

OFFICE OF INDEPENDENT POLICE MONITOR
CITY OF NEW ORLEANS



SUSAN HUTSON
INDEPENDENT POLICE MONITOR

January 22, 2021

Dr. Michael Cowan, Chair
City of New Orleans Ethics Review Board
New Orleans, Louisiana 70130

Dear Dr. Cowan:

Attached please find the Office of the Independent Police Monitor's (OIPM) 2021 Work Plan.

The OIPM's Work Plan is intended to be used as a guide by OIPM and NOPD personnel as OIPM audits, reports, public letters, and reviews of various areas within the NOPD. The Work Plan will also assist the Ethics Review Board in its oversight of the OIPM. This Work Plan will also highlight areas of NOPD's performance that are not yet in full compliance with the Federal Consent Decree, with the intent of providing recommendations that would enable NOPD to reach full compliance and exit the Consent Decree. Finally, but just as importantly, the Work Plan can inform the public of our work and allow them to weigh in on future priorities.

The Work Plan does not include case specific day to day activities of the OIPM, such as complaint intake, complaint monitoring, reviews of NOPD internal investigations and mediation. The OIPM details and publishes its core activities in a monthly report to the Ethics Review Board which is available on our website to the public. Our Annual Report each year compiles our daily activities in a more comprehensive format.

The OIPM takes the people of New Orleans' mandate to monitor the New Orleans police department seriously and is poised to be even more transparent, accountable and effective. 2020 has been a very productive year for the OIPM and we anticipate the same for 2021.

In accordance with Section 9-403 of Article IX of the City's Home Rule Charter, the OIPM is responsible for the following:

"The OIPM shall monitor the New Orleans Police Department, particularly in the areas of: civilian and internally-generated complaints, internal investigations, discipline, uses of force, critical incidents and in-custody deaths. The Office of Independent Police Monitor shall also review and analyze the numbers and types of complaints; assess the quality and timeliness of New Orleans Police Department investigations; review the adequacy of data collection and analysis; review the New Orleans Police Department Public Integrity Bureau's policies, procedures, and resource needs; conduct risk management reviews; review the operations and effectiveness of New Orleans Police Department "early warning system"; review specific issues regarding supervision, training, and discipline; and conduct relevant pattern analysis."

Objective, Methodology, and Scope:

The purpose of the OIPM Work Plan is to publicly announce its audit, data analysis, and review focus for all of 2021. The Work Plan was based on a limited risk assessment and discussions with community and NOPD leaders. The risk assessment used a slightly different approach and was based on factors that were taken into consideration, such as community calls for reform during this time of unrest and protest, concerns regarding policing during COVID-19, previous audit results, OIPM’s observations and reviews of NOPD use of force and misconduct investigations, a review of Consent Decree audits, as well as discussions about Consent Decree priorities with NOPD Superintendent Shaun Ferguson, Deputy Superintendent Otha Sandifer, and Deputy Superintendent Arlinda Westbrook.

After targeted discussions with community and NOPD leaders, OIPM ranked the areas that were highlighted from 1 to 3, with 1 being the least urgent/critical and 3 being the most urgent/critical. Each ranking was also evaluated for community impact, NOPD impact, effect on the Consent Decree, previously audited, never audited and the OIPM’s mandated duties under city law. The weight of the answers and the scoring in these categories was purely subjective.

In the future, the OIPM will reach out to a broader section of officers, community, and other key stakeholders in an effort to get much needed feedback for ongoing risk assessments.

Standards:

Effective January 2021, the standards for initiating and conducting audits will conform to the Generally Accepted Governmental Auditing Standards (GAGAS or the “Yellow Book”) issued by the US General Accounting Office. Data analysis reports, public letters, and other reviews will also follow GAGAS Standards but may not meet the definition of an audit.

All reviews, public letters, and reports have been and will continue to be conducted following the OIPM’s standard review procedures which also follow National Association for Civilian Oversight of Law Enforcement (NACOLE) Qualification of Oversight Standards, as well as NACOLE Principles and Practices for Effective Oversight.¹

NOPD’s Assistance:

All audits will commence with a review of the data systems used in gathering data for that component of NOPD policing. If NOPD does not provide the data in a timely manner or if OIPM determines that the data has an insufficient audit trail or has insufficient data integrity, a public letter to that effect will be issued by the OIPM. The NOPD will be given an opportunity to address the enumerated data issues prior to commencing any audits/reviews.

¹ See, http://www.nacole.org/qualification_standards_for_oversight_agencies.

It should be noted that the OIPM has no full time dedicated auditor. Instead, a third of OIPM personnel have been trained in auditing and the rest will be trained in the future. Because OIPM staff is small and has other mandatory duties under city law, it is imperative that full cooperation and timely access to needed data systems and other requested information is forthcoming, in order to facilitate timely completion of the audits/reviews mentioned in this plan. OIPM will enforce its right to timely and complete data and information.

We will inform the Ethics Review Board and the NOPD as these situations develop and invite your input to assist the OIPM with a timely resolution of any significant situations.

Time Periods:

As with any plan, situations may occur which prevent the completion of the plan as anticipated. OIPM will strive to complete the audits/reviews in a timely manner and will typically utilize a six-nine month time frame as a benchmark for such; however, adjustments are often necessary because there are some audits/reviews that inevitably require additional time to complete depending on the audit objectives and complexities of methodologies, and/or staff and contractor availability. Additionally, more projects may be added to an updated Work Plan if requested by NOPD leadership.

The timely completion of this work plan is also dependent on the amount of the general fund allocated to our office. The OIPM will experience a 20% decrease in its 2021 budget due to the decrease in the City revenues as a result of the Covid-19 crisis. The budget decrease will limit the OIPM's ability to contract with professionals to supplement our staff's work. Additionally, OIPM staff will have working limits placed on staff through furloughs.

The Work Plan will be review reviewed and updated on an annual basis.

Please contact me directly at (504) 900-1222, if you have any questions about the information in this Work Plan.

Sincerely,



Susan Hutson
Independent Police Monitor

Cc: NOPD Superintendent Shaun Ferguson



OFFICE OF INDEPENDENT POLICE MONITOR
CALENDAR YEAR 2021 - WORK PLAN

Reference Audit/ Review No.	OIPM CHARTER/ORDINANCE -MANDATED AUDITS/REVIEWS ²	Last Date Completed and Auditing Entity	Starting Date ³	Ending Date ⁴
1	OIPM’s Annual Report	May 2020, OIPM	January 2021	May 2021
2	2019 Claims for Damages Report	NEW, OIPM	April 2020	January 2021
3	2019 Lawsuits Report	NEW, OIPM	April 2020	January 2021
4	OIPM’s Review of INSIGHT	NEW, OIPM	January 2021	September 2021
5	OIPM’s Review of NOPD Disciplinary Appeals	NEW, OIPM	January 2021	September 2021
Reference Audit/ Review No.	RISK-BASED AUDITS/REVIEWS-TIER 1 ⁵	Last Date Completed and Auditing Entity	Starting Date	Ending Date
6	NOPD’s Policing of Community Members Living with Mentally Illness	NEW, OIPM	December 2020	December 2021
7	NOPD’s Policing of Children and Youth	NEW, OIPM	July 2020	July 2021
8	OIPM’s Facial Recognition Technologies Audit	NEW, OIPM	April 2021	October 2021
Reference Audit/ Review No.	NOPD’s REQUESTED CONSENT DECREE-BASED AUDITS/REVIEWS ⁶	Last Date Completed and Auditing Entity	Starting Date	Ending Date
9	2019 Bias-Free Policing Annual Report – Meta Audit	2018, PSAB	TBD ⁷	TBD
10	2019 Use of Force/Constitutional Policing Audit – Meta Audit	2018, PSAB	TBD	TBD
11	2020 Annual Report – Meta Audit	NEW, PSAB	TBD	TBD
12	2020 Stops and Search Annual Report (Includes Procedural Justice) – Meta Audit	2019, PSAB	TBD	TBD
13	2020 Supervision Initiative Working Group Recommendations - Review	NEW, PSAB	TBD	TBD

² New Orleans Home Rule Charter, Section 9-403; New Orleans Code of Ordinances Sec. 2-1121 (3), (9), (13), (14), (16).

³ Subject to change.

⁴ Subject to change.

⁵ New Orleans Code of Ordinances Sec. 2-1121 (16) “Additional reports relating to policy and training recommendations, matters of significant public interest, or other concerns may be issued throughout the year.” Audits and reviews assessed to be of the highest level of risk are assigned to Tiers, Levels 1-3, with Level 1 being the highest ranked tier and Level 3 being the lowest ranked tier.

⁶ Audits and reviews requested by NOPD leadership to assist with NOPD’s compliance with the 2012 Consent Decree.

⁷ NOPD Audits are subject to review/approval by the Federal Court, the Office of the Consent Decree Monitor, and the Department of Justice prior to initiation and completion.