



THE OFFICE OF THE INDEPENDENT POLICE MONITOR

MONTHLY REPORT

NOVEMBER 2021

STELLA CZIMENT
ACTING INDEPENDENT POLICE MONITOR

Community Letter

Dear New Orleans Community,

Every November, as I celebrate Thanksgiving with my family, I reflect on why I am thankful to live in New Orleans and am thankful to do the work that I do. I am thankful for the opportunity to amplify the voice of the community and to demand a police department that is responsive and reflective of New Orleans. I am thankful that I live among people that care about accountability and one another. I am thankful for another year of serving this community.

November was a busy month of big steps forward and some steps back. First, the NOPD held its first Captain's Test since the early 2000s and conducted the application process to internally promote 15 individuals to be captains.

The OIPM was a part of the process, monitoring and providing input and insight as 38 candidates were interviewed and considered for this leadership opportunity. These new 15 captains are assigned to districts and bureaus and are now serving the public. The OIPM released a report regarding this promotional process with a data breakdown of the candidates and our recommendations regarding the deliberations and scoring.

In the shadow of that success was the news of possible misconduct in the police secondary employment system. This system is under the jurisdiction of the Consent Decree and is operated under a separate office from the NOPD – the Office of Police Secondary Employment. But these setbacks reflect on the ability for the city to reach full compliance with the Consent Decree and can cast doubt on the NOPD's supervision if this was something that should have or could have been identified by the officers' supervisors. Since the news broke, the OIPM has been working with other agency partners, the Professional Standards and Accountability Bureau, the Public Integrity Bureau, and Office of the Consent Decree Monitors to address these allegations and determine how to proceed to hold officers accountable, address policy confusion, and build a system that will catch such secondary employment abuse in the future. This will be a priority that the OIPM will carry into 2022.



This month, the OIPM presented our budget to City Council. We provided an overview of our office and workflow through our organizational chart and discussed our accomplishments from 2021 and our goals for 2022. We engaged with City Council on our goals to further collaborations such as Resolution 20-175 to build a police misconduct database and how we are building our current dashboard to include a "heat map" of where misconduct is occurring in the community with the ability to overlay police districts and the locations of parks and other public sites (you can find the dashboard at: <https://complaints.nolaipm.gov/data>). The OIPM appreciated the opportunity to present to the City Council and the public about how we are best utilizing our budget to serve the community.

Police Captain Promotions

COMMANDERS, PROVISIONAL CAPTAINS, AND THE CREATION OF THE CAPTAIN PROMOTION PROCESS

Before 2011, eligible lieutenant would take the captain test administered by Civil Service to receive a promotion to the covered leadership position. Under Chief Torres and command under Chief Herrera, the NOPD created and maintained a "commander" position. The commander position was understood meaning it was not regulated by the Civil Service. This enabled the Chief of Police to make discretionary leadership changes as the Chief required promoting and removing leadership as determined appropriate based on performance and ability to serve in the role. Commanders were selected from both those qualified and eligible to be captains under Civil Service rules and lieutenant who had never previously set for or passed the captain exam. Commanders led districts and specialized units within the NOPD until 2019, when a legal challenge was initiated by current NOPD officers.

The lawsuit challenged the commander role for numerous reasons, arguing that unclassified commanders, were performing the same duties as classified captains and this was a violation of the state constitution since the commander position avoided civil service regulations and oversight. The Fourth Circuit Court of Appeal ordered the NOPD to dismantle the unclassified commander position and return to the classified captain position. For this reason, current lieutenants and former unclassified commanders (now referred to as provisional captains) were required to sit for the captain exam and formally apply for this leadership position. It has taken two years for a test to be administered by Civil Service.

WHAT IS THE PANO LAWSUIT REGARDING CAPTAINS?

The Police Association of New Orleans (PANO) is a local police association that acts like a union and represents the concerns of their membership. PANO filed for a legal injunction to stop the promotion of lieutenants over the summer and raised similar concerns during the captain promotions. The position of PANO is that having promotion decisions on factors aside from Civil Service and scores opens the conditions and the process to the subjective criteria and possible favoritism. PANO stated that only oral scores will ensure the process remains "level-based".

In response to these concerns, the NOPD created a scoring rubric for each of the four (4) categories being assessed to eliminate the perception of subjectivity on favoritism. This material is public record. Upon the completion of the selection process, the NOPD shared the scoring rubric as well as justification for each candidate's score upon request.

HOW MANY OF THE CANDIDATES WERE PROVISIONAL CAPTAINS

63%	37%
62% (24) Lieutenants	37% (14) Provisional Captains

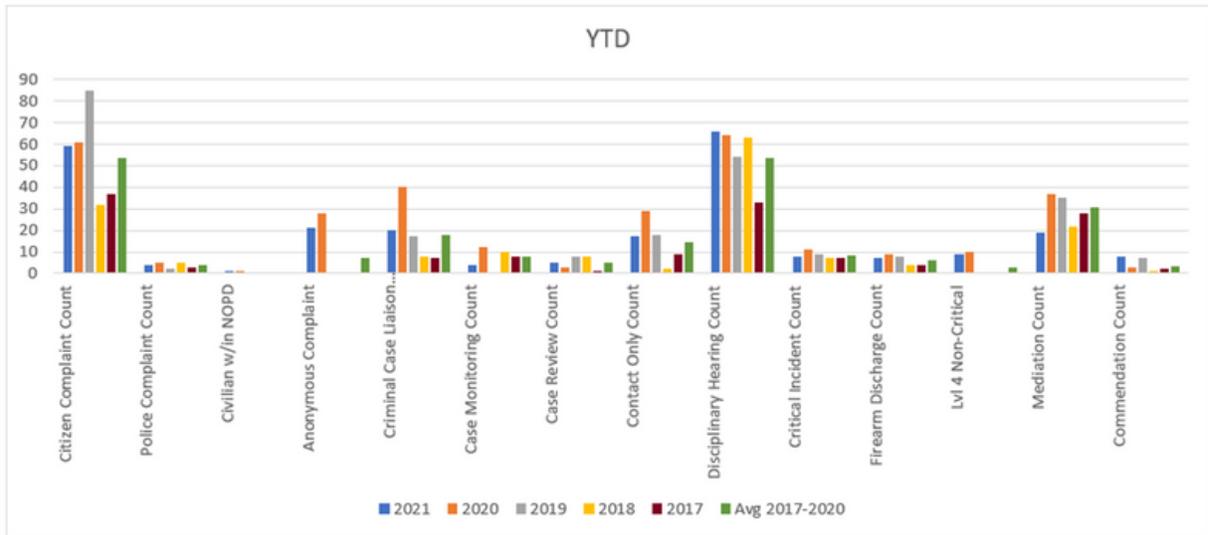
Of the 38 eligible candidates, here are the current status of the candidates:

OIPM

Finally, the OIPM is currently hiring for a fulltime data coordinator. This position is a great opportunity for an individual to do deep dives into policing and oversight data to identify trends and understand policing differences and discrepancies in our community. We are looking for someone to help our office generate data, manage our data sharing agreements, analyze data, and help us find new ways to communicate trends and patterns to our partners, the NOPD, and the public. Apply, join our team, and have an impact on policing in New Orleans!

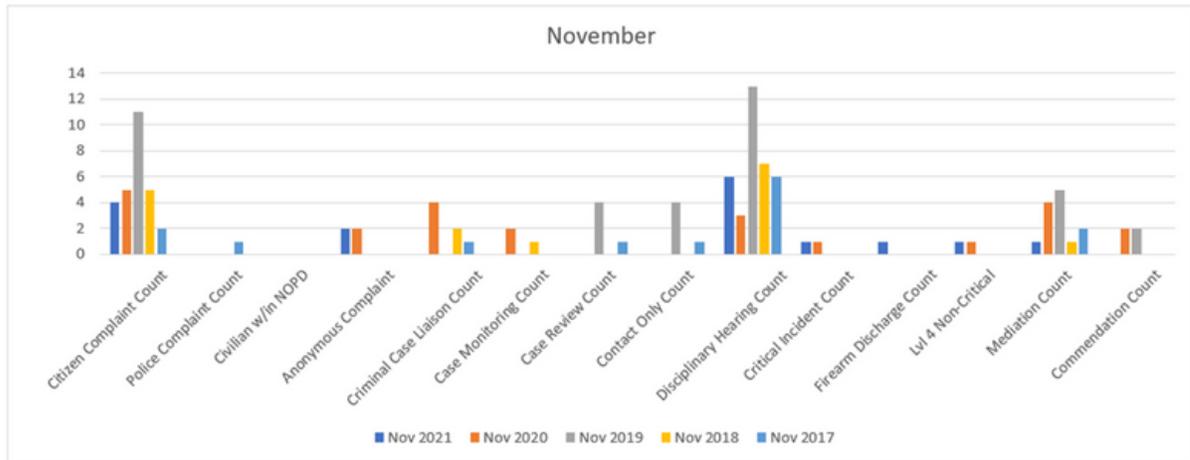
Thank you,

Year to Date Overview



	2021	2020	2019	2018	2017	Avg 2017-2020
Citizen Complaint Count	59	61	85	32	37	53.75
Police Complaint Count	4	5	2	5	3	3.75
Civilian w/in NOPD*	1	1	0	0	0	0.25
Anonymous Complaint*	21	28	0	0	0	7
Criminal Case Liaison Count	20	40	17	8	7	18.00
Case Monitoring Count	4	12	0	10	8	7.50
Case Review Count	5	3	8	8	1	5.00
Contact Only Count	17	29	18	2	9	14.50
Disciplinary Hearing Count	66	64	54	63	33	53.50
Critical Incident Count	8	11	9	7	7	8.50
Firearm Discharge Count	7	9	8	4	4	6.25
Lvl 4 Non-Critical*	9	10	0	0	0	2.5
Mediation Count	19	37	35	22	28	30.50
Commendation Count	8	3	7	1	2	3.25
Grand Total	248	313	243	162	139	181.33

November Overview



	Nov 2021	Nov 2020	Nov 2019	Nov 2018	Nov 2017	Avg 2017-2020
Citizen Complaint Count	4	5	11	5	2	5.75
Police Complaint Count	0	0	0	0	1	0.25
Civilian w/in NOPD*	0	0				0.00
Anonymous Complaint*	2	2				2.00
Criminal Case Liaison Count	0	4	0	2	1	1.75
Case Monitoring Count	0	2	0	1	0	0.75
Case Review Count	0	0	4	0	1	1.25
Contact Only Count	0	0	4	0	1	1.25
Disciplinary Hearing Count	6	3	13	7	6	7.25
Critical Incident Count	1	1	0	0	0	0.25
Firearm Discharge Count	1	0	0	0	0	0.00
Lvl 4 Non-Critical*	1	1				1.00
Mediation Count	1	4	5	1	2	3.00
Commendation Count	0	2	2	0	0	1.00
Grand Total	16	24	39	16	14	23.25

November Overview

Mediation	
Mediation cases are confidential.	
Mediations Held: 1	

Civilian Complaints	
CC2021-0094	The complainant stated he was here last year helping with storm clean-up when his equipment was stolen. He reported it to the NOPD whom the complainant stated has done nothing in response.
CC2021-0095	The complainant stated his truck was stolen. He stated he contacted the police and was given a item # slip. When he obtain video of the theft he called the officer who was not interested and refused to take any action. The complainant also stated the officer refused to ID himself and will not answer the complainant's phone calls.
CC2021-0097	The complainant stated that a rental car owned by them was stolen. The complainant stated that she has not been able to get in contact with the assigned detective after calling and leaving several voicemails with the detective and his supervisor but has received no response. The complainant stated this has been since July 2020.
CC2021-0098	The complainant alleges bias, nepotism, discrimination, and retaliation within the NOPD.
Civilian Complaints Count: 4	

Anonymous Complaint	
AC2021-0093	The complainant alleges that the NOPD entered a rental property without a warrant, judge order, or consent and coerced a tenant to leave.
AC2021-0096	The complainant alleges that 2 NOPD/PIB officers violated details hours in 2019, 2020, and 2021 and were not disciplined for it in contrast to how other officers were treated for the same offense.
Anonymous Complaint Count: 2	

Level 4 Non-Critical Use of Force	
UF2021-0008	Officers responded to call for service in reference to an order of protection involving an individual with a mental illness. The individual refused to be restrained and started a physical struggle with officers. An officer then placed the individual in a neck hold, at that time the suspect was then restrained without further incident.
Level 4 Non-Critical Use of Force: 1	

Critical Incident	
CI2021-0008	While the officer's were on a call for service an individual fired upon them and the officer's returned fire. The suspect was located under a house suffering from a gunshot wound to the foot and was transported to University Medical Center by EMS.
Critical Incident Count: 1	

November Overview

Disciplinary Hearings	
DH2021-0062	An Officer is accused of using his firearm as an impact weapon which is unauthorized and unpermitted force and failing to report the force in accordance with policy and failing to activate his in-car camera during the incident. The Officer is also accused of being discourteous when he cursed at the civilian and acting in a manner that jeopardized officer safety and did not safeguard property of the civilian involved. A second Officer is accused of failing to activate his in-car camera and also failing to safeguard property of the civilian involved.
DH2021-0063	An Officer is accused of failing to activate his in-car camera during an investigatory stop then using unnecessary and unauthorized force by drawing his serve weapon and pointing it, possibly striking an individual with the gun, and discharging it against policy when the Officer's life was not in risk. The Officer is also accused of: (1) making false and inaccurate reports when he failed to disclose all necessary information during his force statement; (2) failing to complete required trainings; (3) failing to provide medical attention to the injured individual at the scene. A second Officer is accused of failing to activate his in-car camera.
DH2021-0064	An Officer is accused of using unauthorized force when he struck an arrested individual in handcuffs after an attempted bite.
DH2021-0065	An Officer is accused of operating a vehicle with a suspended license, failing to have required car insurance, and failing to notify the NOPD of traffic proceedings brought against him.
DH2021-0066	A Sergeant is accused of using unauthorized force when his gun may have made contact with a civilian's face during a physical takedown.
DH2021-0067	An Officer is accused of using unauthorized force when he put his hand on an arrested individual's neck to stop him from hitting his head on the cage of the police vehicle. The investigating Sergeant is accused of failing to report a potential Level 4 Use of Force to the Force Investigation Team when he learned of the contact of the officer's hand on the arrested individual's neck.
Disciplinary Hearings: 6	

Complaints

The OIPM serves as an alternative site for civilians and police officers alike to file complaints of misconduct against the NOPD. These complaints and allegations are compiled into referrals by the OIPM and provided to the Public Integrity Bureau (PIB) for them to investigate. The OIPM monitors and reviews the classification and investigation conducted by PIB.

Once the OIPM receives a complaint, the OIPM prepares the complainant's account into a narrative. 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.

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.

4 CIVILIAN COMPLAINTS

2 ANONYMOUS COMPLAINTS

0 POLICE INITIATED COMPLAINTS

0 CIVILIANS WITHIN NOPD INITIATED COMPLAINTS



Community-Police Mediation

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation is a process facilitated by two professionally-trained community mediators to create mutual understanding and allow the civilian and officer to be fully heard and understood in a non-judgmental way.

I liked the chance to talk and that the mediators were good listeners. The process turned out good.” - Officer Participant

- 6** MEDIATIONS REFERRED
- 1** MEDIATIONS HELD
- 4** MEDIATIONS PENDING
- 2** MEDIATIONS SCHEDULED FOR DECEMBER



“This was a good opportunity to express my concerns of how things were handled with the officer. I learned not to categorize the entire department because of one officer’s mistake. The officer learned to take time to listen before acting. This program should continue. Please don’t stop!”

-Civilian Participant

Discipline

The OIPM is responsible for monitoring whether 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 will review such proceedings to ensure the NOPD is compliant with Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication.

The OIPM reviews the disciplinary investigation and attends the subsequent disciplinary hearings where the OIPM will provide systemic and individualized findings and recommendations based on NOPD's investigation. The OIPM conducts a thorough review of the proceedings, findings, and recommendations that is available for review by both the NOPD and the New Orleans community.

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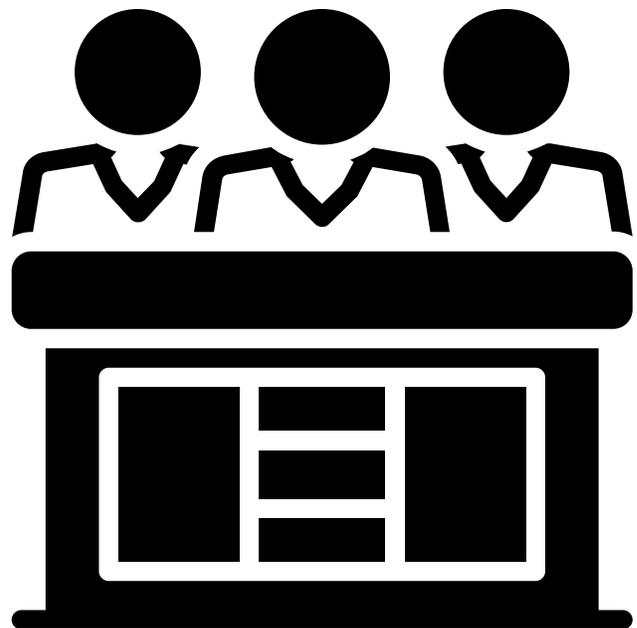
**DISCIPLINARY
PROCEEDINGS**

6

**SUPERINTENDENT
COMMITTEE
HEARINGS**

0

**CAPTAIN PANEL
PREDISPOSITION
AND PENALTY
HEARINGS**

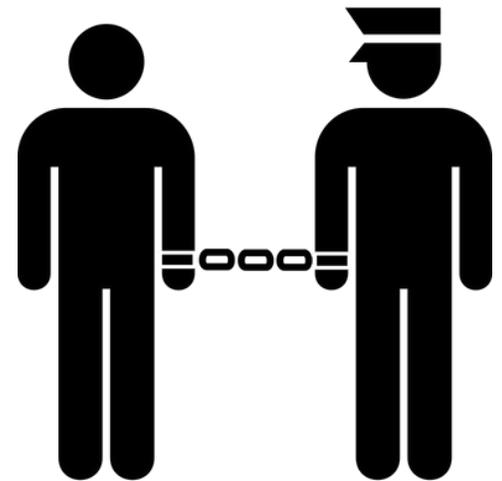


Use of Force

The OIPM is required by City Code 2-1121 to monitor the quality and timeliness of NOPD's investigations into use of force and in-custody deaths. If a critical incident occurs, the OIPM is notified and a member of the incident and will report immediately to the scene. The OIPM will stay engaged from the occurrence of the incident, through investigation, and Use of Force Review Board (UFRB) hearings.

The UFRB serves as a quality control mechanism to ensure timely reviews of all serious use of force investigations to determine the appropriateness of the investigative findings, and to quickly appraise use of force incidents from a tactics, training, policy, and agency improvement perspective. The voting members of the UFRB are the Deputy Superintendents of Field Operations Bureau, Public Integrity Bureau, and Investigations and Support Bureau. Other NOPD deputy chiefs serve as non-voting members, and outside groups like OIPM and the Office of the Consent Decree Monitor are present to observe, listen, and participate in discussion.

- 1** **CRITICAL INCIDENTS**
- 1** **FIREARM DISCHARGE**
- 1** **LEVEL 4 NON-CRITICAL INCIDENT**
- 3** **CASES HEARD AT USE OF FORCE REVIEW BOARD**



Community Outreach

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COMMUNITY OUTREACH EVENTS

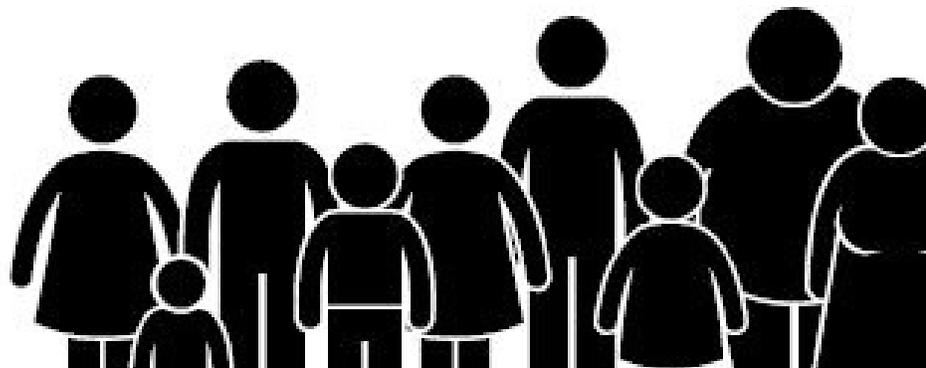
OIPM leads and participates in community outreach to inform the public of our services, to increase public engagement with policing, raise awareness of local or relevant police practice, and monitor how the NOPD interacts with our community.

TAUGHT CONTINUING LEGAL EDUCATION TRAINING: POLICE OVERSIGHT AND THE CRIMINAL JUSTICE SYSTEM TO THE ORLEANS PUBLIC DEFENDERS, THE INNOCENCE PROJECT NEW ORLEANS, AND OTHER ORGANIZATIONS

SPOKE AT JUDGE CAMPBELL'S LOYOLA LAW SCHOOL CLASS ABOUT POLICE OVERSIGHT

ATTENDED THE PROMOTION CEREMONY FOR THE 15 NEW NOPD CAPTAINS

ATTENDED THE GRADUATION CEREMONY FOR NOPD RECRUIT CLASS #193



Budget

Category	Total Obligations	Full Adopted NOLA Budget	Variance
600-A-Salaries and Wages	\$ 627,345.00	\$ 700,462.00	\$ 73,117.00
600-B-Operating	\$ 294,792.00	\$ 324,937.00	\$ 30,145.00

OIPM Budget Description	Amount
Personnel	\$700,462.00
Operating	\$324,937.00
2021 Total OIPM Budget	\$1,025,399.00

2021 Total OIPM Budget	\$1,025,399.00
Amounts Spent to Date:	(\$922,137.00)
Projected Amounts to be Spent the Rest of the Year:	(\$849,333.34)
Projected Unexpended Funds	\$30,145.00

2021 Goal Progress

To ensure accountability and transparency with the ERB and the community, the OIPM will report out highlights and what progress was made each month to complete the goals listed in the Six Month Action Plan and the recommendations adopted from the QARAC.

These benchmarks and goals were achieved in November, 2021:

Presented the 2022 OIPM Budget and anticipated 2022 goals to City Council.

Finished and released the OIPM "Police Captain Promotions Report: Understanding the Process, Candidates, Selection, and Impact." This report was released along with a newsletter to the community, NOPD, and our partners in mid-November during the same week that the NOPD Captains were promoted.

Received Civil Service approval and posted the Data Coordinator Position to the public.
Currently accepting applications.

Design new OIPM Website that is easier for the public to navigate (QARAC Recommendation).
The website is currently down for design and we are writing the new content. The new website will be launched in December.

Participated in the first auditor and monitor audit training with OCDM and PSAB and conducted our first audit exercise regarding Use of Force.

Designed and Taught our first Continuing Legal Education (CLE) course: "Understanding Police Oversight and the Impact on Criminal Cases" to the Orleans Public Defenders, Innocence Project New Orleans, and other partners.

Additional Benchmarks:

- **Met with Acting Inspector General** and **met with NOPD leadership** to discuss collaboration efforts on misconduct investigations regarding secondary employment.
- Prepared for the **Mediators Training Session** to train the new class of mediators to continue and expand our program.
- Spoke at a Loyola Law School Class taught by Judge Nandi Campbell about the role and importance of police oversight and police reforms in New Orleans.
- In the process of finishing disciplinary proceeding memorandums and case reviews of misconduct investigations.
- **Preparing 2022 Work Plan** and **2021 Annual Report Data Request.**

Social Media Highlights

Below are some of the social media posts produced by OIPM over the last month. Some of these posts were re-shared by partners.

Interested in analyzing policing data?

Join our team.

Currently hiring a Data Coordinator.

Link in bio on how to apply.

Want to learn about police oversight?

Our staff is available for in-person and online trainings.

Thanks for hosting us, OPD.

NOPD administered its first Captain's test since the early 2000s.

OIPM was given the opportunity to monitor and contribute to the candidate interview process and scoring.

To see our report visit: <https://bit.ly/OIPMCptRep>

Police Captain Promotions

THE NEW CAPTAINS: BREAK DOWN OF DEMOGRAPHICS

YEARS OF POLICING SERVICE AT THE NOPD

Years of Policing Service	Percentage	Number of Captains
5 - 10 Years of Service	6%	2 Captains
11 - 15 Years of Service	27%	9 Captains
16 - 20 Years of Service	47%	15 Captains
21 - 25 Years of Service	20%	7 Captains

Almost all of the newly selected captains have over 15 years of NOPD experience. Only one captain has less than 10 years of policing experience with the NOPD.

The majority of the newly selected captains have between 21 - 25 years of experience policing at the NOPD.

WHERE WERE THE SELECTED CANDIDATES ASSIGNED (PRIOR)

Assignment Bureau	Percentage
Public Integrity Bureau (PIB)	~10%
Field Operations Bureau (FOB)	67%
Management Services Bureau (MSB)	~10%
Professional Standards and Accountability Bureau (PSAB)	~13%

The majority of the newly selected captains come from the Field Operations Bureau (FOB). 10 of the captains selected were from FOB (which is 67% of the new captains). These captains worked in the police districts serving the community as either lieutenants or provisional captains.

NEXT STEPS: THE INTRODUCTION OF NEW LEADERSHIP

Of the 38 candidates, 15 of those officers are promoted to captain. Upon their promotions, those officers will be assigned to new positions within the districts and bureaus as needed. Former provisional captains who are not promoted to captain will return to the rank of lieutenant and will be assigned as determined appropriate by NOPD.

nolaipm New Orleans, Louisiana

Yesterday, 15 NOPD Captains were formally sworn into duty by Chief Ferguson. OIPM congratulates the new captains on their achievement. These 15 Captains were selected after a rigorous internal selection process including a Civil Service exam, interviews with Deputy-Chiefs, and reviews of candidate's job and disciplinary history and performance evaluations. The OIPM monitored these steps and contributed feedback and input into the deliberations and promotion process. You can now read our report including our assessment of the captain promotion process and our recommendations to the NOPD online: <https://bit.ly/OIPMCptRep> #nolaipm #policeoversight #policeleadership #neworleans

3w

View Insights

Liked by joni_lee and 6 others

NOVEMBER 11

Add a comment...

OIPM presents our 2022 budget to City Council.

Awareness. Remembrance. Us.

November 13 - 19, 2021
National Trans Awareness Week

November 20, 2021
Transgender Day of Remembrance