

Office of the Independent Police Monitor

City of New Orleans

2017 Annual Report: Complaints and Discipline



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Independent Police Monitor

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The Office of the Independent Police Monitor (OIPM)

Mission and Responsibilities

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

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

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



OIPM Recommendations from 2016 Annual Report

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

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

NOPD 2016 Response: N/A

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

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

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

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

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

NOPD 2016 Response: N/A

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

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

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

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

2016 Recommendation 5:

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

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

Action Taken by NOPD: None (See Recommendation 4)

Recommendation 6:

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

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

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

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

NOPD 2016 Response:

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

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

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

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

Recommendation 9:

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

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

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

2017 Contacts with the Public and Complaints Taken by the OIPM

The OIPM Complaint Process

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

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

PIB does not investigate all complaints filed with NOPD or the OIPM. The OIPM's Mediation unit handles some cases.³ When a case is suitable, both the complainant and the officer can opt for mediation as an alternative to the traditional investigation process. A mediation session is held in a private room in a community space (community center, library, church)

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

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

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



with two trained, experienced mediators who provide the participants with the opportunity to address their perspectives on their encounter and engage in a meaningful dialogue to better understand each other’s positions and come up with their own agreements for a solution.

Contacts, Complaints, Commendations and Inquiries

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

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

Below is a breakdown of all OIPM contacts for 2017:

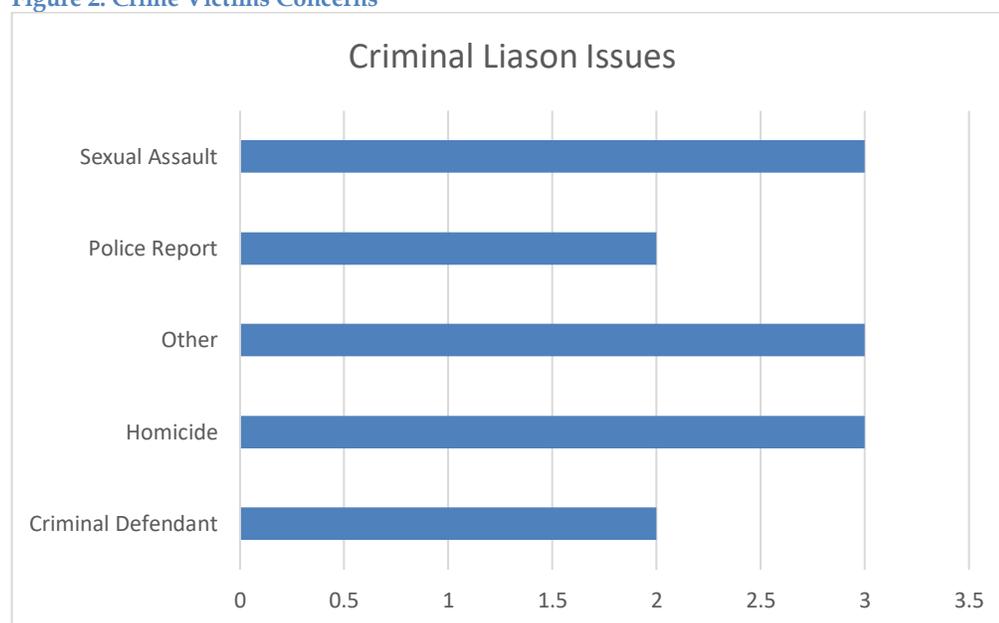
Figure 1: OIPM Contacts

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

2017 Criminal Liaison Cases

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

Figure 2: Crime Victims Concerns



2017 Commendations

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

Details about the two commendations OIPM processed are as follows:

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

Risk Management

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

OIPM's recommendations break down as follows:

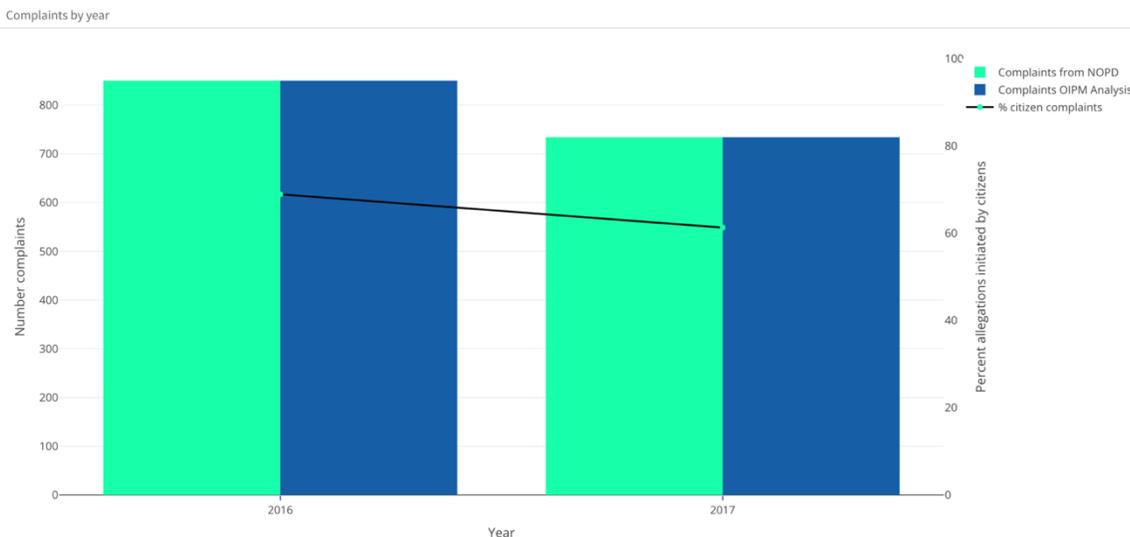
Figure 2: Risk Management Recommendations

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

2017 Complaints & Discipline

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

Figure 3: Complaints by Year



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

Figure 5: Allegations by Year

Allegations by year

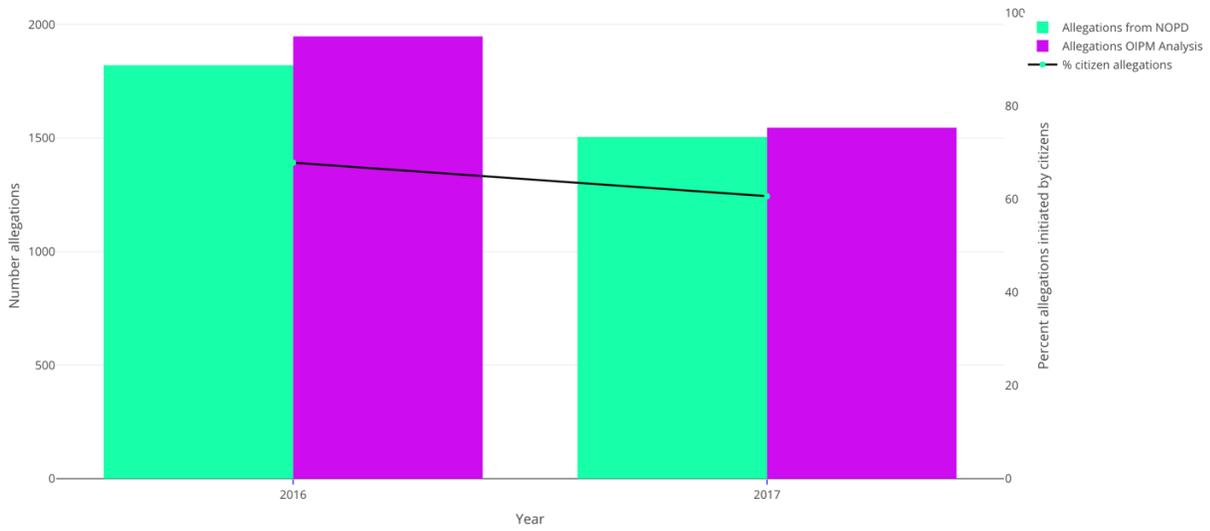
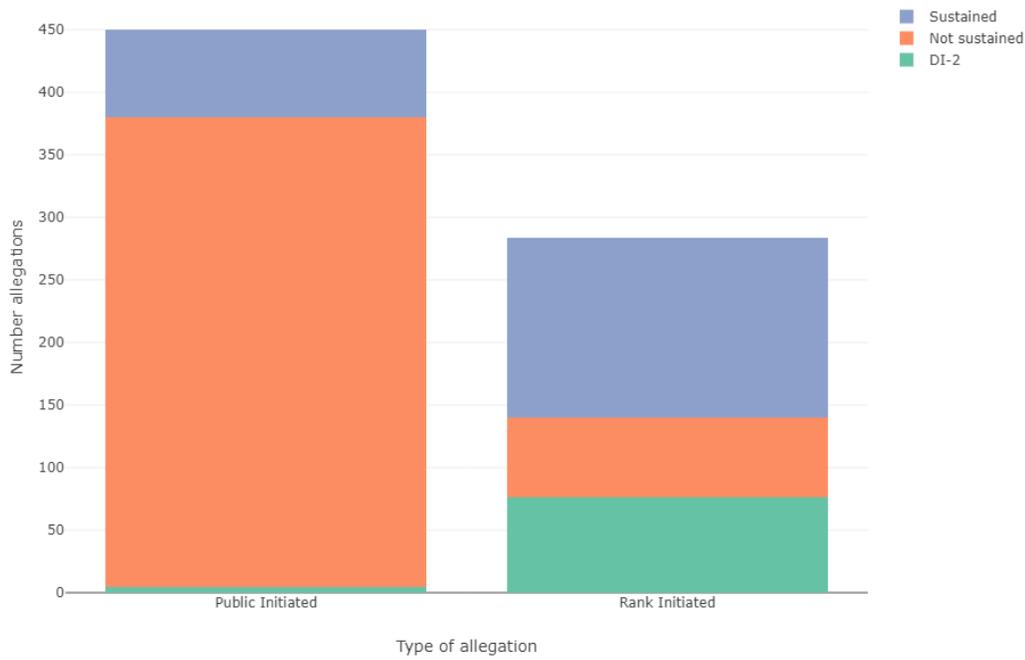


Figure 4: Public Initiated v Rank Initiated Allegations



Allegation Analysis

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

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

⁴ NOPD Operations Manual Policy 52.1.1 Paragraphs 77-80

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

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

The following information is about the 734 public and rank initiated complaints. These complaints contained 1,546 allegations – an average of two (2) allegations per complaint. Of those complaints, 450 were marked as public initiated and 284 were marked rank initiated.

Allegation Types

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

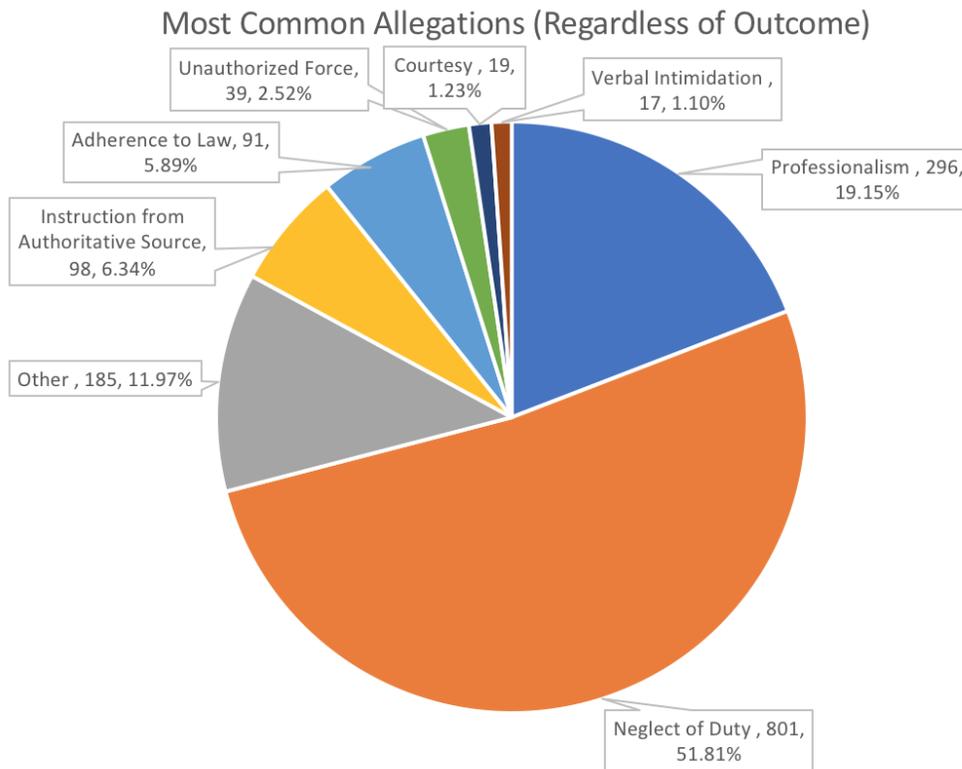
A complaint may contain more than one allegation. For instance, if a person reported a burglary in their home and the responding officers were distracted by other matters, they might allege that the officer was both discourteous and that he neglected his duty to fully investigate the burglary. For this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

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

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

the following chart:

Figure 7: Most Common Allegations



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

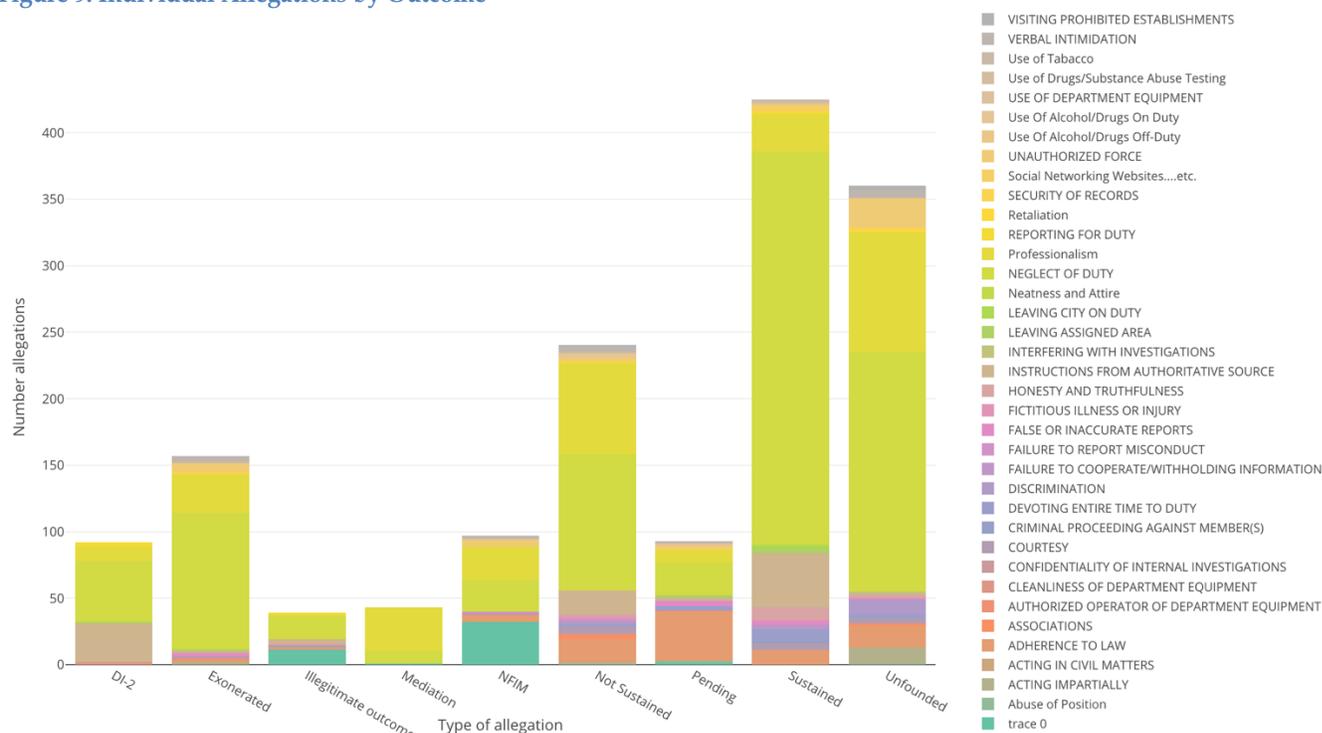
Figure 8: Neglect of Duty Breakdown

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

Disposition Analysis

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

Figure 9: Individual Allegations by Outcome



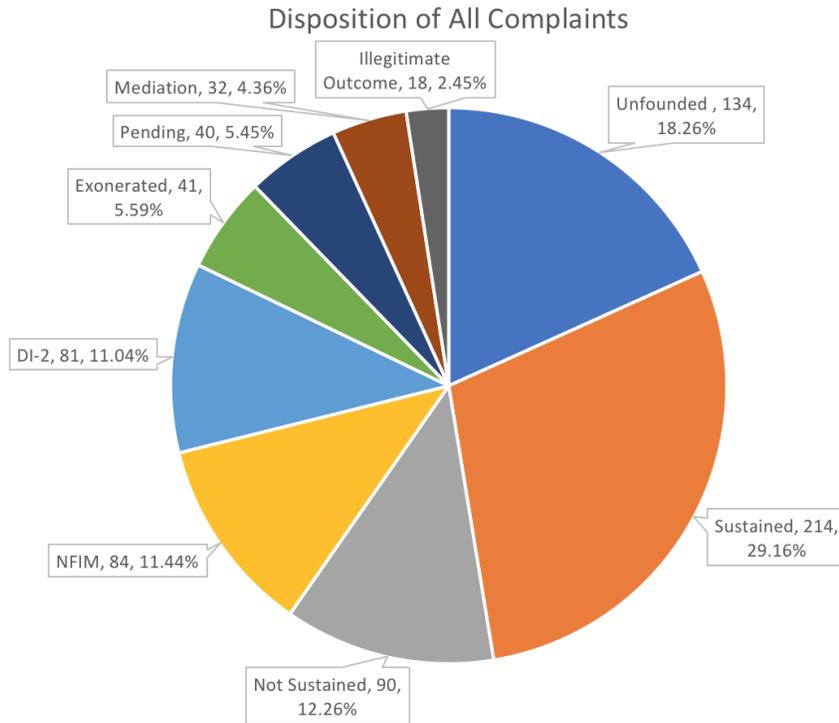


Figure 10: Dispositions of All Complaints

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

(Clarified 12-10-18)

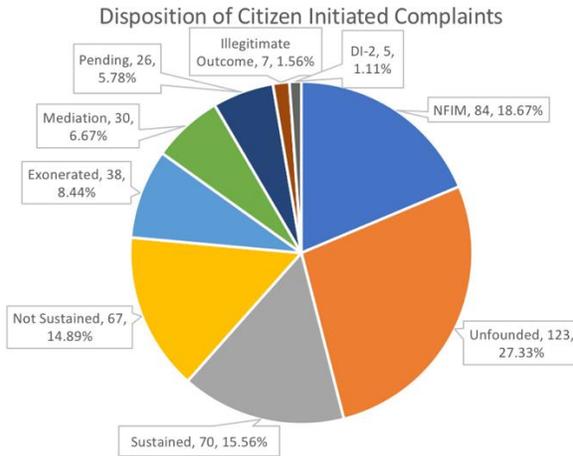


Figure 11: Disposition of Citizen Initiated Complaints

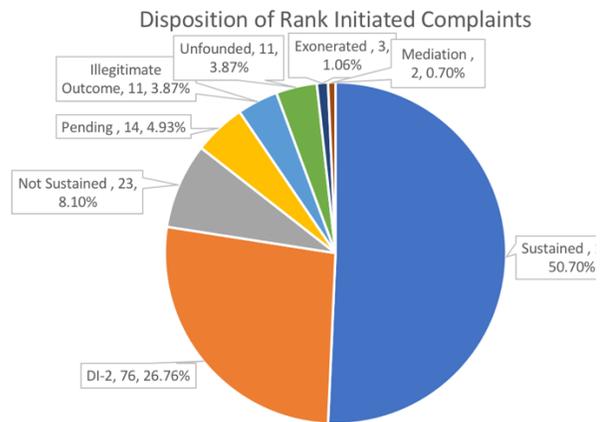


Figure 12: Disposition of Rank Initiated Complaints

Figure 13: Most Common Sustained Allegations

Most Common Sustained Allegations

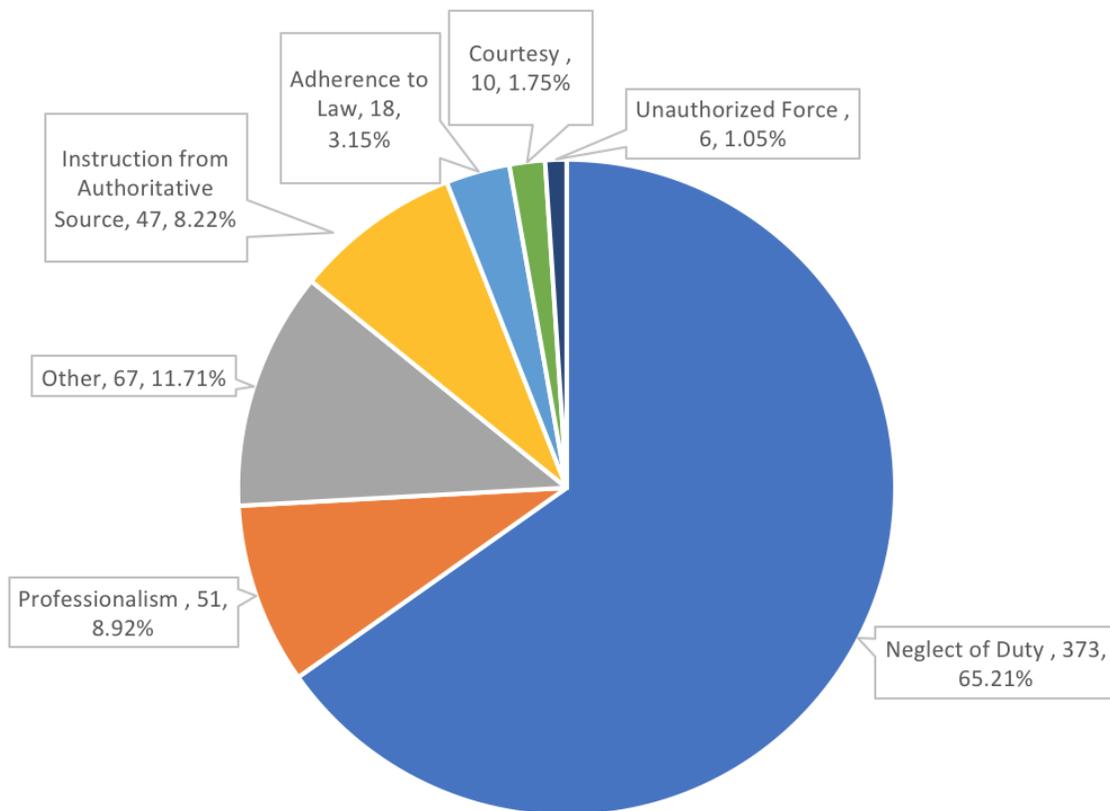
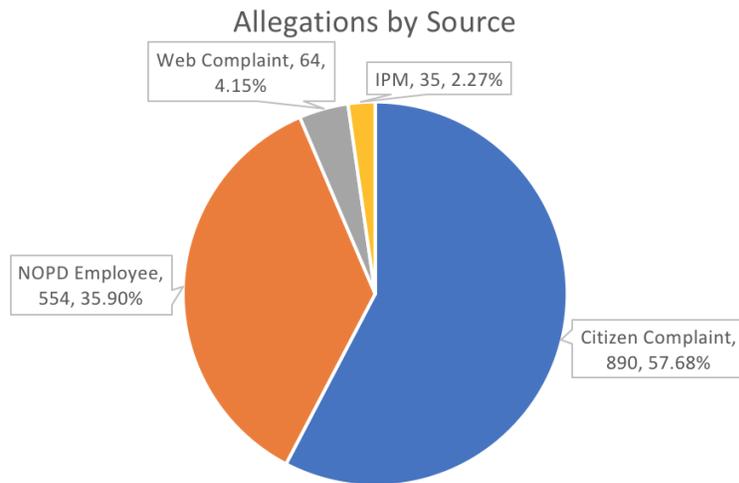


Figure 14: Allegations by Source

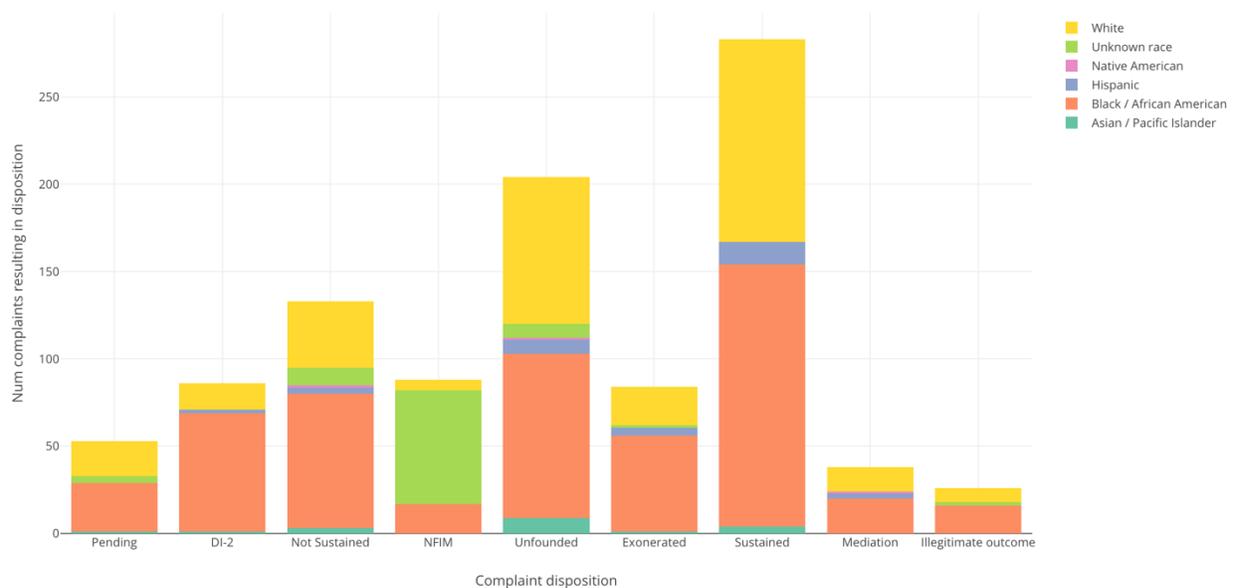


Who Complains?

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

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

Figure 15: How Officer Race Impacts Disposition



High Risk Allegations

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

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

The dispositions of these investigations are detailed as follows:

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

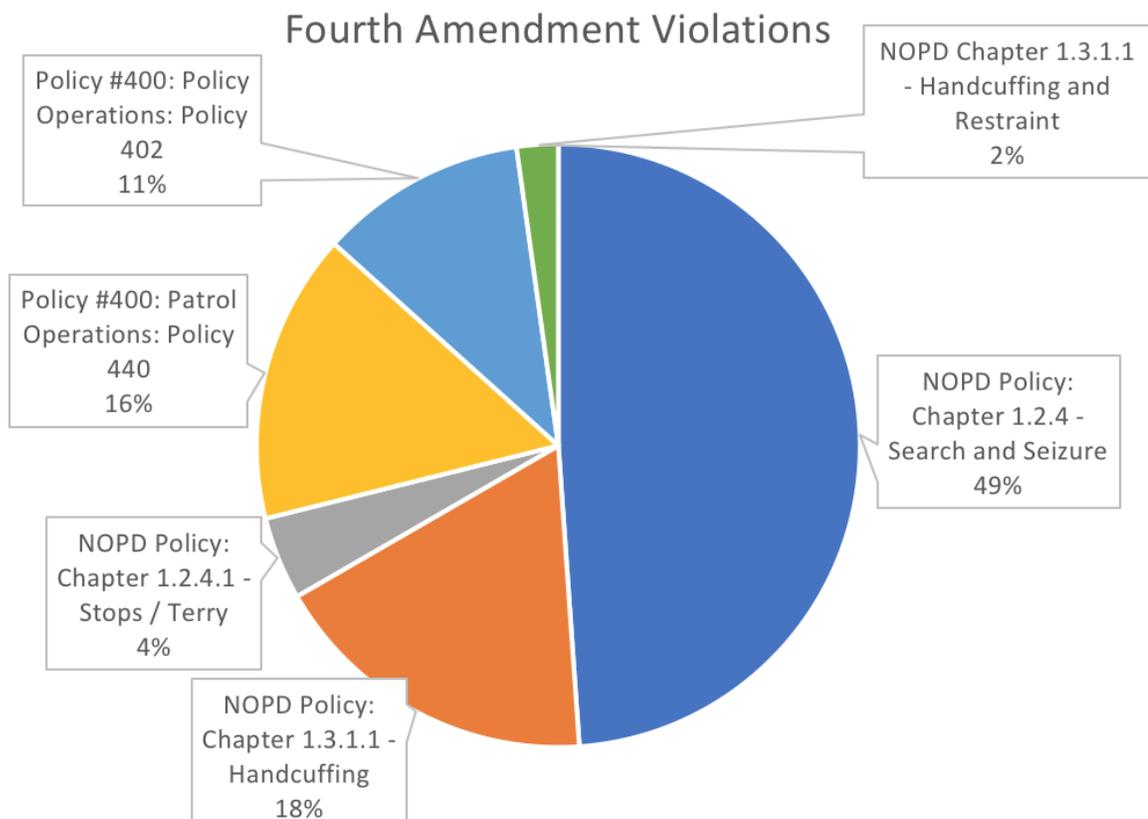
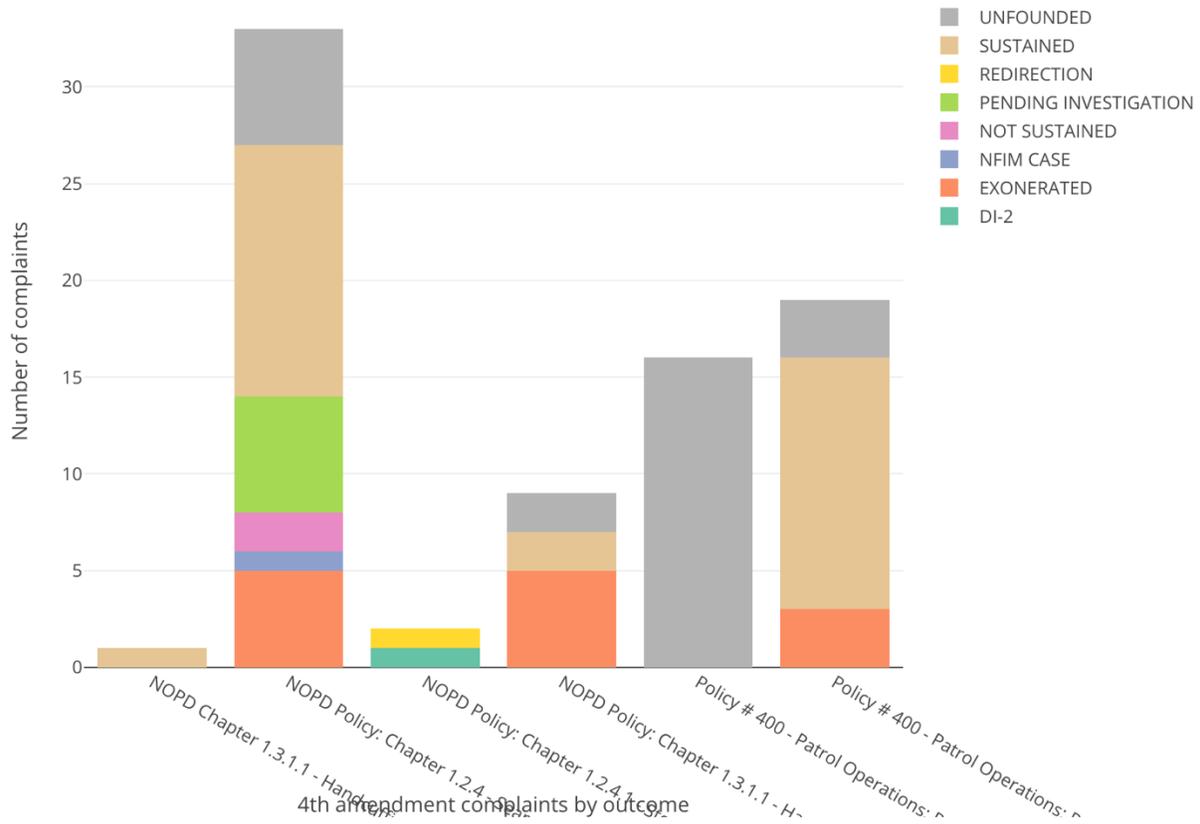


Figure 17: 4th Amendment Complaints by Outcome

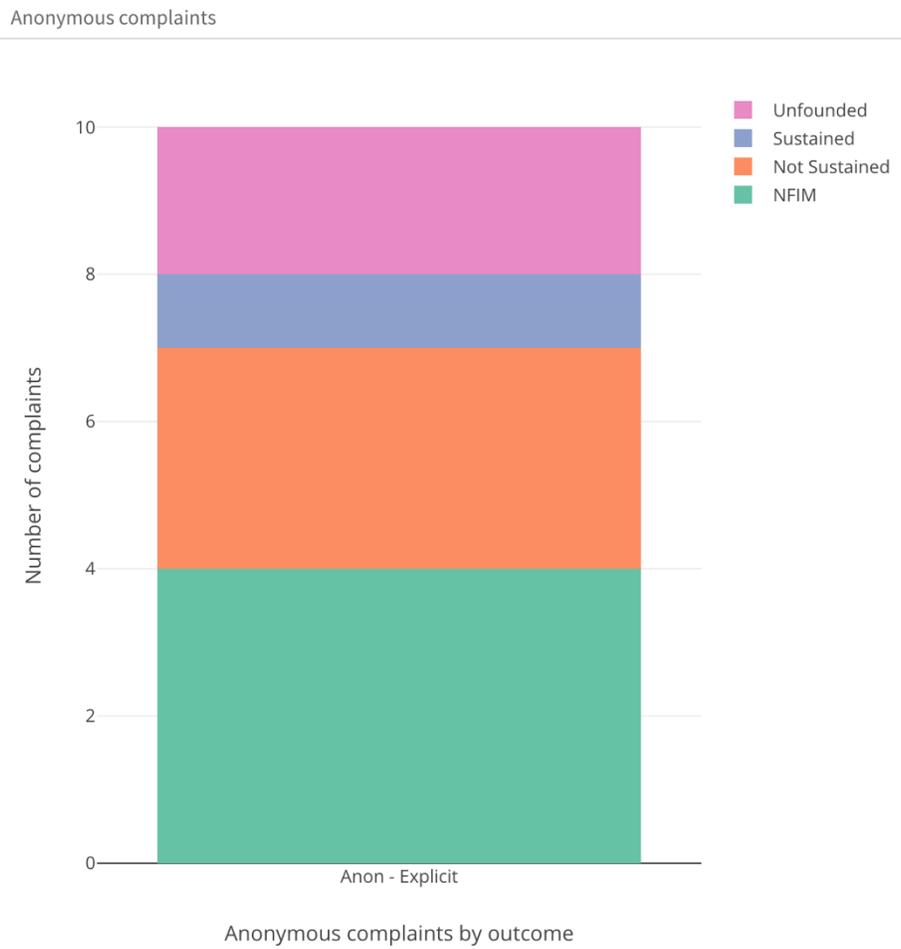
Fourth amendment violations by outcome



Anonymous Complaints

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

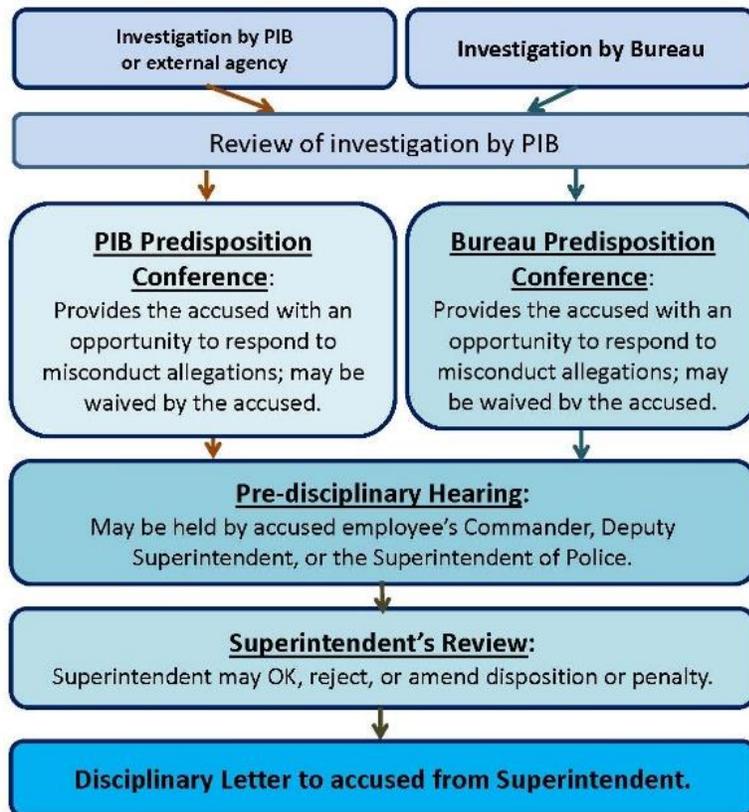
Figure 18: Anonymous Complaints



Disciplinary Proceedings Background

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

Figure 19: Disciplinary Process



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

NOPD's rules regarding disciplinary hearings can

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

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

The OIPM monitors disciplinary hearings to mitigate several risks:

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

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

Figure 20: Major Disciplinary Decisions

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

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

Suspensions:

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

Figure 215: Allegations Resulting in Officer Discipline

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

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

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

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

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

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

¹¹ NOPD Rule Three – Professional Conduct 3:9

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

Information about Overall Discipline

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

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

¹² NOPD Rule Two – Moral Conduct 2:2

Figure 22: Discipline by Allegation

Discipline by allegation

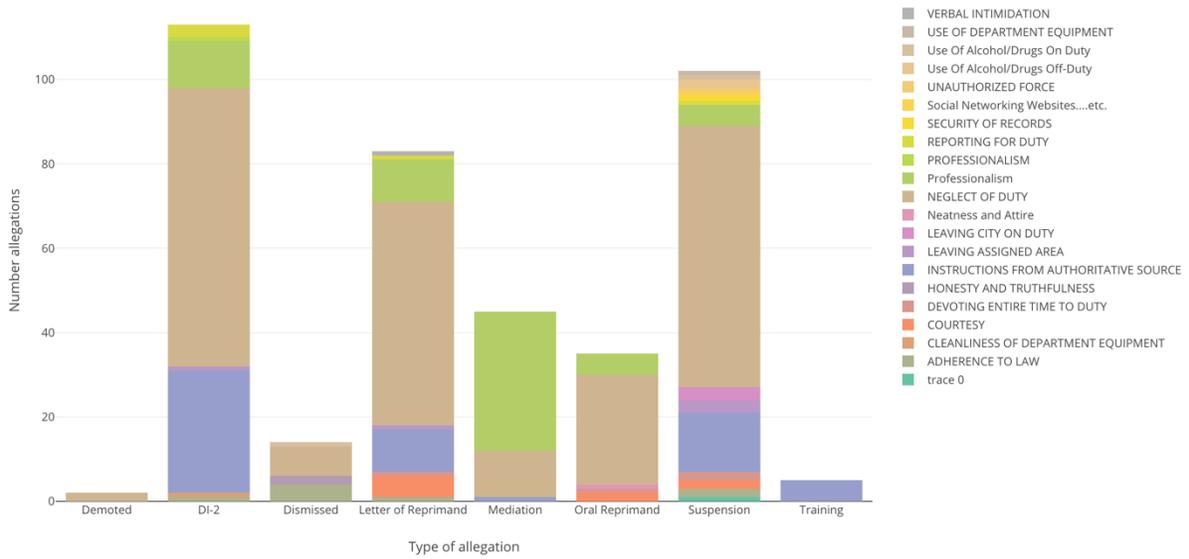


Figure 236: Discipline by Complainant's Race

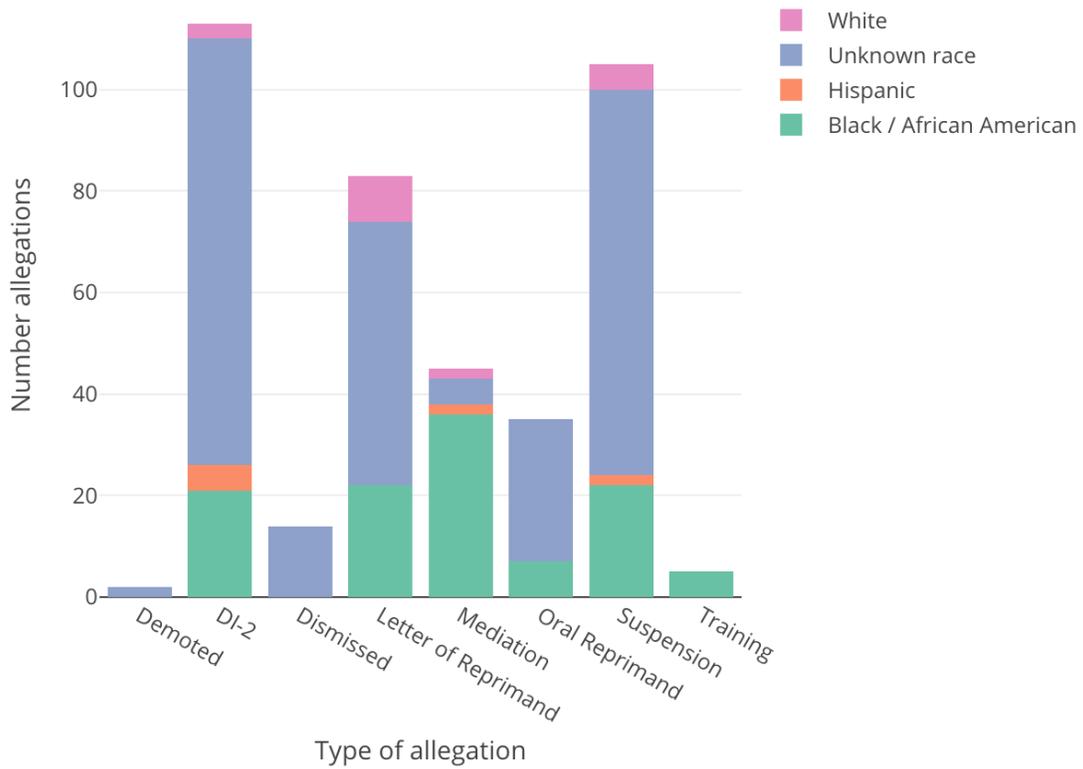


Figure 247: Discipline by Complainant's Sex

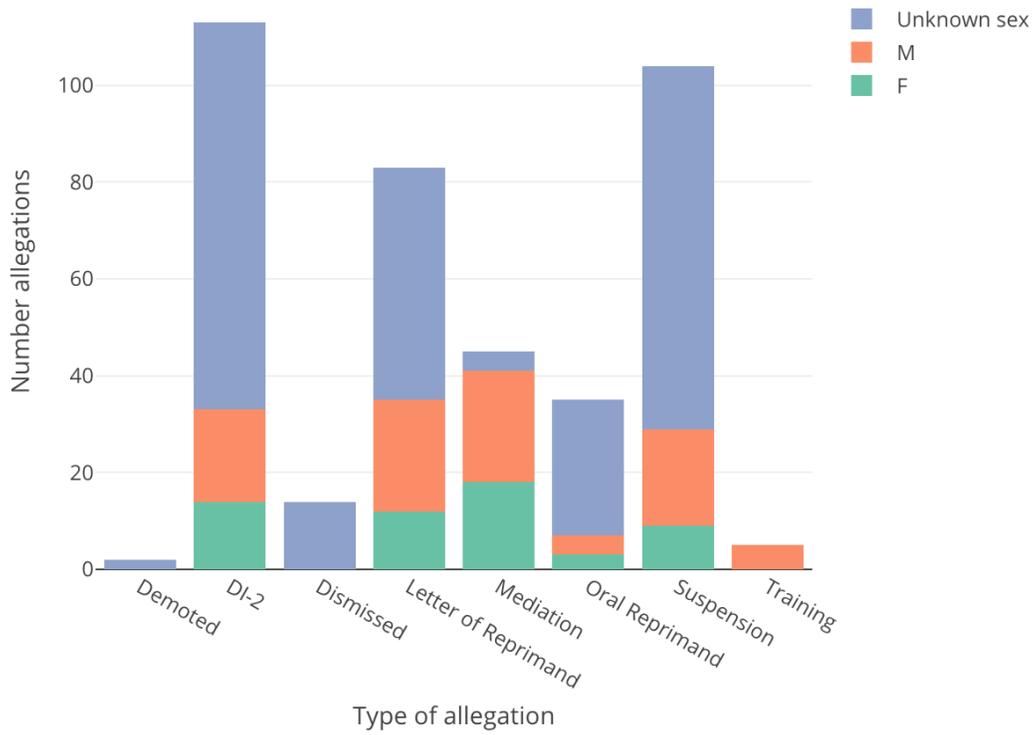


Figure 258: Discipline by Officer Race

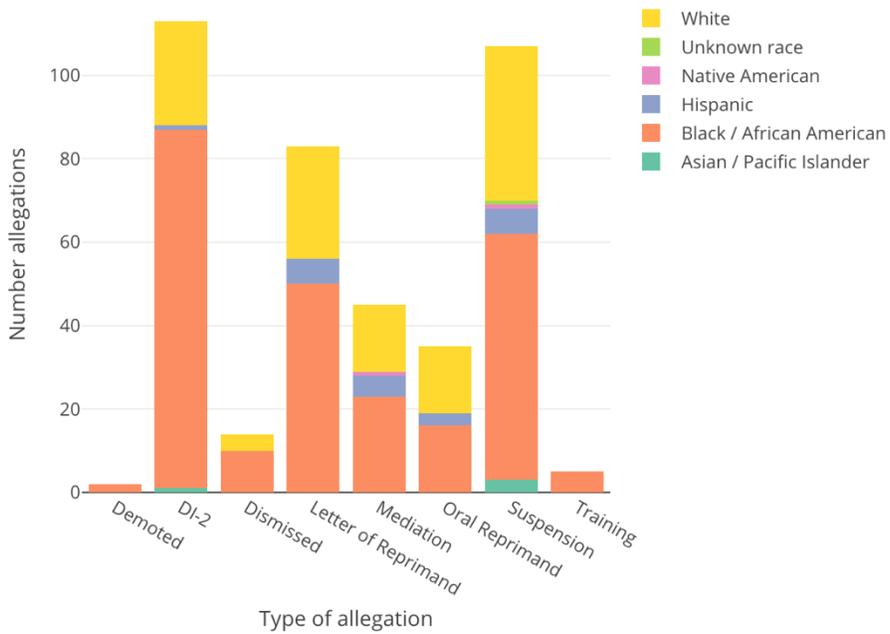
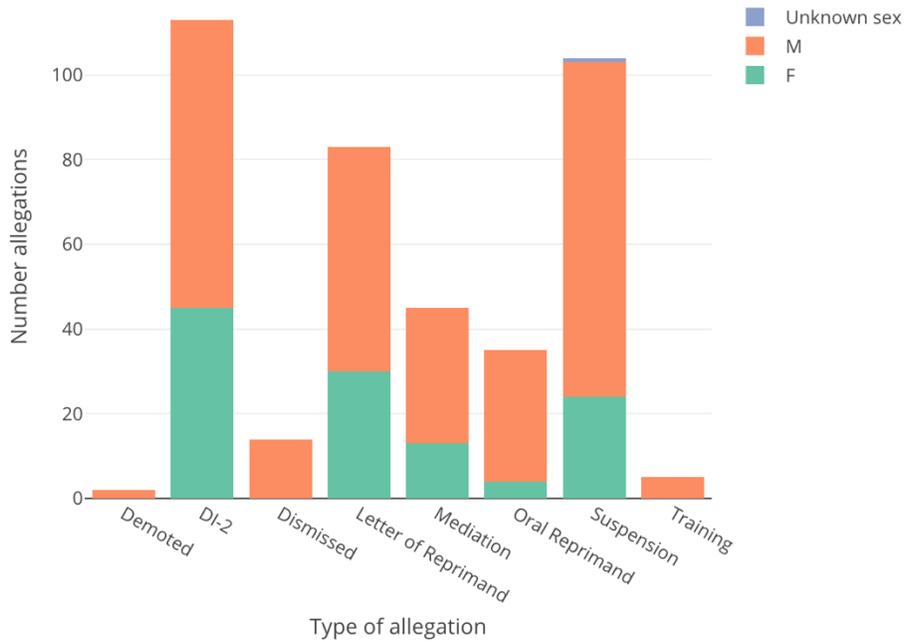


Figure 269: Discipline by Officer's Sex



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