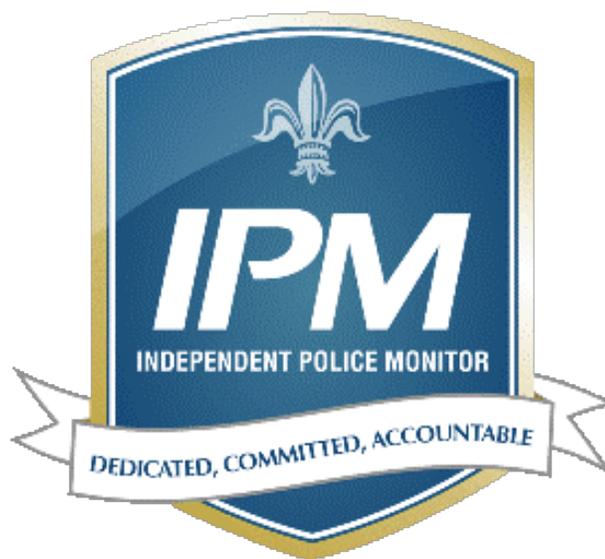


Office of the Independent Police Monitor

City of New Orleans

2018 Annual Report: Complaints, Commendations, and Disciplinary Proceedings



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Independent Police Monitor

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Note from the Independent Police Monitor

Pursuant to New Orleans City Code Section 2-1121(16) (the Police Monitor's Ordinance), the Office of the 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 (NOPD). 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.

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.”

This section of the Annual Report: Complaints, Commendations, and Disciplinary Proceedings acts as one part of that required public report.



Complaints, Commendations, Discipline and the OIPM

Complaints of officer misconduct and accounts of exemplary policing from both the community and those within the police district are valuable and can be the catalyst for important progress within the police department. Each complaint and commendation is an opportunity for the NOPD to learn more about themselves and to adapt to the changing needs of the community, and when properly handled brings the NOPD one step closer to being in full compliance with the Federal Consent Decree.

The Office of the Independent Police Monitor receives commendations and complaints, monitors and reviews misconduct complaint investigations and disciplinary proceedings, and keeps data on relevant trends and patterns to communicate back to the NOPD through policy and practice recommendations.

In 2018, the Office of the Independent Police Monitor received 42 complaints. These complaints ranged from how the police interacted with them and their loved ones during calls for assistance to how the police responded to public activism and protests. The Office of the Independent Police Monitor received 6 complaints from officers and civilians working within the New Orleans Police Department. Some of the complaints were from officers who were speaking up regarding disparities in training or disciplinary concerns and some of the complaints were from civilians within the police department who believed their supervisors abused their power in promotion and employment decisions. Each complaint was an opportunity for the Office of the Independent Police Monitor to make these individuals feel heard and to work alongside the NOPD to ensure there was accountability.

This section of the Annual Report will dive into the work the OIPM has completed during 2018 regarding misconduct complaints, police commendations, and disciplinary proceedings. This report will both analyze the OIPM role in the complaint, commendation, and disciplinary process and will explain how this work ensures NOPD compliance with the Federal Consent Decree. Additionally, this section of the Annual Report will analyze NOPD produced data regarding the misconduct complaints and commendations which were received by the NOPD directly and the OIPM will highlight relevant trends and patterns from this data. Finally, the OIPM will provide an update on previous and outstanding recommendations made to the PIB regarding misconduct complaints, commendations, and disciplinary proceedings and put forth new recommendations for the coming year.

Responsibility of the OIPM: Misconduct Complaints, Disciplinary Proceedings, Commendations

Since first opening its doors in August 2009, the Office of the Independent Police Monitor has been responsible for representing the community of New Orleans, providing accountability and oversight to the NOPD, and implementing the reforms required under the Federal Consent Decree. The Office of the Independent Police Monitor is an independent, civilian police oversight agency created by voters in a 2008 charter referendum. The OIPM operates through a Memorandum of Understanding (MOU) with the City of New Orleans and the New Orleans Police Department. It is protected and required by City Charter and Ordinance. This means this office was created by the people of New Orleans to represent all people interacting with the New Orleans Police Department in order to improve the way our community is policed.



The OIPM is responsible for these core responsibilities regarding misconduct complaints, discipline and commendations:

- **Misconduct Intake, Investigation, and Disciplinary Review** – the OIPM ensures complaints of police misconduct are classified and investigated or mediated appropriately. If investigated, the OIPM monitors to ensure the investigations are conducted fairly, timely, and thoroughly handled. If the account of misconduct is considered for disciplinary penalties, the OIPM reviews the disciplinary investigation and proceeding to ensure the discipline is fair, consistent, timely, and appropriate for the allegations. The OIPM makes sure this process is transparent and understandable to those outside of and within the system.
- **Commendation Collection and the Promotion of Effective Policing Techniques** – the OIPM is responsible for receiving and referring requests for officer commendations from civilians, fellow officers, and community partners and organizations. Based on the commendations received, the OIPM is able to provide feedback to the NOPD regarding what the community believes is good and responsive policing.
- **Share Data and Trends to Improve the NOPD** – the OIPM reviews and aggregates data from complaints, investigations, and disciplinary proceedings and then provides feedback to the NOPD and information to the public through recommendations for NOPD training, practice and policy.
- **Community Outreach** – the OIPM conducts community outreach to receive accounts from the community of policing, listen and respond to broader community concerns, and prepare the community for engagement in NOPD policy and practice.

The OIPM and the Federal Consent Decree

The OIPM plays a unique role with the implementation of the Federal Consent Decree, which both overlaps and is separate from the role of the Office of the Consent Decree Monitors (OCDM) and is relevant to understand the work the OIPM conducts in misconduct complaints and disciplinary oversight.

The OIPM is locally based staff and office who examines the NOPD in a broad approach, which considers the Federal Consent Decree, along with NOPD policy, city, state, and federal law, and national practices put forth by the National Association for Civilian Oversight of Law Enforcement and the needs of the community. As a complaint intake site, the OIPM is able to directly interact with the community and advocacy organizations regarding their concerns, accounts of police progress, and facilitate communication with the NOPD. These accounts from the community, such as complaints of officer misconduct, and the subsequent NOPD response to learning of these incidents, are opportunities for OIPM to ensure the NOPD is complying with the Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication.

Now, as the NOPD nears compliance with the Federal Consent Decree, the OIPM has turned its focus towards the areas where the NOPD is categorized as “Significant Progress” and “Nearing Full and Effective Compliance.” According to the report released by the OCDM in January of 2019, relevant departments of the NOPD are in the category of “Significant Progress” include: (1) supervision; (2) community engagement; and (3) stops, searches and arrests. Relevant departments of the NOPD in the category of “Nearing Full and Effective Compliance” include: (1) misconduct investigations; and (2) bias free policing. The work that OIPM conducts within misconduct complaint intake, review and monitoring of investigation and disciplinary



proceedings falls within those categories of the Federal Consent Decree; specifically, the subsections regarding: the reporting of misconduct (Section XVII, Subsection A), preventing retaliation (Section XVII, Subsection C), conducting intake (Section XVII, Subsection F), collecting and analyzing evidence (Section XVII, Subsection H and I), communicating with the complainants (Section XVII, Subsection K), and the discipline process and transparency (Section XVII, Subsection L).

In the coming year, OIPM and the OCDM will continue to assess NOPD progress towards compliance and audit the NOPD and provide feedback to improve practices and policies so the NOPD can be found in full compliance. Beyond that goal, the OIPM will continue to engage with the community and the NOPD to ensure the NOPD stays in full compliance of the Federal Consent Decree after OCDM leaves and that the NOPD continues to progress and change to the needs of the community.

In 2019, the OIPM will update and implement internal policies and practices, and build tracking mechanisms, to ensure the Consent Decree is captured in all work product related to misconduct complaints and disciplinary proceedings. The OIPM will work with partners such as the Invisible Institute and Thoughtworks, to build data tracking systems to both track and audit the NOPD compliance with the Consent Decree. The OIPM will include relevant data and updates regarding the Consent Decree in public reports to the Ethics Review Board and in other relevant reports and work product available to the public on the OIPM website.

The OIPM will continue to include the community in its assessment of NOPD's compliance with the Consent Decree so the public can remain engaged in the progress of NOPD. Keeping these goals and principles in mind, the OIPM takes on the following work in complaints of misconduct and oversight of disciplinary proceedings.

Summary of OIPM Activities: Misconduct Complaints

The city of New Orleans, the NOPD, and the OIPM envisioned an additional impartial and independent accountability body for Public Integrity Bureau (PIB) complaints and subsequent investigations. According to the MOU, the OIPM was envisioned as an alternate complaint intake site for those civilians and officers that would prefer not to complain directly to the NOPD regarding police misconduct. The OIPM provides a complaint process that is independent, impartial, transparent, fact-based, timely, and communicates in an understandable manner to all those involved. The OIPM maintains that misconduct investigation must be comprehensive, and the complaint process must be accessible, fair, thorough, and transparent.

The OIPM strives to provide this through:

- assessing and analyzing the number of and type of complaints, assessing the quality and timeliness of NOPD investigations;
- reviewing PIB policy and practice regarding the investigation and their findings;
- reviewing operations and effectiveness of the early warning system through connecting officers and complaints to determine if those officers should have triggered further supervisory review or response;
- monitoring issues related to supervision, training and discipline of officers.

At the OIPM, any individual can file a complaint, whether it be the person who had the police encounter, an individual that witnessed a police encounter, or another officer or employee of NOPD. The OIPM accepts



complaints filed by the person affected by the misconduct, a third party not directly involved in the complaint, witnesses of the alleged misconduct, or anonymously. Additionally, the OIPM accepts complaints from individuals with pending criminal proceedings. Complaints may be filed with the OIPM by telephone, in writing, by mail, e-mail, the OIPM website, in person at the OIPM office, at a designated OIPM trained/sponsored organization location, or at a designated OIPM outreach event.

Once the OIPM receives a complaint, the OIPM prepares the complainant's account into a narrative. The OIPM does not verify the statements made during complaint intake or agree with the statements provided by the complainant. The OIPM strives to accurately capture the words, emotions, goals and narrative shared by the complainant and selects the policy, practice, or rule that each allegation of behavior / incident could have violated if determined to be true. As part of the letter preparation process, OIPM personnel reviews information in NOPD systems regarding the interaction complained of, including body worn camera video, electronic police reports (EPR) and field interview cards (FIC). The OIPM may include information obtained from NOPD information systems in the complaint referral to PIB to ensure that PIB can fully investigate the complainant's concerns.

Within the complaint referral letter, the OIPM assesses what possible NOPD chapters, administrative policy, statute, state ordinance, state or federal law, or constitutional provision the NOPD employee may have violated and provides allegation recommendations. OIPM reviews and includes relevant officer disciplinary history from the last five (5) years within the letter and highlights any potential misconduct patterns in the officer's history. Finally, the OIPM classifies the complainant, makes recommendations on reassignments, managing retaliation, and any other corrective measures. The OIPM may also comment on the general policies or training if there is a risk that those policies, practices, or training may not provide enough guidance to officers in similar situations and there is an opportunity for a systemic improvement. During complaint intake, the Complaint Intake Specialist may inquire whether the complainant may be interested in OIPM's Community Police Mediation program provided the complaint is eligible for mediation. The complaints eligible for mediation typically are allegations of professionalism, discourtesy, and neglect of duty. If a complaint is eligible for mediation and the complainant is a willing participant, the Complaint Intake Specialist will recommend that PIB refer the complaint to mediation during its "classification process."

When the referral letter is complete, the OIPM provides the referral to PIB and provides a copy along with a Complainant Letter to the complainant. The complainant letter includes information about the complaint referral process and lets the complainant know what to expect next.

PIB receives the complaint referral and then PIB includes the complaint in the complaint management system, IAPro, and then determines the classification of the complaint and possible investigator assignment. Though the OIPM does not classify complaints, the OIPM may make recommendations to the PIB regarding complaint classification. In accordance with the Federal Consent Decree Section XVII, Subsection F: Complaint Intake, Classification, Assignment, and Tracking, PIB conducts three classifications. PIB is to first determine whether the alleged misconduct is:

- a public complaint,
- an internally generated complaint;
- a minor violation/infraction resolved through counseling or training; or
- a complaint that qualifies as an No Formal Investigation Merited (NFIM).

If the complaint is classified as a public complaint or an internally generated complaint, then the PIB classifies whether the complaint is:

- Use of Force;
- Criminal; or
- Administrative.

Finally, if administrative, there are subcategories. The third classification occurs within the Administrative subcategories:

- serious misconduct;
- other (non-serious) misconduct;
- allegations eligible for Negotiated Settlement; and
- allegations eligible for Community-Police Mediation.

The complaint process is based on the allegation, not the possible outcome. The classification matters because it determines the Bureau where the complaint will be assigned for investigation. Upon being notified by the NOPD of the complaint, the OIPM may review the classification of internal investigations to ensure it is complaint with the Federal Consent Decree Section XVII and where appropriate, may recommend the NOPD reclassify the internal investigations.

Beyond the intake and classification process, the OIPM acts as a facilitator between the complainant and the NOPD complaint process and the PIB. Often, the OIPM is the first place the complainant goes with questions regarding PIB investigations and findings. The OIPM strives to assist the community as it interacts with the NOPD misconduct complaint process.

Contact Outside of Complaints: Contact Only, Case Monitoring, Criminal Liaison

Outside of the complaint intake process, there are other interactions that the OIPM has with potential complainants, officers, and members of the public. This contact can be categorized as:

- Contact Only
- Case Monitoring
- Criminal Liaison

The OIPM uses the classification: “Contact Only” if the individual contacts OIPM to request assistance or to ask questions about the NOPD or some other law enforcement agency or organization, which can include filing a complaint or receiving assistance with the criminal liaison assistance, but then does not complete the process. Some potential complainants decide not to pursue misconduct complaints or request information or ask questions and then decide they are not interested, choose not to follow through, or the situation is resolved.

The classification of “Case Monitoring” is utilized when a complainant requests or when the OIPM determines the situation warrants real time monitoring of a NOPD process. This could include observing witness statements or attending court hearings to observe NOPD testimony. Some case monitoring may result in a case review and some case monitoring is limited to the particular activity observed.

The OIPM utilizes the classification of “Criminal Liaison” for whenever the OIPM assists a civilian with navigating an NOPD interaction about a criminal investigation. Typically, this activity is reserved for when

a civilian has an interest in an open criminal matter and would like the OIPM to facilitate communication with the officer assigned to investigate the criminal matter, such as a mother wanting to speak with the homicide detective assigned to her child’s murder investigation. These requests result in meetings coordinated by the OIPM between the NOPD or the District Attorney’s Office and the civilian.

Below is a breakdown of all OIPM contacts for 2018:

Figure 1: Type of Contact

Type of Contact	
2	Contact Only
2	Commendations
10	Cases Monitored
36	Civilian Complaints
6	Police Complaints
10	Criminal Case Liaisons

Commendations

Highlighting noteworthy and excellent policing may improve the performance of police districts, strengthens community trust in police, and provides examples for the NOPD to internally model. Therefore, the OIPM seeks and collects commendation information from the community. It is required that representatives of the OIPM are prepared to receive and refer commendations from the public, organizations, businesses, and fellow officers in accordance with the November 10, 2010 Memorandum of Understanding (MOU).

Pursuant to the MOU, Para. 7, the OIPM will compile data and identify officers, units and precincts that have been commended by the public for completing exceptional work. These reports may note patterns, other relevant data, and related practices and initiatives to recommend republication in the NOPD.

OIPM acts as an alternative site to receive refer requests for commendation to the PIB and Districts. The OIPM receives the commendation request in any of the following formats: verbal, email, online submission, or through social media platforms. The OIPM will receive commendations for police behavior that occurred during the officer’s secondary employment or during volunteer efforts.

Upon receiving the request, the OIPM prepare the request into a commendation referral letter. The commendation referral letter will include: the officer’s information, the requester’s information, the date, time, and location of the recommended behavior, and a summary of the police conduct.

In accordance with NOPD Policy Chapter 13.35: Commendations and Awards, the OIPM will accept any additional information or supporting documentation for the commendation including but not limited to: the accompanying police report, pictures, and video.

The OIPM will track requested commendations, note patterns in commendations, and identify practices and initiatives that should be emulated throughout the department. The OIPM will evaluate the commendation trends and annual statistical summary compiled and produced by the PIB and posted annually on the NOPD

website. The OIPM will work with the NOPD to ensure compliance with Section XVIII: Transparency and Oversight, Subsection A: Data Collection and Public Reporting.

In 2018, OIPM collected two commendations. Details about the commendations OIPM processed are included below:

- One commendation was from a mediator who appreciated the professionalism and participation of the officer during a community mediation session.
- One commendation was from the organization Court Watch NOLA in appreciation for a lieutenant's helpfulness and accessibility for data sharing.

Moving forward, the OIPM is going to make a renewed effort to ensure the community and other NOPD employees can access our office and know about this valuable opportunity to provide positive feedback so we can receive more commendation requests in the future.

Complaint, Commendation, Disciplinary Proceeding Data Shared in the Annual Report

In this section of the annual report, the OIPM is analyzing data provided by the NOPD on two separate dates: complaint data was provided on May 29, 2019 and disciplinary proceeding data was provided on February 21, 2019. The NOPD conducted intake, inputs data, and sets the data fields. Each year the OIPM strives to work with the NOPD leadership to meet and review the data in advance of reports. A risk of this current system is that if NOPD is unavailable for such meetings, reports are produced without that valuable confirmation of the data.

Due to current data sharing policy, the OIPM is limited in our ability to collect and verify certain data and is dependent on the NOPD to provide the data and confirm our verification. This means the OIPM frequently analyzes the NOPD data as it exists, so if a field is left blank, OIPM is unable to draw a conclusion. This year, there are open questions due to fields being populated with "data inconsistencies" or selections such as "other." When the OIPM utilizes the language: "data inconsistencies," the OIPM is trying to capture that the data set provided by the NOPD is either: a duplicate, cancelled, an unknown value, or incomplete. This means the actual incident, in this case a complaint or a disciplinary proceeding, is completed but the finding is not identified. This is different from the value: "data unknown" because this means the NOPD utilized the field to determine the data is unknown.

In 2019, OIPM seeks to execute a data sharing agreement with the NOPD which would significantly expand the OIPM's ability to receive necessary unaggregated data so the OIPM can conduct independent verification and analysis as envisioned in the MOU. One benefit of this data access is that OIPM is less dependent on NOPD in order to produce reports such as this annual report.

In this report, the OIPM puts forth a recommendation that the NOPD improve data intake and data keeping but will also continue to push for full unfettered data access. It is OIPM's position that improved unassisted data access would eliminate prior limitations on the OIPM's ability to conduct our required data analysis while simultaneously contributing to the improvement of NOPD's data collection and verification through comprehensive review.

Finally, below is a glossary of terms utilized in the data sets of this annual report. These data terms draw from the NOPD manual.

- **Complaint** – a complaint is an allegation of misconduct filed against a NOPD employee by a member of a public or civilian (external) or another employee (internal). A complaint may concern



an action or lack of action taken by a NOPD employee(s), an interaction with a NOPD employee, or a witnessed interaction with a NOPD employee.

- **Disposition** – the results of an investigation of misconduct. Categories of dispositions include a determination of sustained, not sustained, exonerated, or unfounded.
- **Exonerated** – according to the NOPD, when the NOPD makes the finding of exonerated this means under the standard of proof, the alleged incident or behavior occurred but it did not violate the policies, practices, or training of the NOPD.
- **Not Sustained** – according to the NOPD, when the NOPD makes the finding of not sustained this means under the standard of proof, the investigating officer or the hearing officer is unable to determine if alleged incident or behavior occurred.
- **Sustained** – according to the NOPD, when the NOPD makes the finding of sustained this means under the standard of proof, the investigating officer or the hearing officer determined alleged incident or behavior occurred and it was a violation of the policies, practices, or training of the NOPD.
- **Unfounded** – according to the NOPD, when the NOPD makes the finding of unfounded this means under the standard of proof, the investigating officer or the hearing officer determined the alleged behavior or incident did not occur and / or that the alleged officer was not involved.

Other outcomes of complaints and / or disciplinary investigations may include the following terms:

- **No Formal Investigation Merited (NFIM)** – A complaint action where the allegations alleged does not constitute a violation by an employee of any departmental rule, policy, procedure, policy, or law. These are only available for a select type of complaint, such as: traffic citations in certain circumstances, civil incident of an off-duty employee, NOPD employee did not work for NOPD at the time of the incident, and delayed police service in certain circumstances.
- **Retired / Resigned Under Investigation (RUI)** – when an officer retired or resigned when under investigation.
- **Mediation** – Mediation is an alternative to the traditional complaint investigation process. Mediation is voluntary, confidential, and non-judgmental. Two professional community mediators facilitate as individuals and officers share how their interaction affected one another and play an active role in creating a solution. Complaints such as professionalism and discourtesy may qualify for mediation.
- **DI-2** – Is a non-disciplinary action between a supervisor and employee including redirection and verbal counseling.

2018 Complaint & Allegation Data

Complaints and Allegations by Year

Complaints appear to have slight decrease in 2018 and 2017 compared with 2016. This appears to be on trend with other United States police departments of similar size, which are experiencing stagnation in complaints or decreases¹. Given that complaint decreases are taking place in metropolitan police departments across the U.S., this may indicate a universal reform in policing over the past few years.

Figure 2: Complaints by Year

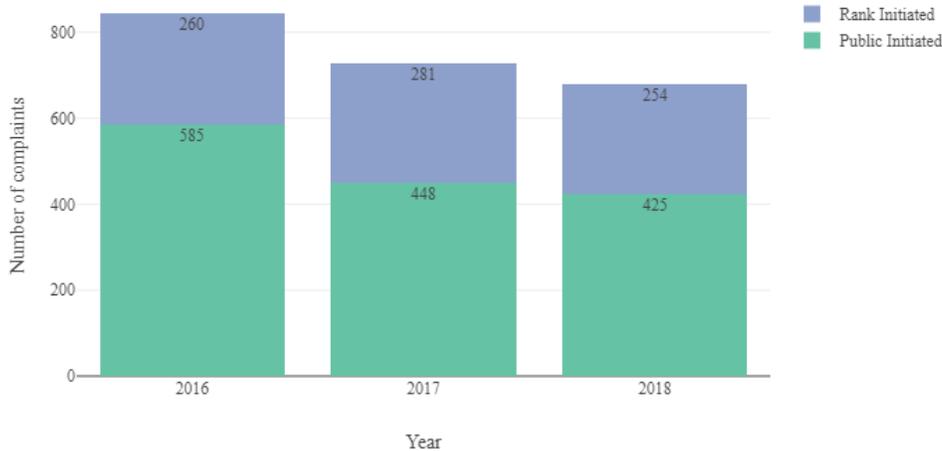
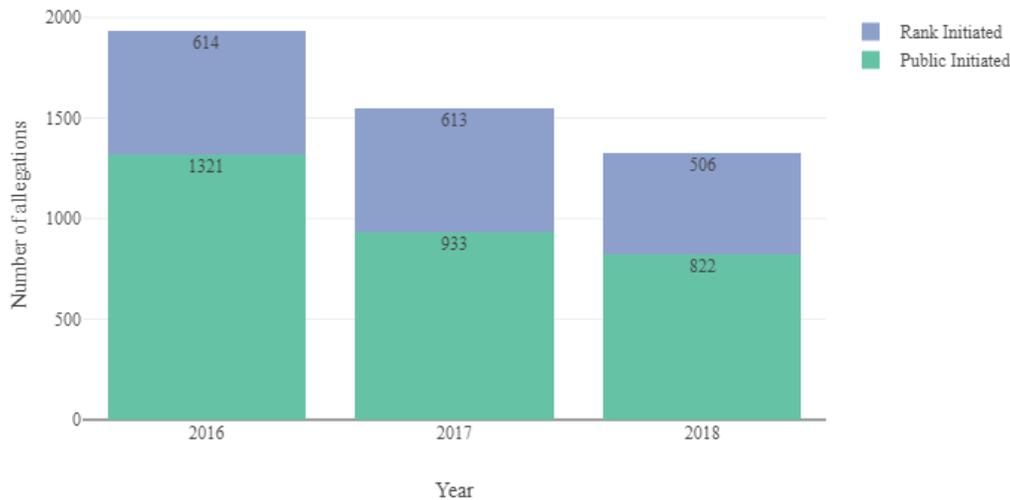


Figure 3: Allegations by Year



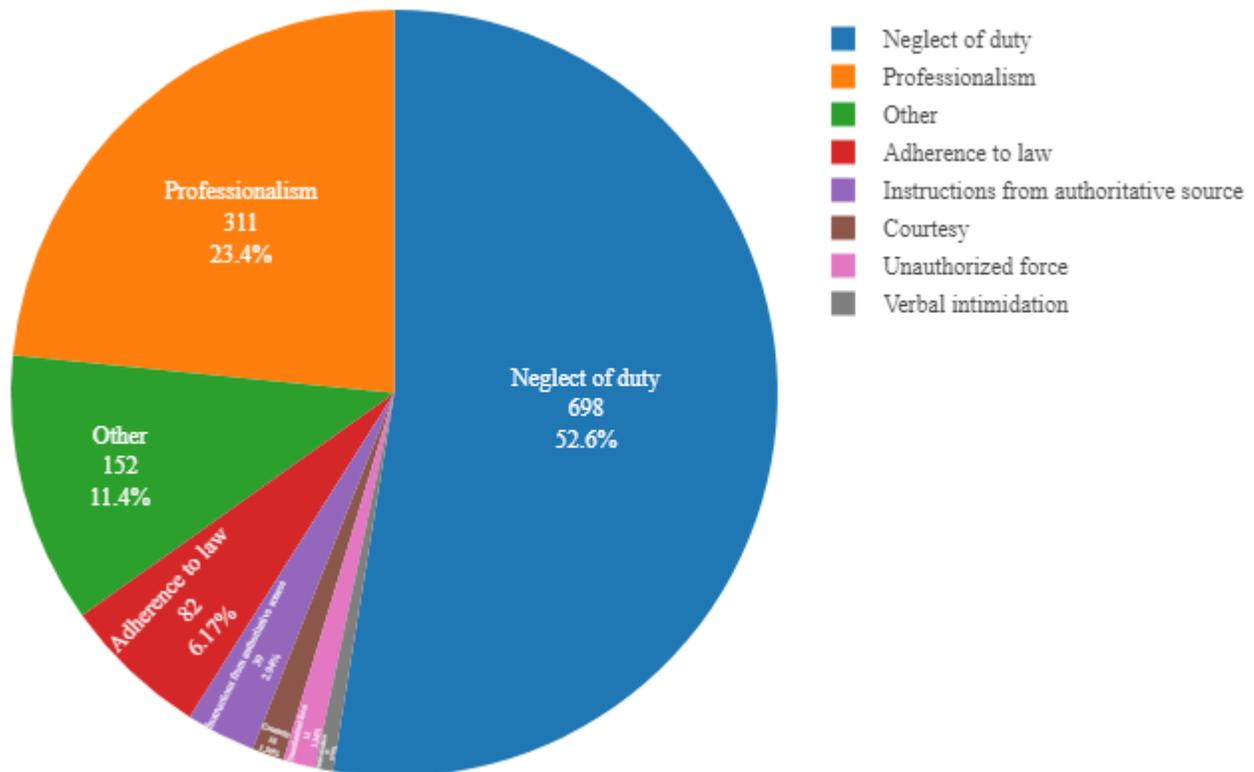
¹ Boulder Police Department, Professional Standards Report, p. 6, from <https://bouldercolorado.gov/police/police-annual-reports>, https://www-static.bouldercolorado.gov/docs/Professional_standards_report_Final3-26-1-201903261155.pdf, accessed April 9, 2019.

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Government of the District of Columbia, Police Complaints Board, Office of Police Complaints, Annual Report 2018, pg. 6, from <https://policecomplaints.dc.gov/page/annual-reports-for-OPC>, <https://policecomplaints.dc.gov/node/1366436>, accessed April 9, 2019.

Toledo Police Department, The Toledo Police Annual Report: 1867-2017, 150 years of service, pg. 35, from <https://toledopolice.com/>, <https://www.toledopolicemuseum.com/tpd-2018-annual-report>, accessed April 9, 2019.

Figure 4: Most Common Allegations



Allegation analysis

Allegations are different from complaints. Within one complaint may be multiple allegations of misconduct. According to NOPD data, the two most common complaint allegations in 2018, representing roughly 75% of all allegations, were: “neglect of duty,” and “professionalism”. Similar to findings analyzed of other departments, complaints tend to originate from civilian interactions².

The dispositions of the complaints filed in 2018 are illustrated in the figure 4: “Most Common Allegations.” This figure illustrates that the most common allegation of “Neglect of Duty” is also the allegation most frequently marked “sustained”. This is consistent with 2017 findings.

Complaint allegations have shifted slightly from 2017. While “neglect of duty” and “professionalism” remained the most common allegations, the third most common switched from “instructions from an authoritative source” in 2017 to “adherence to law” in 2018. While there was not a significant percentage change in “adherence to law” allegations between 2017 and 2018, “instructions from an authoritative source” allegations decreased by almost sixty (60) allegations, or over 3%.

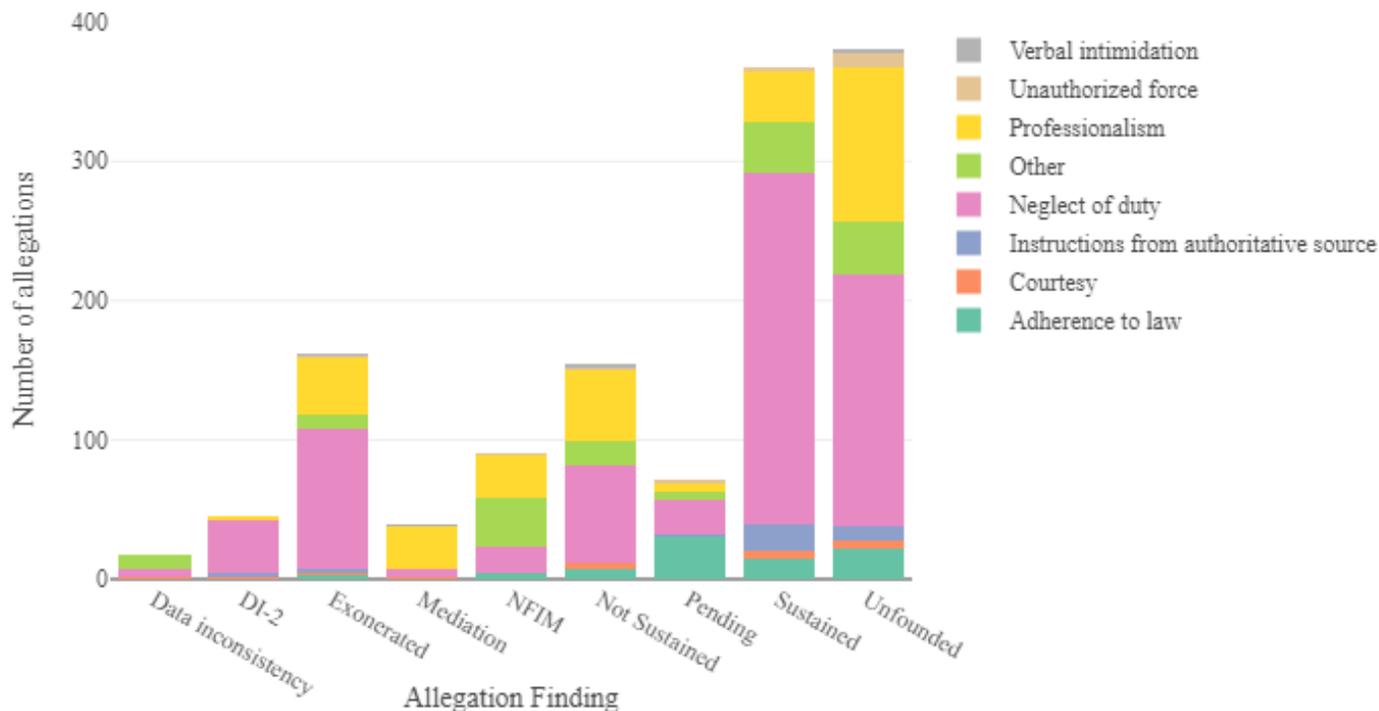
² Chicago Police Department, Chicago Police Department: Annual Report 2017, p. 28-30, from <https://home.chicagopolice.org/inside-the-cpd/statistical-reports/annual-reports/>, <https://home.chicagopolice.org/wp-content/uploads/2019/03/Chicago-Police-Department-Annual-Report-2017.pdf>, accessed April 9, 2019.

Government of the District of Columbia, Police Complaints Board, Office of Police Complaints, Annual Report 2018, pg. 7, from <https://policecomplaints.dc.gov/page/annual-reports-for-OPC>, <https://policecomplaints.dc.gov/node/1366436>, accessed April 9, 2019.

There was a disciplinary matrix change implemented in March of 2018, as a result, there was a policy shift to more accurately determine the appropriate charge between neglect of duty and instructions from an authoritative source. This resulted in a change in PIB practice resulting in more charges of neglect of duty in 2018.

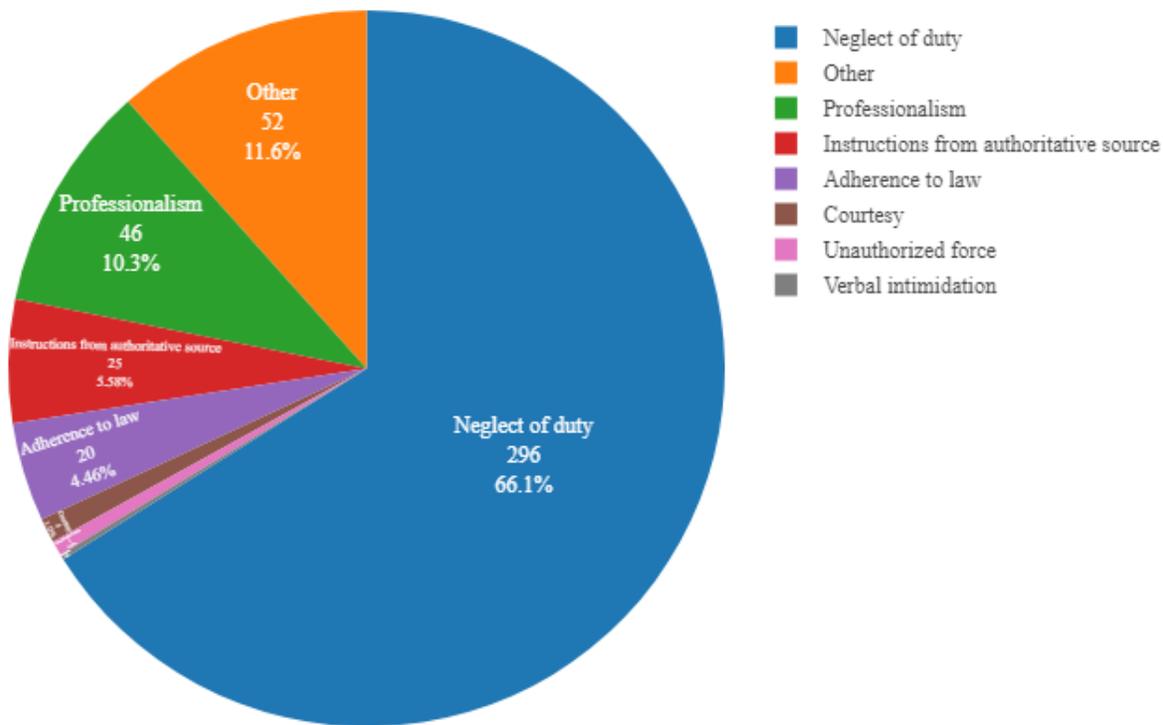
Outcome of Complaints

Figure 5: NOPD Allegation Findings



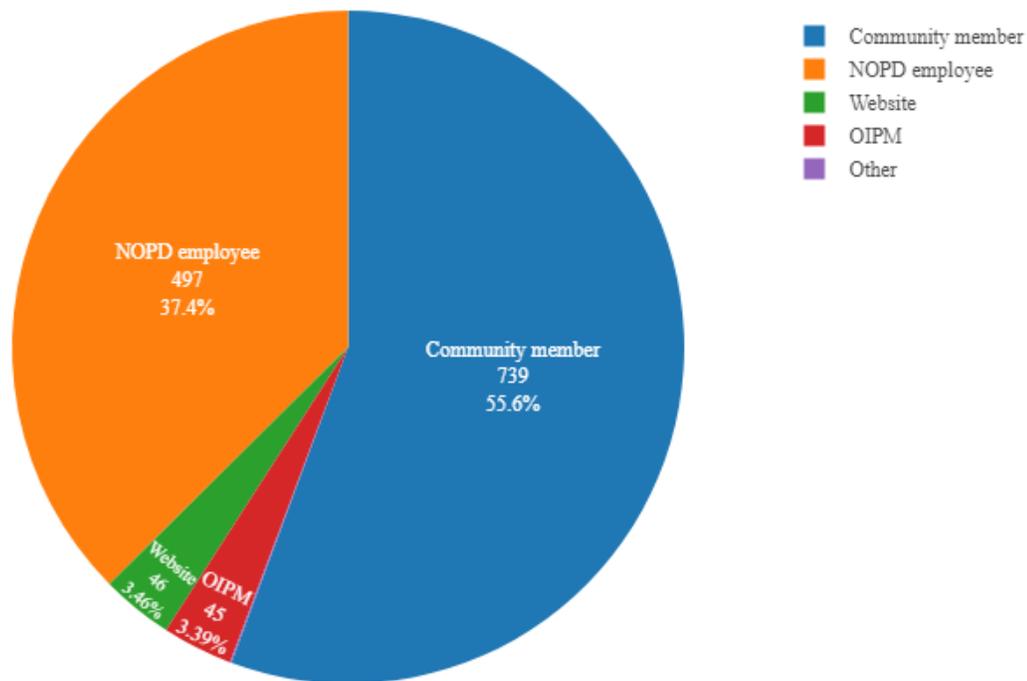
In 2018, the most common sustained allegation is “neglect of duty” at 52%, mostly unchanged since 2017.

Figure 6: Most Sustained Allegations



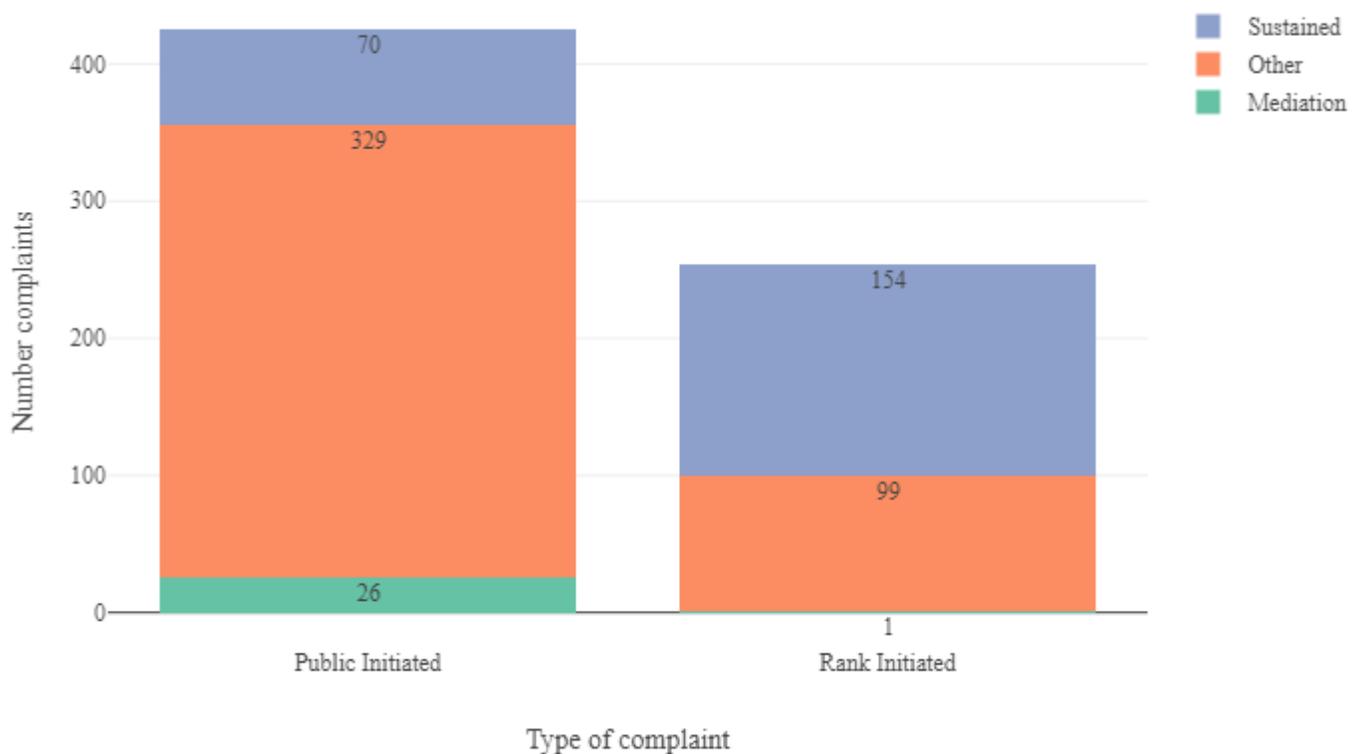
These totals are based on sustained allegations only.

Figure 7: Allegations by Source



This classification of each allegation is complimentary to and consistent with the Public vs Rank Initiated classification that each allegation also receives. In 2018, 62% of allegations are classified as the public initiated. Of the 62% of allegations made by the public, approximately 55.5% of those allegations were classified as initiated by a civilian, which means a member of the public was the source of the complaint and a member of the public submitted a complaint in person to a NOPD employee. Moving forward, the OIPM and the NOPD is going to examine this public initiated category (type) to better identify the source of the complaint. The goal is to better differentiate the data from website complaints, OIPM referrals, and civilian complaints to confidently determine in the data what is coming from a public source.

Figure 8: Complaint Disposition by Source



Complaint Analysis

The largest grouping was of “sustained” complaints at 29.3%. This is almost the identical rate from 2017 (29.2%).

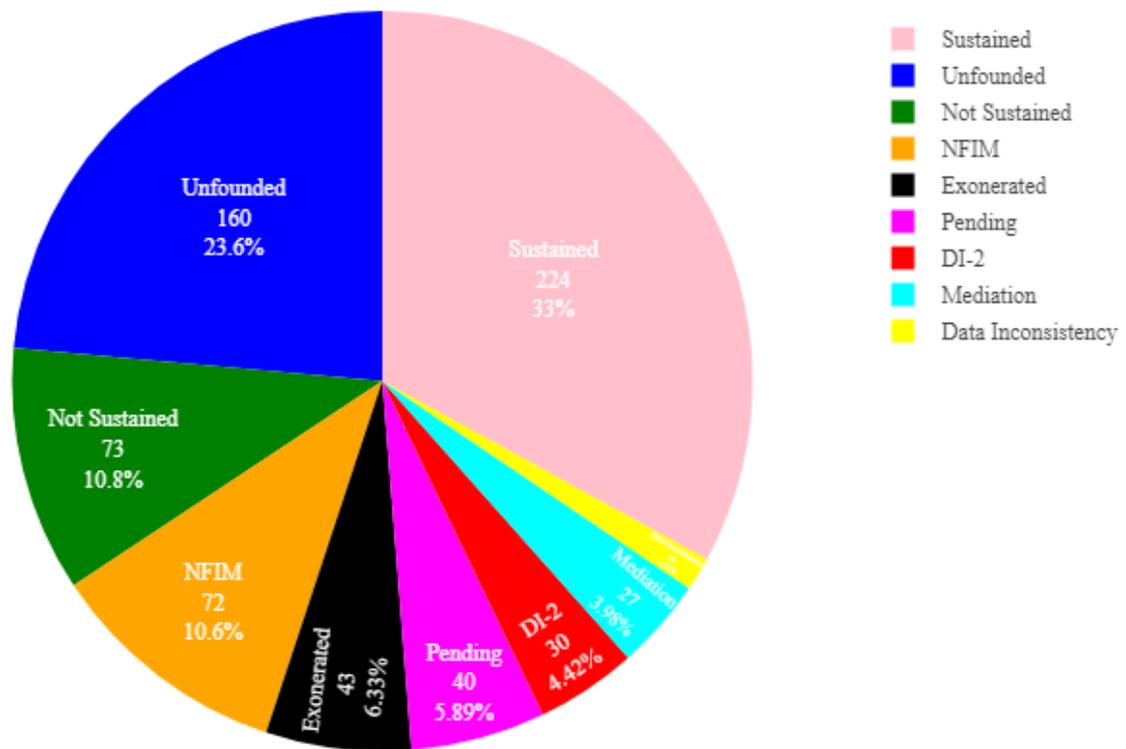
While 14.6% of public complaints are sustained (15.6% in 2017), 53.7% of rank complaints are sustained (50.7% in 2017), this is more than three times the rate of public complaints. In New Orleans, the public

initiates roughly 1.7 times the number of complaints than does rank. In police departments across the US, public complaints often represent the majority of complaints but are the least often sustained.³

There are different conclusions that can be drawn from this trend. A rank-initiated complaint may and often does originate from misconduct observed by a supervisor during a public interaction. At this time, the data does not capture when a rank-initiated complaint originates from an observed act of misconduct during an interaction with a member of the public.

There is an argument that the number of sustained rank-initiated complaints is growing because there is an increase of supervisor-based accountability. This means that rank is required under the Federal Consent Decree to review officer action within the community, identify misconduct in those interactions, and then initiate discipline against officers. When rank-initiates a complaint, limited investigation is required because a supervisor observed the misconduct as it occurred or during his or her review the officer’s Body Worn Camera.

Figure 9: All Complaints by Outcome



³ Boulder Police Department, Professional Standards Report, p. 6, from <https://bouldercolorado.gov/police/police-annual-reports>, https://www-static.bouldercolorado.gov/docs/Professional_standards_report_Final3-26-1-201903261155.pdf, accessed April 9, 2019.

“Data,” Citizen Police Data Project, accessed April 9, 2019, <https://data.cdpd.co/data/bPjvw/citizens-police-data-project>.

Toledo Police Department, The Toledo Police Annual Report: 1867-2017, 150 years of service, pg. 36, from <https://toledopolice.com/>, <https://www.toledopolicemuseum.com/tpd-2018-annual-report>, accessed April 9, 2019.

Figure 10: Rank Complaints by Outcome

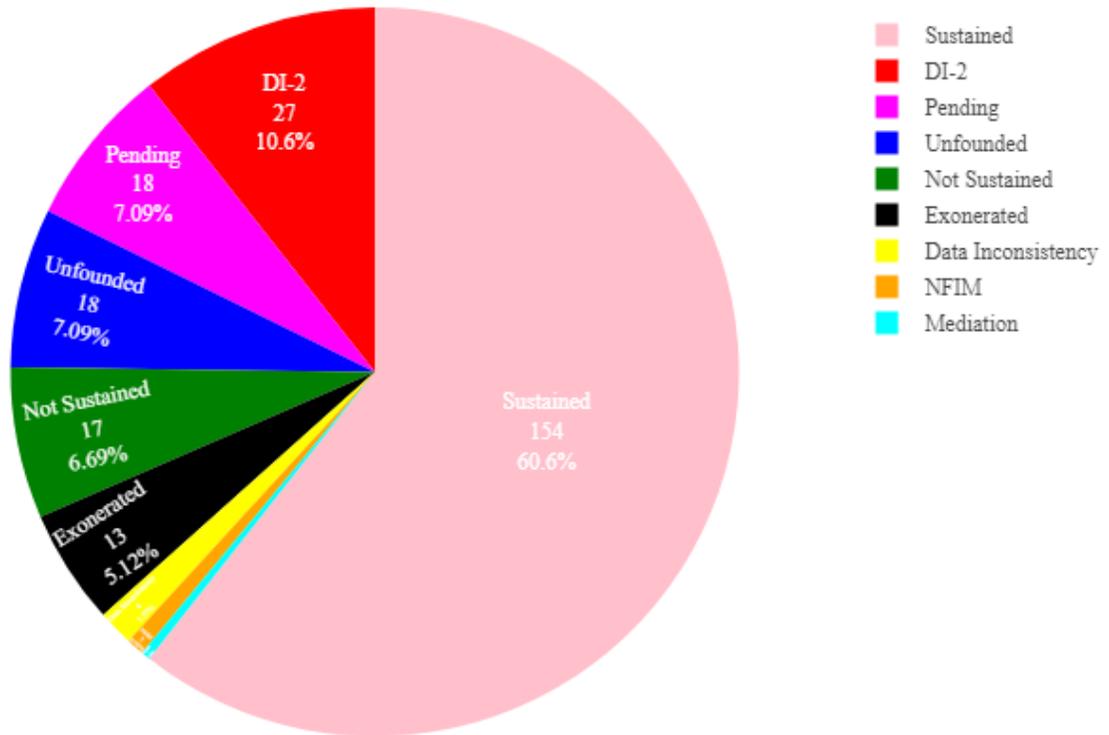


Figure 11: Public Complaints by Outcome

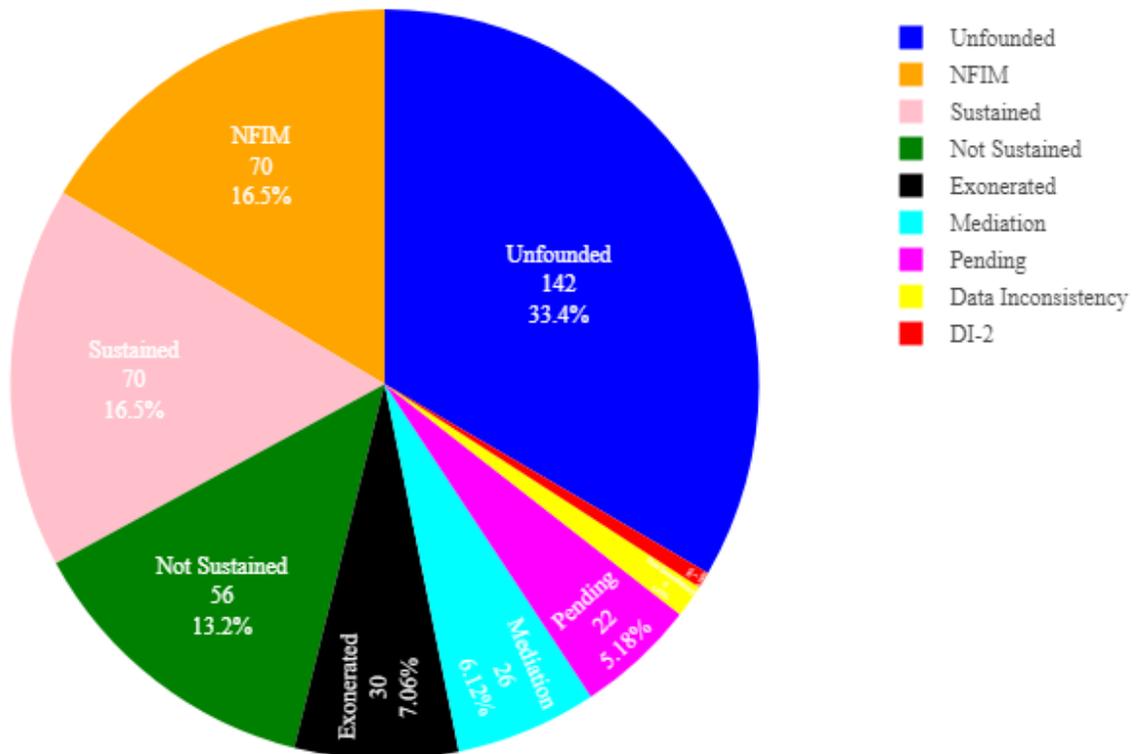
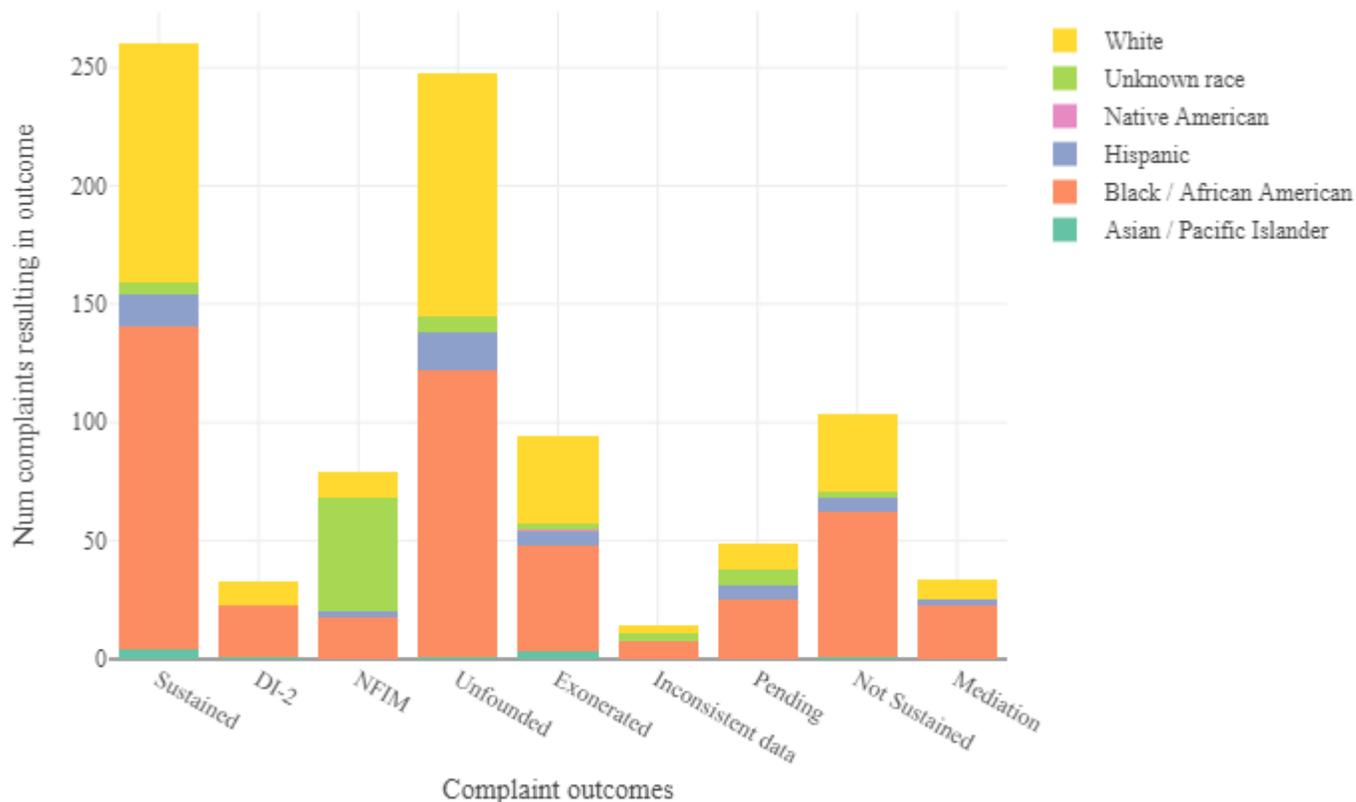


Figure 12: Complaint Outcomes by Officer Race



According to NOPD data (please refer to annual-report-2018.nola.ipm.gov), sustained complaints appear to be consistent with officer race demographics. Officers classified as African American / Black have a higher rate of participation in mediation. The OIPM cannot draw a definitive conclusion from this data but the OIPM and NOPD would like to explore this trend in future reports.

Figure 13: Fourth Amendment Complaints

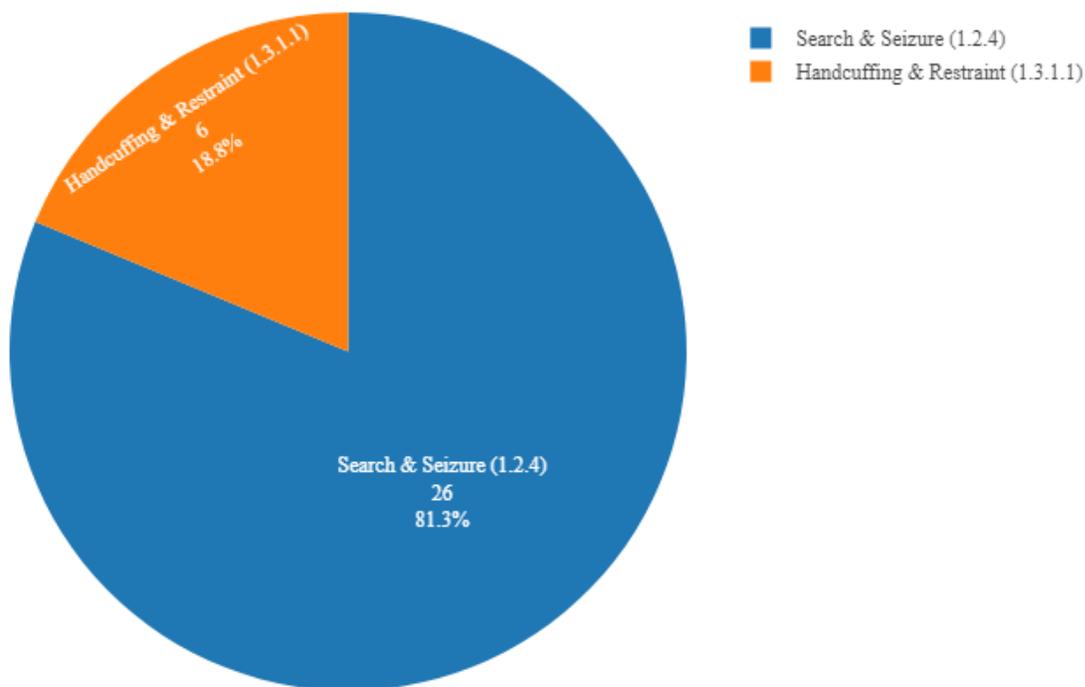
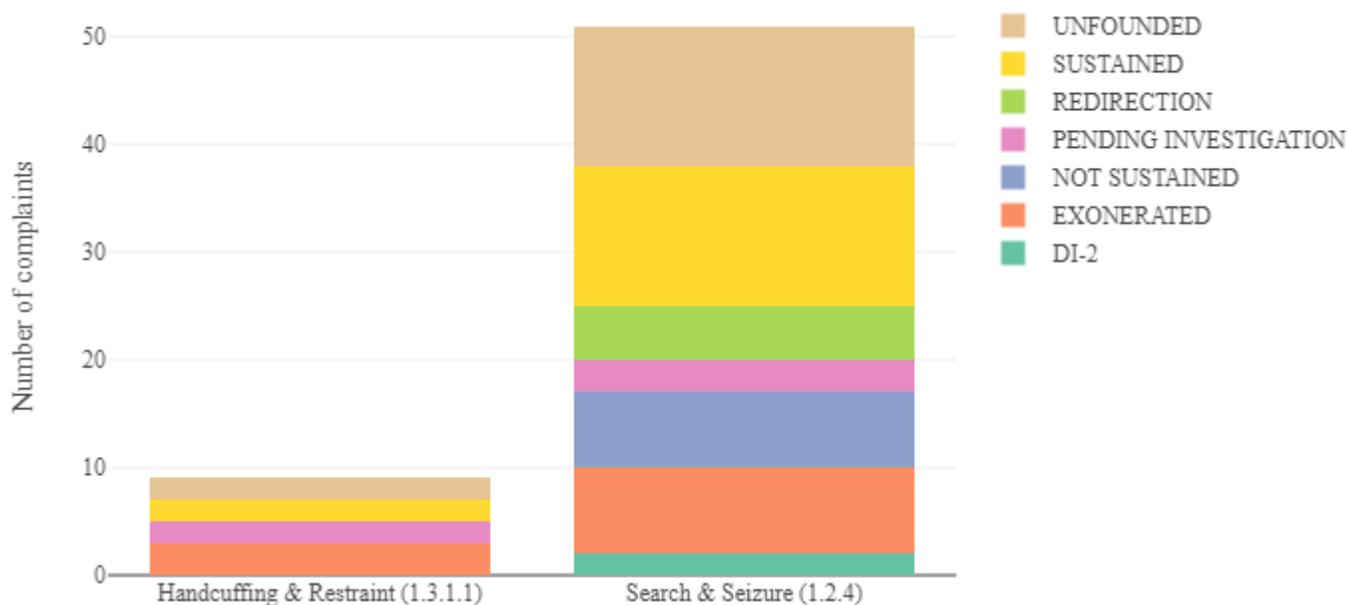


Figure 14: Fourth Amendment Allegations by Outcome

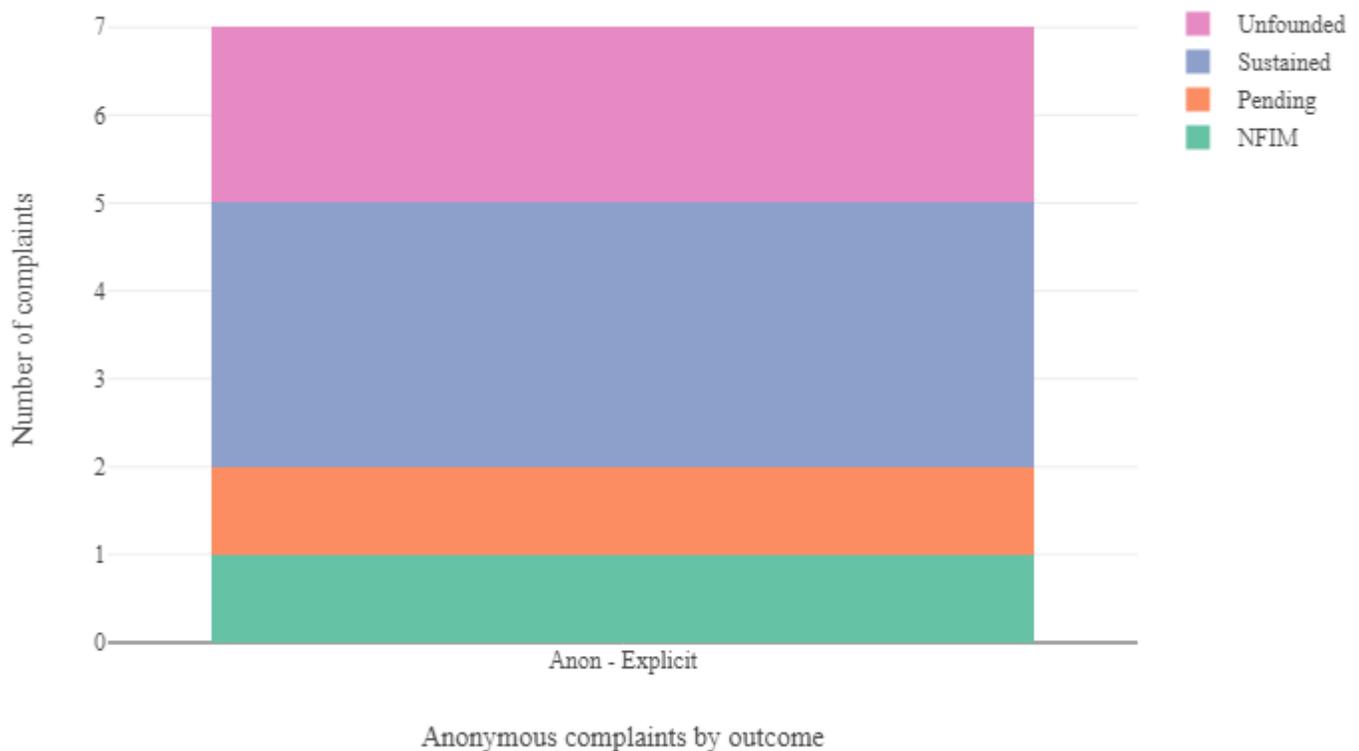


Search and seizure and handcuffing and restraint were the two high risk allegations that composed Fourth Amendment allegations. According to NOPD data, illegal search and seizure was more prevalent than handcuffing and restraints in 2018 at 85.4% of allegations. There were 29 total Fourth Amendment sustained allegations in 2018.

Furthermore, NOPD’s data does not make it easy to identify possible 4th Amendment related allegations. Moving forward, NOPD and OIPM will work on this issue together.

The outcomes of Fourth Amendment allegations were relatively similar for both search and seizure and handcuffing and restraint. In both instances, the number of sustained allegations matches that of those exonerated. This is a slight deviation from 2017, when exonerations were nearly twice as likely as sustained allegations. These findings may indicate a greater accountability mechanism in the department.

Figure 15: Anonymous Complaints



This chart of anonymous complaints captures when the complainant chooses not to give his or her name. Of the three anonymous complaints in 2018, two remain pending; the third was found to have No Formal Investigation Merited (NFIM). These findings are similar to those from 2017, where only 1 of 10 anonymous complaints was sustained.

Similar to 4th Amendment complaints, there is no clear way to use NOPD’s data to identify anonymous complaints from nameless complainants in the data. The results may not reflect the actual number of anonymous complaints.

Disciplinary Proceedings

The OIPM is responsible for monitoring whether all NOPD action taken during disciplinary proceedings are compliant with state and federal law, NOPD policy, the Consent Decree, and the Memorandum of Understanding between the NOPD and the OIPM executed on November 10, 2010. The OIPM monitors and assesses the efforts of NOPD to ensure all disciplinary investigations and proceedings are conducted in a manner that is non-retaliatory, impartial, fair, consistent, and truthful in accordance with NOPD policies. The OIPM reviews the disciplinary investigations and proceedings executed by NOPD to ensure they are executed in a timely manner that is consistent with all requirements under law.

When the OIPM monitors the NOPD administration of discipline, the OIPM reviews to ensure the discipline is not discriminatory or biased against or towards any NOPD employee on the basis of race, creed, national origin, ancestry, gender, sexual orientation, age, religion, political affiliation, disability, or any other basis protected by federal or state law or city ordinance.

The NOPD is responsible for notifying the OIPM of disciplinary proceedings against NOPD employees. Disciplinary proceedings against NOPD employees will occur when a misconduct investigation results in a preliminary recommendation of sustained. The OIPM will review such proceedings to ensure the NOPD is compliant with Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication.

Adjudication of misconduct is handled internally by the PIB or the officer or employee's Bureau. The OIPM may monitor the process conducted by the PIB or by the Bureau; however, under the MOU, there are detailed directions regarding how the OIPM is notified of investigations by the PIB and similar protocol does not currently exist for Bureaus. For that reason, the OIPM tends to be more involved with investigations and disciplinary proceedings conducted by the PIB.

The procedure for adjudication of misconduct has slight deviations when it is executed by the Bureau or the PIB. If an investigation is conducted by the PIB, first, an investigation into the alleged misconduct occurs. Second, the investigation is reviewed by the PIB. In the case of serious misconduct, once the investigation is reviewed by the PIB, then the OIPM is notified if a hearing or predisposition conference is required. Third, if any of the allegations are sustained, PIB conducts a predisposition conference. At the predisposition conference, the hearing officer will render a finding of sustained, not sustained, unfounded, or exonerated. Fourth, if any allegation is sustained, then the officer proceeds to a Commander's pre-disciplinary hearing. Only the alleged allegations that the Hearing Officer sustains proceeds to a pre-disciplinary hearing. The Commander will recommend a penalty based upon the Disciplinary Matrix for Superintendent's approval.

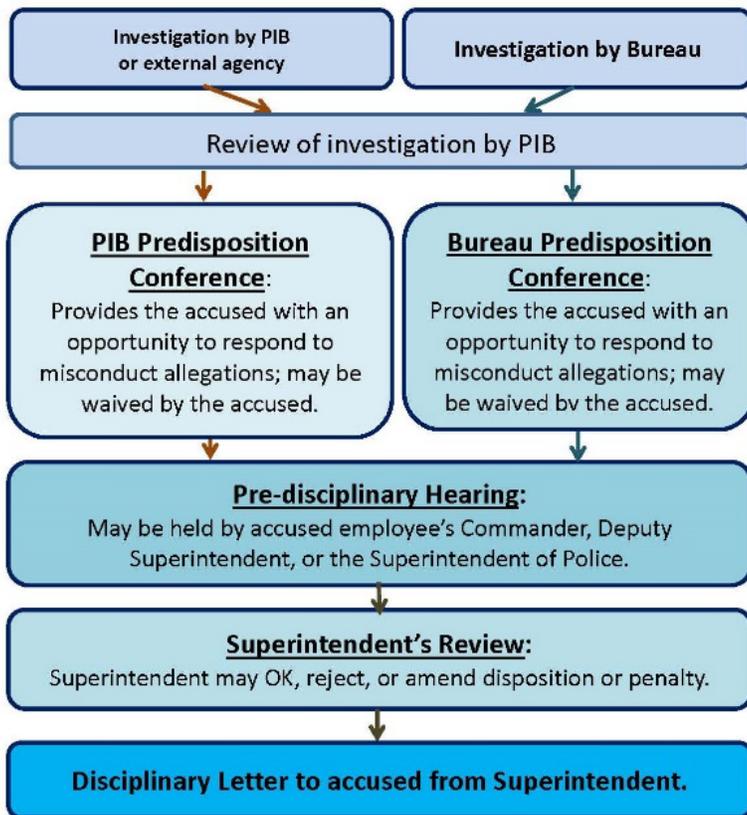
If the penalty for alleged violation results in a lengthy suspension penalty or possible dismissal, a Superintendent's Committee Disciplinary Panel hearing will take place. The Committee would recommend a disposition and penalty for Superintendent's approval. Ultimately, the Superintendent either rejects, accepts, or amends the disposition and/or the recommended penalty.

Differently, if the investigation is conducted by the Bureau, then the once the investigation is reviewed, the Bureau will conduct the predisposition conference. During the predisposition conference, the hearing officer will render a finding of sustained, not sustained, unfounded, or exonerated. If any allegation is sustained, then the hearing officer will immediately consider mitigating and aggravating factors present and will issue a



penalty to the officer. The recommended penalty will be based upon the Disciplinary Matrix for Superintendent's approval.

Below is a table with the flow chart of disciplinary proceedings:



Once the Superintendent reviews the disciplinary proceeding, the NOPD employee will receive a disciplinary letter with the final outcome.

Prior to the predisposition conference, the OIPM reviews the misconduct investigation from the PIB and completes: (1) the first half of the OIPM-created matrix; and (2) a preliminary memorandum to the PIB with initial findings and recommendations. The matrix remains within the OIPM electronic file. The preliminary memorandum to the PIB is disseminated to the PIB prior to the predisposition hearing for their review.

As required, in the preliminary memorandum to the PIB, the OIPM will, 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 as authorized by the Ordinance, the MOU, and the Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication. These determinations, recommendations, and findings shall be submitted to the NOPD in writing.

At the predisposition conference or the pre-disciplinary hearing, the OIPM representative does not speak on the record but does speak prior to the start of the hearing, during deliberation on the allegations and the determination of penalties, where appropriate, and upon the conclusion of the hearing. During this time, the OIPM representative may provide training, practice, and policy recommendations for the individual officer or employee and / or the district along with feedback on the thoroughness of the investigation.

In accordance with the MOU, the OIPM identifies possible trends and makes recommendations to the NOPD regarding the investigation and disciplinary proceeding. The OIPM shall: (1) access the quality and timeliness of the PIB complaint processing, including investigation and determinations stemming from complaints, whether civilian or internally generated; (2) review the adequacy of the PIB's data collection and analysis; (3) review the PIB's policies and procedures; (4) review the PIB's resource needs; and (5) review how relevant disciplinary policies and practices conform with the Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication. Based on those assessments, the OIPM will

make recommendations to the Superintendent to improve the PIB data collection and analysis, and resources. The OIPM analyzes aggregate data to track trends in relation to types and sources of civilian and internally generated complaints, processing and investigation, and determinations stemming from complaints, discipline imposed by type of complaint, use of any early warning system to intervene with a department member in need of additional training, supervision or other issues of concern that arise during a review by the OIPM.

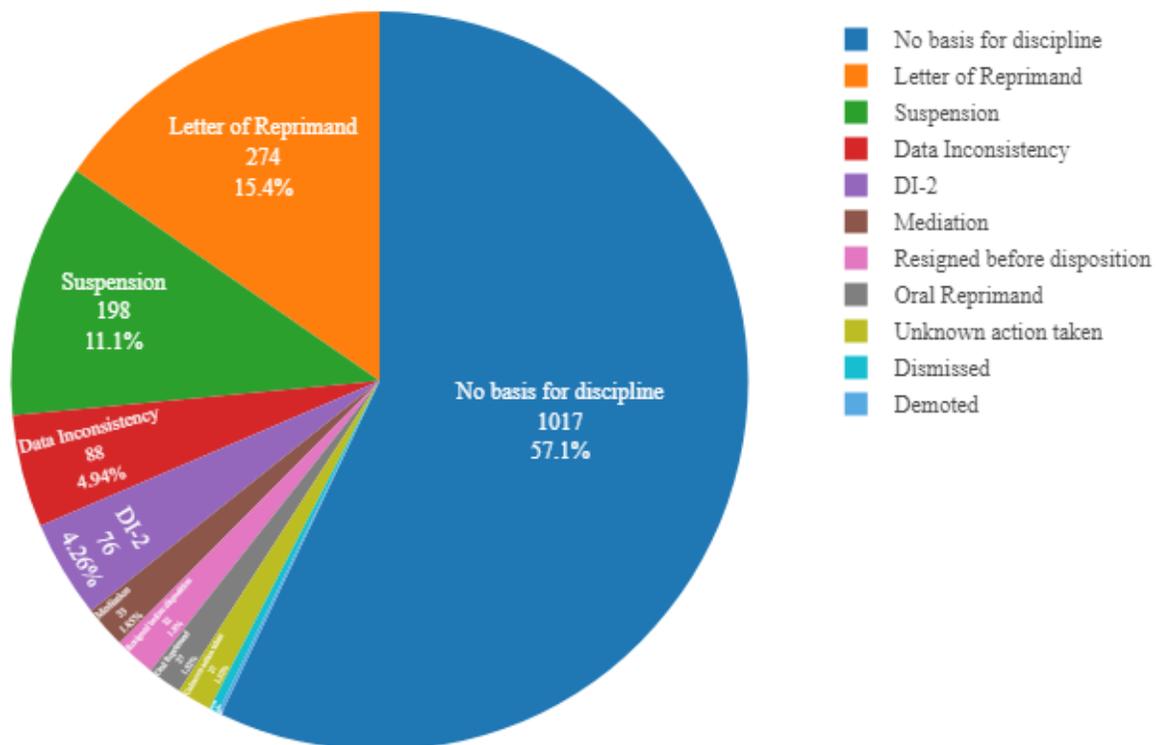
The OIPM shall make recommendations to the Superintendent to improve NOPD policies and practices based on national best practices. The OIPM shall review specific issues regarding supervision, training, discipline, and other issues to identify problems, mitigate risk, and make recommendations for improvement.

The annual report is one such opportunity for the OIPM to provide feedback to the Superintendent, the NOPD, and the community regarding the OIPM’s findings from the disciplinary adjudication process. For the most part, the following data is from the NOPD and was prepared by the NOPD but analyzed by the OIPM in order to identify and highlight patterns, trends, and outliers of note.

Discipline Data

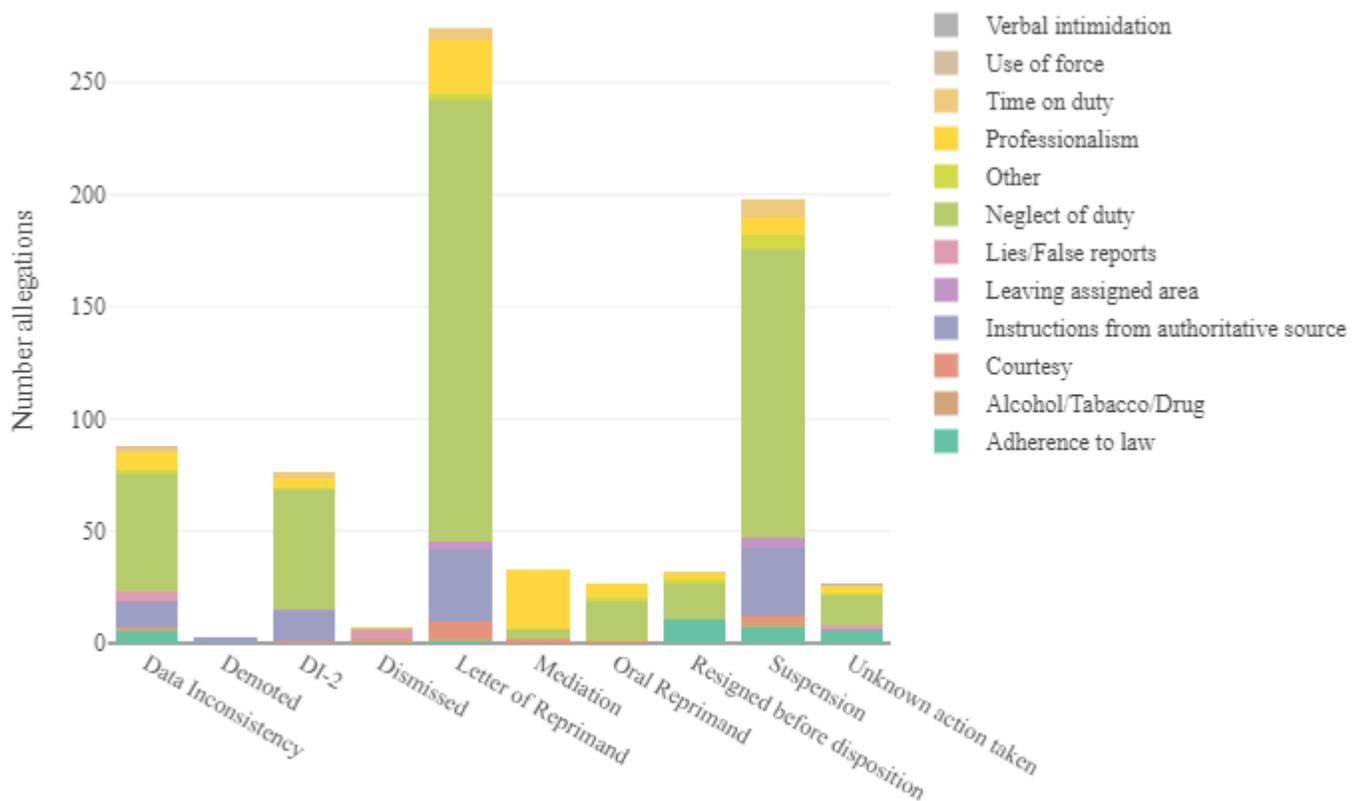
In 2018, there were roughly 20 types of allegations alleged against NOPD employees. The top three were “neglect of duty,” “instructions from an authoritative source,” and “professionalism.” This remains in step with trends from 2017. In 2018, the most common outcomes were letter of reprimand and suspension. In 2017 the most common outcomes were DI-2 and suspensions.

Figure 16: Action Taken



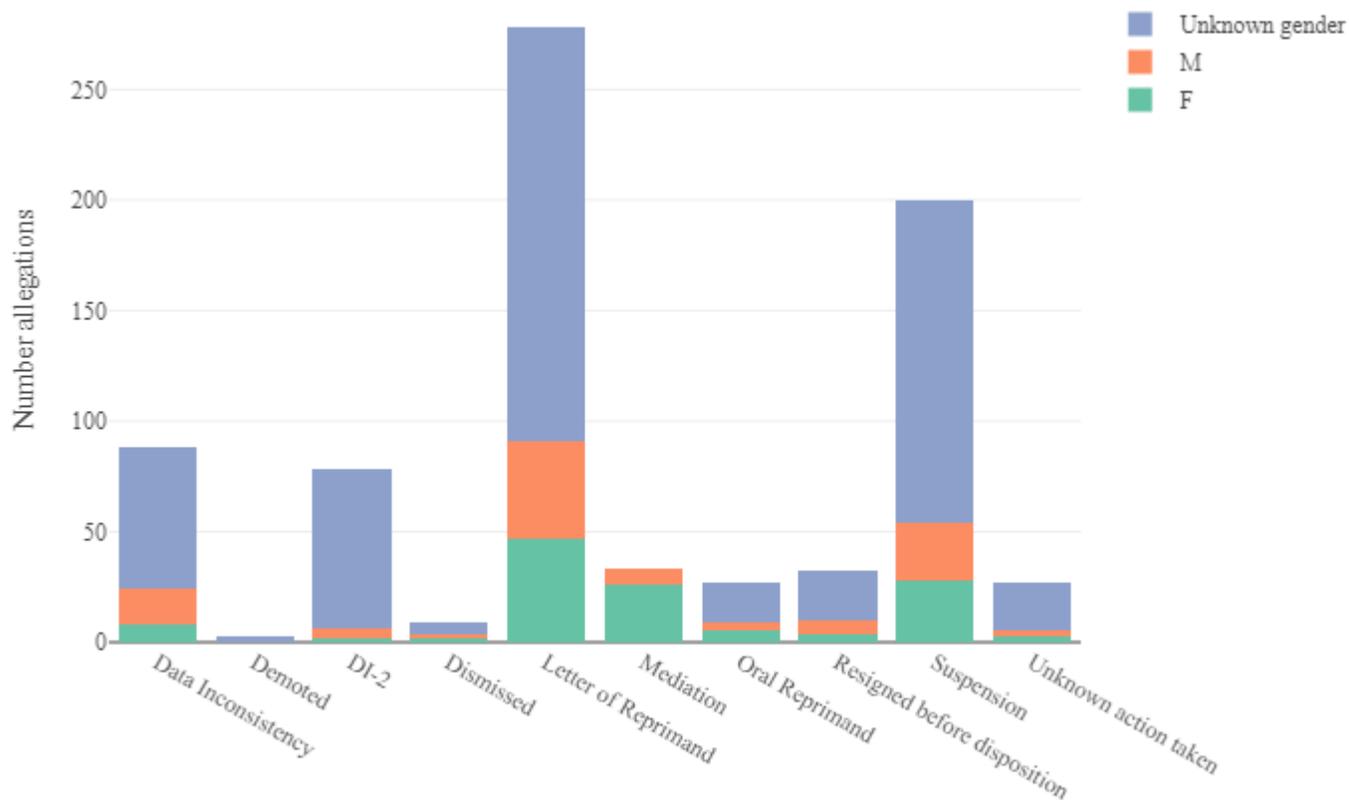
In chart above (Figure 16) are all the outcomes of allegations brought against NOPD employees. Some of these outcomes are disciplinary and others, like mediation and Resigned / Retired Under Investigation (RUI), are not disciplinary actions. “No basis for discipline” encompasses allegations that are found to be unfounded, exonerated, and not sustained. This means the NOPD conducted an investigation and determined these allegations were not eligible for disciplinary actions.

Figure 17: Outcomes



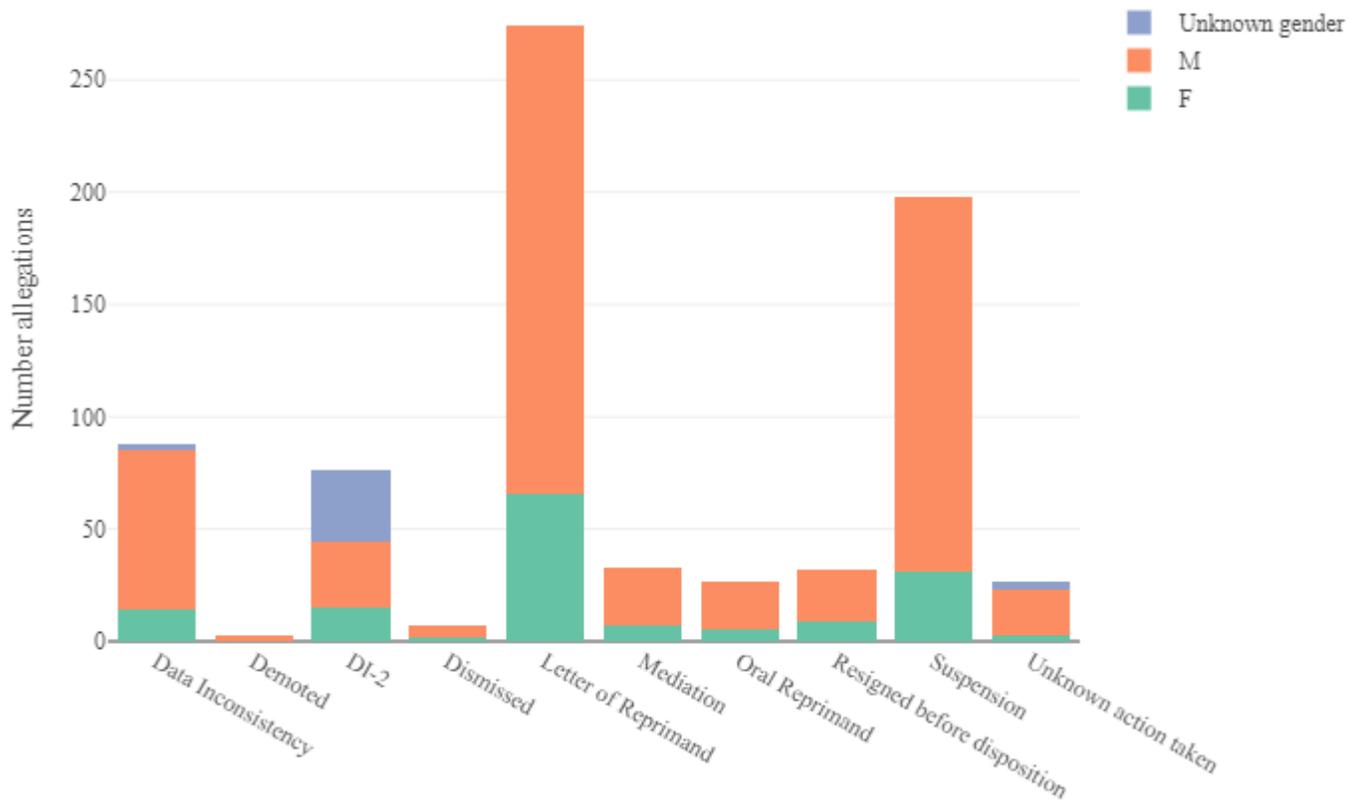
This chart (Figure 17) captures the outcomes of disciplinary investigations. Some outcomes are disciplinary actions and some are not disciplinary actions, like mediation and Resigned / Retired Under Investigation (RUI). This chart differs from Figure 16 because Figure 16 includes all outcomes, even those that had no basis for disciplinary action.

Figure 18: Discipline by Complainant Gender



Males, females, and people of unknown gender were proportionally represented as sources of complaints. Their disciplinary outcomes are similar except for DI-2, letter of reprimand, and suspension which are disproportionately from complainants of unknown gender. Most likely, this is because those outcomes are the result of rank-initiated complaints and if rank-initiated, the NOPD database does not capture the rank's gender.

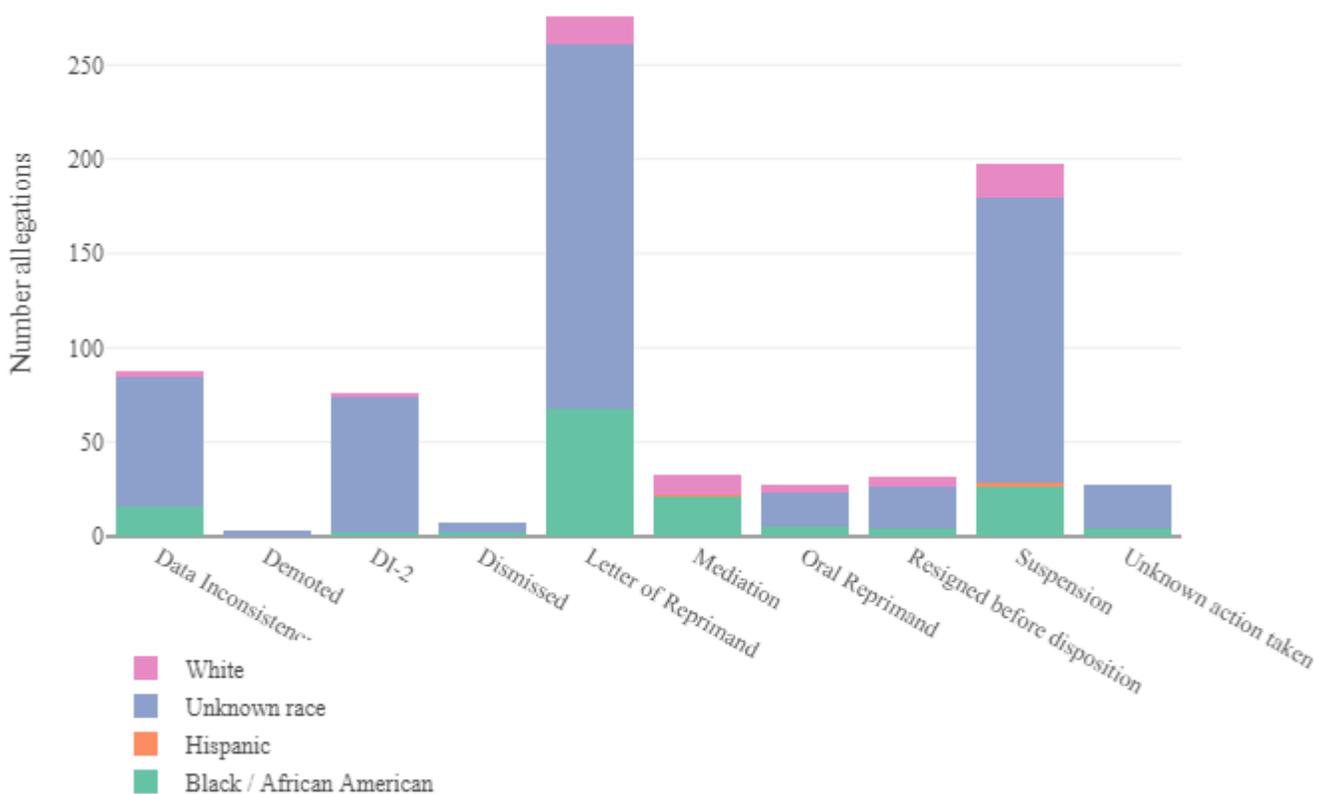
Figure 19: Outcomes by Officer Gender



Outcomes appear to be proportional to the gender breakdown of the NOPD. Males make up 76% of the police department and are proportionally represented in most types of discipline and similarly, female employees are also proportionally represented. There is a negligible number of complaints concerning an officer with an unknown gender.

According to the disciplinary matrix, many first offenses are initially resolved with letter reprimand or short suspensions.

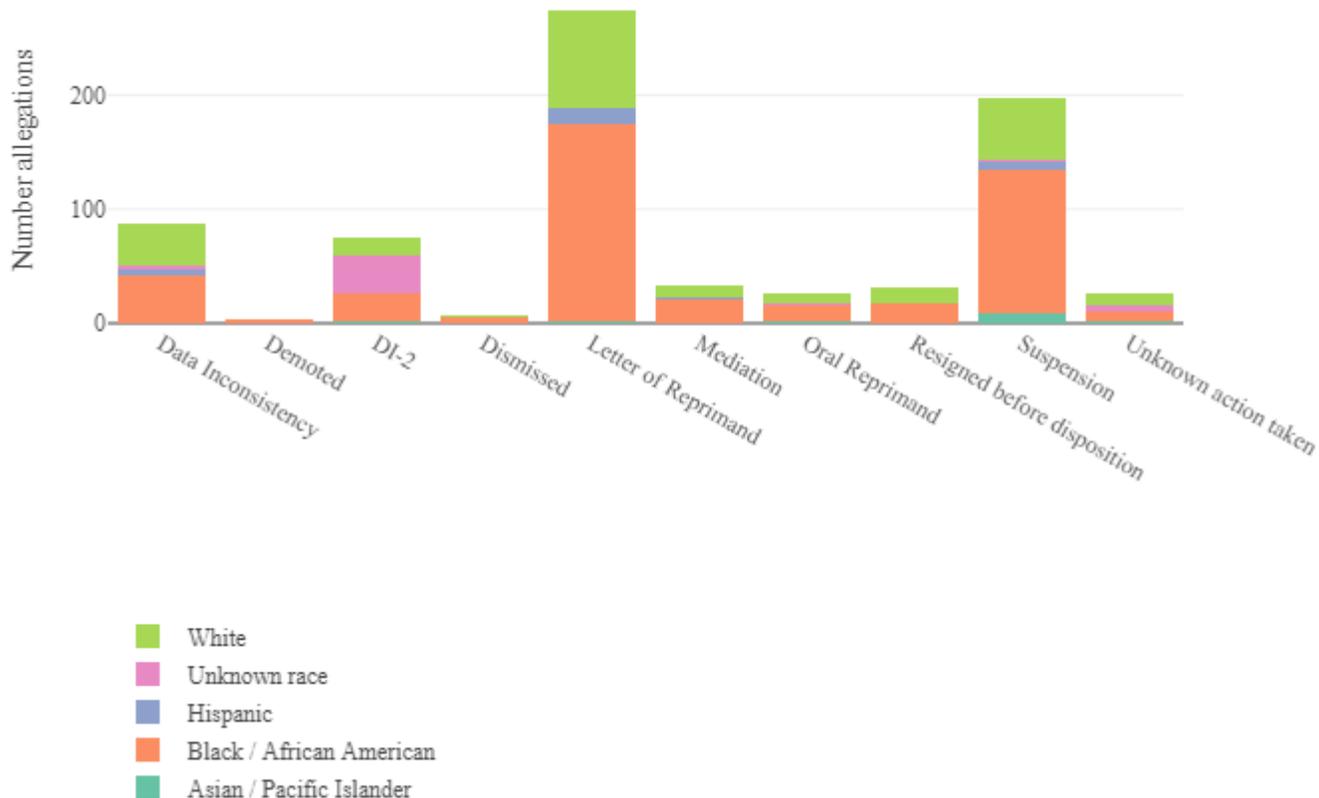
Figure 20: Outcome by Complainant Race



50.1% of complainants are categorized as Black / African American. This number is low relative to the Black / African American population of New Orleans and the higher rates of involvement Black / African American people experience with law enforcement. Hispanic and Asian complainants are least represented. There are 19 Hispanic complainants (1.9% of all complaints) categorizations but Hispanic people are 5% of the population. 2.9% of people in New Orleans are Asian but there were no complaints categorized as from an Asian complainant. One reason for this pattern is that people of unknown race account for 59% of all complaints.

That said, disciplinary actions appear to be applied proportionally, regardless of the race of the complainant. Further analysis is needed to determine if any more nuanced race base trends exist in subcategories of the data.

Figure 21: Discipline by Officer Race



Like other police departments analyzed, employee race generally corresponds with department demographics.⁴ However, all officers receiving a demotion as a form of discipline were Black / African American officers. Black / African American officers or employees are also disproportionately likely to be dismissed. At this time, it is difficult to determine the cause of this pattern or if there is a pattern within the NOPD data. OIPM would also like to continue to examine this trend with the NOPD in the coming year.

⁴ Chicago Police Department, Chicago Police Department: Annual Report 2017, p. 24, from <https://home.chicagopolice.org/inside-the-cpd/statistical-reports/annual-reports/>, <https://home.chicagopolice.org/wp-content/uploads/2019/03/Chicago-Police-Department-Annual-Report-2017.pdf>, accessed April 9, 2019.
 Government of the District of Columbia, Police Complaints Board, Office of Police Complaints, Annual Report 2018, pg. 13, from <https://policecomplaints.dc.gov/page/annual-reports-for-OPC>, <https://policecomplaints.dc.gov/node/1366436>, accessed April 9, 2019.



Internal Goals for 2019

In the coming year, the OIPM has numerous goals regarding complaints, commendations, and disciplinary proceedings. These goals will improve the internal operation of the OIPM and increase the impact of our preexisting work.

Development and Implementation of Updated Policies

In 2018, OIPM began the process of updating the internal policies regarding the intake and referral process for both commendations and complaints along with the monitoring and review of the disciplinary proceeding process. These policies improve the consistency and thoroughness of our work, creating better synergy between the OIPM departments and, eventually, the NOPD.

Examples of such policy changes includes that the OIPM's Use of Force Section, headed by the Chief Monitor, will take on more leadership in monitoring in the NOPD adjudication of Use of Force allegations. Formally including the Chief Monitor will enable a holistic and consistent review since the Chief Monitor will follow the use of force incident through the Use of Force Review Board meeting into any resulting disciplinary proceeding.

Another example of policy change is the increase of Consent Decree related language in internal policy and practice. The OIPM believes grounding policies and practice in the language of the Consent Decree will ensure that the Consent Decree stays in the forefront of our work and NOPD interactions, ideally guiding the NOPD to full compliance and tracking continued compliance in the coming years.

In 2019, we will expand the development of updated policy including case monitoring, criminal liaison, case review, and building security and complainant interactions. The OIPM will continue to codify these internal policies and practices and will share relevant finished policies with NOPD as these practices intersect with them.

Data Tracking and Sharing

In 2018, the OIPM took many positive steps in internal and external data work. Internally, the OIPM worked with partners, Invisible Institute and Thoughtworks, to build a complaint tracking database called: Complaint Manager. Complaint Manager captures relevant complaint data, including involved officers and units / districts, allegations, and locations of alleged misconduct. In 2019, the OIPM seeks to continue to build internal tracking database systems to expand the OIPM's ability to track complaint, disciplinary proceeding, and critical incident data and produce relevant work product in an efficient and timely manner. This includes tracking recommendations made by OIPM to the NOPD and any NOPD effort to consider and implement such recommendations.

In 2018, the OIPM began working with the NOPD to finalize a proposed data sharing agreement between the NOPD and OIPM. This data agreement would expand the OIPM's ability to receive updated data from the NOPD. In 2019, the OIPM seeks to execute and implement the data sharing agreement with the NOPD.



External Goals for 2019: Recommendations to NOPD

OIPM Recommendations from 2018

In 2018, OIPM made the following recommendations in memos to the NOPD. The OIPM looks forward to working with the appropriate leadership and units to address these recommendations in 2019:

- **Recommended the NOPD train or refresh responding officers on evidence collection, evidence preservation, and report preparation.** *Recommendation put forth in OIPM Memo regarding PIB # 2018-0289-P*
 - *NOPD Response:*
 - NOPD is committed to having the best trained officers in the nation. Training is not limited to just recruits. Veteran officers receive refresher training (In-Service) on various topics throughout the year. PIB will work with the Academy to verify that these particular areas of concerns are included in the upcoming Recruit and Veteran Officers' training sessions.
- **Recommended NOPD provide training or refresh officers on what reports are required for what responses and how to prepare those reports in a thorough manner.** *Recommendation put forth in OIPM Memo regarding PIB #2018-0350-R*
 - *NOPD Response:*
 - NOPD is committed to having the best trained officers in the nation. Training is not limited to just recruits. Veteran officers receive refresher training (In-Service) on various topics throughout the year. PIB will work with the Academy to verify that these particular areas of concerns are included in the upcoming Recruit and Veteran Officers' training sessions.
- **Recommended NOPD reexamine T.R.I.P. Payroll System, secondary employment and timekeeping policy and practice, and ensure supervisors are prepared to guide employees on appropriate protocol.** *Recommendation put forth in OIPM Memo regarding PIB #2018-0057-R*
 - *NOPD Response:*
 - T.R.I.P. Payroll system is no longer used. It has been replaced by ADP system.
- **Recommended the NOPD conduct a sexual harassment and diversity training within the homicide division.** *Recommendation put forth in OIPM Memo regarding PIB #2017-0727-R*
 - *NOPD Response:*
 - The City of New Orleans conducted a mandatory on-line training for all City employees. The training was entitled "Preventing Sexual Harassment" and "Preventing Sexual Harassment for Supervisors." The training began February 1, 2019.
- **Recommended OIPM and PIB work together to develop specialized workplace investigations protocols and after investigation actions plans.** *Recommendation put forth in OIPM Memo regarding PIB #2017-0727-R*



- *NOPD Response:*
 - Sexual Harassment Policy and Complaint/Investigation Procedures:
 - Revised Policy Memorandum No. 141 (R) Sexual Harassment Policy and Complaint/Investigation Procedures issued by the CAO which includes the regulations set forth in M. C. Ordinance No. 27795.
 - Implemented 1-24-19.
- **Recommended supervising officers be trained on how to identify potential payroll fraud; specifically, train supervisors on how to properly monitor Workman’s Compensation related injuries and treatment, including how and when that treatment may occur during work hours.**
Recommendation put forth in OIPM Memo regarding PIB #2017-0172-R
 - *NOPD Response:*
 - NOPD is committed to having the best trained officers in the nation. Training is not limited to just recruits. Supervisors receive refresher training (In-Service) on various topics throughout the year. PIB will work with the Academy to verify that these particular areas of concerns are included in the upcoming Recruit and Supervisory In-Service training sessions.

Moving Forward: Additional Recommendations the OIPM seeks to make to NOPD in 2019

Recommendation: Meaningful Complainant Interactions

In response to community feedback, in 2019, the OIPM will recommend to the NOPD to expand their policy and practice in misconduct investigation to include more guidance regarding language barriers, mental health challenges, and complainant convenience.

For example, it is becoming established national best practice among other cities under Consent Decrees to require that the police force contact complainants at times and places that are convenient for the complainant to ensure the process is welcoming and does not discourage engagement. Currently, the NOPD does not have a policy, nor does the Consent Decree Para. 420, require that investigating officers of misconduct check in with complainants at times / places that are convenient to the complainant. In practice, this means a complainant may receive a phone call from an investigating officer after 11pm when the officer starts his / her shift. This type of contact may be intimidating or anxiety provoking for a civilian who has just filed a misconduct claim against the NOPD. While the NOPD is nearing compliance in Section XVII of the Consent Decree regarding Misconduct Complaint Intake, Investigation, and Adjudication, this is an area where the NOPD may be seen in compliance with the Consent Decree but can continue to improve practice and policy by becoming more responsive to the needs of the community in how the NOPD conducts misconduct investigations.

- *NOPD Response:*
 - PIB is committed to continue to work with OIPM to develop possible policy and procedures to address any and all citizens’ concerns regarding the compliant process in general. PIB is open to suggestions on improving efficiency and transparency.

Recommendation: Improved Efforts to Track Disciplinary Proceedings in IAPro

The OIPM renews all data recommendations made in previous years, including in 2017, for the NOPD to improve their efforts in tracking disciplinary proceedings in IAPro and keeping IAPro updated on all disciplinary outcomes, including civil service determinations.

Additionally, in 2019, the OIPM seeks to work with the NOPD to encourage and support the NOPD in any building of additional data tracking systems within the Public Integrity Bureau and any effort to clarify data already being collected within misconduct complaints and disciplinary proceedings. The OIPM seeks to work with the NOPD in 2019 to build data partnerships that would help with this endeavor with organizations such as Thoughtworks, the Invisible Institute, and any other similar organization.

- *NOPD Response:*
 - PIB is committed to continue to work with OIPM relative to the data tracking and to clarify data already being collected within misconduct complaints and disciplinary proceedings. PIB is open to suggestions on improving efficiency and transparency.

Recommendation: Improved Credibility Assessments in Investigations

In 2019, the OIPM would like to revisit a previous recommendation to the NOPD from years prior to equip and prepare all investigating officers to complete thorough, thoughtful, and informed credibility assessments. The Consent Decree Paragraphs 382 and 413 requires that the NOPD be trained and prepared to conduct thorough credibility assessments of officers and civilians involved in the misconduct investigation. In years prior, the OIPM lead a training for the NOPD on how to conduct credibility assessments during misconduct investigations. In 2019, the OIPM would like to return to this recommendation and work with PIB leadership to discuss how to train all relevant officers to make these determinations with finality.

- *NOPD Response:*
 - PIB recognizes that there is a need to continuously train and develop District and internal investigators and to be more efficient writing Credibility Assessments. PIB has committed to working with OIPM in 2019 to provide more Credibility Assessment training to investigators (District and Internal) and all reviewers of investigations (Lieutenants and Commanders).

Conclusion

In this section of the annual report, the OIPM reviewed the vital role it plays in the intake and monitoring of misconduct complaints, the collection and referral of commendations, oversight of the NOPD disciplinary process, and the implementation and compliance of the Consent Decree.

The OIPM explained the process by which the OIPM receives and monitors complaints of misconduct and how and when the OIPM reviews disciplinary adjudication of allegations of misconduct. The OIPM explained how that role differs from the OCDM in both scope and content, and that the OIPM is responsible for engaging with and answering to the needs of the community.

In this report, the OIPM provided a collection of recommendations made to the NOPD in 2018 through OIPM Disciplinary Memos and new recommendations that the OIPM would like to work with the NOPD to achieve in the coming year. These recommendations ranged from how the NOPD collects and inputs data to how the NOPD interacts with the community during misconduct investigations.

In the coming year, through the work conducted in complaints, commendations, and disciplinary proceedings, the OIPM looks forward to widening its impact, producing more data and reports, enforcing the Consent Decree, and working with the community and the NOPD to build public trust and engagement.

