



Preliminary Use of Force Review Summary

# CRESCENT CITY CONNECTION BRIDGE TEAR GAS INCIDENT

## SUMMARY OF THE FACTS

On June 3, 2020, approximately 1500 people gathered in New Orleans as a sign of solidarity with protests happening across the world in response to George Floyd's killing and in support of the Black Lives Matter movement. The protest began with a rally in Duncan Plaza and mobilized into a march a few hours later.

The marching protesters eventually tried to enter the interstate with the intent of crossing the Crescent City Connection Bridge. The march was closely observed by the NOPD and NOPD leadership allowed the protesters to march up the onramp to the elevated interstate, but stopped them from advancing onto the Crescent City Connection Bridge. NOPD formed a skirmish line to prevent protesters from advancing. After failed negotiations between protest leaders and NOPD leadership, protesters locked arms and began to attempt to advance past officers. In response to a group of disruptive protesters pushing and hitting officers, grabbing and taking riot gear, and throwing objects at officers after being told to exit the bridge, NOPD leadership deployed gas into the crowd. This occurred without giving notice to protesters. NOPD used the following riot control munitions: CS Canisters, CS Foam impact rounds, foam marking rounds and Stinger .60 caliber rubber ball rounds. These munitions were used against not only disruptive protesters, but also peaceful protesters.

### USE OF FORCE POLICY

Preliminary reports from the NOPD state the use of riot control munitions was reasonable based on the behavior of the alleged disruptive protesters.

However, the actions taken by the NOPD affected the peaceful protesters along with the alleged disruptive protesters- which the OIPM finds to be a problematic approach. In the coming months, OIPM will conduct a critical and comprehensive review of these force strategies. At this time, OIPM notes there was aggressive resistance displayed by a portion of the 1500 person crowd requiring a tailored police response; however, the CS gas canisters and impact weapons (rubber balls) struck peaceful protesters who exhibited no known signs of resistance.

### BODY WORN CAMERA POLICY VIOLATIONS

Preliminary reports from the NOPD demonstrate a commitment to disciplining officers for misuse of Body Worn Cameras on the Crescent City Connection Bridge in accordance with NOPD Chapter 41.3.2.

Body Worn Cameras were not turned on in time or were turned off in a manner that the investigator found to be inadvertent - meaning not to purposefully conceal the actions of the police or to not capture the incident. OIPM will continue to monitor any disciplinary steps and proceedings pursued against these involved officers that result from these allegations.

## NEW ORLEANS POLICE DEPARTMENT DID NOT HAVE POLICIES SPECIFICALLY ADDRESSING THE USE OF RIOT CONTROL MUNITIONS DESPITE THE CONSENT DECREE REQUIRING POLICIES FOR ALL WEAPONS.

### TACTICAL ANALYSIS

June 3, 2020 was the fifth night of protest in New Orleans. Despite this fact, NOPD officers were monitoring protests without an operations plan.

NOPD leadership allowed protesters to enter the interstate but decided internally to stop protesters from crossing the bridge without providing warnings. Allowing protesters on an elevated highway was a safety risk for both protesters and police. Protesters should not have been allowed to enter the onramp.

The decision to allow the protesters on the highway with no viable exit ahead of protesters sent a confusing message to the public and heightened tensions. It also limited NOPD resources and put officers at risk.

### COMMUNICATION FAILURE

Superintendent Shaun Ferguson advised the public that the NOPD only used tear gas during the June 3rd incident but that was later learned not to be true. The NOPD's investigation determined this press conference took place before the Special Operations Division conducted a debriefing and inventory of all munitions used.

Additionally, despite past practices, the OIPM takes the position that the language in Chapter 1.3 is not exhaustive and the munitions used could have been considered to be a Level 2 (transitory pain) or Level 3 (impact weapons) use of force. As such, the use of riot control munitions should have been reported to supervisors immediately.

OIPM will continue to evaluate whether supervisors knew or should have known what munitions were used in order to provide accurate information in a more timely manner.

### DISCIPLINARY ANALYSIS

The disciplinary analysis conducted by OIPM is twofold. First, a review of what allegations brought against what officers and are these the appropriate allegations. Second, what allegations could or should have been raised against which officers and why was this opportunity not pursued. After extensive review of report drafts and conversations with the investigatory team, OIPM understands that only policy violations of Body Worn Camera use will be pursued at this time since other policies were not clearly communicated, created, or implemented to be utilized in a manner that could result in disciplinary action according to NOPD. While OIPM respects NOPD's position, OIPM is continuing to analyze whether allegations of honesty and truthfulness should be raised, as well as allegations relating to supervisory failure. OIPM is going to continue to work with the NOPD leadership team to ensure that any similar system and policy failures of this type in the future can result in accountability and discipline. OIPM will engage the community for feedback during this process.

### PRELIMINARY SUMMARY OF OIPM ANALYSIS

The OIPM is responsible for monitoring and reviewing the investigation of force and any disciplinary actions taken by the NOPD regarding their response to the Crescent City Connection Bridge Protests. The NOPD has called their response a system failure. Through critically examining their actions taken both during the night of June 3, 2020 and in the subsequent week, the leadership team has identified administrative, communication, policy, and training gaps in the NOPD. This honest and critical analysis has enabled the NOPD to learn from this event and take actions that will ensure a police response like this does not occur in the future. That said, this critically reflective position does not negate the harm that the NOPD caused the community that night and the impact their actions had on the public trust in the NOPD. OIPM will continue to collaborate with NOPD leadership and comprehensively review and monitor the Use of Force Review Board meetings, subsequent disciplinary proceedings, changes to policy, practice, and training to ensure there is appropriate discipline and accountability from this event and a system is built to ensure leadership and the NOPD are better equipped to handle events like this in the future. Ultimately, the NOPD, and the OIPM, answers to the community. Appropriate accountability cannot happen without the voice of our community and we will ensure that the community is informed of and engaged in our next steps.

*This is a preliminary analysis and shall not be considered final. A final report will be available for review in 2021.*