

Office of the Independent Police Monitor

City of New Orleans

2017 Annual Report: Year in Review



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Independent Police Monitor

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## Independent Police Monitor Mission and Responsibilities

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

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

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



## A Note from the Independent Police Monitor

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Pursuant to New Orleans City Code Section 2-1121 (16) (the Police Monitor's Ordinance) The Office of Independent Police Monitor (OIPM) publishes an annual report each year. The Police Monitor's Ordinance provides as follows:

The independent police monitor shall be required to issue at least one public report each year, by May 31, detailing its monitoring and review activities and the appropriate statistical information from the internal investigations office, and other divisions of the New Orleans Police Department. The independent police monitor shall be required to report upon problems it has identified, recommendations made, and recommendations adopted by the New Orleans Police Department. The report shall also identify commendable performance by the New Orleans Police Department and improvements made by the department to enhance the department's professionalism, accountability, and transparency.

In 2017, the OIPM and the New Orleans Police Department (NOPD) worked together to review the data to be used in the annual reports of both departments. As a result, this year the annual report will be due on June 30, 2018, to allow OIPM and NOPD time to complete this mutual review.

This "2017 Annual Report: Year in Review" is part of that annual report.



# The Year in Review Summary

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## Overview

Officer misconduct, including shootings of unarmed people, came to light following Hurricane Katrina. Since then, the New Orleans Police Department (NOPD) and the New Orleans Consent Decree Monitor (OCDM) have worked together to revise and implement changes to NOPD policies in accordance with consent decree requirements. The New Orleans Independent Police Monitor (OPIM) applauds reforms in reporting and data collection as a necessary step towards measuring the constitutionality of policing and achieving compliance. We believe that proper data collection and reporting is necessary for the public to have a clear sense of NOPDs activities and potential misconduct. Documenting and reporting officer use of force, citizen complaints, and subsequent officer discipline are particularly important for this office. The following is a review of significant consent decree related reforms.

## New Orleans Consent Decree Monitor Policy Reforms Use of Force Reporting<sup>1</sup>

The Independent Police Monitor is particularly interested in changes in use of force reporting that now stipulates that, “every reportable use of force by an NOPD officer be reported accurately, completely, and promptly, and investigated.” Officers who either use or witness uses of force must complete the appropriate paperwork to ensure that all uses of force are accounted for. The Blue Team investigation provides data to the public, that help us to better analyze the type of force being used against citizens, the demographics of who is experiencing force, and which officers are employing the most force against citizens. Once the officer submits their use of force statement, their supervisor forwards the information up the chain of command. Once the statement reaches the Commander level, the Commander reports the alleged use of force to NOPD’s Force Investigation Team (FIT). FIT conducts internal investigations in cases of serious uses of force. FIT reviews the cases for any potential criminal conduct by the officer in question, any use of force by an officer ranked higher than a sergeant, and any use of force resulting in death. FIT does not investigate level 1, 2 or 3 UOF unless it’s by a Lieutenant. The lower level uses of force are investigated by the district. Command Desk assigns a force tracking number (FTN) to the entire use of force incident and that number is verified by FIT. This data practice facilitates the tracking and

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<sup>1</sup> <https://www.nola.gov/getattachment/NOPD/NOPD-Consent-Decree/Chapter-1-3-6-Reporting-Use-of-Force.pdf/>



analyzation of uses of force. The FIT and Field Supervisors must also photograph and document injuries citizens may have endured from police force.

According to the New Orleans Consent Decree Monitor, officers involved in use of force incidents have increased their reporting of uses of force incidents in 2016 to 98.3%, while the percentage of witnessing officers reporting use of force is at 75%. However, the OCDM notes that while officers are increasingly submitting use of force statements, several statements lack clear narratives including the “reason for the encounter” and the “type of resistance offered by the subject.” To address these concerns PIB/FIT has developed and teaches an in-service class for officers and supervisors, entitled UOF Decisions.

## **Preventing Use of Force**

### *Crisis Intervention Team*

To decrease the use of force used against individuals with mental illness or behavioral disorders, the NOPD established a crisis intervention program with curriculum, program, and training materials geared towards diverting individuals from the criminal justice system and connecting them to the appropriate mental health and substance use treatment services.

If the police are called to aid an individual in crisis, the crisis intervention officer holds the discretion to *not arrest* the individual in question. This is especially appropriate in cases where the individual’s behavior is due to mental illness or developmental disability. The policy stipulates that “no person should be arrested for behavioral manifestations that are not criminal in nature.”

By 2017 all new officers, an additional 144 officers, 6 social workers, 2 transportation service volunteers, and one reserve officer have received CIT training.

### *INSIGHT*

The NOPD also established a database and tracking system called INSIGHT to store information on police misconduct and at-risk behavior that threatens the safety of the officer themselves, the department, and the community. The database alerts supervisors when certain officers reach a threshold of at-risk behaviors and issues recommendations to properly intervene. According to NOPD policy, intervention may mean re-training, meeting with a supervisor, meeting with a commander, assignment change, other supervised, monitored, and documented actions, plans, or “no action.”

### *Scenario Based Fire Arms Training*



With the intention of reducing firearm incidents, the NOPD initiated a scenario-based firearms training that simulates real-life situations. The training is also intended to observe officer's reactions to high pressure situations to determine if the NOPD should change its policy, tactics, or training. Lead instructors of this training will evaluate and maintain a log of the officers' performance and share these evaluations with the Commander of the Education and Training Division.

The NOPD's use of deadly force has plummeted over the last 8 years, but has accelerated in this decline during the consent decree.

## Reforms in Policing Free of Gender and Sexuality Bias

*Chapter 41.13.1 – Interactions with Lesbian, Gay, Bisexual, Transgender, and Questioning Persons 2017-02-03*

Grassroots pressure from local organizations like *BreakOut!* precipitated NOPD's adoption of a new policy regarding interactions with lesbian, gay, bisexual, transgender, and questioning persons. [A survey BreakOut! published](#) in 2014 reported that 50% of transgender respondents experienced slurs from NOPD officers, while 22% of cisgender LGBTQ respondents also reported derogatory language from NOPD officers. In addition, over half of transgender respondents reported that NOPD officers solicited sexual favors and profiled them as sex workers.

Revised NOPD policies seek the equal protection and dignified treatment for persons identifying as LGBTQ, transgender, and gender non-conforming. The policy specifically prohibits officers from using gender identity, gender expression, and sexual orientation as reasonable suspicion or evidence that a person has engaged in any crime. Changes to NOPD ethics mandate that officers respect an individual's gender expression and follow appropriate policy and procedure related to that gender. This includes using the preferred pronoun and name in citizen interactions and on all paperwork.

Furthermore, officers may not frisk individuals to view or feel their genitals and determine their biological sex. In accordance with safer sex practices and public health norms, officers may not confiscate condoms, nor will the possession of condoms serve as evidence of prostitution.

Given LGBTQ youth's increased risk of homelessness and rejection from the home, officers may not disclose the gender identity or sexual orientation to a juvenile's parents or guardians.



Finally, Transgender and gender non-conforming individuals maintain the right to use public bathrooms in accordance with their gender identity. The policy reads, “Individuals will not be stopped, questioned, or arrested for using a gender-segregated restroom on the basis that officers believe the individual’s gender expression does not match the gender designation of the gender-segregate restroom.”

If members of the LGBTQ community do experience misconduct and discrimination from members of the force, they are encouraged to report the incident to the Independent Police Monitor.

Officers are required to attend a yearly training on policies related to the LGBTQ community as part of a broader bias-free policing training.





## Workplace Safety

### *Mental Health Services for Officers*

*Chapter 22.2.6 Officer Assistance Program: Member Mental Health Services 2017-04-18*

*Chapter 22.2.8 New Orleans Police Peer Assistance (NOPPA) 2017-04-18*

Additional changes to internal NOPD policy better protect officers' health and safety on the job. Recognizing that officers experience trauma that could compromise their psychological well-being and professional capability, the Officer Assistance Program provides officers and their families with access to mental health services. The policy stipulates the creation of a traumatic incident team, comprised of mental health professionals, a police chaplain, peer assistance specialist, and an external police psychologist. An assigned team leader is responsible for identifying traumatized officers and coordinating the members of the traumatic incident team. Counseling services are free of charge and accessible to all officers. Furthermore, NOPD's Peer Assistance Program is intended to foster an atmosphere of support and spur a culture change where officers feel comfortable seeking mental health care. Peer assistance specialists are individuals trained in traumatic incident stress management and have been designated to provide moral and emotional support to officers after a traumatic incident.

## Workplace Discrimination, Sexual Harassment and Retaliation

*Chapter 26.3 – Workplace Discrimination, Sexual Harassment, and Retaliation 2017-04-19*

This policy introduces standards for professionalism between officers and prohibits discrimination in citizen-police interactions. Discrimination includes verbal or physical harassment toward an individual based on their actual or perceived characteristics. Discriminatory conduct may include making derogatory comments, stereotyping, engaging in threatening acts, and using department equipment and/or systems to transmit or receive offensive material, statements or pictures. Sexual harassment against citizens or between officers is also strictly prohibited in this policy. Finally, Members of the department are prohibited from retaliating against other officers or citizens for reporting misconduct. Supervisors and commanders are responsible for reporting misconduct to the Public Integrity Bureau (PIB), and if necessary initiating a disciplinary investigation.



## Response to Police Calls

Officers are required to drive safely when responding to calls for service. Revised codes help officers communicate the details of an incident before officer arrival. These codes help distinguish between the status and urgency of the call. It is the responsibility of field supervisors to monitor whether the proper response has been initiated, that no more units than those reasonably needed are involved in the response, and that the affected outside jurisdictions are notified if necessary. Supervisors must terminate an emergency response if it is inappropriate given the circumstances.

### Civil Lawsuits of Interest Against NOPD:

1. Kanwarbir S. Aulakh v. New Orleans Police Department and Superintendent Michael S. Harrison, CDC 17-01209;
  - a. Seeking the release of NOPD records and damages to cover attorney fees

Kanwarbir Aulakh, the father of a Bajkanwar Singh Aulakh, who allegedly committed suicide in 2014, is suing the New Orleans Police Department after the NOPD failed to produce documents for Aulakh's private investigator. When the NOPD finally notified Aulakh's private investigator to retrieve the records in 2016, none of the items he requested were made available. Among the items he reviewed was a letter from District Attorney for the Parish of Orleans, Leon Cannizzaro, stating that photos taken in association with Aulakh's alleged suicide were unavailable for retrieval. In January 2017 Olasky requested the same public records from the NOPD, excluding the photos, and received a message that the case he was inquiring about had been closed and cleared.

2. James Cunningham v. City of New Orleans and the New Orleans Police Department, CDC # 17-02521;
  - a. Petition for damages: Former NOPD employee suing for lost wages and for wrongful termination. Plaintiff believes termination was discriminatory and retaliatory

James Cunningham, former NOPD officer, alleged retaliation in 2017 after the department terminated his employment. The officer alleges his termination was discriminatory and is seeking damages for physical injuries from an alleged unlawful confinement, mental suffering, loss of earnings, injury to his reputation, and deprivation of any right caused by the loss of liberty. The OIPM monitored several misconduct investigations involving this



officer and his romantic partner. The NOPD now has peer support programs to assist officers who have domestic or other life issues.

## Fallen NOPD officers in 2017

The NOPD held memorial services for Marcus McNeil on October 22, who was killed in the line of duty in New Orleans East. Officer McNeil will be missed by his family, colleagues, and the community he served.

- Marcus McNeil (<http://myfox8.com/2017/10/22/funeral-takes-place-for-new-orleans-police-officer-killed-in-the-line-of-duty/>)

## Community Outreach in 2017

### *Needs Assessment Survey*

Throughout the year 2017, The OIPM conducting several surveys in which the community were asked to answer questions about their concerns about NOPD and their priorities for OIPM. OIPM Collected 886 responses.

*Question 1. What are your greatest concerns about NOPD?*

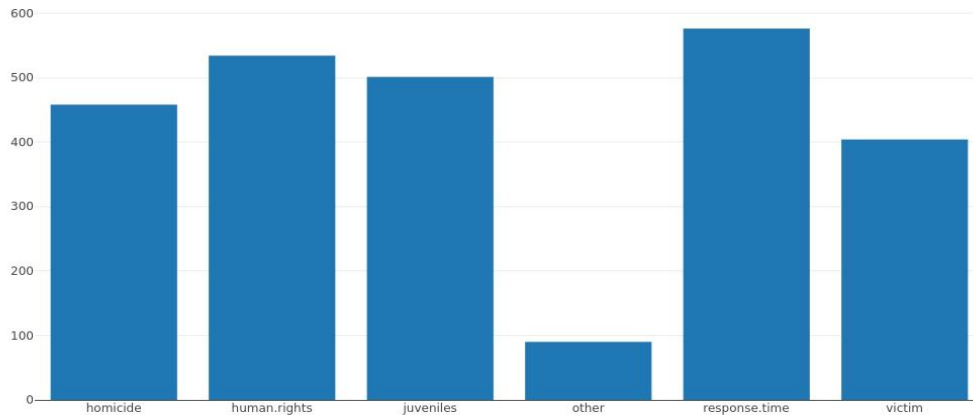
(Clarified 12-10-18)

The first question listed six areas of concern that the community could choose was of the greatest concern to them. Those six areas were: *“Quality of Homicide Investigations, The Treatment of Juveniles, Officer Response Time, Human Rights Violations, Treatment of Crime Victims, or Other.”*

Of the 886 people that answered question #1 relating to homicide investigations:

- 51.7% stated that they are concerned with NOPD’s homicide investigations
- 56.5% stated that they are concerned with NOPD’s treatment of juveniles
- 65% stated they are concerned with NOPD’s officer response time
- 60.3% stated that they are concerned with NOPD’s human rights violation
- 45.6% stated that they are concerned with NOPD’s treatment of crime victims
- 10.2% stated that they have other areas of concern that were not listed





Question 2. If you were the Police Monitor, what would your priorities be?

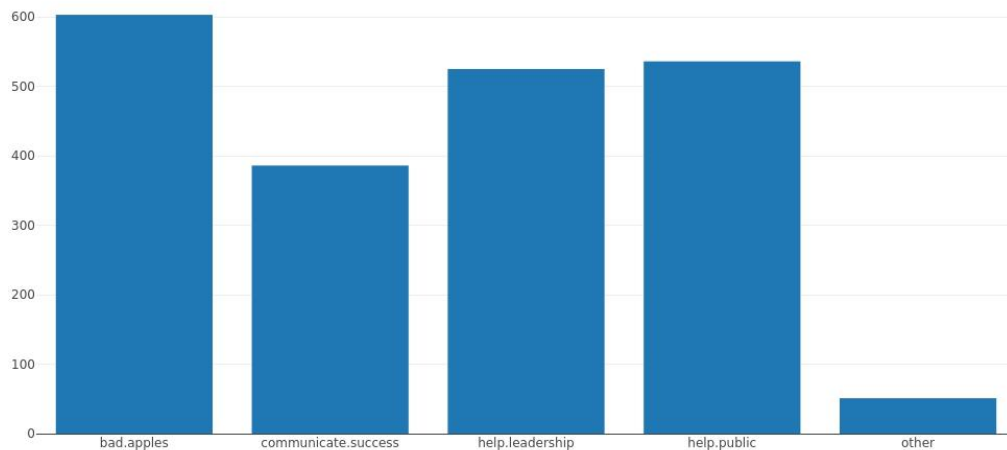
(Clarified 12-10-18)

The second question listed five priorities that the community could choose to focus on if they were Police Monitor. Those five priorities were: *“Cleaning out the bad apples and making sure NOPD officers are punished for wrongdoing; Helping the public understand NOPD better and identifying areas where NOPD could improve; Helping NOPD leadership see and correct problems; Telling the public about all NOPD’s successes and mistakes; or other.”*

Of the 886 people that answered question #2:

- 68.1% stated that if they were Police Monitor, one of their priorities would be cleaning out the bad apples and making sure NOPD officers were punished for wrongdoing
- 60.5% stated that if they were Police Monitor, one of their priorities would be helping the public understand NOPD better and identifying areas of NOPD improvement
- 59.3% stated that if they were Police Monitor, one of their priorities would be helping NOPD leadership see and correct problems
- 43.6% stated that if they were Police Monitor, one of their priorities would be telling the public about all NOPD’s successes and mistakes
- 5.76% stated that if they were Police Monitor, one of their priorities would be something other than the options provided





OIPM’s primary purpose in conducting this survey was to create an opportunity to engage the people it contacts in a conversation about policing and police oversight. OIPM’s survey was successful because it contacted over 800 individuals and was able to discuss their thoughts, concerns and ideas for improving public safety.

The following list comprises the OIPM’s outreach efforts in 2017:

Date	Outreach Product/Event	Description	Council District
1/20/2017	Know Your Rights and Responsibilities	New Orleans Math and Science Highschool	C
1/23/2017	Teaching	NOPD training Academy-credibility assessments	D
1/25/2017	Presentation about OIPM	Revie’s Ortique Leadership Institute	B
1/26/2017	Teaching	NOPD Training Academy - Conflict Resolution, Active Listening, and Community-Police Mediation	D
1/26/2017	Know Your Rights and Responsibilities	Covenant House	A
1/27/2017	Presentation about Police Oversight	Citizens Diplomacy Council	N/A
1/31/2017	Meeting and presentation	Together Baton Rouge - St. Paul Apostle	N/A



2/1/2017	LGBT Meeting	Facilitated a meeting between LGBTQ community organizations and the 8th district command staff	A
2/2/2017	NACOLE Regional Conference	Susan Hutson Presented on the Role of Civilian Oversight in Sustaining Reform During and After Federal Oversight of Police	
2/3/2017	Undoing Racism Training	People's Institute for Survival and Beyond	B
2/6/2017	Know Your Rights and Responsibilities	New Orleans Math and Science Highschool	C
2/9/2017	Know Your Rights and Responsibilities	Covenant House	A
2/9/2017	Meeting	Reading of New Play "Black and Blue" for Local Thought Leaders	C
2/12/2017	Presentation	The Love Center Daycare Community Outreach (Parents Day)	B
2/12/2017	Meeting	MacArthur Justice Center	B
2/13/2017	Radio interview	Interview with Martin Caste of NPR regarding body worn cameras	N/A
2/14/2017	Monthly public presentation	Ethics Review Board Meeting	B
2/16/2017	Presentation	The Beauty is in the Tea Cup- Women's Empowerment Brunch	C
2/20/2017	Monthly public presentation	Ethics Review Board Meeting	B
2/23/2017	Know Your Rights and Responsibilities	Covenant House	A
3/10/2017	Discussion	Meeting with governmental leaders from Seattle regarding their new oversight organization	N/A
3/10/2017	Presentation	New Orleans Citizens Diplomacy Council	B
3/11/2017	Presentation	Modern Parents Magazine Event	D
3/16/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
3/21/2017	Keith Knight - Cartoonist	OIPM, in partnership with the producers of Black and Blue, hosted cartoonist Keith Knight at the New Orleans Public Library	C



		to discuss comic book drawing for social change	
3/22/2017	Keith Knight - Cartoonist	OIPM, in partnership with the producers of Black and Blue, hosted cartoonist Keith Knight at Xavier University to discuss comic book drawing for social change	A
3/23/2017	Tabling And small presentation	Keith Knight Event at New Orleans public library	B
4/3/2017	WBOK 1230 AM	Chuck Perkins Show	D
4/4/2017	Radio interview	Morning show with Oliver Thomas and Ray annual report and OIS	D
4/11/2017	Meeting	Meeting with survivors and advocates of sexual assault	C
4/11/2017	Meeting	Meeting with Communities United for Change	B
4/18/2017	Monthly public presentation	Ethics Review Board Meeting	D
4/22/2017	Attendance	Disciples of Christ Christian Fellowship and Crawfish boil	E
5/16/2017	Sexual Trauma Awareness Response	Meeting with the Staff to Discuss Outreach to Sexual Assault victims and police officers who have been subject to sexual harassment.	B
5/16/2017	Attendance	Monitored NOPD response to protest outside of criminal Courthouse	B
5/17/2017	Presentation	Rotary club speech	B
5/17/2017	Monthly public presentation	Ethics Review Board Meeting	B
5/18/2017	Attendance	ACLU event	B
5/25/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
6/13/2017	Radio interview	WBOK	ALL
6/14/2017	Monthly public presentation	Ethics Review Board Meeting	D
6/17/2017	Presentation about Police Oversight	Citizens Diplomacy Council	N/A



6/19/2017	Presentation to the New Orleans City Council Criminal Justice Committee	Presentation to the Criminal Justice Committee of City Council regarding the OIPM Annual Report.	ALL
6/20/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
6/27/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
6/28/2017	Meeting	Discussion with PIB FIT re OIPM standards	B
7/17/2017	Presentation	New Orleans Citizen Diplomacy Council visitors, "Accountability in Government"	B
7/19/2017	Meeting	Discussion with Eden house supporters regarding human trafficking	B
7/24/2017	Meeting	OIPM Field trip to Orleans Parish Communication District	A
7/26/2017	Monthly public presentation	Ethics Review Board Meeting	B
8/1/2017 - 9/30/2017	Presentation	Presentations on Community-Police Mediation Program at 24 NOPD roll call meetings (all 8 districts during day watch, second watch, and night watch)	ALL
8/16/2017	Meeting	Meeting with Orleans Parish Sheriff's office regarding arrest statistics	B
8/26/2017	Meeting	Meeting with families group regarding use of deadly force	B
8/28/2017	Meeting	Joe Givens (Isaiah Institute) and Bryan LaGarde (Project Nola) to discuss Church-based public safety program	D
8/29/2017	OIPM Hosts Meeting	Discussion of a Bill of Rights for Families of those killed by NOPD	B
9/7/2017	Presentation	Carrollton United Neighborhood Meeting (OIPM Presentation)	A
9/13/2017	Monthly public presentation	Ethics Review Board Meeting	B
9/16/2017	Presentation	Fatherhood roundtable annual breakfast	E
9/21/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
9/21/2017	Tabling	2017 New Orleans Job Corps, Youth 2 Youth (Y2Y): Partners 4 Peace Fair	B





9/28/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
10/14/2017	OIPM Supports the Kim Groves Annual Memorial - Lower Ninth Ward	The family of Kim Groves holds a memorial to speak out against violence and corruption.	E
10/17/2017	Night Out Against Crime	Handing out information to the community.	C
10/19/2017	Presentation	Webinar presentation on Community-Police Mediation for National Association for Community Mediation (NAFCM) Webinar Series	ALL
10/25/2017	Teaching	NOPD Training Academy - Conflict Resolution, Active Listening, and Community-Police Mediation	D
	Reception	Citizens Diplomacy Council	B
11/7/2017	Know Your Rights and Responsibilities	Liberty's Kitchen	B
12/4/2017	WBOK 1230 AM	Rachel Green Show	D
12/11/2017	Attendance	Ethics Review Board Meeting to appoint Inspector General	B
12/13/2017	Attendance	Norman Francis Leadership Institute Ending Reception	A
12/18/2017	Monthly public presentation	Ethics Review Board Meeting	B

