

**Office of Inspector General
Independent Police Monitor**

City of New Orleans

2010 ANNUAL REPORT

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Summary

The Inspector General conducted a nationwide search for the Independent Police Monitor (IPM) and made the selection on April 23, 2010, after a well attended public process.

Prior to the beginning of her tenure on June 14, 2010, the IPM met with the new Mayor and new Superintendent of Police in May. Both pledged to cooperate with the mission of the IPM, which made for a new start between the IPM and NOPD. Prior cooperation had been negligible, which resulted in a dearth of information for the IPM's initial Annual Report.

One of the IPM's first acts was to follow through on the Inspector General's (IG) offer to procure an internal affairs database for the NOPD's Public Integrity Bureau. Additionally, computers and a scanner were provided by the OIG to help facilitate the sharing of information between PIB and the IPM. The database will be a monumental tool in achieving the objectives of the office.

The crowning achievement of 2010 was the successful collaboration with the NOPD on a protocol that is a blue print for the sharing of information between the two departments. The agreement represents a milestone in the NOPD's path to regaining the trust of the public by embracing transparency and oversight.

2010 also heralded the IPM's first official recommendation to the NOPD. This recommendation was to establish a new "critical incidents" investigations team to be under the leadership of the Deputy Superintendent of the Public Integrity Bureau. This team and its investigators will be more readily available to the IPM to monitor. The recommendation was formed after the IPM was present during the investigations of several Officer Involved Shootings (OIS) and was able to observe the current investigative process. This recommendation is also timely in that the spotlight has been turned on the criminal trials of officers involved in questionable shootings and cover-ups of the resulting investigations.

Last, the IPM welcomed its Executive Director of Community Relations after a thorough search. The new Director has reinstated the IPM's quarterly Council District meetings, prepared handouts and conducted trainings regarding the public's rights and responsibilities during encounters with police.

Mission and Responsibilities of the IPM

The IPM is a civilian police oversight agency within the Office of the Inspector General. It is completely independent of the New Orleans Police Department (NOPD). Its mission is: 1) to improve cooperation and trust between the community and the NOPD through objective review of police misconduct investigations; 2) to identify patterns of or trends in misconduct; 3) to recommend or develop improvements in police policies, procedures, tactics, and training that will serve to increase police integrity and improve the performance of the police department; 4) to help create systems that identify potentially problematic behavior so that action can be taken before discipline is warranted; 5) to reach out to the community to inform it about the activities of the IPM and to listen and respond to broader community concerns.

Staff

The IPM has a staff of three: the Independent Police Monitor, the Deputy Police Monitor and the Executive Director of Community Relations. The IG has also provided an administrative assistant to the IPM for essential office management tasks. At the current time, the Deputy Police Monitor (DPM) position is not staffed. However, a new Deputy Police Monitor has been selected and will begin on April 4, 2011. The DPM was selected in March after a broad field of highly qualified candidates applied for the position.

Complaint Intake

The IPM serves as an alternate complaint intake site for those who prefer not to complain directly to the NOPD Public Integrity Bureau (PIB) about conduct of NOPD officers. The IPM has also entered into community partnerships with three organizations to conduct complaint intake off site. Safe Streets/Strong Communities is located in the Central City area. The Hispanic Apostolate of Catholic Charities will take complaints from Spanish speakers, and Women with a Vision will take complaints from the Lesbian, Gay, Bisexual, and Transgender (LGBT) community. Complaint forms and information about the operations of the IPM have been translated into Spanish and will soon include a Vietnamese translation. Other community partnerships in different areas of the city will be formed as the office continues to spread the word about its mission. From January to December of 2010, the IPM received 111 complaints of misconduct from the public. With the acquisition of new internal affairs software for PIB, the IPM will be able to provide statistical reports regarding the types of complaints received, districts in which complaints are received, and officers receiving complaints.

Monitoring and Review Activities

The IPM is required by City Code §2-1121 to monitor the quality and timeliness of NOPD investigations of civilian and internally generated complaints of officer misconduct, use of force and in-custody deaths, as well as internal investigations and any discipline imposed. In its first Annual Report, the IPM was unable to report on this function because the NOPD refused to produce necessary documents.

In June of 2010, the new IPM began attending PIB's weekly Comstat meetings. During these meetings, the IPM receives updates on the investigations into complaints of misconduct taken by the IPM and issues of public significance. The IPM continues to meet with the Deputy Superintendent of the Public Integrity Bureau and her staff to discuss cases that are in the media and important to the public.

In 2010, the IPM was called out to the scene of five (5) officer involved shootings. Being able to review the scene and receive a walkthrough and briefing are essential for the IPM to determine if the investigations are being conducted properly. The IPM will also review the resulting investigations and attend the administrative shooting hearings as well.

In June, the IPM attended the United States Department of Justice's (DOJ) Police Pattern or Practice Roundtable meeting, which included the Superintendent of Police and other police executives, academics, and DOJ staff. The purpose of the Roundtable was to conduct a comprehensive review of the DOJ's law enforcement pattern and practice authority under the United States Code. The IPM also met with the DOJ during its investigation of the NOPD during 2010 to provide information about the IPM's role in the reformation of the NOPD.

Statistical Information from the Public Integrity Bureau

The IPM is also required to review and analyze the numbers and types of complaints, as well as to assess the adequacy of data collection and analysis. The reviews and analyses will assist the IPM in tracking trends regarding the types and sources of complaints. In its first Annual Report, the IPM was unable to report on this function because the NOPD had refused to produce necessary documents. This year we can report that according to PIB there were 1636 complaints received in 2010, up from 1456 in 2009. The new internal affairs shared database will allow for future statistical reports regarding the productivity of PIB.

Improvements by the NOPD

Selection of Superintendent and Deputy Superintendent of PIB

On May 6, 2010, Ronal Serpas was appointed Superintendent of the NOPD. Immediately upon his appointment, he met with the IPM to discuss building transparency into the oversight process and advised his staff to cooperate with the office.

Superintendent Serpas then appointed former deputy city attorney Arlinda Westbrook to oversee the Public Integrity Bureau, which investigates most of the complaints against NOPD officers.

Deputy Superintendent Westbrook immediately began working with the Justice Department as well as the IPM. She further developed the truthfulness policy which allows the department to fire any officer who lies during the performance of his/her duties.

Acceptance of New Internal Affairs Database

The IG offered to procure a new database for PIB in 2009, however it was rejected by the NOPD. Upon his appointment, Superintendent Serpas accepted the IG's offer of the database, computers and a scanner to assist PIB and the IPM in the performance of their duties. Thereafter, the City's procurement process was followed to bring the database and hardware to PIB. At this time the database is functioning and will soon house statistical information for 2006-2011. Both offices are working to make the data from prior years accessible as well.

Cooperation with the Department of Justice

Beginning in May 2010, the Mayor and Superintendent welcomed the internal review of the operations for the NOPD by the DOJ. The DOJ was able to review operations, including the NOPD's training, hiring, and disciplinary processes. Following a comprehensive investigation, the DOJ announced its principal findings on March 17, 2011: that the NOPD has engaged in patterns of misconduct that violate the Constitution and federal law. The findings are a blueprint for change within the Department.

65-Point Plan for Reforming the NOPD

On August 23, 2010, Superintendent Serpas announced a plan to restructure the department. Most notable, it included a rule making it a cause for dismissal for any officer to lie, make a materially false statement within the department with the intent to deceive, and to write inaccurate or false police reports. Given the recent revelations regarding the NOPD's fabricated

investigations into allegations of officer misconduct, this new rule is a commendable effort to restore the credibility of NOPD officers.

Protocols

As required by City Code §2-1121, on November 10, 2010, the IPM and NOPD agreed to a Protocol governing interaction and document sharing between the NOPD and the IPM. The agreement also included a blueprint for sharing information in the new internal affairs database and early warning system. The Protocols were agreed to after several months of meetings between the IPM, Superintendent Serpas and the Deputy Superintendents.

Outreach and Accountability

In 2010, the IPM met with dozens of agencies, community organizations, academics, members of the criminal justice system, city officials, and individuals. Most notable, the IPM has coordinated Know Your Rights Trainings for the public in conjunction with the Orleans Public Defenders' Program and community partners. IPM staff also appeared in print, on radio, and on television, including WBOK, WWL radio, WWL TV 4 News, WDSU, FOX 8 News, the Times-Picayune, and New Orleans Tribune.

Appendix A contains a list of community outreach events initiated or attended by the IPM's Executive Director of Community Relations since she was hired in September. The Executive Director expanded the IPM's methods for communicating with the public to include Facebook and Twitter.

Also in 2010, the IPM won the bid to host the annual conference for the National Association for the Civilian Oversight of Law Enforcement, which will be held in September 2011.

Conclusion

Despite not being fully staffed for most of 2010, the IPM had a productive and eventful year. The IPM worked hard to establish the basic operations of the office, to create solid bonds with affected communities and stakeholders, and to agree to a cooperative framework with the NOPD. With the impending arrival of the DPM, the IPM looks forward to an even more productive and informative 2011.

Appendix A- 2010 IPM Outreach Events

<u>Date</u>	<u>Description</u>
9/28/10	Attended a discussion between the DOJ and the LGBT community re: policing issues.
9/30/10	Attended Community Speakout on Policing organized by Carmelita Freeman of the DOJ.
10/5/10	Attended Cops and Clergy Press Conference.
10/6/10	Organized presentation of the IPM-NOPD Memorandum of Understanding to City Council's Criminal Justice Committee.
10/21/10	Attended 6th District, NOPD Community COMSTAT.
10/27/10	Attended SSSC Member Meeting, regarding how to file a complaint.
10/28/10	Attended Holy Cross Community Meeting.
11/10/10	Attended DOJ's course on Responding to accusations of racial profiling.
11/29/10	Presented to University of New Orleans' Race Studies Course with Norris Henderson and Matt Olsen.
12/7/10	Attended New Orleans East Criminal Justice Forum.
12/7/10	Attended Community United for Change - People's Consent Decree Meeting.
12/16/10	Attended Community United for Change - Final People's Consent Decree Meeting.
12/16/10	Organized Know Your Rights training with Safe Streets/Strong Communities, VOTE, and RAE.