Office of the Independent Police Monitor

City of New Orleans

2018 Annual Report: Statistical Review of NOPD's Use of Force
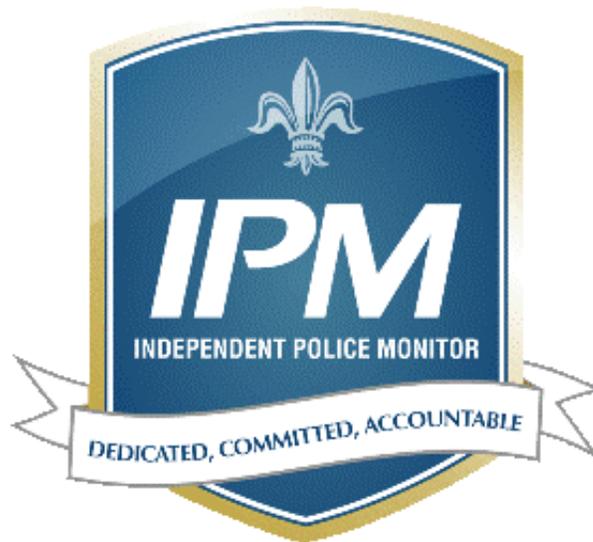
Susan Hutson

Independent Police Monitor

May 30, 2019

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INDEPENDENT POLICE MONITOR 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 New Orleans Police Department (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. Our recommendations to improve NOPD's accountability systems originate from these activities.

A NOTE FROM THE INDEPENDENT POLICE MONITOR

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 30, to the ethics review board and New Orleans City Council 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."

This "Statistical Review of NOPD's Use of Force" is part of that report. Herein the OIPM will publish the OIPM's statistics and the OIPM's review of the NOPD's statistics on reported uses of force.

The OIPM is not statutorily permitted to conduct its own administrative investigations, except regarding police details, but does oversee, analyze, and make recommendations regarding the administrative reviews and use of force investigations of the NOPD.

The OIPM presents the data relating to the OIPM's 2018 activities contained herein for the public's review along with some preliminary analyses. The OIPM and NOPD are working together to ensure that the OIPM has complete and in-office access to the NOPD's data systems to review and analyze that data more thoroughly.

The OIPM would like to acknowledge the invaluable assistance of the Public Integrity Bureau (PIB) of NOPD for helping OIPM to meet its statutory obligations. The working relationship between the OIPM and PIB was especially noteworthy this year. PIB cleared its decks to meet with the OIPM and provide thoughtful and insightful feedback regarding the OIPM's Annual Report. In my nine years as the Independent Police Monitor, these discussions concerning the Annual Report and the OIPM recommendations were the most collaborative I have seen and the resulting pledges to work towards the same goals makes me excited to take on this work in 2019. The self-critiquing growth and internal betterment of the NOPD over these almost nine years, but especially during the Consent Decree, speaks to the leadership of this important and special bureau and the men and women that work therein. On behalf of the OIPM, I thank PIB for their efforts in strengthening this report and look forward to achieving these goals together in 2019.

NOPD's 2018 Use of Force Annual Report

This year NOPD has drafted an annual report which details the number and types of force reported during 2018. These reports will be issued by the NOPD's Public Integrity Bureau (PIB) and the Professional Standards & Accountability Bureau. The NOPD's 2018 report is not attached because the report has not yet been finalized. Once their report is finalized it will be available on the NOPD website.

Investigations and Levels of Force

NOPD uses of force are investigated according to their levels. "For reporting and investigative purposes, the Department categorizes use of force by its members into four (4) force reporting levels:"[1,2]

- Level 1 – the lowest level of force, may involve "pointing a firearm at a person and hand control or escort techniques applied as pressure point compliance techniques that are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use of an impact weapon for nonstriking purposes that does not result in actual injury or complaint of injury."
- Level 2 – "include use of a CEW (including where a CEW is fired at a person but misses); and force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 3 use of force."
- Level 3 – "any strike to the head (except for a strike with an impact weapon); use of impact weapons when contact is made (except to the head), regardless of injury; or the destruction of an animal."
- Level 4 – include all 'serious uses of force' as listed below:
  (a) All uses of lethal force by an NOPD officer;
  (b) All critical firearm discharges by an NOPD officer;
  (c) All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization;
  (d) All neck holds;
  (e) All uses of force by an NOPD officer resulting in a loss of consciousness;
  (f) All canine bites;
  (g) More than two applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the

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[1] See Appendix A, Levels of Reportable Use of Force from NOPD Operations Manual, Chapter: 1.3.6, Paragraph 10-15.

[2] As of April 1, 2018 NOPD, has updated this policy. The Levels can now be found in NOPD Operations Manual, Chapter 1.3.

applications are by the same or different officers, or CEW application for 15 seconds or longer, whether continuous or consecutive;

(h) Any strike, blow, kick, CEW application, or similar use of force against a handcuffed subject; and

(i) Any vehicle pursuit resulting in death, serious physical injury or injuries requiring hospitalization.

"It is the policy of this Department that every reportable use of force by an NOPD officer be reported accurately, completely, and promptly, and investigated with the utmost thoroughness, professionalism and impartiality to determine if the officer actions conform to the law, complies with the Department's Chapter on use of force, and was consistent with NOPD training."[3]

The Public Integrity Bureau's Force Investigation Team (FIT) investigates Level 4 uses of force or criminal force; and district supervisors investigate Levels 1-3.

FIT also investigates any level of force involving a rank equal to or higher than lieutenant, cases designated by the superintendent or his designee, all critical firearms discharges by any outside agency including university police except State Police and Federal agents.

OIPM RECOMMENDATIONS FROM 2017 ANNUAL REPORT

In its 2017 annual report, OIPM made a recommendation to NOPD regarding defining the various levels of effectiveness. The following is the status of that recommendation.

2017 Recommendation: OIPM recommends that NOPD include the definitions for effective, not effective and limited effectiveness in the NOPD Operations Manual. This way members of the police department have a common understanding of these terms.

- **NOPD 2017 Response:** NOPD has agreed to explore how they can best implement this recommendation. One thought is to put these definitions in Blue Team in addition to the NOPD Operations Manual.

As of the date of this report NOPD has not implemented this recommendation. However, OIPM met with the Commander of the Professional Standards & Accountability Bureau of NOPD. The Commander has agreed to work with OIPM in 2019 to figure out the best way to address this issue. OIPM looks forward to reporting in 2019 on how this recommendation was implemented.

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[3] NOPD Operations Manual, Chapter: 1.3.6, Paragraph 1.

SUMMARY

Operations at the New Orleans Police Department rely on a multitude of systems, each in constant evolution. As these systems mature, they serve as tremendous tools for NOPD, OIPM, and the greater community which we both serve. NOPD's participation with the City's open data initiative at ***data.nola.gov*** is a clear example of the potential. OIPM noted and began discussing the data quality issues within the data with NOPD in 2016. The OIPM and NOPD have both noted data quality issues separately. The data is housed in the NOPD's complaints and use of force database (IAPro).

A first draft of OIPM's 2018 annual report on use of force was due by May 1, 2019 and a final draft was due May 30, 2019. OIPM's ability to directly access the source data for this report has historically been problematic. For this report, OIPM was unable to independently access the relevant data and had to rely on data prepared by NOPD. Furthermore, NOPD was not able to verify numbers with OIPM, so it is difficult to be confident in the accuracy of this analysis.

Additionally, for the OIPM to fulfill its mandate and duties, the OIPM must have complete and in-house access to NOPD datasets. In furtherance of that goal, 2017 was the first year that OIPM had independent access to a copy of the database that contains use of force information. We have used the data on data.nola.gov to compare with NOPD's version and cross reference with previously reported numbers. Unfortunately, OIPM is unable to reproduce all NOPD's previous figures, especially for 2015 where there is a large discrepancy.[4&5] There is still uncertainty about the accuracy of 2015 numbers in IAPro. Therefore, what is shown below is taken from historic reporting for 2015 and earlier. Data beginning in 2016 was pulled from IAPro by NOPD and provided to OIPM, whereas last year OIPM was able to access the data directly. NOPD and OIPM remain in frequent communication about these issues and have agreed to discuss a framework for working together to verify the accuracy and ensure access to more data moving forward.

In the interest of sharing our specific findings with NOPD and the public, the remainder of this section enumerates every data source relevant to this report in terms of access, quality, and methodology.

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[4] According to NOPD some of the discrepancy may be related to the fact that prior to December 2015 they were operating with a primarily paper driven system. In December 2015 NOPD switched over to Blue Team which is a paperless electronic system.

[5] There is approximately a 50% discrepancy rate in the numbers between NOPD and OIPM data in 2015. There is approximately a 5% discrepancy rate in the numbers between NOPD and OIPM in 2016.

The following datasets were used for this report:

- Use of force incidents: The data utilized in this report was originally pulled from IAPro by NOPD on February 21, 2019 and updated on May 29, 2019. Last year OIPM had direct access to the data.

- Active NOPD officers: The IAPro database that OIPM has access to contains officer information that is not always up to date. For the official count of active NOPD officers in 2018, we use data provided by NOPD. But for providing information about officers involved in specific uses of force or complaints, we use information from the IAPro database.
- Arrests: Booking information provided by OPSO.
- United States Census 2010: OIPM obtained directly from *census.gov*.

Methodology

The following describes details about the steps OIPM has taken during its analysis. It also provides clarification about some important terms used throughout the report. Additional notes on methodology are included along with the actual analysis, where it was deemed helpful.

Acknowledgement of Context

The Office of the Independent Police Monitor would like to acknowledge the pace, complexity, and danger of the work that officers of the New Orleans Police Department carry out every day to serve their community. Each use of force represents a complicated real-world interaction that no dataset or single quantitative analysis could capture completely.

In recognition of these complexities, OIPM presents findings that are supported by the information available and noted where further investigation, data normalization, and understanding of context is merited.

FTN & UOF

FTN stands for "force tracking number". It is the designation given to track the entirety of an interaction between NOPD and one or more individuals wherein force was used.

There were 441 FTNs issued in 2018. Those cases were analyzed for this report.

UOF stands for "use of force". It represents a specific type of force used by a specific officer against a specific person. There were 1,108 UOFs in 2018.

A single FTN corresponds to one or more UOF. If Officer A and Officer B both use their hands against Individual C, the result would be one FTN, corresponding to two UOFs

(one for each officer). The same pattern would apply if there were multiple types of force used or multiple individuals that force was used on.

There were 2.5 times more UOFs than FTNs. This means that each incident involved an average of 2.5 different types of force, officers, or individuals. In 2017, the ratio was 2.6 UOF per FTN.

This report will always clearly label whether FTN or UOF is being used for an analysis, but the onus is on the reader to remain vigilant of the distinction.

Race-Based Analysis

Occasionally we will show use of force data in relation to all races that NOPD reports: Black, Hispanic, American Indian, Asian, and White. However, much of our analysis shows that black people (excluding other people of color) in New Orleans experience, by a large margin, the majority of force used by the NOPD. In most cases, it is clearest to present findings in only two race-based categories: black people, and non-black people (Native American, White, Hispanic, Asian, and all other races) than it would be to give data for each individual race.

It should be noted that black people + non-black people is always equal to 100%. When reading a graph that shows what percentage of force is used against black people, the reader may calculate the amount of force used against non-black people by subtracting from 100%[6].

Firearm and CEW/Taser Usage Terminology

Throughout the report there will be several references regarding firearms and tasers. Below is a list of terminology and the definitions to explain their use in the report.

- **Discharge:** When a police officer fires a gun, it is called a 'discharge'.
- **Deployment:** When a police officer fires a CEW/Taser, it is called a 'deployment'.
- **Exhibits:** When an officer 'exhibits' a gun or a Taser by pulling the weapon out of its holster and pointing it, but not deploying or discharging it.

Individuals

NOPD and OIPM have discussed how to refer to the people that force is used on. *Subjects*, *survivors*, *citizens*, *objects*, *victims*, *people*, and several other options have been considered. Following a recommendation from NOPD, OIPM has decided to refer to this group as 'individuals. It is our hope that this terminology adequately reflects the humanity of persons that force is used against.

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[6] For example, if use of force against black people is 72%, then the amount of force used against people who are not black is 28% (100% - 72%).

2010 US Census

Census information is used extensively throughout the report so that use of force can be compared to the demographics of the police district that the incident occurred in.

Access

Data was downloaded from *census.gov*

Quality

This information is increasingly outdated and may not reflect the current demographic make-up of New Orleans.

Methodology

Census information is not grouped by NOPD district. Census tracts were overlaid with NOPD districts for the purposes of calculation. Census tracts correlate well to distinct police districts.

2018 NOPD USE OF FORCE

The analysis section of the UOF report is split into several sections:
1. Comparison to Other Cities
2. Force Over Time
3. Force by Type and Level
4. Force by Outcome
5. Justification of force
6. Officers Who Used the Most Force
7. Groupings of NOPD Officers
8. Individuals Subjected to NOPD Actions

SECTION 1: COMPARISON TO OTHER CITIES

Amount of Force Compared to Other Cities
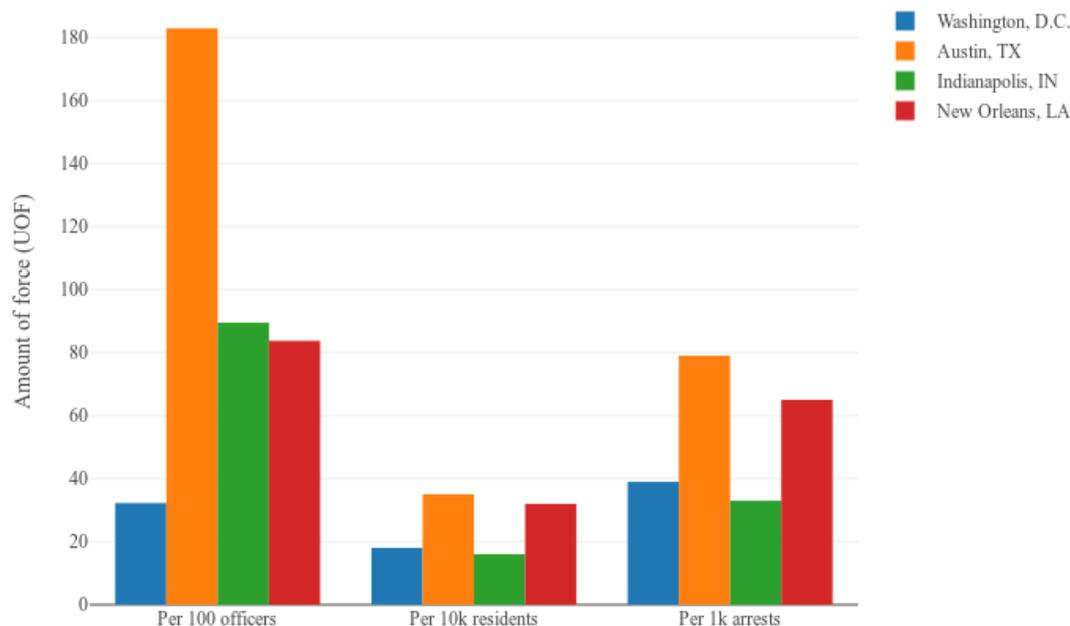
FIGURE 1: NOPD FORCE (UOF) COMPARED TO OTHER CITIES

Every police department in USA has different policies about the use of force. Each department also has different tools, such as body-worn cameras, which can be used to more accurately capture force incidents. Furthermore, the cities in which every police department operates is also unique in its demographics and crime patterns.

Despite these known issues with comparing use of force statistics from other jurisdictions, the figure above helps give a generalized understanding of how New Orleans compares to other cities.

New Orleans is the smallest city being compared. The city populations (city only, not metro area) are as follows:
- Austin: 950,715
- D.C.: 702,455
- Indianapolis: 863,002
- New Orleans: 343,829

New Orleans uses the second most amount of force compared to other cities in terms of force per resident and force per arrest and the least relative force when looked at from a per-officer basis.

SECTION 2: FORCE OVER TIME

Annual Comparison—Incidents Involving Force (FTN) by Year
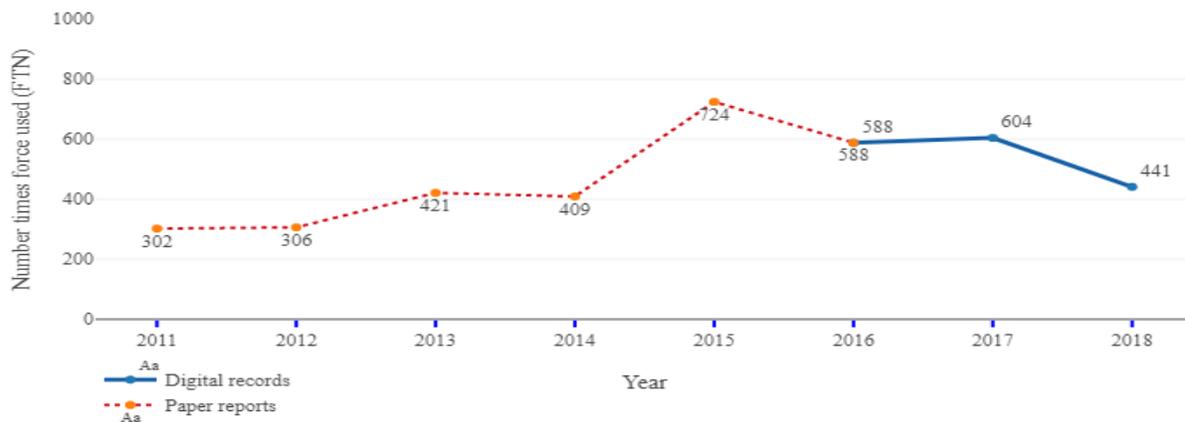
FIGURE 2: TOTAL FTN BY YEAR

- Force in 2015 and earlier is taken from paper reports, not digital records.
- Data showed that UOF and FTN remained fairly consistent from 2013 to 2014. However, force spiked between 2014 and 2015.
- From 2015 to 2016, UOF increased while FTN decreased.
- In 2017, both FTN and UOF increased. Notably, both UOF and FTN experienced sharp declines in 2018.
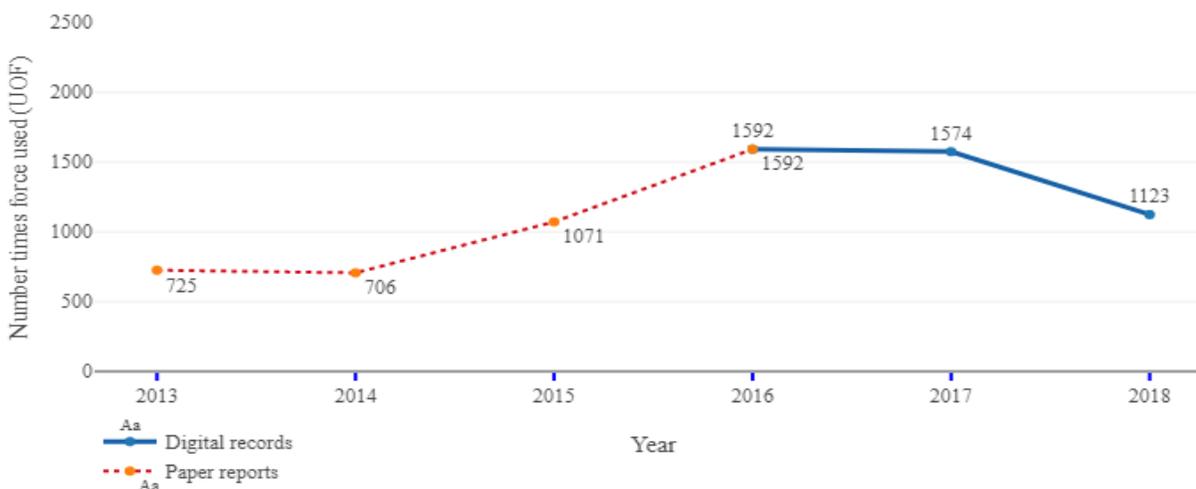
FIGURE 3: TOTAL UOF BY YEAR

- There were 1123 UOF in 2018, down significantly from 1574 in 2017. The number of FTN in 2018 was 441, resulting in a decrease of 163 since 2017 when there were 604 incidents. The trend of UOF in other police departments surveyed was an increase in 2018.[7]
- 102 of the reduction in UOF may be attributed to the change of policy no longer requiring the reporting of exhibition of taser as a UOF, based on projections using 2016 and 2017 averages. This represents 22% in the decline of UOF. See narrative under Figure 5 for further explanation.
- Notably, even with the increase of UOF in other cities, the overall numbers for UOF per capita in New Orleans was substantially higher than other cities. For example, Indianapolis Police Department has 896 UOF and a population of 863,000, and DC PD had 323 UOF with 694,000 residents.[8]
- Data showed that UOF and FTN remained fairly consistent from 2013 to 2014. However, force spiked between 2014 and 2015. From 2015 to 2016, UOF increased while FTN decreased. In 2017, both FTN and UOF increased. Notably, both UOF and FTN experienced sharp declines in 2018.

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[7] Boulder Police Department Professional Standards Report, p. 6, accessed April 9, 2019.

[8] Government of the District of Colombia, Police Complaint Board, Office of Police Complaints, Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018, page 31.

FTN & UOF in 2018 By Month
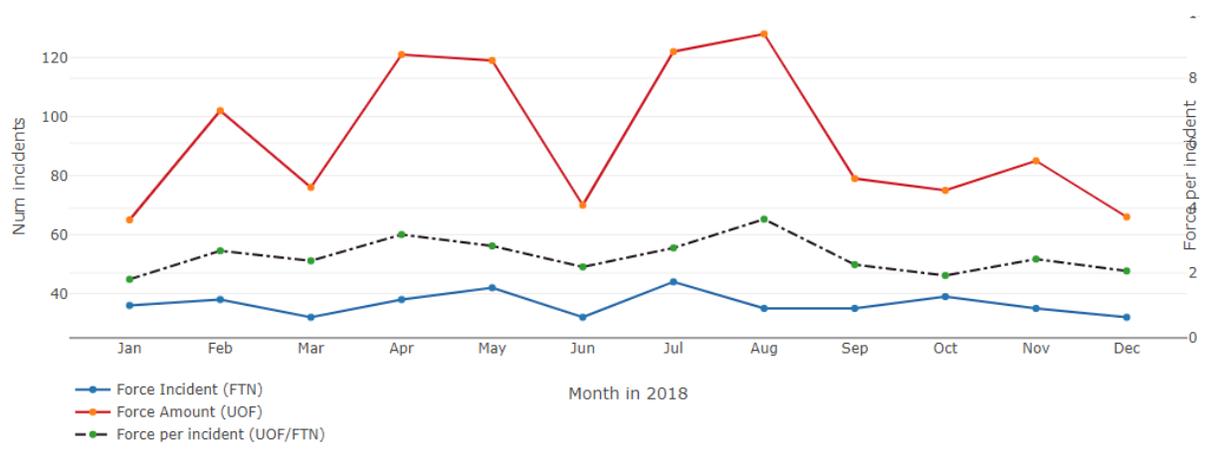
FIGURE 4: FTN & UOF BY MONTH

- Figure 4 clarifies the relationship between the number of incidents (FTN) and amount of force (UOF).
- On average, there has been a minor decrease in UOF per FTN per month from 2017 to 2018 of 2.6 to approximately 2.5.
- In 2017 both UOF and FTN peaked during August. In 2018 UOF also reached its maximum in August, but the 2018 FTN max was July.
- April, May, June, and August were months when the UOF was substantially higher than the median of 82. The average of UOF/FTN was approximately 2.5 in 2018, compared with 2.7 in 2017. Crime rates and force is known to rise during summer months[9]. This could explain the June and August outcomes. OIPM did not attempt to investigate the fluctuation in April and May further.

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[9] Government of the District of Colombia, Police Complaint Board, Office of Police Complaints, Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018, page 29.
Seasonal Patterns in Criminal Victimization Trends,
https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5028

NOPD classifies UOF incidents into four levels: 1, 2, 3, and 4 -- with level 4 being the most serious and level 1 being the least serious. These levels were defined in more detail during the introductory portion of this report, in the section titled "Investigations and Levels of Force".
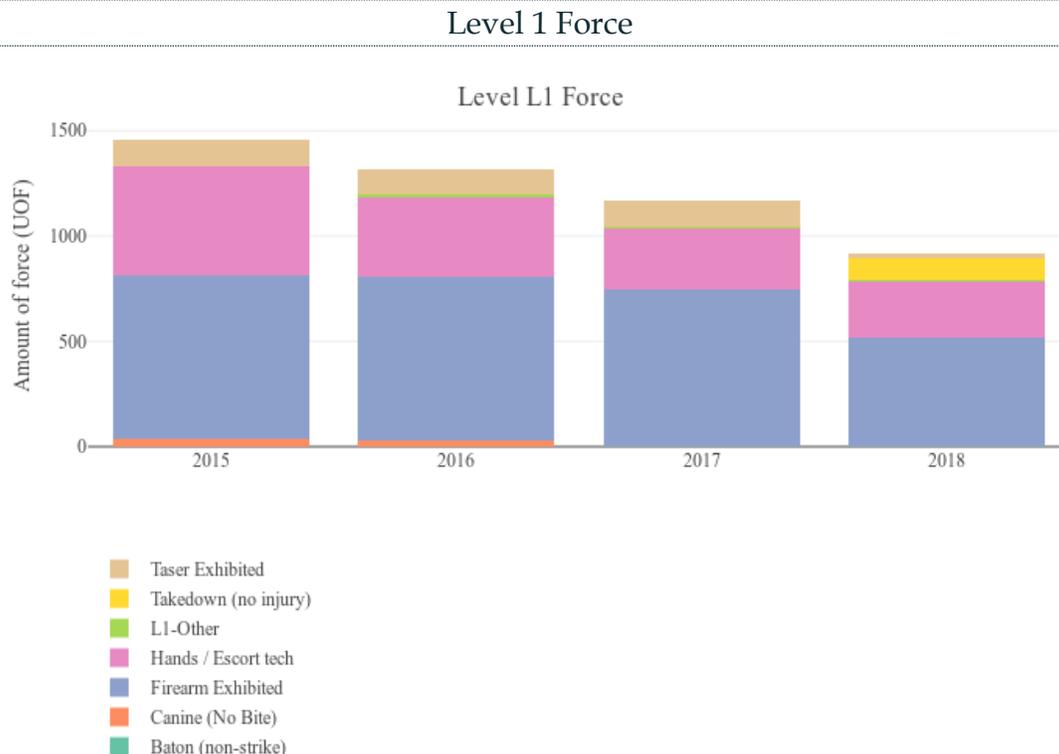
Level 1 Force

FIGURE 5: AMOUNT OF FORCE (UOF) BY LEVEL BREAKDOWN: LEVEL 1

- Level 1 force decreased for the third year in a row.
- In 2018, NOPD stopped counting the exhibition of tasers as a use of force. In 2017, there were 126 such incidents. In 2016 there were 118. The policy change caused the number to drop to 20 before the policy took effect in April 2018. Using historic trends, this policy change is projected to account for the reduction in UOF to 102 for 2018[10].
- From 2017-2018, Level 1 force decreased by close to 270 UOF or 77% more than from 2016-2017. But 38% of that decline may be attributed to the policy change regarding taser exhibition.

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[10] If we assume the expected number of taser exhibitions to be the 2016/2017 average (126 + 118 / 2 = 122), then this policy change can be attributed to a 102 decrease in UOF (122 expected taser exhibition - 20 recorded exhibitions).

Level L2 Force

FIGURE 6: AMOUNT OF FORCE (UOF) BY LEVEL BREAKDOWN: LEVEL 2

- Level 2 UOF decreased 49% in 2018, dropping from 382 in 2017 to 185 in 2018. This is the lowest Level 2 has been since 2015.
- Defense tech/take down decreased by 72%, from 296 to 83.
- Taser deployment has averaged about 57 UOF from 2016 to 2018 and remained consistent.
- Canine (no bite) decreased by 5 incidents from 21 in 2017 to 16 in 2018.

Level L3 Force
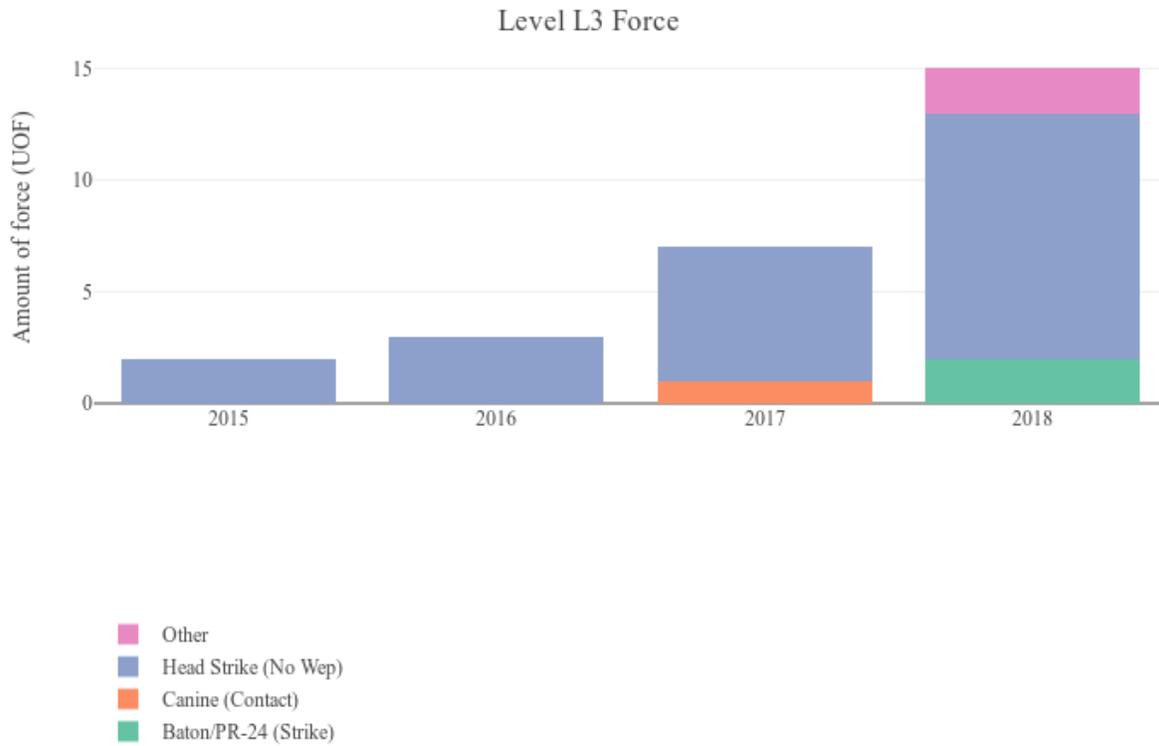
FIGURE 7: AMOUNT OF FORCE (UOF) BY LEVEL BREAKDOWN: LEVEL 3

- Level 3 force has doubled for the second year in a row. There were 3 L3 UOF in 2016, 7 in 2017, and 15 in 2018.
- Since 2015, head strike (no weapon) has been steadily increasing up to 11 in 2018 after starting at 2 in 2015.

Level L4 Force
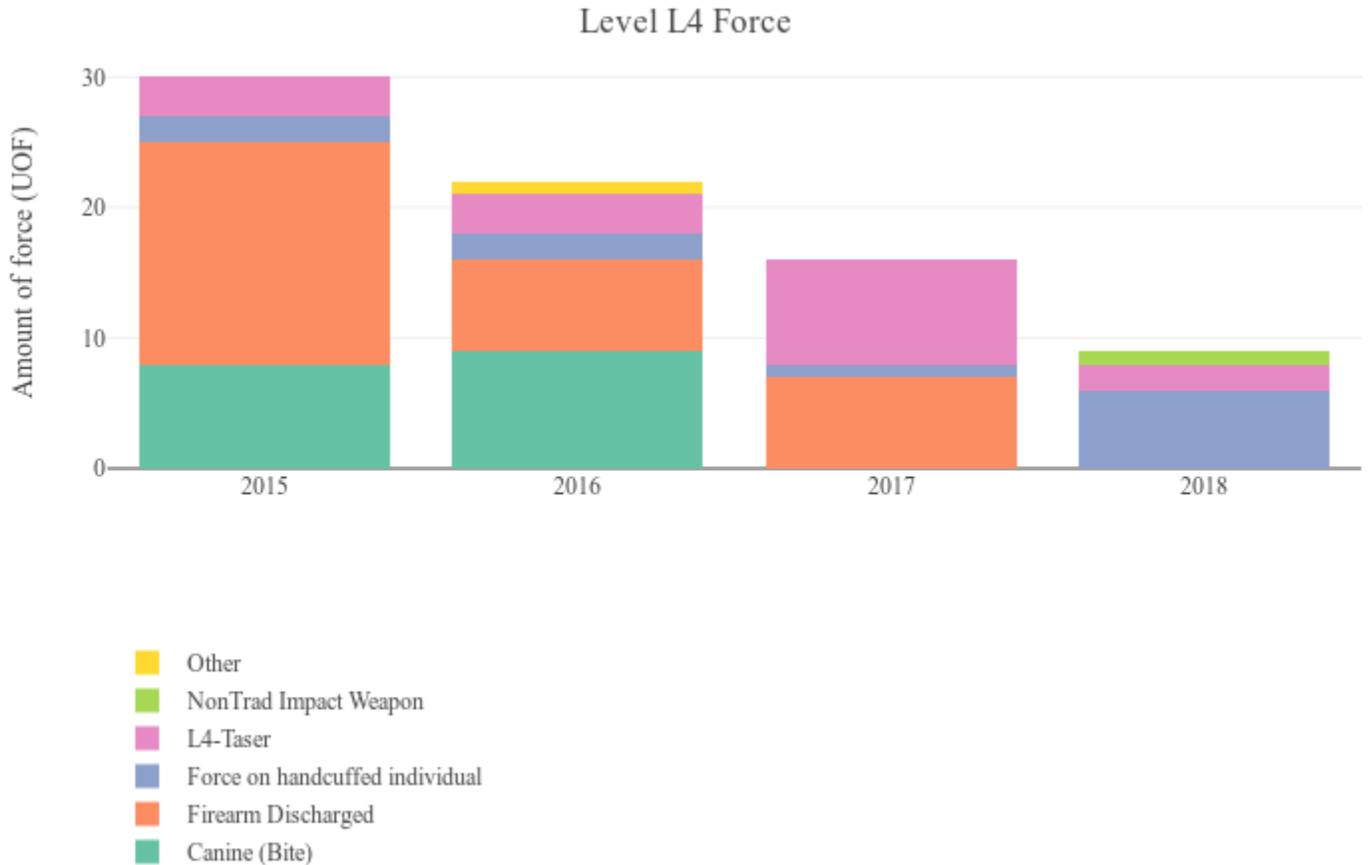
FIGURE 8: AMOUNT OF FORCE (UOF) BY LEVEL BREAKDOWN: LEVEL 4

- Level 4 force has decreased yearly since 2015.
- There was no firearm discharged at a person in 2018.
- While level 4 UOF has decreased overall, force while handcuffed increased from 1 in 2017 to 6 in 2018.
- One UOF was classified as Other in 2016 corresponding to serious physical injury occurring when the individual placed his legs on the interior door panel of the police vehicle and pushed out as officers on the door's exterior pushed the door closed. The individual's leg was dislocated during this process.

The remainder of this report focuses on 2018 data only.

Force By Type and Level
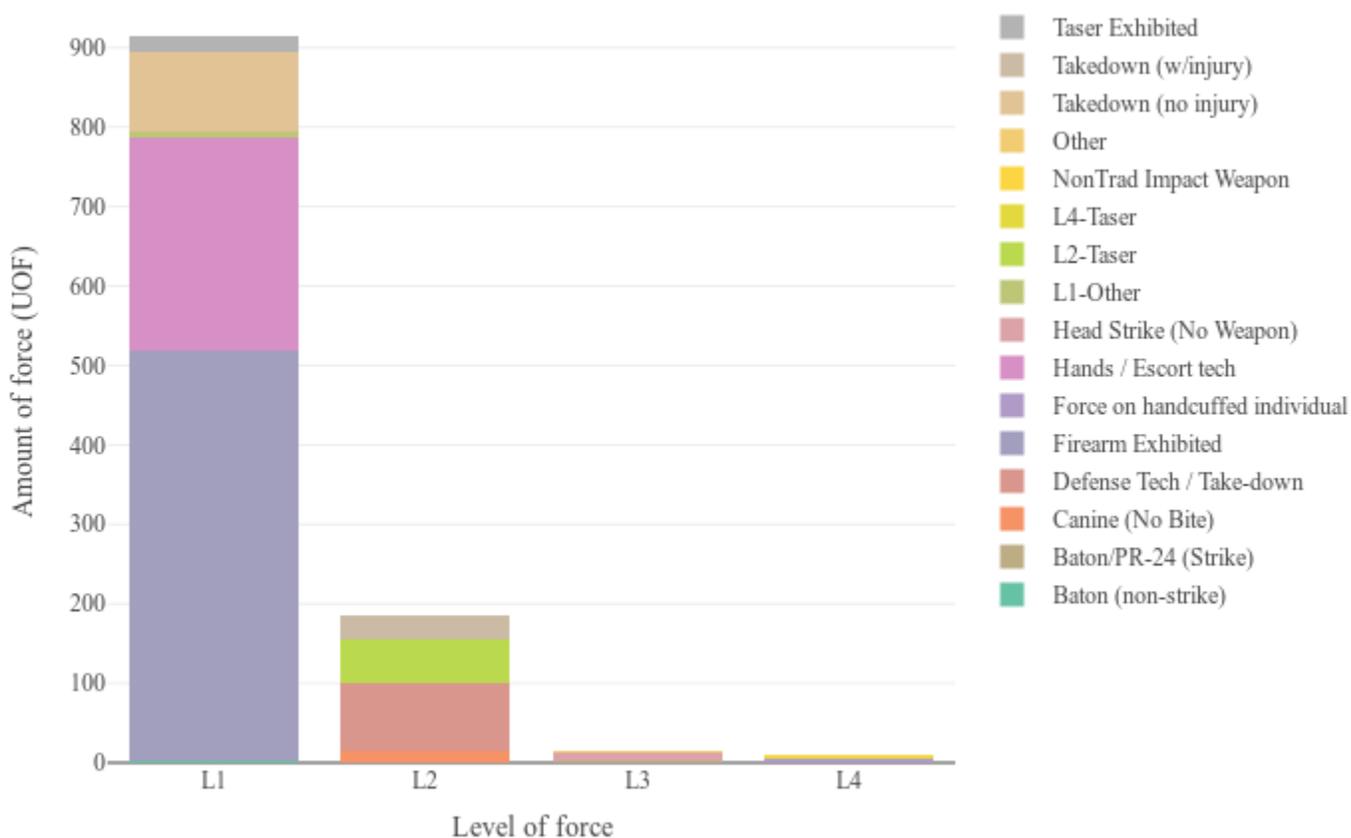
FIGURE 9: FORCE BY TYPE AND LEVEL OVERVIEW

- Level 1 force accounts for just over 81% of all force followed by Level 2 with just over 16% of all force.
- Exhibiting firearms accounts for slightly more UOF than all other types combined, similar to 2017 statistics.

FIGURE 10: UOF BY DISTRICT/DIVISION LEVEL AND TYPE

- The 8 police districts in New Orleans represent different types and patterns of criminal activity. Variations in police use of force in these districts cannot solely be attributed to differences in policing practices. The same is true for Special Operations and other divisions tasked with specific subsets of police work.
- The districts with the highest UOF are the 3rd, 8th, 7th, and Special Operations, respectively. These districts are the top four for a second year in a row.
- The 7th district has the highest level 4 UOF and the 8th district has the highest level 3 UOF.

Level L1 Total = 914
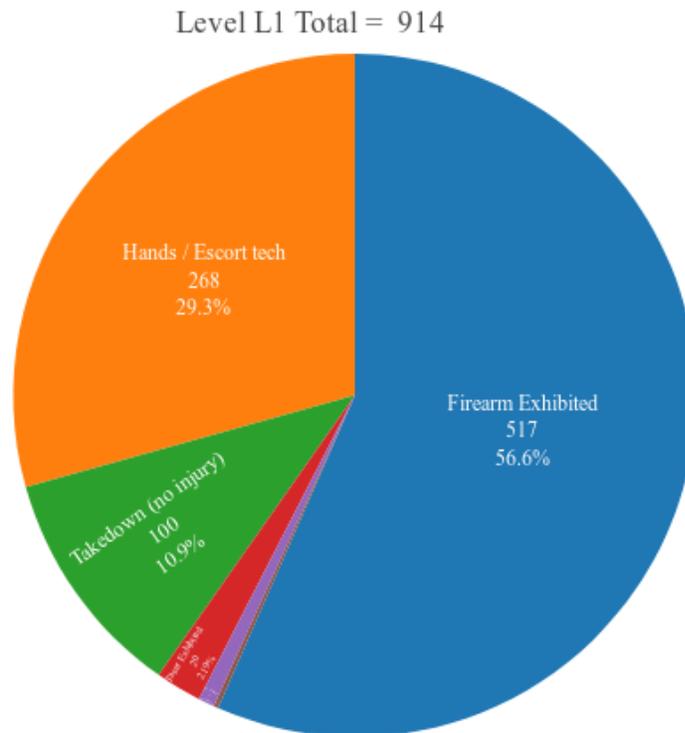
FIGURE 11: LEVEL ONE USE OF FORCE

- The highest percentage of level 1 UOF is firearm exhibited.
- Hands/escort tech is the second most common low level UOF, followed by takedown (no injury). Together, the top three types represent more than 96% of all level 1 force.
- Level 1 force is more common than all other levels of force.

Level L2 Total = 185

Defense Tech / Take-down
83
44.9%

L2-Taser
56
30.3%

Takedown (w/injury)
30
16.2%

Canine (No Bite)
16
8.65%
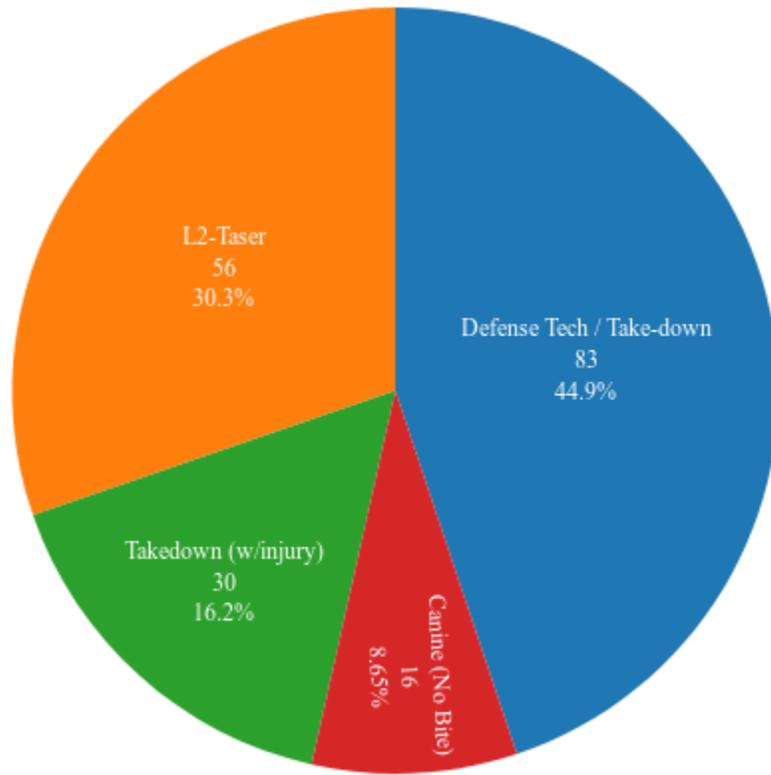
FIGURE 12: LEVEL TWO USE OF FORCE

- Defense tech/takedown represents almost half of all level 2 force in 2018 with approximately 45%. That percentage is down from 77.4% in 2017.
- Taser is the second most common level 2 UOF, representing just over 30% of the category.

Level L3 Total = 15
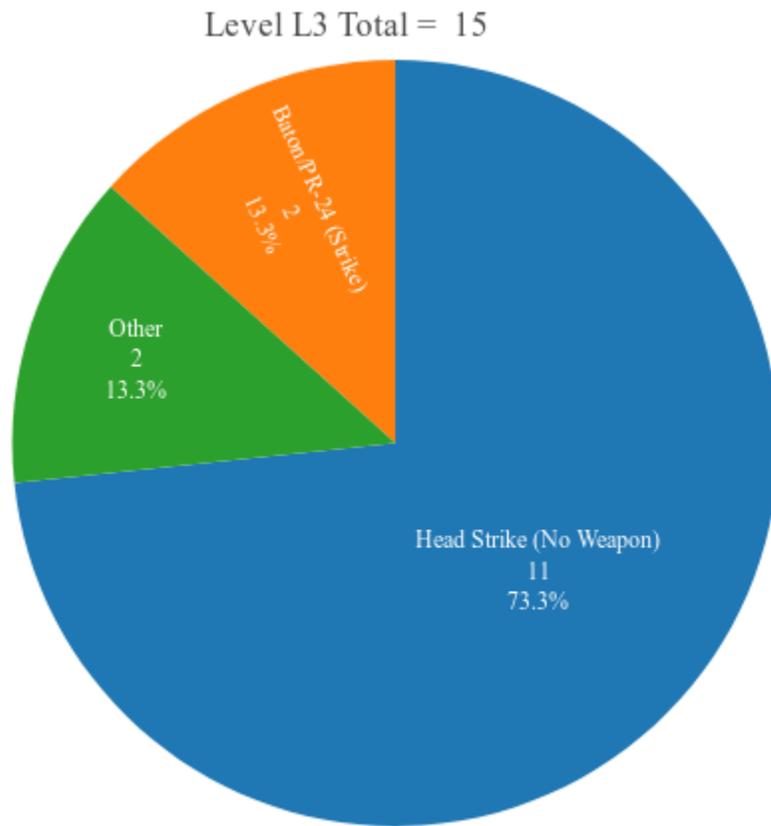
FIGURE 13: LEVEL THREE USE OF FORCE

- Head strike (no weapon) is overwhelmingly the level 3 UOF utilized for a second year in a row, with 11 UOF in 2018. At 73.3%, head strikes (no weapon) were down 14.3% from 2017.
- The Other UOF represents a single FTN where two officers both used head strikes and body strikes against a single individual.

Level L4 Total = 9

L4-Taser
2
22.2%

NonTrad Impact Weapon
1
11.1%

Force on handcuffed individual
6
66.7%
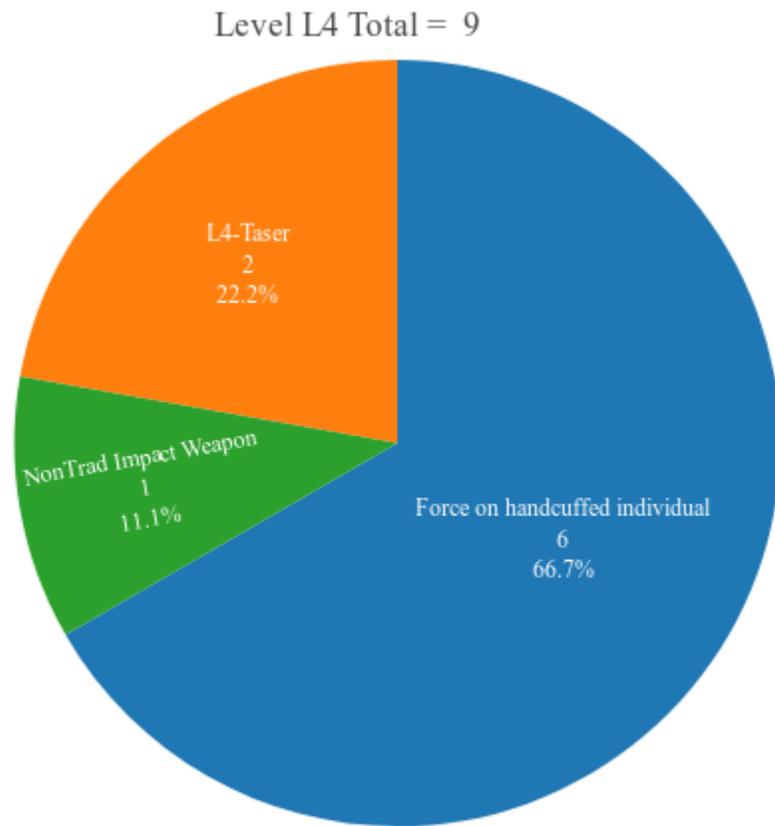
FIGURE 14: LEVEL FOUR USE OF FORCE

- Level 4 UOF is least common, with 9 total instances.
- Force on handcuffed individuals are the most frequent Level 4 UOF (6), followed by L-4 taser (2).

Force by Type and Effectiveness
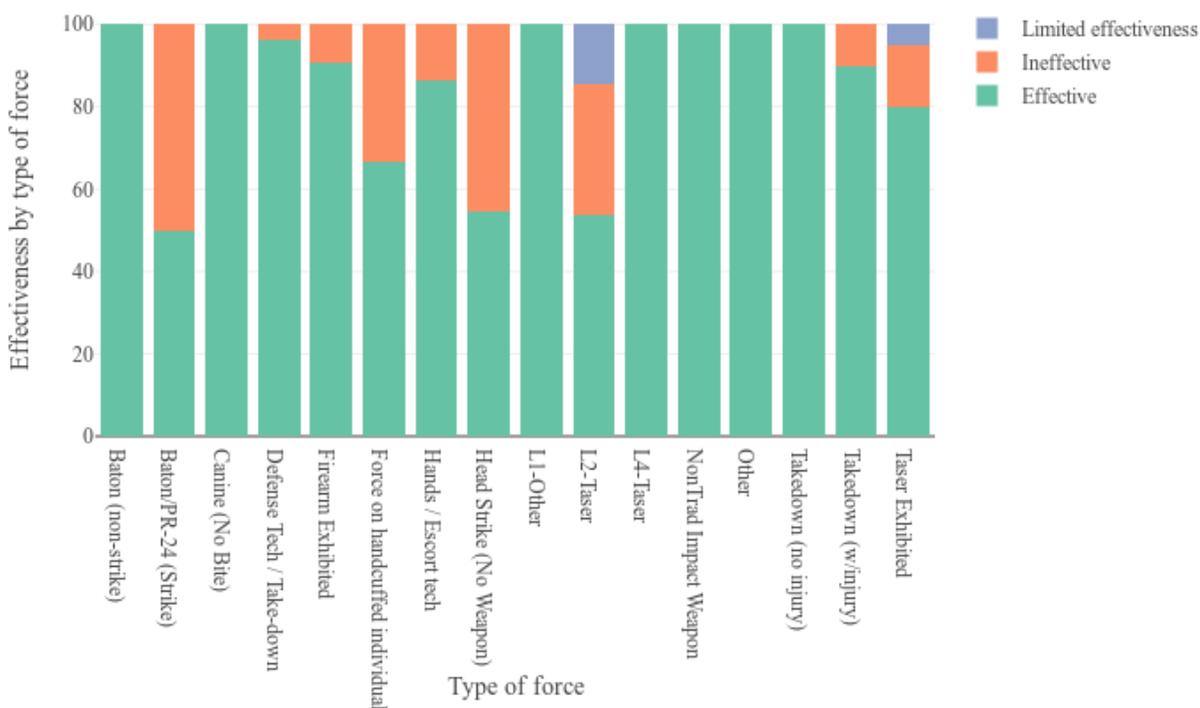
FIGURE 15: UOF EFFECTIVENESS BY TYPE

OIPM and NOPD have discussed that NOPD has no consistent internal definition for the terms "effective", "not effective", and "limited effectiveness". The service provider that provides NOPD's use of force tracking software suggested the following definitions:

> *Effective: The force used resulted in stopping the threat or action so no further force was necessary.*

> *Not Effective: The force used did not end the threat, and additional force options had to be utilized to end the threat, or the suspect/combatant escaped.*

> *Limited Effectiveness: The force used initially resulted in compliance, but the suspect/combatant overcame the force, created an additional threat which resulted in additional force or he escaped.*

Based on comments received from NOPD, it is unlikely that these definitions are known and used by the entire police force.

Analysis
- NOPD self-determined effectiveness and its guidelines remain unclear.
- Most UOF is determined effective by NOPD.
- For two years in a row, baton (non-strike), L1-other, and L2-other were deemed 100% effective.
- In 2018, just as in 2017, L2-taser was determined to be one of the least effective UOF types.
- Taser deployments were the only categories that had any force that was classified as "limited effectiveness".

<u>Recommendation</u>
In 2017 OIPM recommended that NOPD include the definitions for effective, not effective and limited effectiveness in the NOPD Operations Manual. This way members of the police department have a common understanding of these terms. One thought was to put these definitions in Blue Team in addition to the NOPD Operations Manual.

In 2017 NOPD agreed to explore how they could best implement this recommendation. However, this recommendation was not implemented.

<u>NOPD Response to the Recommendation</u>
Prior to the issuance of this report, OIPM met with the Commander of the Professional Standards & Accountability Bureau of NOPD. The Commander has agreed to work with OIPM in 2019 to figure out the best way to address this issue. OIPM looks forward to reporting in 2019 on how this recommendation was implemented.

- In previous years, OIPM reported dispositions at the UOF level. Doing so does not accurately represent NOPD data which only captures dispositions at the incident (FTN) level. In this report and future reports, force dispositions will be reported by FTN.
- There were 7 unjustified UOF in 2018.
- The number of unjustified UOF has increased from 1, to 6, to 7 (2016-2018).
- A study on complaints stemming from a use of force by the National Institute of Justice predicts 6.5 unjustified use of force for a department the size of NOPD[11].
- NOPD determined that force is "not justified" in 1.4% of force incidents in 2018.

11

https://policecomplaints.dc.gov/sites/default/files/dc/sites/police%20complaints/publication/attachments/Citizen_Complaints_and_Use_of_Force_DOJ.pdf

Officer Injury
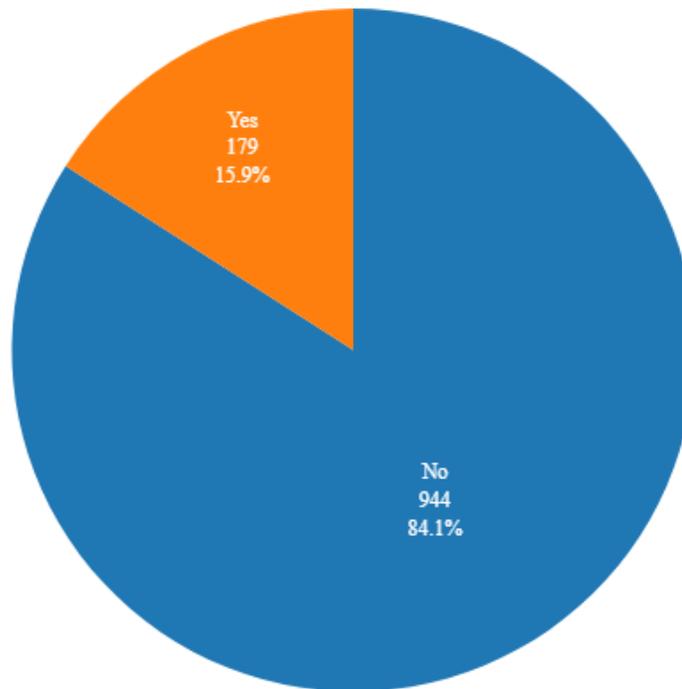
FIGURE 16: UOF LEADING TO OFFICER INJURY

NOPD police officers face a real risk of injury and death. This is critical to understanding the context in which officers make decisions to use force. But risk of injury is not unique to officers. Individuals who are the subjects of police force also face a risk of injury. See "UOF leading to individual injury" for reference to how UOF injury risk applies to individuals who are subjected to NOPD use of force.

- Officers were injured by UOF close to 16% of the time.
- Officer injuries increased by 2.4% since 2017.

Individual Injury
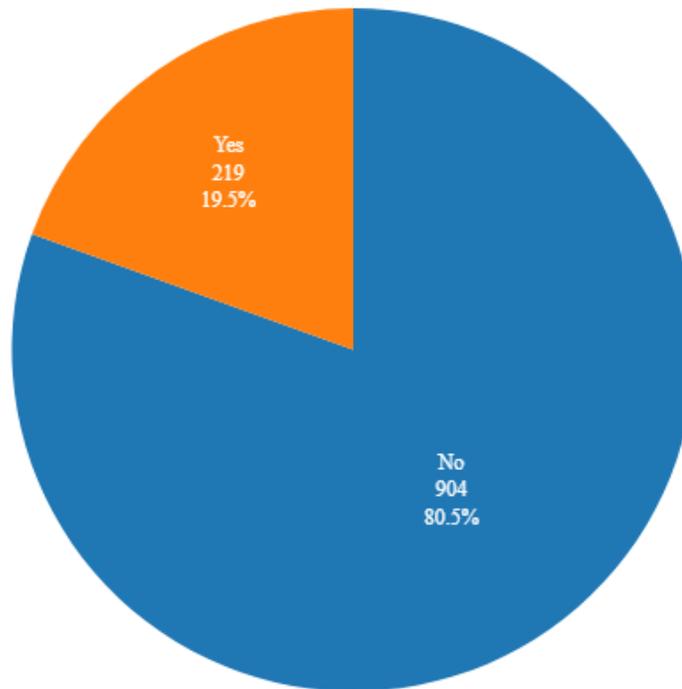
FIGURE 17: UOF LEADING TO INDIVIDUAL INJURY

- Risk of injury is not unique to officers. Individuals who are the subjects of police force also face a risk of injury.
- Individuals were injured by UOF 19.5% of the time.
- Individuals with injuries were down 2.8% from 2017.
- The percentage of individual injuries related to UOF appears lower than in some other municipalities, for instance District of Columbia Police Department with 55%.
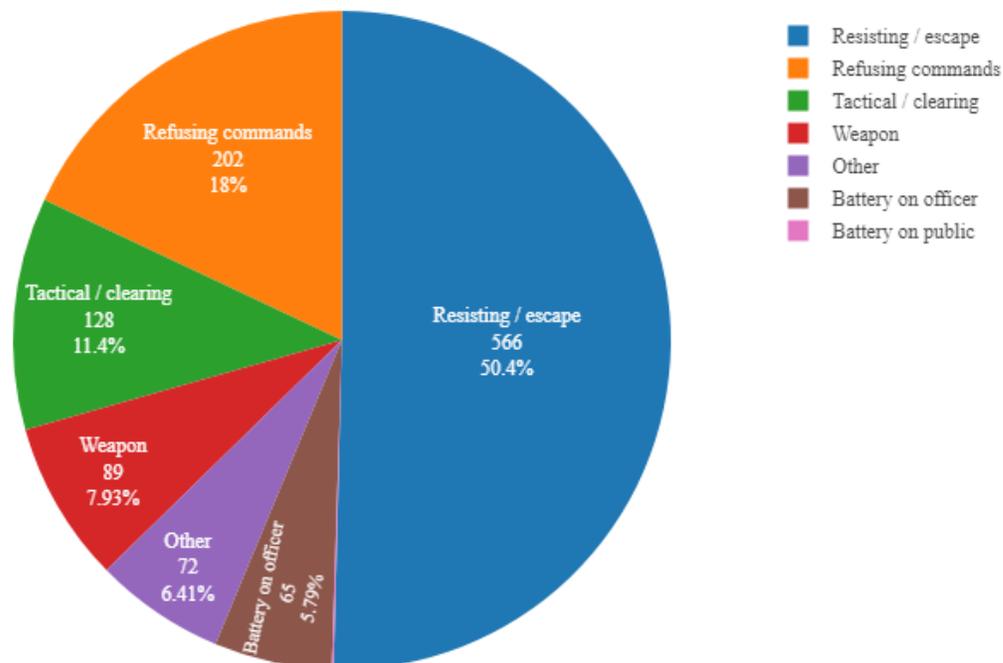
Reason for Force

FIGURE 18: UOF BY REASON

- For the second year in a row, resisting arrest/escape is the most common reason for force at 50.4%, followed by refusing verbal commands at 18%.
- The other category decreased notably from 18.9% in 2017 to 6.4% in 2018.
- Upon reviewing UOF statistics information from other police departments, it remains unclear as to whether "refusing verbal commands" is a justifiable reason for UOF.[12] It is unclear from the data whether "refusing verbal commands" solely was the reason for the use of force or if verbal commands were part of a continuum and other incidents occurred that justified the force.
- Some other departments also take into consideration whether a subject is exhibiting possible signs of mental illness in deciding if UOF is appropriate or justified.[13]

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[12] Boulder Police Department Professional Standards Report, p. 9, accessed April 9, 2019.

[13] Government of the District of Colombia, Police Complaint Board, Office of Police Complaints, Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018, page 20.

In response to the last bullet point by OIPM above the NOPD sent the following response:

NOPD policy 1.3: Use of Force states that "When feasible based on the circumstances, officers will use de-escalation techniques, disengagement; area containment; surveillance; waiting out a subject; summoning reinforcements; and/or calling in specialized units such as mental health and crisis resources, in order to reduce the need for force, and increase officer and civilian safety. Moreover, the officers shall de-escalate the amount of force used as the resistance decreases."

The use of force principles enshrined in policy 1.3: Use of Force include the following: "Officers will use disengagement; area containment; surveillance; waiting out a subject; summoning reinforcements; and/or calling in specialized units such as mental health professionals or a crisis response team, when feasible, in order to reduce the need for force and increase officer and civilian safety. (e) When possible, officers shall allow individuals time to submit to arrest."

Police 1.3: Use of Force also specifically names "the subject's mental state or capacity" as one of the "facts and circumstances" to consider "when determining whether to use force and in evaluating whether an officer has used reasonable force."

All NOPD officers have received a minimum of eight hours of training on responding to persons in behavioral or mental crisis, as well as annual refresher instruction on crisis intervention and de-escalation tactics during Core In-Service.

NOPD has adopted the Crisis Intervention Team (CIT) model, a nationally recognized 'best practices' approach in recognizing and managing behavior that may be attributable to a mental health disorder. Under this program, specially chosen officers receive 40 hours of intense training from mental health experts focused on techniques and best practices for minimizing the use of force against individuals in crisis due to mental illness or a behavioral disorder. CIT officers are assigned to each police district and are trained to respond to and de-escalate mental health crises. As of May 2019, NOPD has trained and certified 263 officers and supervisors. CIT-trained officers currently account for 38% of all patrol officers

Recommendation
OIPM recommends that NOPD clarify what the category "refusing verbal commands" means. It is unclear from the data whether "refusing verbal commands"solely was the reason for the use of force or if verbal commands were part of a continuum and other incidents occurred that justified the force.
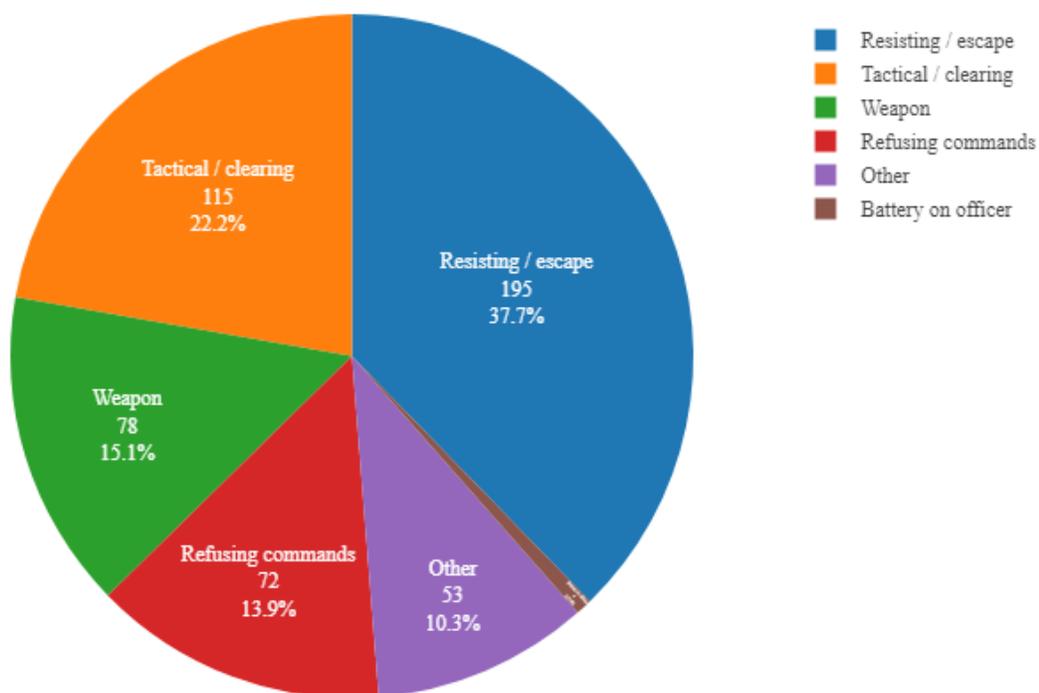
FIGURE 19: REASONS FOR EXHIBITING FIREARMS

- Weapon exhibited was not the most common reason for exhibiting a firearm; it represented about 15% of total reasons.
- The top three reasons for exhibiting firearms are flight from an officer, tactical deployments, and resisting lawful arrest.
- Other represented about 10% of the reason for exhibiting a firearm, down from 30% in 2017 and over 50% in 2016. We commend NOPD for following our recommendation to address the excessive categorization of Other.

Recommendation
OIPM recommends that Other categories should generally make up no more than 5% of the group.

NOPD Response to the Recommendation
NOPD accepted the recommendation and agreed to continue to evaluate this category and make necessary adjustments.
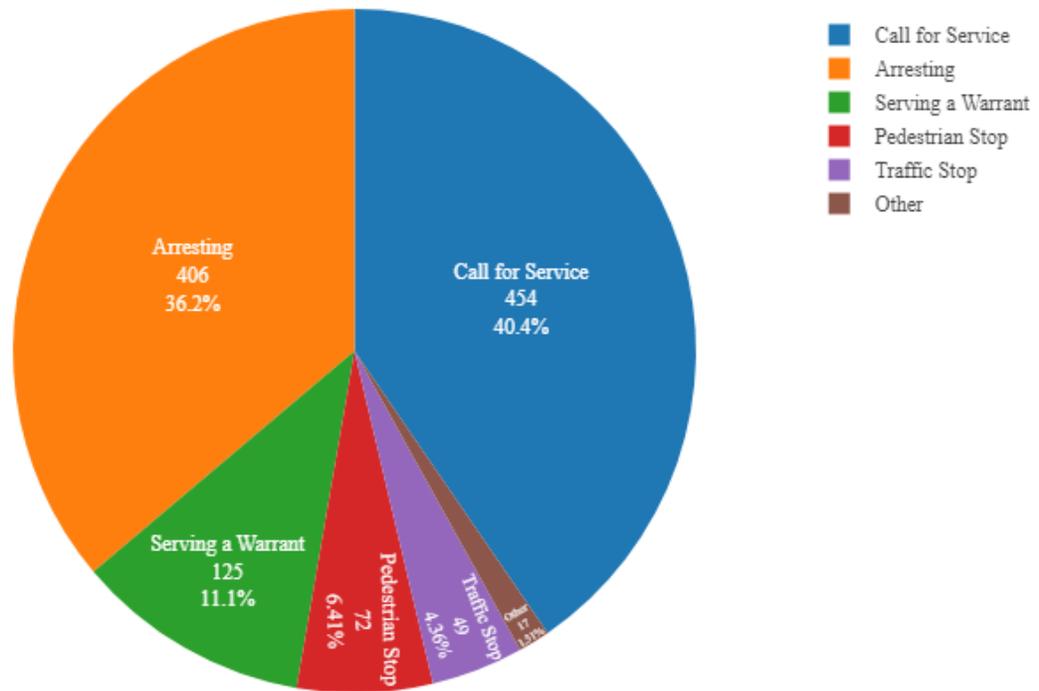
FIGURE 20: UOF BY SERVICE TYPE

- More than 75% of instances that preceded force were "Calls for Service" or "arresting" (an individual).
- While traffic stops were the third most common event to precede force in 2017 at 12.4%, it was the fifth most common in 2018 at 4.36%.
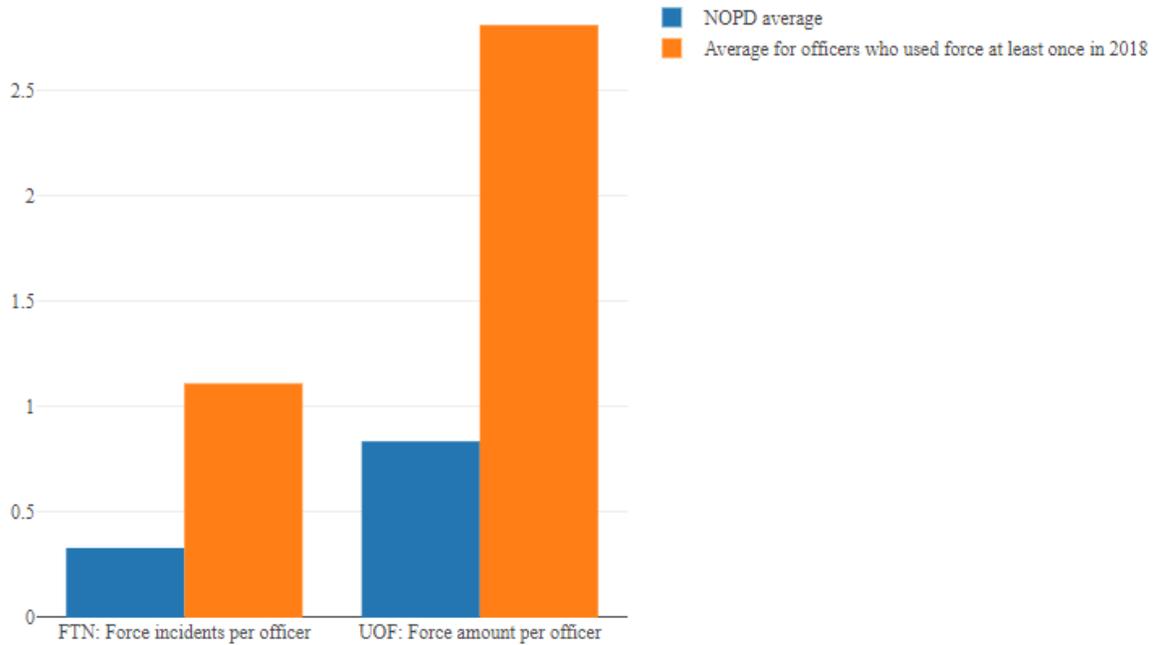
FIGURE 21: AVERAGE FTN AND UOF PER OFFICER

- The average UOF data from 2018 has decreased since 2017 and 2016.
- The average officer will use force once every 3 years. In 2017, the average officer used force once every 2 years. Another way to think about this is that in 2018, the average force incidents (FTN) per officer was 0.33 but was 0.47 in 2017.
- If only the officers that used force at least once are considered, the average officer then has 1.11 force incidents per year.
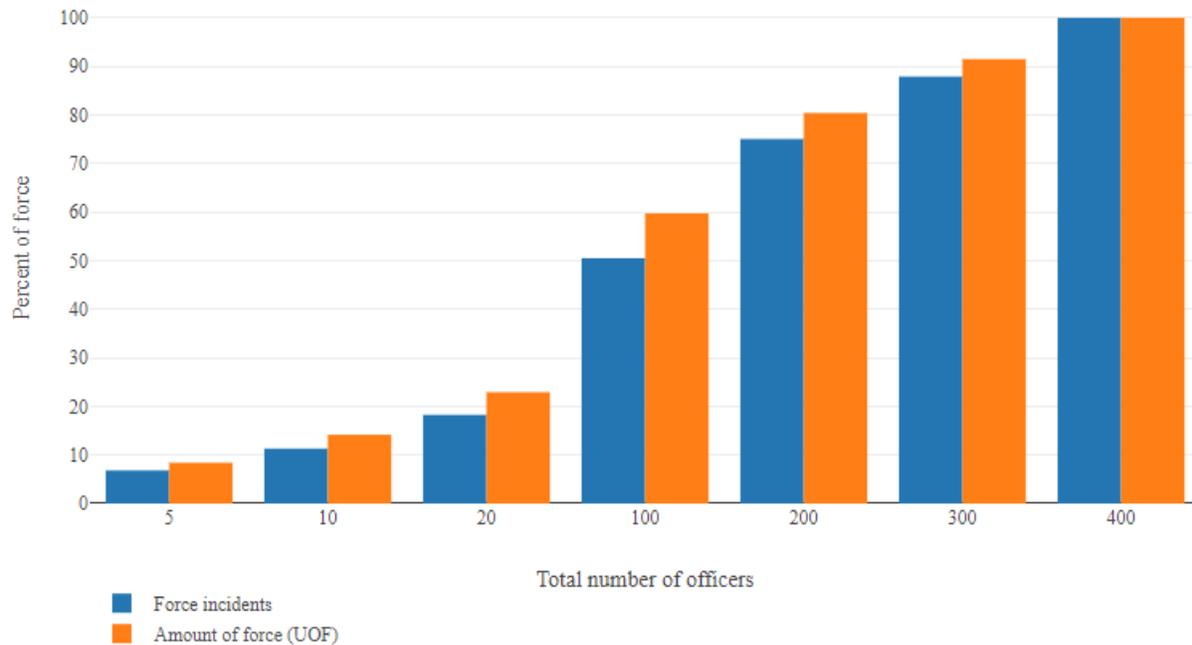
FIGURE 22: OFFICERS WHO USE THE MOST FORCE

- How to read the graph: The vertical axis is percentage and horizontal axis is number of officers. The graph is cumulative, meaning that the top 10 officers includes the top 5 officers.
- The top 10 officers are responsible for a little over 11% of all force incidents (FTN) in 2018, up from 10.3% in 2017.
- The top 10 officers are responsible for just over 14% of all force (UOF) in 2018. This is a small increase from 13.4% in 2017.
- About the same number of officers used force in 2018 as in 2017.

Force Incidents (FTN)	Amount of Force (UOF)
Among the top 5 officers using most force: • Responsible for 6.8% • Number men: 5 • Age range: 23 - 35 • Exp range: 2 - 6 years • White: 2, Black: 3, Latinx: 0, Native: 0, Asian: 0	Among the top 5 officers using most force: • Responsible for 8% • Number men: 5 • Age range: 23 - 41 • Exp range: 2 - 6 years • White: 2, Black: 3, Latinx: 0, Native: 0, Asian: 0
Force Incidents (FTN)	Amount of Force (UOF)
Among the top 10 officers using most force: • Responsible for 11.3% • Number men: 10 • Age range: 23 - 41 • Exp range: 2 - 6 years • White: 6, Black: 4, Latinx: 0, Native: 0, Asian: 0	Among the top 10 officers using most force: • Responsible for 14% • Number men: 10 • Age range: 23 - 41 • Exp range: 2 - 6 years • White: 6, Black: 4, Latinx: 0, Native: 0, Asian: 0
Force incidents (FTN)	Amount of Force (UOF)
Among the top 20 officers using most force: • Responsible for 18.3 % • Number men: 19 • Age range: 23 - 54 • Exp range: 12 - 9 years • White: 10, Black: 7, Latinx: 2, Native: 0, Asian: 1	Among the top 20 officers using most force: • Responsible for 22.9% • Number men: 18 • Age range: 23 - 44 • Exp range: 10 - 9 years • White: 11, Black: 8, Latinx: 0, Native: 0, Asian: 1

OIPM was not able to provide the divisions and districts corresponding to these officers. In the 2017 report, we found that many of the officers that use the most force are in divisions like Special Operations that are put into more interactions where force is used. Different districts also have different patterns of criminal activity that could effect policing.

## Use of Force by Officer Age and Years of Experience
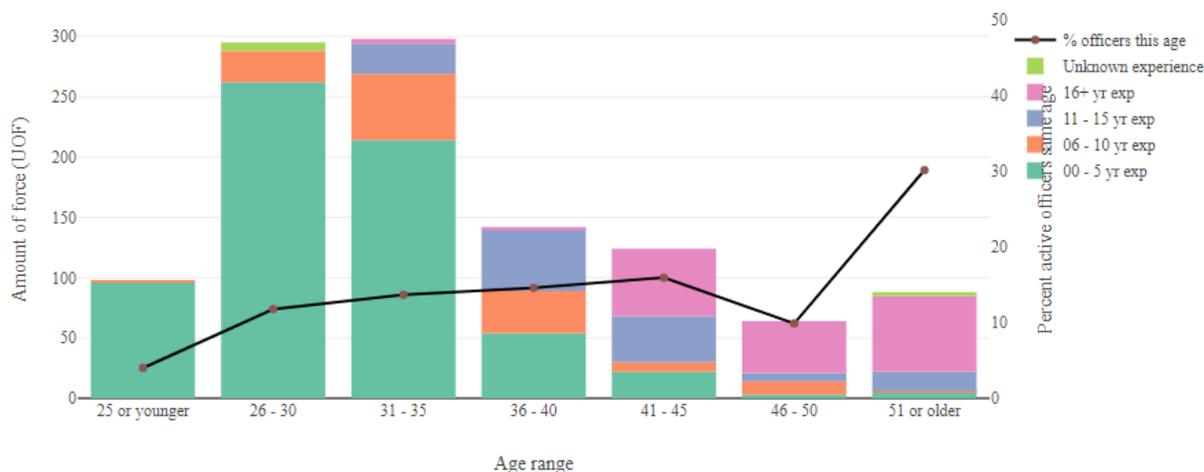
FIGURE 23: UOF BY OFFICER AGE & YEARS OF EXPERIENCE

- Use of force varies greatly by age group. Officers ages 26-35 account for more UOF than all other groups combined but are only about 24% of officers. Within the 26-30 and 31-35 groups, officers with less than 5 years of experience are most likely to use force.
- The oldest (51 or older) NOPD officers are least likely to use UOF. They account for over 30% of officers but have the second fewest force incidents.
- The youngest officers account for just under 9% of all UOF but they comprise 4% of officers. Relative to the number of officers, the youngest officers do use a disproportionate amount of force.
- Starting around age 30, many officers with more than 5 years of experience use force at non-negligible rates.

FIGURE 24: TYPE OF FORCE BY OFFICER GENDER AND RACE

- There are approximately 3.5 times more male officers than females. But male officers account for about 9.5 times the amount of force as female officers.
- In 2018, white male officers account for 15 more UOF than all other officers combined, though they make up less than 50% of NOPD. These statistics are nearly identical to 2017's data.
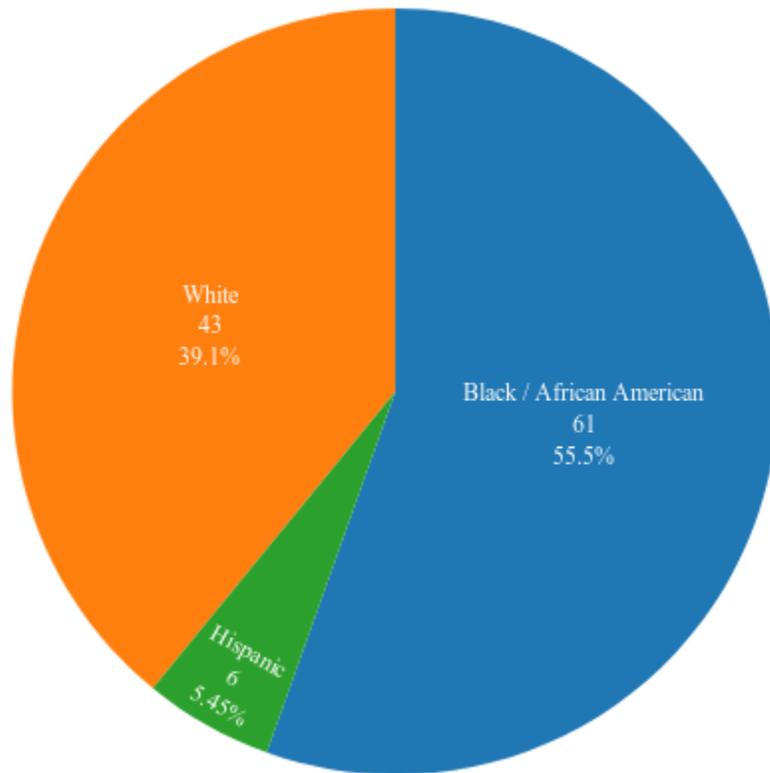
FIGURE 25: UOF BY TYPE FOR FEMALE OFFICERS

- Black female officers used slightly more force than white female officers. Because there are more black female officers than white female officers, their use of force is proportional.
- Female officers are responsible for approximately 10% of all use of force.
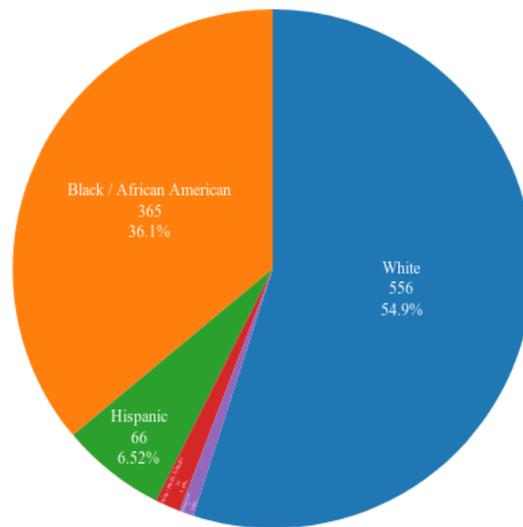
FIGURE 26: UOF BY TYPE FOR MALE OFFICERS

- Male officers are responsible for approximately 90% of force.
- There are 450 white male officers and 481 black male officers.
- White male officers use 1.5 times the force of black male officers.

Use of Force by Individual Gender and Race
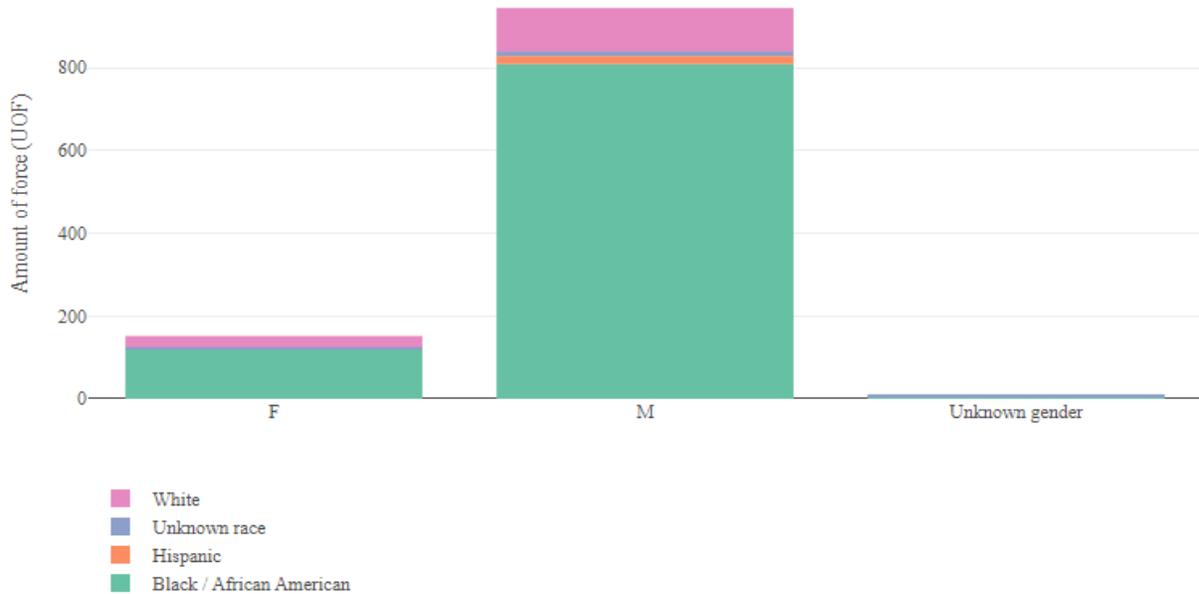
### UOF By Female Individual Race
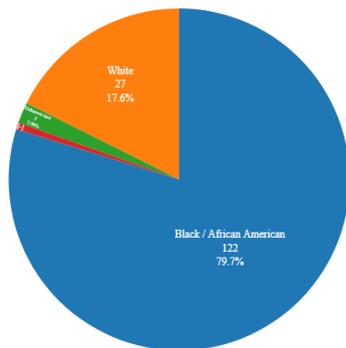
### UOF By Male Individual Race
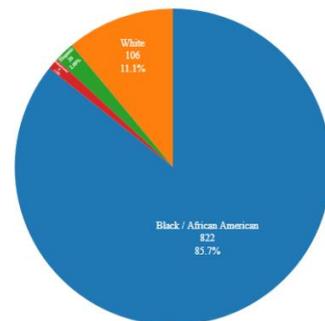
- Black men had approximately 6 times more force used against them than all other males combined.
- Black females had 4 times more force used against them than all other women combined.

Female Individual UOF by Type and Race
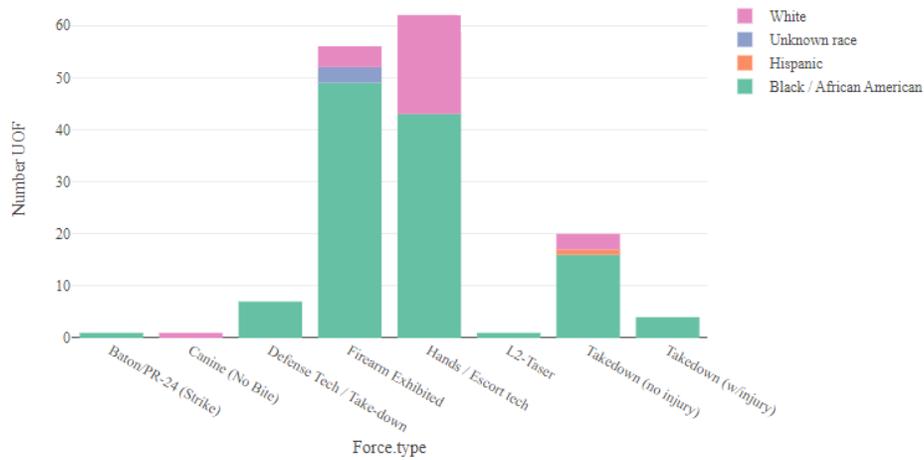
Male Individual UOF by Type and Race
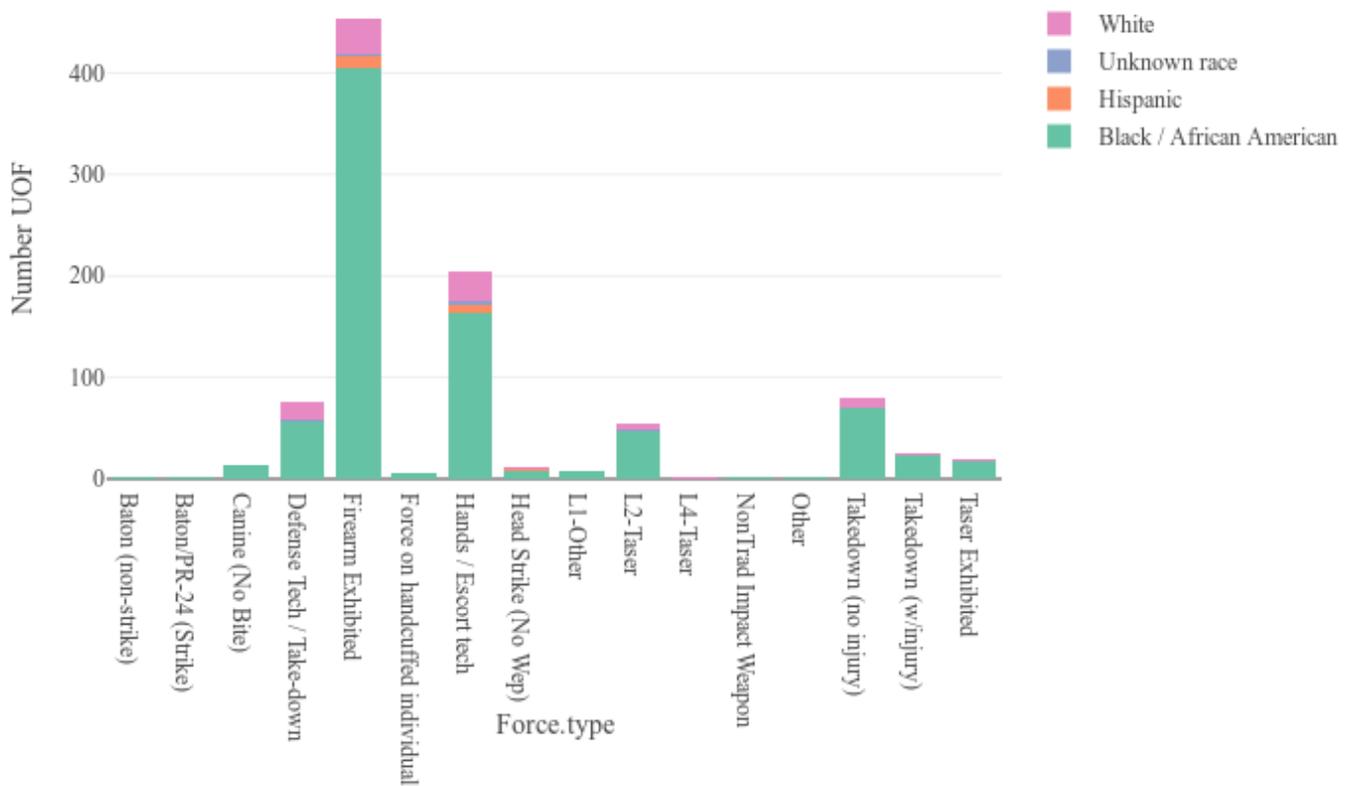
- Baton/pr-24 (strikes), defense tech/take-down, L2-taser, and take-down (w/ injury) were used exclusively on black females. Canine (no bite) was used exclusively on white women.
- While white males made up all L4-taser UOF, black males experienced nearly all other UOF at the highest rates across all force levels.
- Therefore, UOF by type and race is strikingly similar to 2017, however firearm exhibition has decreased significantly overall.

Varying Details About Force Used On Individuals

In the following sections, we highlight the amount of force used against black people in New Orleans. Much of our analysis shows that black people (excluding other people of color) in New Orleans experience, by a large margin, the majority of force used by the NOPD. Therefore, it is clearest to present findings in only two race-based categories: black people, and non-black people (Native American, White, Hispanic, Asian, and all other races) than it would be to give data for each individual race.

It should be noted that black people + non-black people is always equal to 100%. When reading a graph that shows what percentage of force is used against black people, the reader may calculate the amount of force used against non-black people by subtracting from 100%[14].

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[14] For example, if use of force against black people is 72%, then the amount of force used against people who are not black is 28% (100% - 72%).
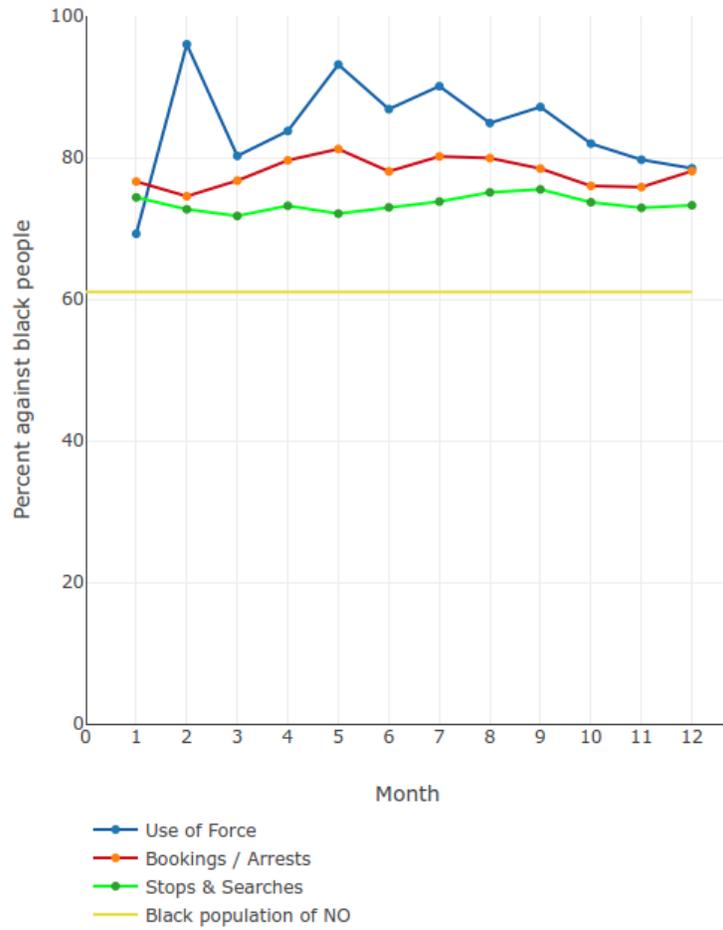
FIGURE 27: UOF AGAINST BLACK PEOPLE

Note: Currently missing OPSO data required to show arrests
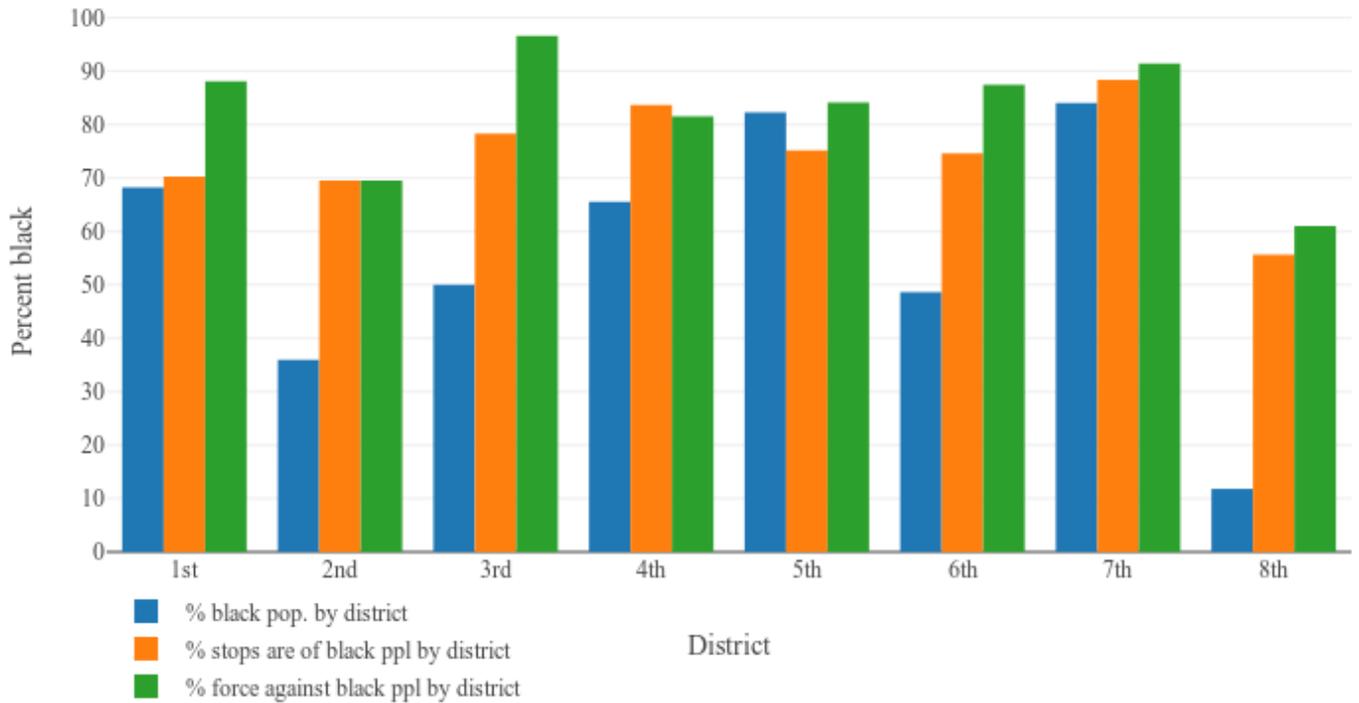
FIGURE 28: UOF AGAINST BLACK PEOPLE BY DISTRICT

• Stops & searches, as well as UOF, disproportionately negatively impact Black people. Other departments analyzed, such as the Metropolitan Police Department (Washington DC) and Chicago Police Department, suggest that increased community policing and increased and improved officer training could begin to remedy disparities in the policing of Black people.[15]

• These results are consistent with 2017 where force is used disproportionately against Black people in nearly every month and district.

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[15] Boulder Police Department Professional Standards Report, p. 2, accessed April 9, 2019.

Recommendation

OIPM recommends that NOPD train all police officers on implicit bias and anti-oppression. That would be two concrete steps toward addressing the over-policing of Black people in New Orleans.

NOPD Response to the Recommendation

NOPD officers receive a minimum of four hours of training annually on bias-free policing, which includes implicit bias. Principles of community-oriented policing are infused throughout courses in both the Academy and officers' required annual Core In-Service training.

OIPM is pleased to report on the training that is already in place at NOPD. However, because the training does not appear to have the anti-oppression component that OIPM is recommending, OIPM will attend the current training to see if there are any further recommendations that can be made. OIPM will report out on its findings in its 2019 Annual Report or sooner.

Research Based Areas For Future Analysis

- For at least two years (2017 and 2018) OIPM has raised concerns about NOPD use of force policing patterns regarding African American civilians in New Orleans. Currently both African American women and African American men experience the highest levels of most types of UOF. In next year's report, we hope to investigate and explore the reasons for these trends.

Recommendation:

OIPM recommends that NOPD's Pubic Integrity Bureau and Professional Standards & Accountability Bureau work with OIPM to develop a methodology for researching this area. OIPM also suggests that both agencies work together to figure out potential outside partner agencies that have an expertise in this area to work with NOPD and OIPM to get maximum and dully understand the results from this process. OIPM recommends that a joint report between OIPM and NOPD be released by the end of 2019 and/or by the time of the OIPM 2019 Annual Report that documents the findings of the research.