Race/Sex²⁷	Number
Black Male	9
White Female	1
White Male	2
Total	12

2013 OIPM Critical Incident Initial Observations

The OIPM responded to 12 of the 17 Critical Incidents which occurred in 2013. Being able to review the scene and receive a walkthrough and briefing is essential for the OIPM to determine if the initial part of the investigation is being conducted properly. Reviewing the scene and receiving a walkthrough is also essential for the OIPM to make recommendations to improve the quality of NOPD critical incident investigations.

While on the scene of 12 Critical Incidents, the OIPM observed and collected information regarding the involved officers' conduct during the Critical Incident and the investigative procedures that followed the Critical Incident. Such information is listed below.

The information included below only contains the OIPM's initial questions or concerns which resulted from the OIPM's response to the scene. The OIPM collects and records its initial questions and concerns for use as a guide in the OIPM's review of the completed Critical Incident investigations. The OIPM was unable to review any of the completed 2013 Critical Incident investigations for this report because the files were not provided in a timely manner.

OIPM Notification

In 10 of the Critical Incidents, the OIPM was notified within one-hour of the incident as required by the OIPM-NOPD MOU.

²⁷ This information is only available for incidents in which the OIPM collected information about the race of the person who was subject to the NOPD's enforcement action. Some cases did not involve members of the public, including cases involving animals or negligent/accidental discharges.

OIPM Briefing in Compliance

In 12 of the Critical Incidents to which the OIPM responded, the briefing which OIPM received from NOPD was in compliance in regards to the information or access to the scene, as required by the OIPM-NOPD MOU.

OIPM Walkthrough in Compliance

In 10 of the Critical Incidents to which the OIPM responded, the OIPM's walk through and access to the Critical Incident scene was in compliance with the requirements of the OIPM-NOPD MOU.

Scene Access Controlled

In five of the Critical Incidents to which the OIPM responded, the NOPD did not properly control access to the OIS scene, to prevent the mishandling of evidence and to preserve the chain of custody. In one Critical Incident, the scene was partially controlled, but not completely controlled.

Subject Officer(s) Sequestration

In two of the Critical Incidents to which the OIPM responded, the officers involved in the Critical Incident were properly removed from the scene and monitored by supervisors, to prevent them from discussing the incident with other involved officers or non-investigatory personnel. In 9 of the Critical Incidents, the OIPM questioned whether officers were properly sequestered and in one Critical Incident the OIPM did not have enough information to determine if officers were properly sequestered.

Entry/Detention Concerns

In two of the Critical Incidents to which the OIPM responded, the OIPM questioned the legality of the involved officer's entry onto the premises in which the shooting occurred. In three incidents, the OIPM questioned the legality of the detention of subjects or witnesses involved in the incident.

Use of Lethal/Deadly Force Concerns

In one of the Critical Incidents to which the OIPM responded, the OIPM questioned the appropriateness and legality of the deadly force used by officers.



Tactical Concerns

In seven of the Critical Incidents to which the OIPM responded, the OIPM questioned the appropriateness and safety of the tactics²⁸ employed by the officers leading up to the use of deadly force.

Drawing/Exhibiting/Holstering Concerns

In three of the Critical Incidents to which the OIPM responded, the OIPM questioned the appropriateness of officers drawing their weapons, given the situation.

Bystanders Endangered

In seven of the Critical Incidents to which the OIPM responded, the OIPM observed that bystanders were not endangered by the officer's use of deadly force. However, in four Critical Incidents, the OIPM questioned whether bystanders were endangered by the use of deadly force. In one incident, the OIPM did not have enough information to make a determination.

NOPD Critical Incident Determinations Regarding Law and Policy

The Superintendent of Police must make a determination in each critical incident as to whether the officer's use of deadly force violated NOPD policy. In some cases the Orleans Parish District Attorney must make a determination as to whether the law has been violated.

The United States Supreme Court ruled that under the Fourth Amendment to the United States Constitution, police officers may only use that force which is reasonable and necessary to accomplish a lawful police objective such as an arrest, entry, or detention.²⁹ Additionally, under Louisiana law, police officers have the authority to use deadly force when authorized by their duties/law, in defense of a life, in defense of property, or to prevent great bodily harm.³⁰

²⁸ Tactics are "methods, maneuvers or techniques used to achieve policing objectives. Evaluation of any use of force incident must include an evaluation of the tactics used by the involved officers. Because police officers may encounter an almost infinite variety of scenarios in the field, it is generally impossible to pre-determine the tactics that should be used. Rather, officers must apply general tactical principles and methods to situations that are fluid, dynamic and uncertain. Sound tactical performance thus relies upon officers' ability to evaluate scenarios they encounter, and to make appropriate tactical decisions as to how the scenario should be managed in order to meet the relevant policing objectives." The above definition is quoted directly from the LAPD Police Commission.

²⁹ *Graham v. Connor*, 490 U.S. 386 (1989).

³⁰ Louisiana Revised Statutes 14:18, et. seq.

NOPD Policy

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

NOPD Determinations for 2013

In March of 2014, PIB reported that the 17 Critical Incidents which occurred in 2013 resulted in the criminal and administrative dispositions denoted in the following table.

Figure 44: Determinations Regarding Law and Policy

No. of Criminal Investigations Referred to District Attorney	No. of Incidents Accepted and Rejected by District Attorney	NOPD Administrative Disposition Regarding the Appropriateness of the Use of Deadly Force
1 Referred to DA 3 Not Referred to DA 10 Pending 3 Unable to Determine	1 Rejected	1 Administrative Violation 2 No Administrative Violation 9 Pending 1 Unable to Determine 4 Not Applicable

Critical Incidents, PPEP, and Officer Histories

In 2013, the OIPM found that four officers involved in OIS incidents were required to attend PPEP training the year the incident occurred. Thirty-six officers involved in OIS incidents received an alert in the EWS either before or after the incident occurred. Thirty-one of the officers involved in OIS incidents had a significant complaint and use of force history over the last five years.³¹

³¹ An officer has a significant history if (in this context) he/she has more than five complaints or more than five Uses of Force incidents within the five-year period (preceding the OIS). The PIB's database only contains information about uses of force which occurred since 2011.

2013 COMMENDATIONS

In 2013, the OIPM received nine commendations about NOPD officers from members of the public.

2013 COMMUNITY ENGAGEMENT

In 2013, the OIPM met with dozens of agencies, community organizations, academics, members of the criminal justice system, city officials, and private individuals. The OIPM partnered with groups such as the LGBTQ (Lesbian, Gay, Bisexual, Transsexual, Queer) advocacy group BreakOUT!; the women and family advocacy group, Women With a Vision; and the crime victims' advocacy group, Silence is Violence. OIPM community partnerships facilitate complaint intake, rights and responsibilities trainings and even public input on NOPD policies. For instance, the OIPM worked with BreakOut! in 2013 to deliver a model policy against discriminatory policing to the New Orleans Police Department. Often these OIPM-Community partnerships also facilitate informal solutions to common problems. For instance, Silence is Violence often contacts the OIPM to facilitate better communication between the families of homicide victims and their assigned homicide investigators. As a result of the OIPM contact with the Homicide Division, the Homicide Division normally becomes more attentive to the families concerns.

On a regular basis, the OIPM works with a number of agencies and community partners to deliver Rights and Responsibilities trainings to the public. These agencies and community groups include: the Orleans Parish Sheriff's Office Day Reporting Center, Liberty's Kitchen and others. Rights and Responsibilities trainings teach members of the public how to best conduct themselves during a police encounter and how to recognize and report police misconduct.

Also worthy of note, in late 2013, the OIPM added a certified Spanish interpreter to our team. In the two weeks of her employment encompassed by this report, she went to two Spanish-language outreach events and facilitated the planning of several more for 2014. Appendix A contains a list of community events initiated or attended by the OIPM.



The OIPM continued to employ social media as a means of communication in 2013. OIPM staff also appeared in print, on the internet, on radio, and on television, including WBOK, WWL radio, WWL TV 4 News, WDSU, FOX 8 News, The New Orleans Advocate, the Times-Picayune, the Lens NOLA blog, and the New Orleans Tribune in 2013.



Appendices

Appendix A: 2013 OIPM Community Interactions

Date	Type	Sponsor	Description	Council District
1/18/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	ALL
2/6/13	Rights and Responsibilities Training	Day Reporting Center	KYR Session	All
2/19/13	Neighborhood Association	Bywater Neighborhood Association	15 minute presentation on OIPM	D
2/21/13	Neighborhood Association	Algiers Point Association Board	15 minute presentation on OIPM	A
2/22/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	ALL
2/22/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	All
3/14/13	Neighborhood Association	Faubourg St. Roch	15 minute presentation on OIPM	D
3/22/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	ALL
3/28/13	Meeting	Congress' Open World Program	Haitian Visitors	All
3/28/13	Neighborhood Association	Home First Neighborhood Association	15 minute presentation on OIPM	D
4/19/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	ALL
5/9/13	Neighborhood Association	Carrolton Riverbend Annual Meeting	15 minute presentation on OIPM	B
5/24/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	ALL



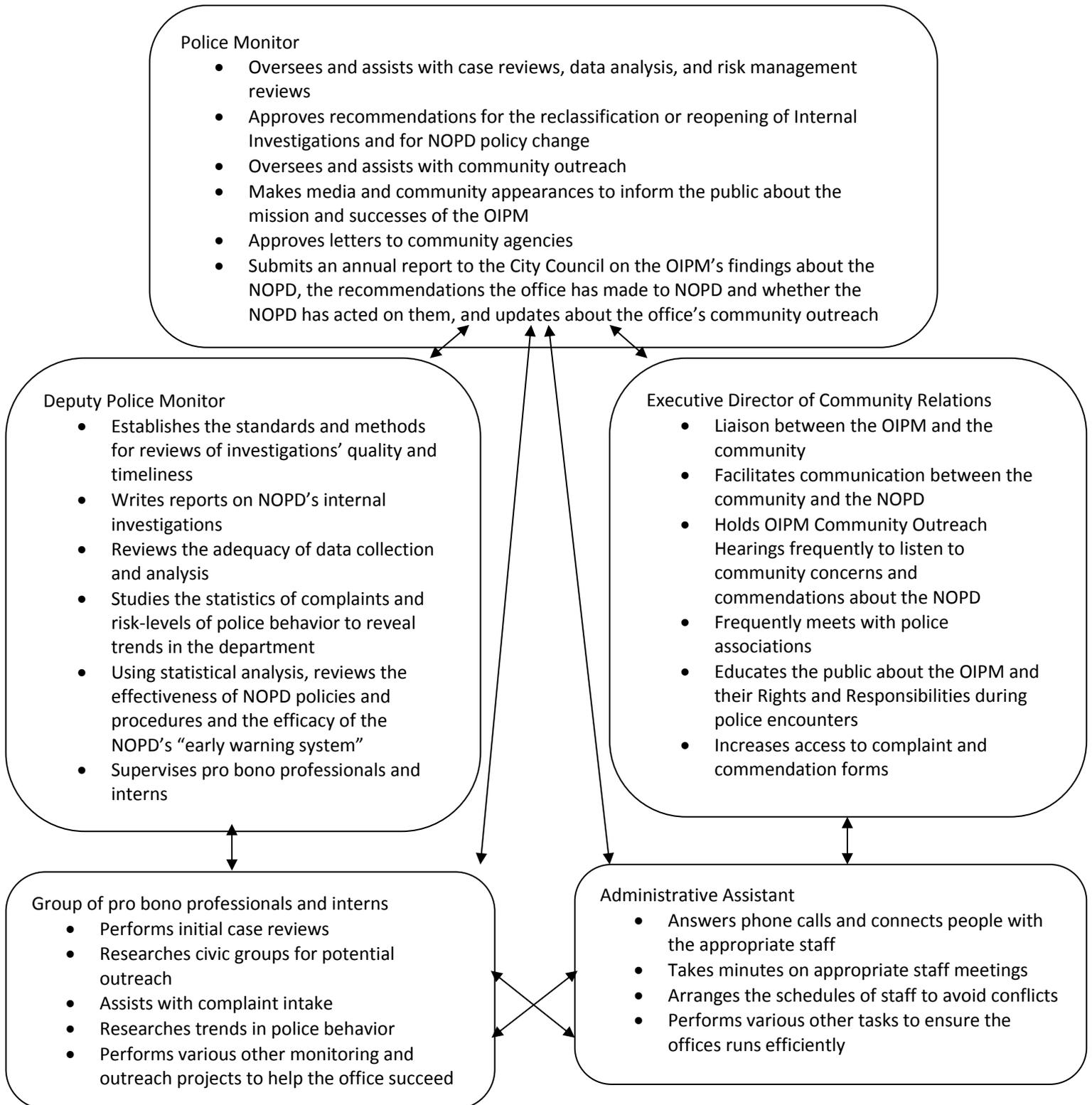
Date	Type	Sponsor	Description	Council District
6/6/13	Hispanic Outreach	St Anna's Episcopal	KYR Session in Spanish	A
6/14/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	ALL
6/18/13	Community Meeting	Central City Renaissance Alliance	30 minute presentation	B
7/8/13	Rights and Responsibilities Training	Day Reporting Center	KYR Session	All
7/9/13	Rights and Responsibilities Training	Day Reporting Center	KYR Session	All
7/11/13	Neighborhood Association	Faubourg Delaise Neighborhood Association	10 minute presentation on office	A
7/12/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	All
7/12/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	ALL
7/16/13	Hispanic Outreach	St Anna's Episcopal	KYR Session	C
8/9/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	All
8/9/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	ALL
8/20/13	Neighborhood Association	Central City Renaissance Alliance	10 minute presentation on office	B
8/26/2013	Professional Association	Community Mediation Services	15 minute presentation on mediation program	All
8/30/13	Volunteer Recruitment	Tulane - Philosophy 101	One hour service learning presentation.	All
9/9/13	Rights and Responsibilities Training	BreakOut	KYR Session	ALL



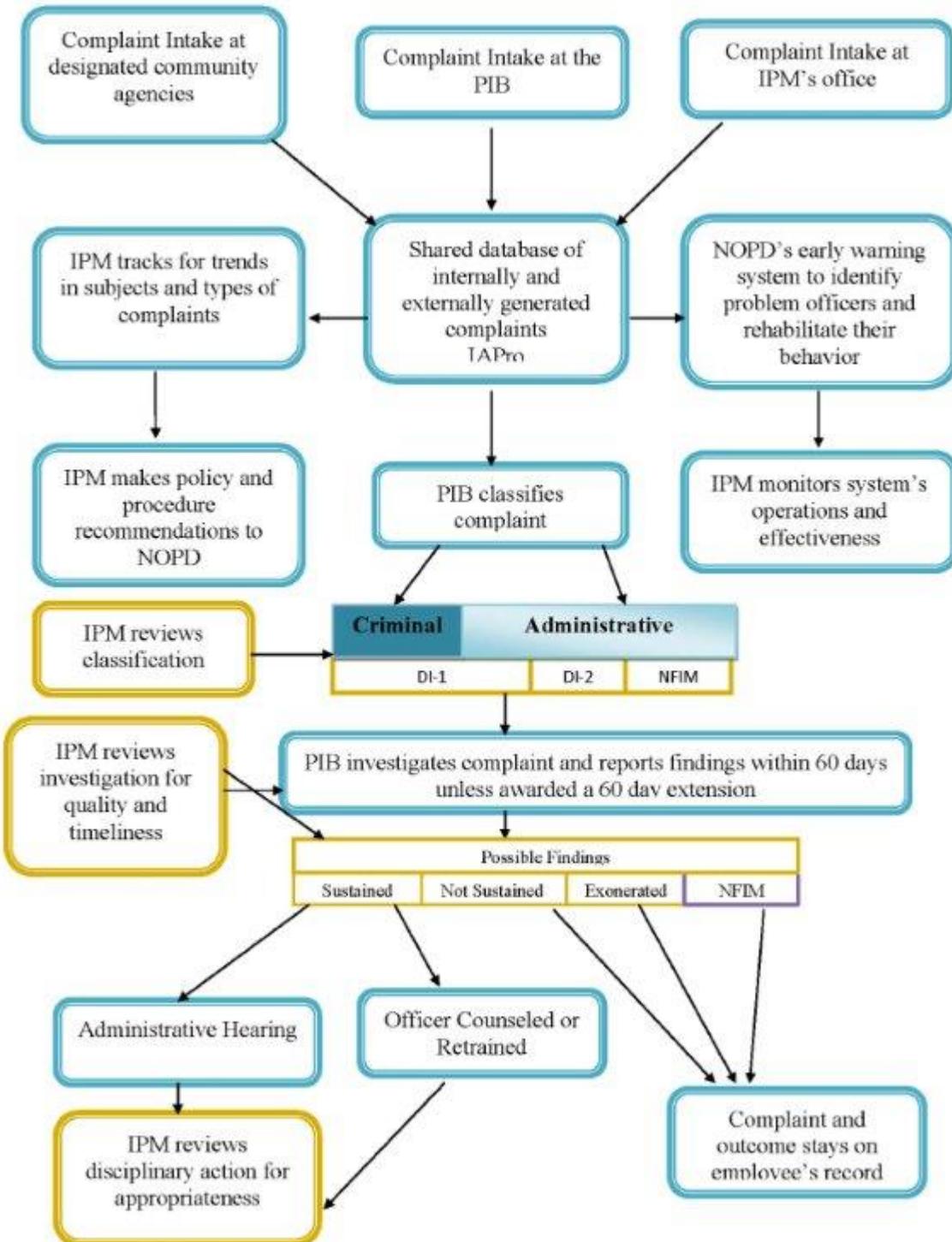
Date	Type	Sponsor	Description	Council District
9/12/13	Rights and Responsibilities Training	BreakOut	KYR Session	All
9/13/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	All
9/13/13	Rights and Responsibilities Training	Liberty's Kitchen	KYR Session	All
9/18/13	General Outreach	American Friends Service Committee	Attended Board Meeting	All
9/23/13	Meeting on Consent Decree	Community United for Change	Q/A meeting on Consent Decree Process	All
9/24/13	Meeting on Consent Decree	Community United for Change	Meeting	All
9/24/13	Meeting on Consent Decree	Community United for Change	Public Meeting with Monitoring Team	All
9/30/13	Rights and Responsibilities Training	American Friends Service Committee	KYR Session	All
10/7/13	Public Presentation	ILEAA	ILEAA Austin, TX (Susan)	N/A
10/8/13	Public Presentation	ERB	Presentation to the ERB	All
11/1/13	Meeting on Oversight	Congress' Open World Program	Eastern Bloc Countries	N/A
11/20/13	Citizen's Police Academy Presentation	NOPD	General Presentation	All
12/18/13	Congreso de Jornaleros	Worker's Center	General Presentation	All
12/22/13	Los Mundos Unidos	VAYLA	Event Tabling	All
12/23/13	Interfaith Breakfast	Self-Organized	Outreach to religious leaders	All
3/19/14	Radio program	la mega 107.5	30 minute presentation	All



Appendix B: Overview of OIPM Roles



Appendix C: Overview of Complaint Process



Appendix D: Overview of OIPM Critical Incident Monitoring Process

