

# 2021 ANNUAL REPORT

Office of the  
Independent Police  
Monitor



# Dear New Orleans Community,

The last year was one of great growth and change for the Office of the Independent Police Monitor. This report is an opportunity for the Office of the Independent Police Monitor (OIPM) to reflect on the year that passed and to provide a formal review of the state of the New Orleans Police Department (NOPD), how the city was policed over the last year, and the role and work of police oversight to hold the NOPD accountable to the law, NOPD policies, and department trainings. Each year, the OIPM strives to be fair, critical, but constructive in our report and analysis because we view this report as an opportunity to continue police reform and to engage with the community.

Legally, the OIPM is required to issue at least one public report each year, by the end of May, 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 NOPD. The OIPM is required to report upon problems it has identified, recommendations made, and recommendations adopted by the NOPD, along with identifying commendable performance and improvements made by the department to enhance the department's professionalism, accountability, and transparency. As always, the OIPM thanks our partners at the City of New Orleans and the NOPD for their assistance in completing this report and providing input.

The Office of the Independent Police Monitor uses this report as an opportunity to provide relevant policing data from the year to the community, the NOPD, and the Ethics Review Board. This data review utilizes data inputted by the NOPD but analyzed by the OIPM. In this data analysis, the OIPM identifies potential patterns and trends within misconduct complaints, disciplinary proceedings, use of force and critical incidents and puts forth recommendations. The OIPM Annual Report is an opportunity for both the OIPM and the NOPD to reflect on the year of policing through this data work and create a plan for the coming year on how to better work together to change problematic trends and continue positive ones.

In 2021, the OIPM monitored how the NOPD responded to Hurricane Ida utilizing our first ever declared emergency oversight plan. The OIPM monitored the promotional process for the most recently promoted 15 NOPD captains and wrote a report analyzing the candidates and the selection criteria used to make these important leadership decisions. The OIPM expanded our impact beyond our ordinary high volume of complaint intake, use of force monitoring, and community-police mediation work. We looked to how the community is policed and asked big questions about how to improve police interactions and operations. We look forward to sharing with the community, the NOPD, and the Ethics Review Board what we learned and how to expand this work for the year to come.

*Stella Coziment*  
Acting Independent Police Monitor



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**I am  
what  
oversight  
looks like**

OFFICE OF THE INDEPENDENT  
POLICE MONITOR

**Understanding  
the OIPM and the  
Consent Decree**

# Overview of OIPM

Since first opening its doors in August 2009, the Office of the Independent Police Monitor (OIPM) has been responsible for representing the community of New Orleans, providing accountability and oversight to the New Orleans Police Department (NOPD), and assisting in the reforms required under the Federal Consent Decree. The OIPM 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 NOPD. It is protected and required by City Charter and Ordinance. This means this office was created by the people of New Orleans for all people interacting with the NOPD in order to improve the way our community is policed.

## What services OIPM provides



**Misconduct Complaints**



**Disciplinary Proceedings**



**Data Analysis**



**Community Outreach & Learn Your Rights in the Community (LYRIC)**

## OIPM Timeline

*The MOU between the NOPD and OIPM outlines the expectations, work product, and access the OIPM has to NOPD material and investigations.*

*OIPM officially created*

*This is when OC'DM was created*

**1981**

City Council voted to create the Office of the Municipal Investigation (OMI) to investigate allegations of misconduct by city employees including officers.

**JUNE 2008**

City Council voted to create the OIPM as a subdivision within the OIG.

The first IPM was appointed in 2009.

Susan Hutson was hired in 2010.

**NOVEMBER 2010**

The OIPM and the NOPD signed off on an agreed Memorandum of Understanding (MOU) outlining OIPM's authority, procedures, and access.

**2012 - 2013**

The findings of the Department of Justice Civil Rights Division investigation into the NOPD was completed in 2011. This report was the catalyst for city entering into the Federal Consent Decree in 2012. The Consent Decree was approved by the court in January 2013.

# The OIPM Core Responsibilities

- **Critical Incident and Officer Involved Shooting Monitoring and Review** – the OIPM is responsible for providing oversight to the NOPD during critical incidents and officer involved shootings.
- **Complaint Intake, Investigation, and Disciplinary Review** – the OIPM is a complaint intake site and is responsible for monitoring and reviewing misconduct investigations conducted by the NOPD along with any subsequent accountability.
- **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 can provide feedback to the NOPD regarding what the community believes is good and responsive policing.
- **Mediation** – the OIPM is responsible for the Community-Police Mediation Program. The OIPM screens eligible referrals for mediation, coordinates the mediation program, conducts the mediation, and receives feedback about the program and the process after the mediation is complete. The OIPM is responsible for the recruitment and training of mediators and is nationally recognized as a leader in the mediation field.
- **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, listens and responds to broader community concerns, and prepares the community for engagement in NOPD policy and practice. The OIPM conducts Learn Your Rights in the Community Trainings.



**Audits and Policy**



**Commendations**



**Use of Force**



**Community-Police  
Mediation Program**

## What is the MOU?

The MOU is a Memorandum of Understanding between the NOPD and OIPM which outlines the responsibilities, expectations, and authority of the OIPM when providing oversight to the NOPD.

Through this MOU, there is clarity regarding the work the OIPM will complete and how the OIPM will access NOPD records, data, and reports and monitor NOPD during on scene investigations. The MOU was entered into in November 2010 and in the coming year, the OIPM intends to work with NOPD leadership to review this agreement and determine if it should be updated to ensure it is still relevant and considers updates to technology.

*We are here!*

### OCTOBER 2015

The OIG and the OIPM entered into a Memorandum of Understanding that permanently separated the OIPM from the OIG.

A charter amendment securing the OIPM's budget was passed by the voters in November 2016.

### FALL 2021

The NOPD is nearing full compliance with the Federal Consent Decree, which will end active federal oversight. Only a couple chapters are awaiting approval for full and effective compliance.

### BEGINNING OF 2022

The NOPD and the Federal Monitors anticipate that the NOPD will reach full and effective compliance in summer of 2022. Now, the OIPM is working with the OCDM and the NOPD to reimagine our role and responsibilities.

# Consent Decree & OIPM

The Federal Consent Decree is an agreement between the Department of Justice and the City of New Orleans with the lion's share of responsibility falling on the NOPD. The Federal Consent Decree was implemented in January 2013, and now, almost 8 years later, the NOPD is nearing or is in full and effective compliance. 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 conducted by the OIPM.

## Audits & OIPM

Over the last year, the OIPM expanded our role in the audits being conducted by the Professional Standards and Accountability Bureau (PSAB) with the assistance of the OCDM. Previously, only OCDM provided input into the audits conducted by the NOPD and assisted the department with drafting corrective strategies in response to the audits.

In 2021, the OIPM started attending regular meetings - often weekly - with OCDM and PSAB. During these meetings, the OIPM weighed in on the audit protocol and criteria and reviewed the corrective reports prior to their submission to Judge Morgan and release to the public. Most notably, the OIPM participated through monitoring and reviewing the recent Use of Force Audit conducted in the fall of 2021 and provided feedback on the audit protocol.

In 2022, the OIPM is expanding this effort through creating a Sustainment Plan that will detail the OIPM role in audits, audit checks, audit reports, and corrective active strategies.

## OIPM and the Sustainment Period

In 2022, the OIPM is anticipating that the NOPD will reach full and effective compliance with the Consent Decree and the city will move into the Sustainment Period. The OIPM will adapt and change to this new phase of the Consent Decree. Once the NOPD reaches full and effective compliance, active federal monitoring ends and the role of local oversight will expand.

Here is how the OIPM work will change during the Sustainment Period:

- Monitor audits and complete meta-audits, review drafts of audit reports, review corrective action plans, contribute to final determinations and recommendations.
- Contribute in status conferences with Judge Morgan and related working groups like the US Attorney Consent Decree Meeting.
- Play a larger role in the creation of new policy and practices (ex: grievances).
- More public forums and reports on continued progress; produce more data.

### PREPARE AND WRITE THE CONSENT DECREE

The Department of Justice, NOPD, city government, and other stakeholders wrote the provisions of the Consent Decree.

### ENTER INTO THE CONSENT DECREE

The Consent Decree was approved by the court in January 2013.

### REFORM EFFORTS

For the last 8 years, the NOPD has worked with the OIPM and the OCDM to make the necessary reforms to reach compliance with the Consent Decree.

# Local & Federal Oversight

The overlap between OIPM and OCDM is in policy recommendations, monitoring audits, and creating public reports.

## Office of the Independent Police Monitor (OIPM)

- Created by City Council and receives jurisdiction and responsibilities from Ordinance and Revised Statutes.
- Operated by an independent staff of city employees. Funding is secured by voter supported amendment and comes from the city general fund.
- OIPM is a complaint intake site, runs the Community-Police Mediation Program, monitors Use of Force and disciplinary proceedings.
- Provides recommendations based primarily on reviews of finalized NOPD investigations, policies, established practice, training, and data.

## Office of the Consent Decree Monitor (OCDM)

- Appointed through and created by the Consent Decree and receives jurisdiction and responsibilities from the Consent Decree.
- Law firm bid on the city contract to monitor the compliance with the Consent Decree
- NOPD is required to present all policy rewrites and practice changes to OCDM for approval.
- OCDM works with the Dept. of Justice to finalize and then presents to Judge Morgan for final approval.
- OCDM conducted audits to determine NOPD compliance with the reforms.

Once the Federal Consent Decree is in Sustainment, much the responsibilities that were previously executed by the Federal Monitors will be adopted by the OIPM and this chart will change.

# Consent Decree Life Span

NOPD is nearing full and effective compliance. The OIPM and OCDM are looking ahead to how to prepare for the sustainment period

### REACH FULL AND EFFECTIVE COMPLIANCE

Once all policies are written, applied, and disseminated then the NOPD is done with the active portion of the Consent Decree.

### SUSTAINMENT PERIOD

NOPD must maintain all progress for a two year sustainment period before being considered done with the Consent Decree.

### EXIT THE CONSENT DECREE

Once NOPD has completed the sustainment period successfully, the NOPD and city will be released from the Consent Decree.

# Understanding the data in this Annual Report

In this annual report, the OIPM is analyzing two types of data: (1) data provided by the NOPD; and (2) data created by the OIPM.

## **Data Provided by the NOPD**

First, the majority of the information regarding the use of force and misconduct data handled by the PIB will be from the data provided by the NOPD. 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.

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 that when the NOPD was affected by the Cyber Attack of 2019, the OIPM was unable to produce our own data (aside from the data produced regarding our own work product and complaint intake).

This also 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. There are times when “data inconsistencies” means something in particular, and the OIPM describes what was inputted into the NOPD data to be classified as “data inconsistencies.”

In this report, the OIPM puts forth recommendations regarding how the NOPD can improve data intake and data keeping. Additionally, in the coming months, the OIPM will release a data review with analysis on where and how the NOPD can improve their data by identifying data gaps, inputting errors, and redundant or confusing data. This data review will be provided to NOPD leadership and available to the public with the intent of creating better policing data and increasing data transparency.

Moving forward, the OIPM 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.

## **Data Generated by the OIPM**

The OIPM generated data is about work being conducted internally, such as the intakes being conducted, the types of complaints we are receiving, public outreach, and the results of the mediation surveys. In response to recommendations received from the Quality Assurance Review Advisory Committee, we also tried to create new ways to track our recommendations provided to NOPD in order to have aggregate data on how often our recommendations are accepted and implemented by the police department.

Additionally, the OIPM analyzed Civil Service appeals for the first time in our annual report utilizing information released by the Civil Service in their annual report and appeals that were heard over the last year.

In 2021, a huge goal of the OIPM was to hire a fulltime Data Coordinator. The OIPM posted the position in the fall of 2021, but is yet to receive competitive candidates for the position. The OIPM strives to hire a Data Coordinator in the coming year and expand our data work and analysis.



# A Year of OIPM: Accomplishments and Important Updates

# Leadership Changes

## Departure of Susan Hutson

OIPM would like to acknowledge and thank Susan Hutson for her leadership over the last eleven (11) years. Susan Hutson resigned in June of 2021. Ms. Hutson oversaw this office through its initial creation and spearheaded valuable reform efforts within the NOPD. Ms. Hutson came to New Orleans in the shadow of Hurricane Katrina, the Danziger Bridge, and the Henry Glover shootings. When Ms. Hutson first arrived here, the city's trust in the NOPD was shaken. Shortly after her start, the city came under a Federal Consent Decree, and Ms. Hutson played a vital role in the resulting progress NOPD made to reduce uses of force, conduct thorough misconduct investigations and investigations into critical incidents, hold officers accountable, create the community-officer mediation program, and improve public transparency and community engagement around policing. Ms. Hutson became a national leader in police oversight and left behind an established Office of the Independent Police Monitor.



## Action Plan and 2021 Leadership

Stella Cziment, the Deputy Independent Police Monitor under Susan Hutson, was formally appointed Acting Independent Police Monitor after Susan Hutson stepped down. Her first order of business was clearly outlining the immediate future for OIPM. Ms. Cziment stated her vision for OIPM is to effectively use our resources and small team to provide oversight to the NOPD through the end of the Federal Consent Decree and federal oversight by incorporating similar tools for review and audits to ensure a smooth transition from federal to local oversight. Under Ms. Cziment's leadership, the OIPM expanded our shadowing of OCDM and working with the Federal Monitors and NOPD leadership to create an informed and prepared handoff between OCDM and OIPM. Ms. Cziment prioritized efforts to expand public transparency and community engagement, complete major projects, and contribute to, review, and monitor audits measuring NOPD progress towards full compliance with the Federal Consent Decree. Ms. Cziment released a six-month Action Plan to outline OIPM immediate priorities and goals for the remainder of 2021, present an adapted organizational chart, provide an accounting of our projects and streams of work, and explain our efforts to fulfill our Memorandum of Understanding with the NOPD.



# Search for the New IPM

In the fall of 2021, the Ethics Review Board (ERB) announced their strategy for the national search for the next Independent Police Monitor. The ERB determined they would conduct the national search themselves through subcommittee, and consider the use of a national firm as determined appropriate or necessary in the future. After a thorough and comprehensive interview process, Stella Cziment was appointed as Independent Police Monitor in April 2022. This exciting leadership transition will be addressed in the OIPM 2022 Annual Report.

## Peer Review and the Quality Assurance Review Advisory Committee

In 2021, the work product and the internal operations and organization of the OIPM were reviewed and assessed by two different bodies: the Peer Review Committee of the National Association for Civilian Law Enforcement (NACOLE) and the Quality Assurance Review Advisory Committee (QARAC) for the city of New Orleans. These two reviews are conducted differently and measure the effectiveness of the OIPM in accordance with different standards. The QARAC reviews the work product completed by the OIPM in one calendar year and compares it to the goals and responsibilities outlined in the OIPM yearly work plan and in MOU. The Peer Review Committee of NACOLE reviews and assesses both the OIPM work product of the last three years and the internal operating structure of the OIPM to determine if the OIPM is working as effectively as possible in accordance with industry standards. The Peer Review Committee of NACOLE will be utilizing the 13 principles of effective civilian oversight as the standard of review. Both reports are public. The QARAC report can be found on the OIPM website while the Peer Review report is still pending and OIPM anticipates its release in 2022.

Given that 2020 created numerous challenges for the OIPM, **the amount and quality of work it performed was still impressive.** The COVID pandemic meant OIPM's oversight had to be conducted almost entirely virtually, and the focus of OIPM's work shifted to address issues such as NOPD compliance with PPE protocols, monitoring COVID checkpoints, and urging NOPD's use of contactless summons in place of arrests in low-level, non-violent cases. In addition to losing Tonya McCrary, its Chief Monitor for Use of Force, the OIPM's budget was frozen and voluntary salary reductions and furloughs were taken. Nonetheless, **the small but effective OIPM staff rose to the challenges presented** by local protests in the wake of the murder of George Floyd. The OIPM was at the center of the investigation of NOPD's response to peaceful protests on the Crescent City Connection bridge on June 3, 2020. To date, the OIPM continues to work with NOPD to craft effective policies with respect to handling protests.

### 1. Internal Policy Manual

The QARAC reviewed a draft of an internal policy manual written to cover all aspects of the work of the OIPM. The manual is well-organized, clear and comprehensive, and the completed sections are very detailed and thorough. This manual is an important and critical step institutionalizing the OIPM and ensuring its success during staff turnover and as the Consent Decree winds down. **The manual is a model of best practices for other police oversight organizations.**

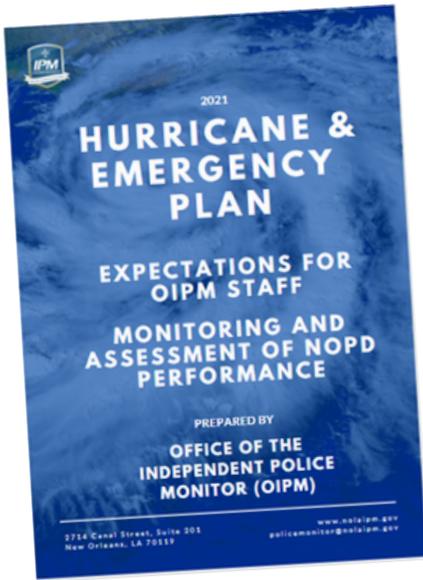


## Covid-19 Precautions and OIPM

For the second year, the OIPM managed to operate through a hybrid model of remote and in-person. To ensure the OIPM both was available to the public and was prioritizing the health and wellbeing of all - the OIPM followed all city public health mandates regarding vaccinations and testing along with using a reduced staff office coverage rotation. This method ensured that staff was available to the public and for walk-ins and appointments but that the number of people in the office working at one time was reduced in order to limit the possibility of exposure. In the coming year, the OIPM will continue to find ways to ensure we are available but safe in the context of Covid-19.

# 2021 OIPM Accomplishments

## Hurricane and Emergency Oversight Plan



In 2021, the OIPM produced the first **Hurricane and Emergency Oversight Plan** regarding the role of police oversight during storms. This plan included detailed monitoring strategies and assessment criteria on how to review and evaluate NOPD performance during declared emergencies. This report was the first time that the OIPM critically examined the NOPD's Hurricane and Emergency Plan and created a clear rubric with criteria on what ethical and compliant policing would look like during a hurricane or a declared emergency. In constructing this plan, the OIPM looked to city policy, state law, and NOPD's operational policies.

The OIPM prioritized this work to respond to the ongoing feedback and confusion from the community regarding the role of the police during hurricanes and declared emergencies. After the events of Hurricane Katrina, the OIPM identified policing during storms as an area that would benefit from increased transparency in order to build public trust.

The OIPM released this report in the summer of 2021, before Hurricane Ida made landfall. This report and the attached rubrics were later utilized in the preparation of the OIPM report assessing NOPD performance during Hurricane Ida.

## Police Captain Promotions Monitoring and Report

For the first time in OIPM history, the OIPM was asked to monitor the internal promotional process for NOPD Captains. This monitoring was at the request of Chief Ferguson as a method to include the input of oversight and to communicate the concerns and feedback of the community.

Stella Cziment, the Acting IPM, monitored and participated in the promotion process of **15 police captains**. This required attending the thirty-eight (38) interviews of the Captains that took place over a two week period. Ms. Cziment then participated in the subsequent deliberations between the Deputy Chiefs regarding the candidates and the scoring of the candidates in accordance with the scoring criteria that was created.

The OIPM contributed to the scoring of the interviews that were conducted by the Deputy Chiefs of the NOPD and the scoring of the candidates previous work experience and leadership experience along with the weighing of the candidates' disciplinary histories.

The OIPM wrote a **report** assessing both the format and process of these promotions. In the report, the OIPM provided critical recommendations on the promotional process - both the interviews and the scoring criteria - along with an overview of who the captain candidates were and who the new captains are, and how the community can engage with this new leadership. The report was released the same week the NOPD promoted the Captains so the public could use this informational tool to learn more about how these candidates were selected and what role police oversight played in the process.

The OIPM appreciated this responsibility and opportunity to represent oversight and the community voice in the room, provide feedback on the candidates and process, and ensure a consistent and thorough review for all candidates.



# 2021 OIPM Accomplishments

## Police Oversight Report on Hurricane Ida and the 2021 Hurricane Season

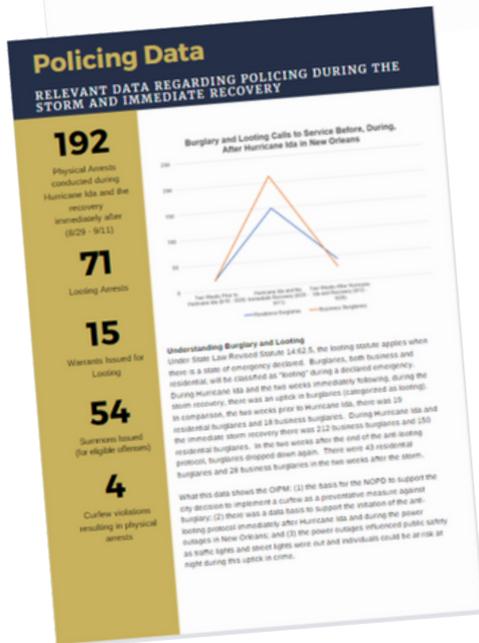
The OIPM monitored the NOPD during Hurricane Ida and the wrote a detailed report analyzing the NOPD's response to Hurricane Ida and the police portion of the subsequent recovery during the declared emergency.

This report: the **2021 Hurricane Season Police Oversight Report** assessed the NOPD's compliance with law and policy, identified previously unanticipated obstacles and policy gaps, and provided recommendations to improve policing during future storms. The report highlighted the timeline of the storm and the relevant policing actions taken, obstacles the NOPD faced and overcame, how the NOPD executed and implemented policing policy from their Hurricane Season 2021 Emergency Plan, and where policy can be improved moving forward. The OIPM identified available policing data on the instances and types of force utilized during Hurricane Ida, arrests for looting and curfews, and misconduct initiated during the storm and the immediate recovery.

The OIPM determined the NOPD compliance with their policy through reviewing the police actions taken to determine if it was compliant with the criteria the OIPM identified in the previously released Hurricane and Emergency Oversight Plan. The OIPM created "checklists" as a way to easy communicate compliance to the community (and the factors utilized to establish the compliance score).

Through this report, OIPM examined how the NOPD's success may be dependent on the work and operations of other agencies, how the public responds to changes in policing during emergencies, data behind the police response, and how the NOPD can build on the lessons learned during this unprecedented storm to be more prepared and even more effective in future hurricane seasons.

In 2022, the OIPM is utilizing this report as a mechanism to reflect on Hurricane Ida going into the 2022 Hurricane Season. This report will be used to engage the public in how to prepare for changes in policing during future storms and to learn from the community how the NOPD can improve their services during the 2022 hurricane season.



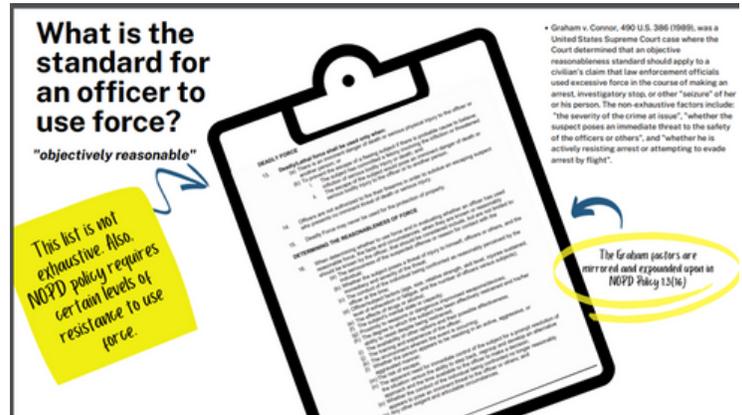
TOPIC	COMPLIANCE WITH POLICY	NOTES RE REQUIREMENT
Investigating Violent Crime	Compliant	During Hurricane Ida, the NOPD was required to continue to respond to and investigate violent crime. The officers investigating the violent crime are required to complete all forms and reports, contact a supervisor, and then contact the dispatcher for the nearest prison facility. The OIPM determined that these investigating steps were evaluated by the NOPD when investigating violent crime in accordance with the NOPD policy and Hurricane Plan.
NOPD Detention Policies	Compliant	In accordance with the NOPD Hurricane Plan, if the United Command notifies the NOPD regarding an emergency evacuation, the NOPD is required to contact the Emergency Operations Command Center and establish an emergency holding and processing facility. The NOPD's policies under the NOPD Hurricane Plan during Hurricane Ida, the NOPD was not notified of this need to establish a facility. The NOPD did not need to establish a facility.
Evacuation Assistance	Compliant	The NOPD is responsible for the assisting with city mandated evacuation efforts. However, if a mandatory evacuation is not ordered, then the NOPD is not required to take action. There was no required evacuation during Hurricane Ida but there were some evacuation efforts that the NOPD assisted in. <ul style="list-style-type: none"> <li>The NOPD executed the buses evacuating the Southern Justice Intervention Center (SJIC).</li> <li>The NOPD assisted with the city-assisted evacuation to shelters in the days following Hurricane Ida.</li> </ul> The OIPM would like to note that the NOPD cannot decide where, when, who, how, or if any of another city service or assistance center should evacuate.

# 2021 OIPM Accomplishments

## Community Outreach and Trainings

Despite the pandemic, the OIPM worked hard to ensure that the community remained engaged with the office and that community partners learned more about police oversight. From presenting about police oversight and public safety to the Seventh District with Councilmember Cyndi Nguyen's office to leading Learn Your Rights in the Community Trainings, the OIPM tried to find creative ways to reach as many people as possible.

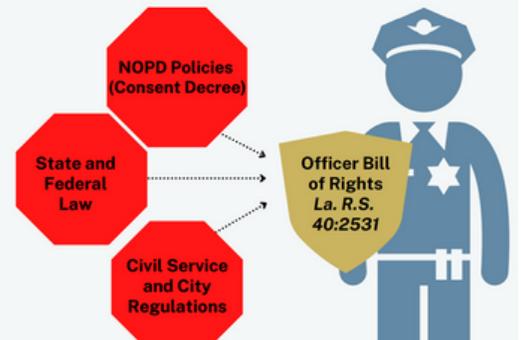
Most notably, the OIPM received approval to lead our first ever continuing legal education training on Police Oversight in New Orleans. This continuing legal education training was conducted for the Orleans Public Defenders, the Innocence Project New Orleans, the Louisiana Center for Children's Rights, and other coalition partners. The training was an opportunity to break down oversight models and the Consent Decree, the role of OIPM as local oversight, and discuss NOPD policy, and state and federal law regarding officer misconduct, discipline, and use of force. The OIPM also provided overviews of other relevant laws like qualified immunity and the Officer Bill of Rights. This training was the first of many the OIPM intends to lead in the coming years for legal partners and agencies in order to better inform those in the criminal justice field - lawyers, prosecutors, and judges - about the legal role and responsibilities of police oversight.



## Misconduct Requirements

The Officer Bill of Rights (RS 40:2531) is state law that regulates / ensures the rights of officers while under investigation.

This law sets timelines and notice requirements and is often a statutory shield to protect officers from what may be considered unjust disciplinary action.



## Retention Schedule

For the first time in OIPM history, in the early fall of 2021, the office successfully completed and received approval of our retention schedule from the State Archives and Records Department of the Louisiana Secretary of State. This is important for the internal operations of the office because before this retention schedule was approved, the OIPM was expected to retain all documents indefinitely. Now, the OIPM can legally remove unnecessary and outdated documents from the office and physical files that were occupying huge amounts of space within the office. Most importantly, it ensures the OIPM is in legal compliance as a governmental entity and fulfilling our legal requirements to responsibly maintain material as required.

# 2021 OIPM Accomplishments

## Website and Rebranding

In previous years, the Quality Assurance Review Advisory Committee (QARAC) has recommended OIPM update and reformat its website to increase access to the public and improve functionality. In 2021, OIPM began the process of redesigning our website and rebranding the OIPM. A website designer was hired to re-design the OIPM website to make it more user-friendly for the public. Substantial progress was made to completing the OIPM website in 2021 and the new website launched in 2022. The rebranding included selecting new office colors and logos to limit the confusion of OIPM being part of or being the New Orleans Police Department.

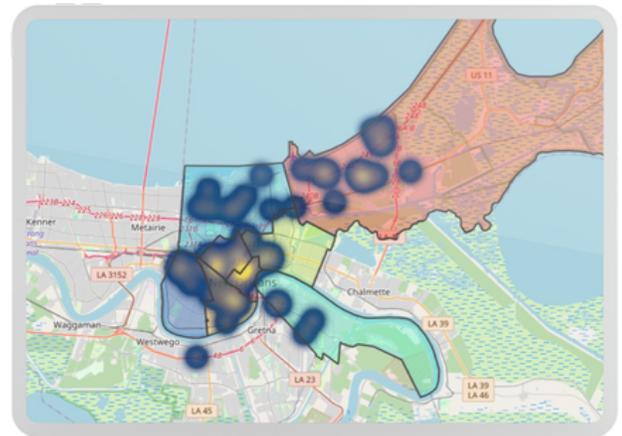
*Here is a sneak peek of OIPM's new logo and website!*



## Data Dashboard

In 2021, the OIPM released internal data to the public through the launch of our data dashboard regarding our complaint intake work. The data dashboard can be found online at: [complaints.nolaipm.gov/data](https://complaints.nolaipm.gov/data).

This dashboard contains data visualizations regarding our complaint process and the complaints the OIPM received. The charts and graphs capture different aspects of our internal process regarding complaint intake or information about the complaints or the complainant themselves. The data only captures the accounts of officer misconduct submitted directly to the Office of the Independent Police Monitor. This data is taken directly from our internally designed database: Complaint Manager. As information is entered into Complaint Manager by our staff and complaint referrals are submitted to the Public Integrity Bureau, the data will automatically update once daily. The charts from this data dashboard are shared in the Complaints section of this Annual Report.



The OIPM shared this data with the community and public with the hope of increasing transparency to inform and empower the community the OIPM was designed to serve. The public, our partners, and stakeholders can reference these charts and data in their work and further share this information. In the winter of 2021, the OIPM added to the data dashboard with the misconduct "heat map." The "heat map" shows where misconduct is occurring in the community according to the intakes conducted by the OIPM. There is also the ability for the viewer to overlay police districts and the locations of parks and other public sites onto the map.

# Notable NOPD Accomplishments

The OIPM each year highlights the accomplishments of the NOPD from the previous year and their priorities for the year to come. In 2021, the NOPD highlighted the following accomplishments. These accomplishments from 2021 capture the progress and work of the department:



- 
**Implemented new promotions procedure and have since promoted 14 Sergeants, 2 Lieutenants, and 15 Captains.**
- 
**Solved 15 cold case homicides, and 53% overall solve rate for homicides.**
- 
**Up to 160 Officers will soon be promoted to Senior Police Officers.**
- 
**More than 1,700 illegal guns taken off the streets of New Orleans.**
- 
**Property Crime is down 11% year-to-date, with overall crime down 7% (based on CAD data).**
- 
**Launched 2 recruit classes during Covid-19 pandemic. Third scheduled before the end of the year.**
- 
**Operation Golden Eagle was a success, in partnership with State and Federal partners.**
- 
**Broke ground on NOPD Firing Range and 4th District Station.**



## Announcement of NOPD Priorities for 2022



- 
**Reduce Violent Crime**  
 Focus on chronic violent offenders and violent criminal networks to reduce gun violence and create safer communities.
- 
**Deepen Public Trust**  
 Maintain and strengthen strong community engagements which result in increased community trust and partnerships.
- 
**Sustain Reforms**  
 Ensure proper systems are in place to further institutionalize ethical policies and practices.
- 
**Ensure Adequate Resources**  
 Implement critical innovations such as the Document Management System to ensure optimal accountability, efficiency, and service.
- 
**Build Upon Strategic Partnerships**  
 Maintain strong working collaborations with local, state, and federal law enforcement partners to reduce and prevent violent crime.
- 
**Recruit and Retain the Next Generation of Police**  
 Implement targeted recruitment and retention initiatives to sustain sufficient staffing and develop world-class officers.



# Community Engagement and Public Outreach

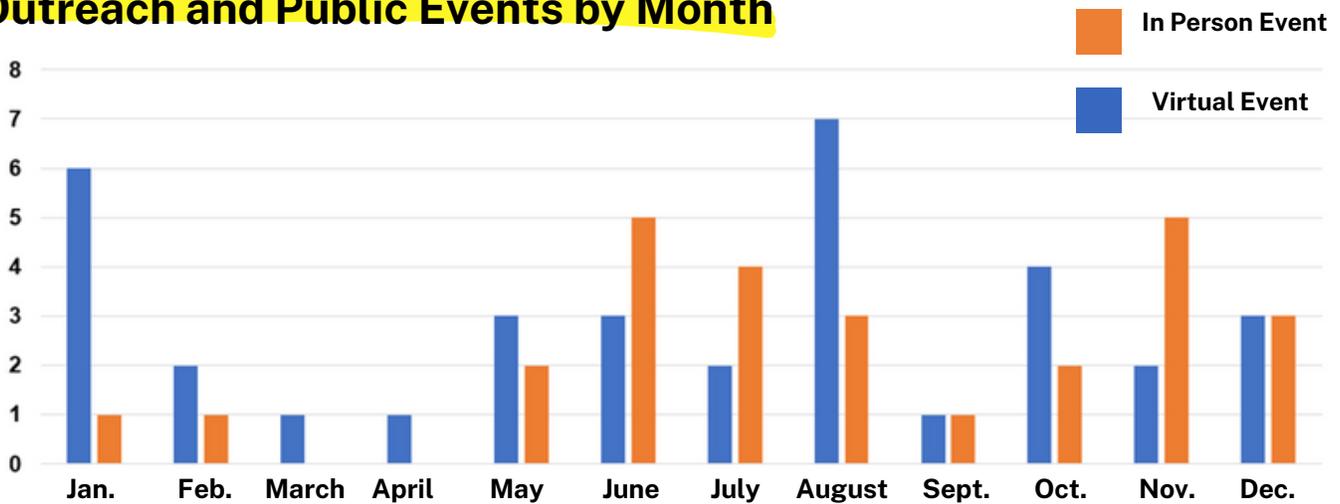
# Community Outreach and Public Events

The community is vital to police oversight and the center of the work conducted by the OIPM. In the Memorandum of Understanding, the OIPM committed to developing relationships with community and civil groups to receive civilian and anonymous complaints, to conduct Learn Your Rights in the Community (LYRIC) training, to meet with police associations, and conduct public outreach meetings and engagement activities. In this section of the Annual Report, the OIPM explains the community outreach and public events that the OIPM coordinated or participated in over the last year.

Due to public health mandates, many of the public facing events were conducted virtually, but as public health mandates and Covid-19 surges subsided, the OIPM got back to doing in person events with the public again.

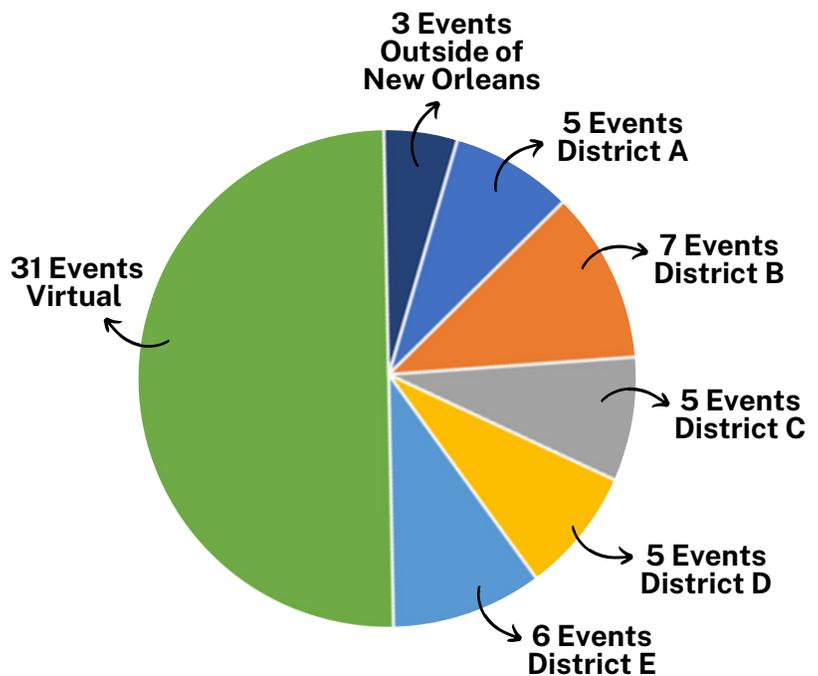


## Outreach and Public Events by Month



## Outreach and Public Events by Location Type

Under the statute that created the OIPM as an independent office, the OIPM was designed to ensure public accountability and engagement with the NOPD. The statute states that the OIPM is to hold at least one public outreach meeting in each council district of the city at least once every four months and meet with each police association a minimum of three times each year. During 2021, the OIPM strove to meet each of these goals. From meeting with police associations to engaging with community groups, the OIPM tried to find safe and creative ways both virtually and in person to engage with the public in order to get input on the performance of the NOPD.



# Community Outreach and Public Events By District

## District A

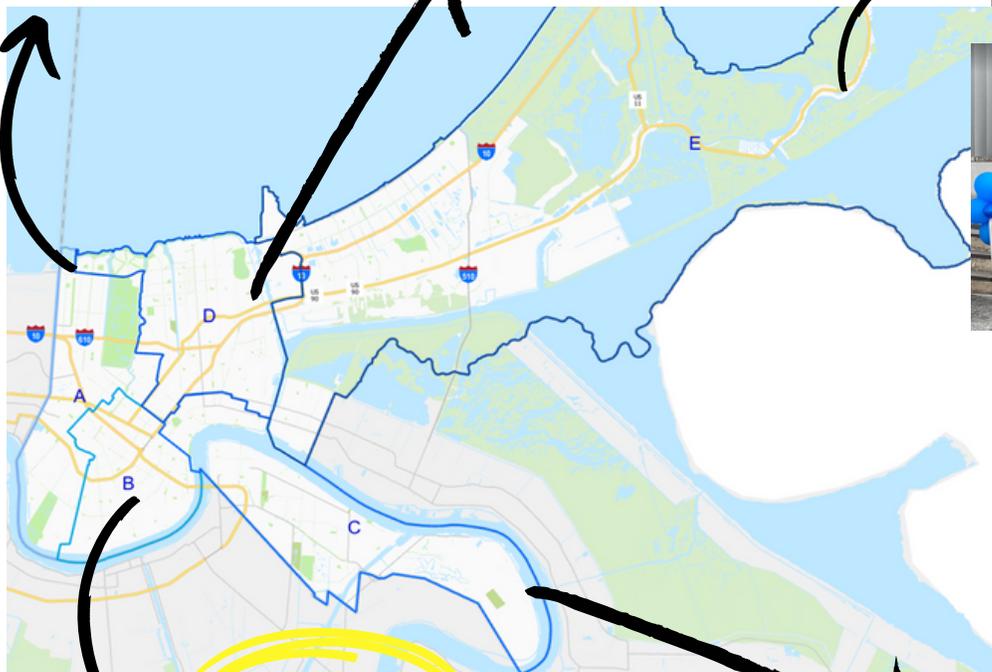
- Meet and Greet for Mediators and the Community
- OIPM Facilitated and Attended a Tour of the Orleans Parish Communication Division for Coalition Partner
- OIPM Spoke at the Thurgood Marshall Elementary School
- Spoke at Judge Campbell's Loyola Law School Class about Police Oversight
- Met with the Police Association of New Orleans Board to Receive Feedback from Officers Regarding NOPD Employment

## District D

- Attended Townhall in Bayou St. John conducted by the First District and the District Attorney's Office
- OIPM Conducted a Learn Your Rights in the Community Training Session
- OIPM Participated in Community Service Activities Post-Hurricane Ida Handing Out Hot Plates and Baby Diapers
- OIPM Attended the Together New Orleans Citywide Assembly
- OIPM Attended the NOPD Class of #192 Commencement Ceremony

## District E

- OIPM Presented at Community Coalition Meeting: "A Community Voice"
- OIPM Attended "Help Not Handcuffs" Community Listening Session in District E
- OIPM Participated in Councilmember Cyndi Nguyen's Community Crime Prevention Workshop and Presented: "Police Oversight and Public Safety"
- Meet and Greet for Mediators and the Community
- OIPM Trained New Cohort of 14 Mediators in 50 Hour, 6 Day Training at the Sanchez NORD Rec. Center in the 9th Ward
- OIPM Hosted a Mediator Community Building Event



## District B

- Ethics Review Board Meetings
- Meeting with Councilmember-at-Large Glapion in City Hall
- Meet and Greet for Mediators and the Community
- Families Overcoming Injustice National Day Against Police Brutality Vigil with the Vera Institute, District Attorney's Office, and the Louisiana Survivors for Reform.
- Wands of Bravery: Domestic Violence Survivor Recognition Ceremony with the NOPD and the Family and Justice Center
- NOPD Promotion Ceremony for NOPD Captains at Galliger Hall
- City Council Presentation on the OIPM Budget in City Council Chambers



NEW ORLEANS CITY COUNCIL



## District C

- Allison "Tootie" Montana Day, Mardi Gras Indians at the Tomb of the Unknown Slave
- OIPM Presented at Community Coalition Meeting: "A Community Voice"
- Meeting with Councilmember Palmer regarding OIPM collaboration in District C
- Ceremony
- Meet and Greet and Community Forum in the Eighth District with Captain Walls
- NOPD Recruit Class #193 Graduation Ceremony

# National Day Against Police Brutality

On October 22, 2021, our office co-hosted a community event for the National Day Against Police Brutality on the steps of City Hall. This was a day of reflection when we came together with families of those loved ones who have been lost due to police brutality. It was also a day of action as we committed to accountability within our law enforcement.

District Attorney Jason Williams addressed the attendees about the new initiatives his office is taking to prosecute officers that use brutality. We were joined by family members from Families Overcoming Injustice who talked about their loss and said their loved ones names in remembrance.

The OIPM was joined by community partners from the Vera Institute of Justice, Louisiana Survivors for Reform, and the Orleans Parish Prison Reform Coalition. Executive Director of the Vera Institute, William Snowden, spoke about his first encounter with a police officer as a teenager and how it created themes that have impacted his work today. Multiple speakers addressed the group about their personal experiences with officers all over the country and how those interactions shaped their future. The speakers also talked about the community - and how experiences like these - can be used to build reform and better and safer police practice moving forward.

It was a beautiful, thoughtful event that enabled us to hold up the memory of those who have been lost and join in action to ensure this never happens again.



# Social Media as Community Engagement



While the Covid-19 pandemic continued, and more and more of the public was utilizing social media platforms to communicate and share information, the OIPM decided to create an Instagram account and start pushing informational content through that account to the OIPM Facebook platform.

During 2021, the OIPM created an Instagram account and used it to showcase our data work, reports, provide information regarding topics like qualified immunity and policing strategy, and share community resources and events. The OIPM also used this social media platform to learn of public interactions with the police and for individuals to reach out to the OIPM to share concerns or videos about these interactions.

Through this increased social media presence, the OIPM is able to reach a wider audience with our work, build partnerships with other organizations through cross-platform posts, and provide real time updates about our work in an approachable and easy to understand way.

# Virtual Outreach

- OIPM Facilitated Monthly Meetings Between the Leadership of NOPD and the Eighth District and Local Musicians, Street Performers, and the Musicians and Culture Coalition of New Orleans (MaCCNO).
- Participated in the Parent Leader Training Institute Listening Sessions.
- “What if Communities Owned Their Own Public Safety” Webinar Speaker
- “National Academies, Reducing Racial Inequalities Workshop” Webinar Speakers
- “Analyzing and Reporting Use of Force Statistics” Webinar Speakers
- Justice and Beyond Meeting Presented: “The Art of Mediation: What It Is and How Does it Help Our Community”
- Data Transparency Community Forum
- OIPM Presented at Virtual Community Meeting for the Lower 9th Ward
- OIPM Attended “Help Not Handcuffs” Virtual Listening Session
- OIPM Met with the Fraternal Order of Police Representative
- OIPM Contributed to a Working Group Regarding Policing Dashboards with the Police Forum
- Night Out Against Crime Virtual Event
- US Attorney Consent Decree Working Group
- 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
- Participated in the NOPD Public Forum and Q&A Regarding the New Ordinance Deputizing Civilian City Employees



"After the murder of George Floyd in 2020, the NOPD heard the community call for them to think critically about ways to be able to reduce or eliminate interactions that may be considered unnecessary," said Stella Cziment, the city's acting independent police monitor. "The department can reduce its footprint in the community."

## OIPM is a resource nationally to other oversight offices

Each year, oversight agencies from across the country reach out to the OIPM for guidance, resource sharing, and input on their operations and national best practices. In 2021, the OIPM provided input and guidance to the oversight agencies operating in:

### OIPM Impact Nationally



- **Texas**
  - Fort Worth, Texas – Office of the Police Oversight Monitor
  - Denton, Texas
  - Dallas, Texas – Office of Community Police Oversight
- **Florida**
  - Miami - Civilian Investigative Panel
- **Oregon**
  - Portland, Oregon - Citizen Review Committee and the Portland Community-Engaged Policing
- **Illinois**
  - Chicago, Illinois - Civilian Office of Police Accountability
- **Pennsylvania**
  - Philadelphia - Police Advisory Commission



# Use of Force and Critical Incident Work and Data

# Use of Force

## What is Use of Force

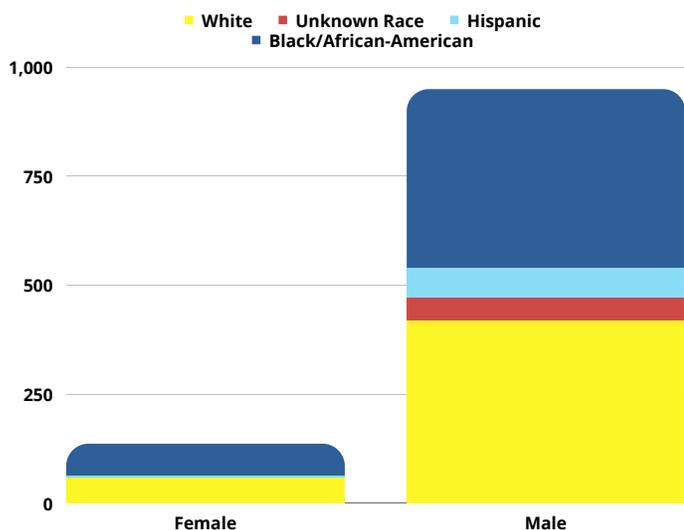
Use of Force is when an officer uses physical contact on an individual during a civilian-police interaction. The force can be mild to severe based on the levels of force outlined in the NOPD policy. The force may be considered justified by NOPD policy considering the facts and circumstances known to the officer at the time which would justify that appropriate physical contact based on how officers are trained to handle that interaction. Force will be assessed based on the type of contact utilized compared to the resistance encountered, resulting injuries, witness statements, officer statements, and evidence found.

## OIPM's Role in Use of Force

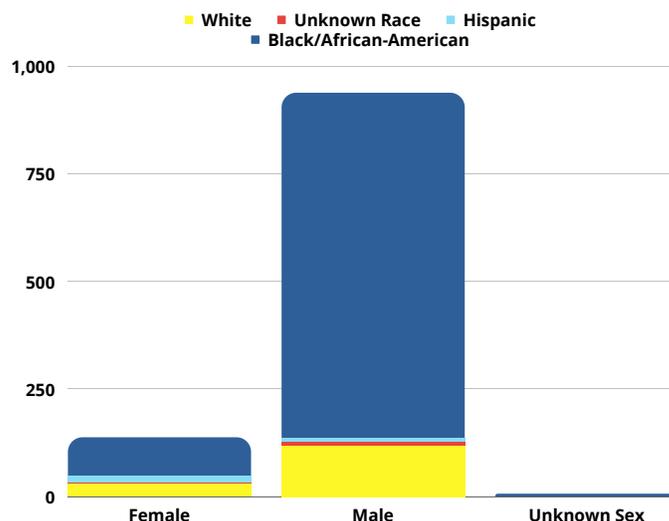
Use of Force monitoring and reviews are an opportunity for the OIPM to conduct a qualitative assessment of an investigation to ensure thoroughness, timeliness, fairness, transparency, accountability, and compliance with law, policy, and the Federal Consent Decree. The OIPM monitors and reviews the use of force, in-custody death, and critical incident investigations conducted by the Force Investigation Team (FIT) within the Public Integrity Bureau (PIB) of the NOPD. The OIPM is required by City Code § 2-1121 and by the MOU to monitor the quality and timeliness of NOPD's investigations into use of force and in-custody deaths. The OIPM will attend the investigation or the relevant activity, and will document the activity taken and not taken by the NOPD. The expectation is that the OIPM representative does not participate in the activity, but instead observes the police actions and takes notes.

While OIPM is notified of each use of force that occurs, OIPM gives the most attention to the most serious uses of force incidents, Critical Incidents. However, OIPM will often review lower-level uses of force incidents to ensure NOPD policy is being upheld.

### Force Used by Officer Gender and Race



### Individuals Subjected to Force by NOPD



NOPD tracks demographics of officers who use force and the race of subjects of force. This information reveals that officers appear to use force at close to equal rate regardless of race, but for subjects of force there is a disparity. African-American males are significantly more likely to be subjects of force than any other demographic.

OIPM would like to explore how these numbers relate to the racial make-up of the entire department for more context and intends on exploring further in the future. Additionally, OIPM would like to be able to look deeper into the complexities of use of force such as where force is most likely to occur based on the type of crime - violent or non-violent.

# Understanding Force Tracking Numbers "FTN" and Use of Force "UOF"

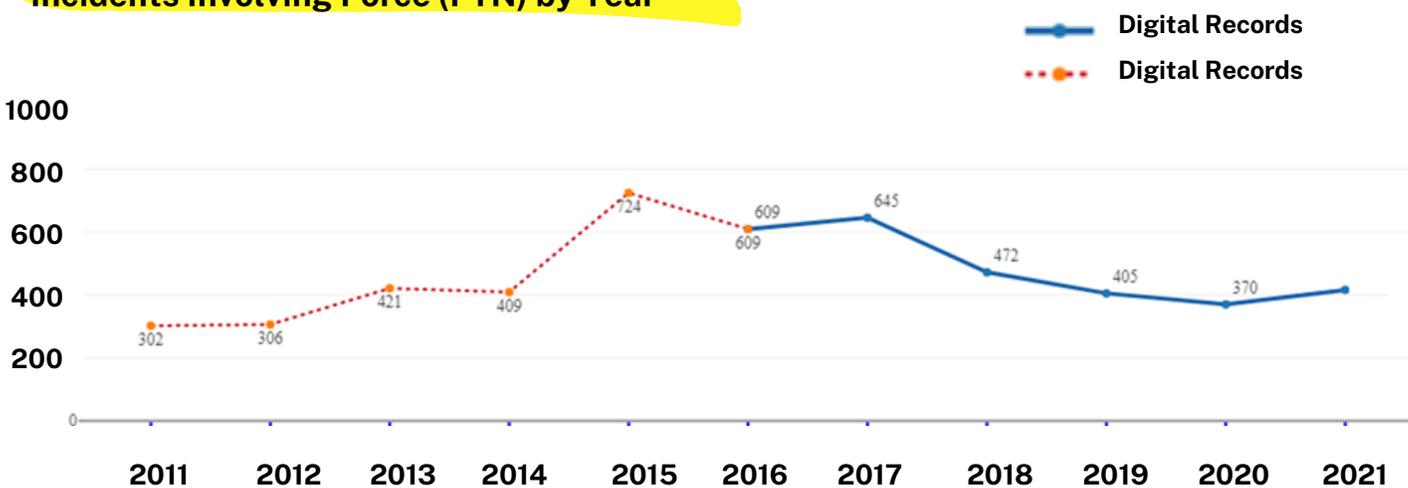
There are many acronyms and abbreviations in this department and it is important to understand them and their differences. FTN stands for "force tracking number." It is the designation given to track the entirety of an interaction between NOPD and one or more individuals wherein force was used. There were 423 FTNs issued in 2021. Those cases were analyzed for this report. UOF stands for "use of force". It represents a specific type of force used by a specific officer against a specific person. There were 1086 UOFs in 2021.

A single FTN corresponds to one or more UOF. This means if Officer A and Officer B both use their hands against Individual C, the result would be one FTN, corresponding to two UOFs (one for each officer). The same pattern would apply if there were multiple types of force used or multiple individuals on which force was used.

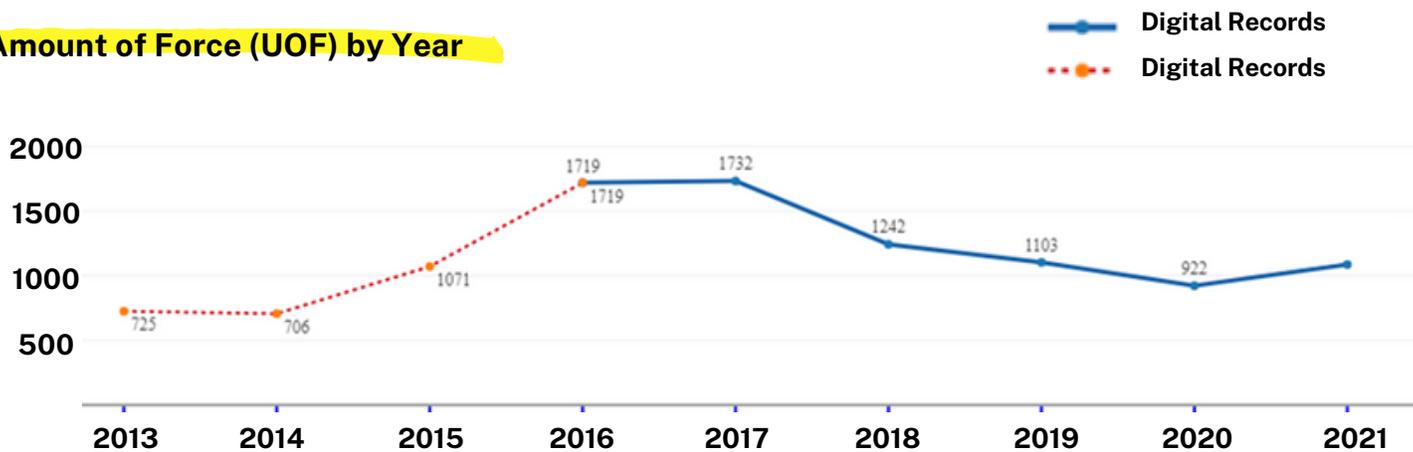
**1086**  
**UOF**

**423**  
**FTN**

## Incidents Involving Force (FTN) by Year

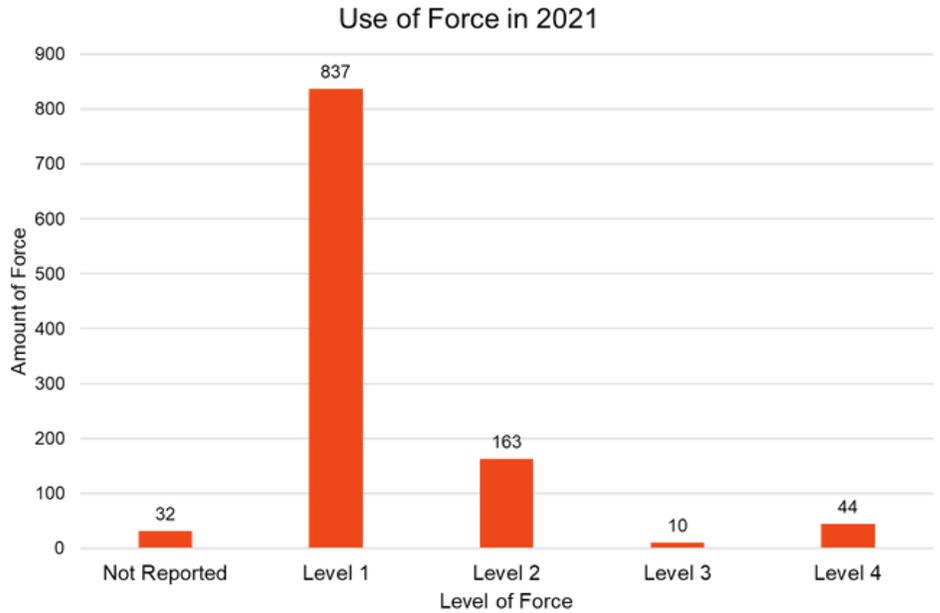


## Amount of Force (UOF) by Year

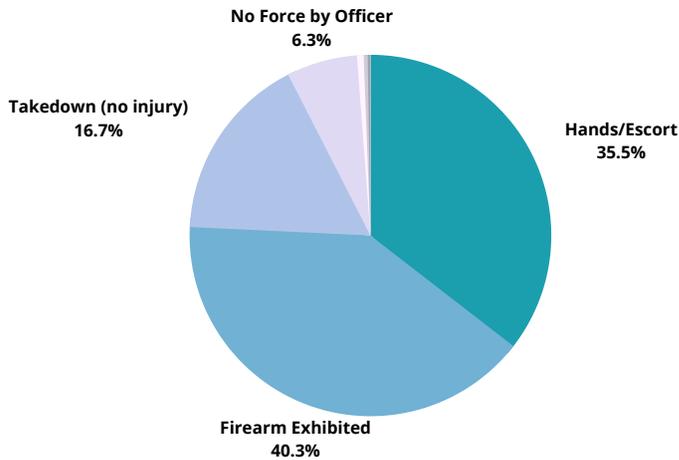


# Levels of Force

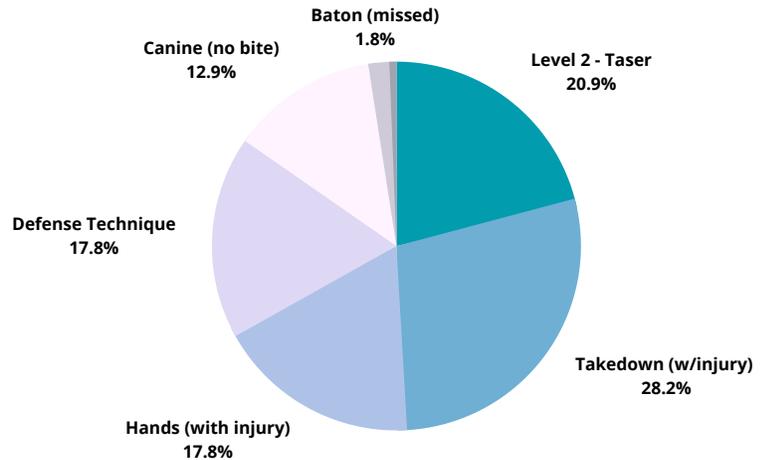
New Orleans Police Department categorizes all uses of force in 4 Levels defined in NOPD Policy 1.3. with Level 4 being the most serious uses of force. Based on the data received by NOPD, Level 1 uses of force were the most frequently used by NOPD officers with 837 Level 1 uses of force in 2021. Officers used Level 3 uses of force least frequently with 10 Level 3 uses of force in 2021.



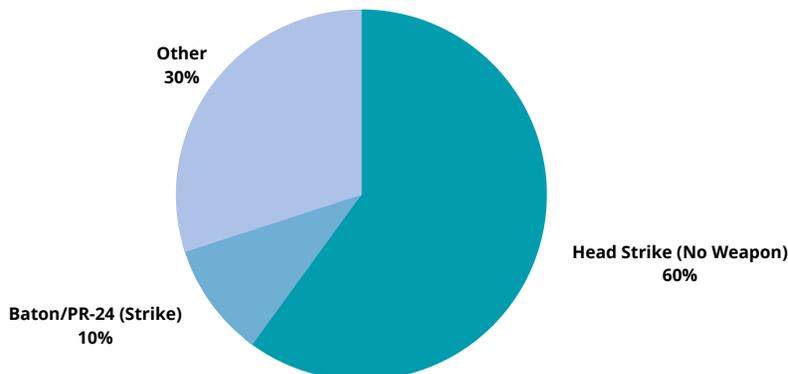
## Level 1 Total = 837



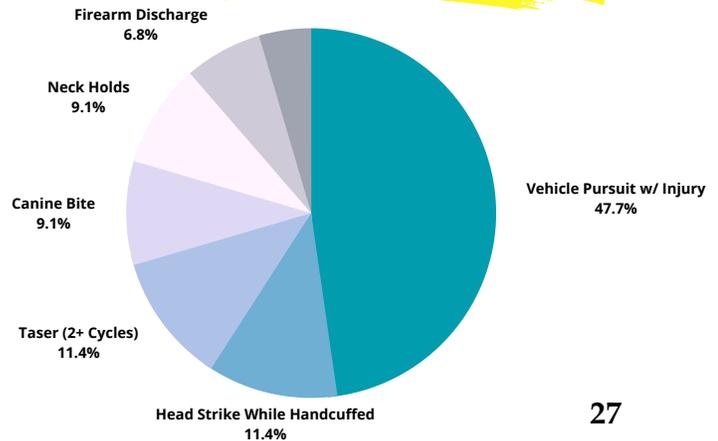
## Level 2 Total = 163



## Level 3 Total = 10



## Level 4 Total = 44

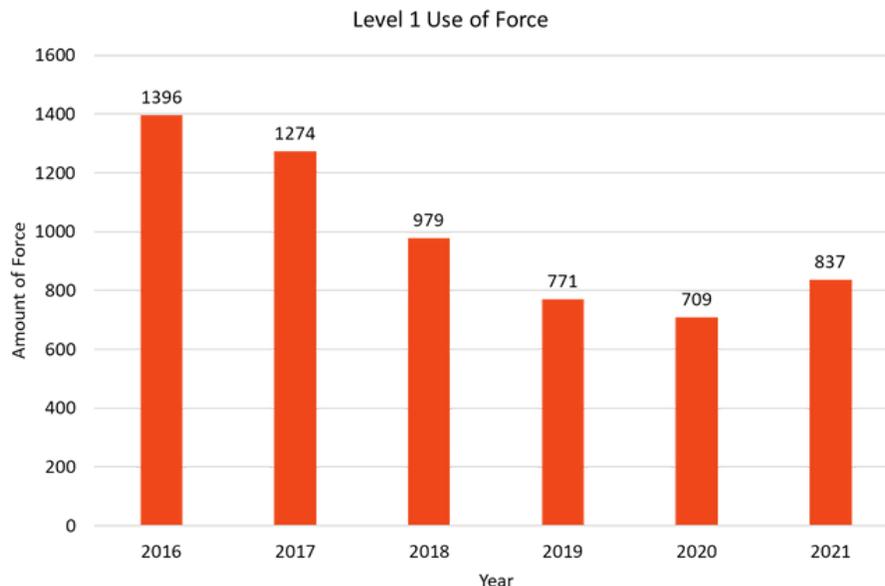


# Amount of Force by Force Levels

## Level 1

837  
in 2021

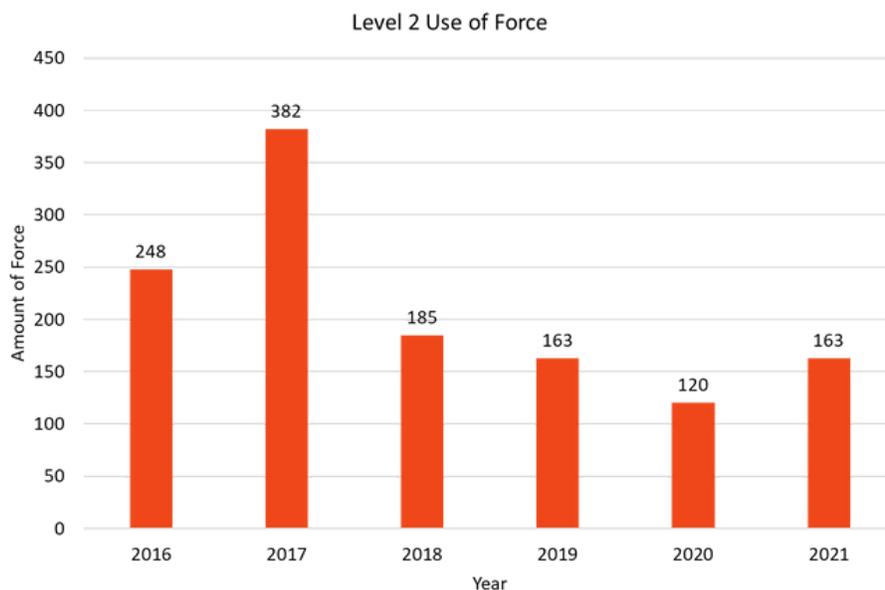
Includes pointing a firearm at a person and hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip) applied as pressure point compliance techniques that are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use of an impact weapon for non-striking purposes (e.g., prying limbs, moving or controlling a person) that does not result in actual injury or complaint of injury. It does not include escorting, touching, or handcuffing a person with minimal or no resistance.



## Level 2

163  
in 2021

Includes use of a CEW also known as "tasers" (including where a CEW is fired at a person but misses); and force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 3 use of force.



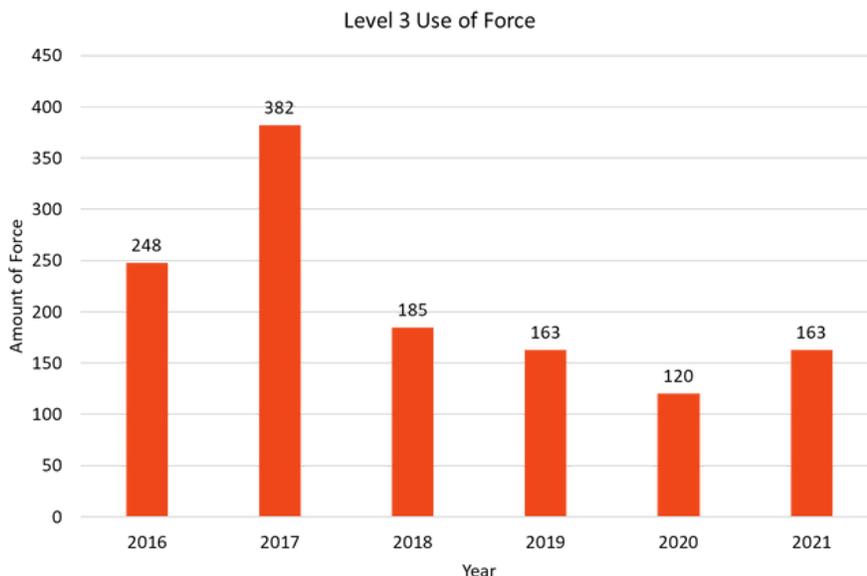
# Amount of Force by Level of Force

## Level 3

10

in 2021

Includes any strike to the head (except for a strike with an impact weapon); use of impact weapons when contact is made (except to the head), regardless of injury; or the destruction of an animal.



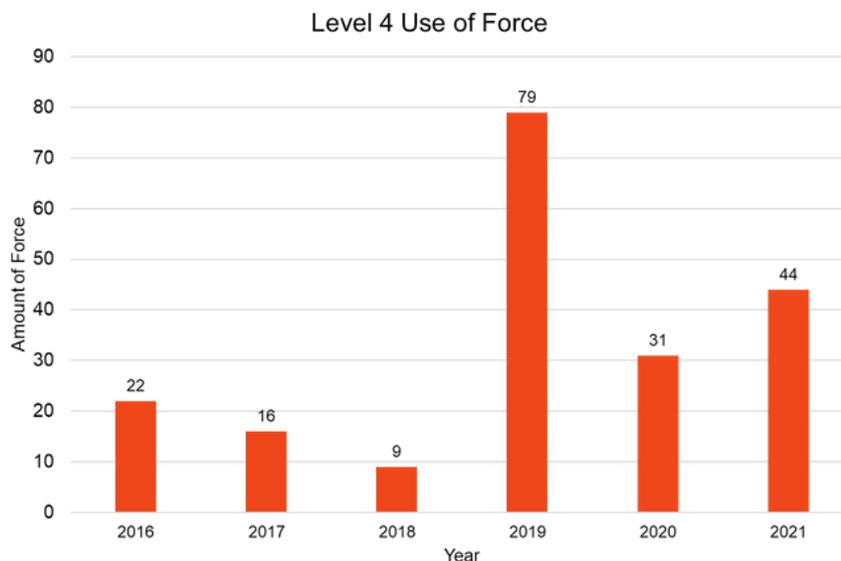
## Level 4

44

in 2021

Includes all 'serious uses of force' as listed below:

(a) All uses of lethal force by an NOPD officer; (b) All critical firearm discharges by an NOPD officer; (c) All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization; (d) All neck holds; (e) All uses of force by an NOPD officer resulting in a loss of consciousness; (f) All canine bites; (g) More than two applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or CEW application for 15 seconds or longer, whether continuous or consecutive; (h) Any strike, blow, kick, CEW application, or similar use of force against a handcuffed subject; and (i) Any vehicle pursuit resulting in death, serious physical injury or injuries requiring hospitalization.



# What is a Critical Incident?

Critical incidents are an internal definition that was agreed upon by the OIPM and the NOPD through the November 10, 2010 Memorandum of Understanding. This definition captures that the OIPM should be notified of deaths, certain levels of injuries, and officer involved shootings within an hour so the OIPM has the ability to monitor the on scene investigation by the Force Investigation Team. According to this shared definition, critical incidents are:

- All incidents including the use of deadly force by an NOPD officer including an Officer Involved Shooting (“OIS”);
- All uses of force by an NOPD officer resulting in an injury requiring hospitalization;
- All head and neck strikes with an impact weapon, whether intentional or not;
- All other uses of forces by an NOPD officer resulting in death; and
- All deaths while the arrestee or detainee is in the custodial care of the NOPD.



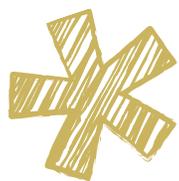
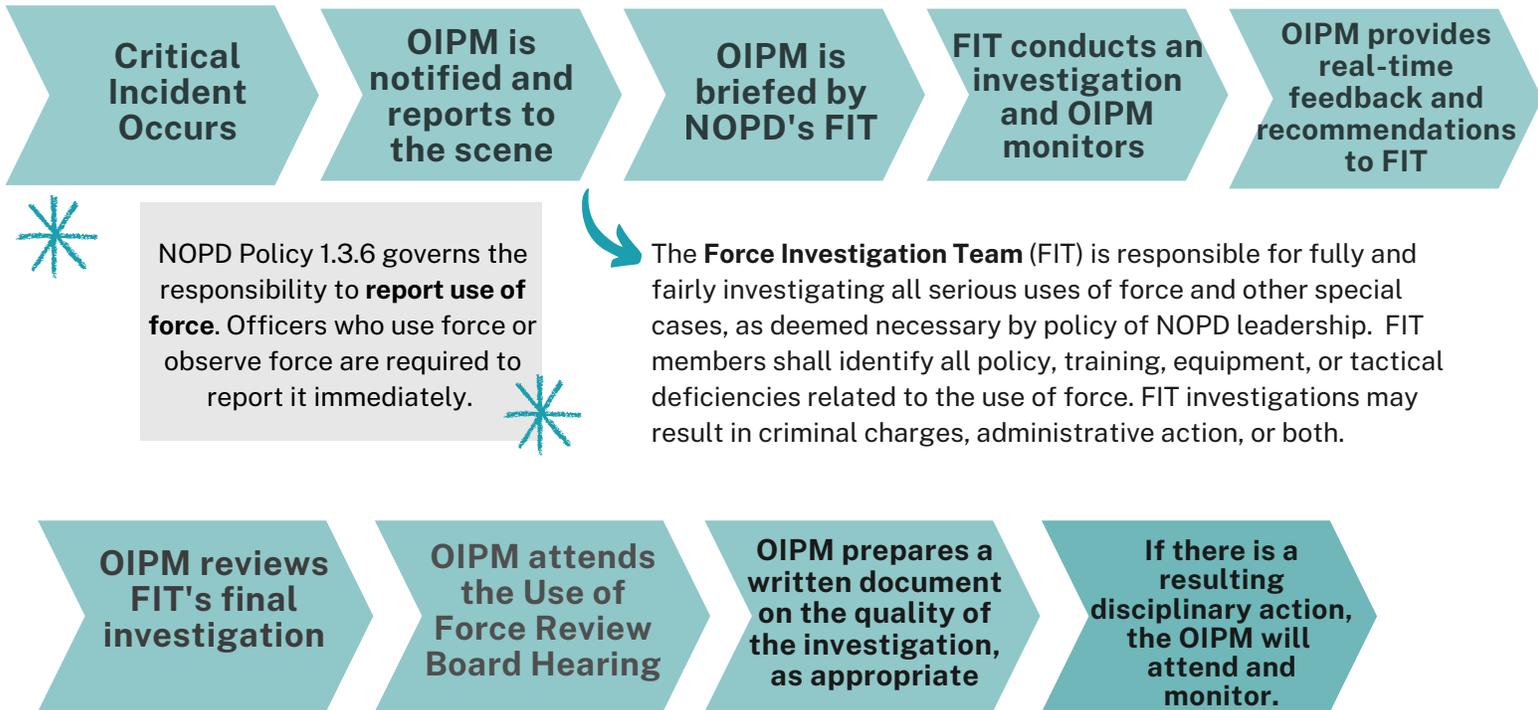
## 12-year veteran NOPD officer fired after use of force investigation

According to police, Shannon fired his gun at Cowart, striking him in the right leg. During the same incident, Shannon also pointed his gun twice at the Cowart’s head.



Updated: 5:50 PM CST Nov 11, 2021

## Critical Incident Chain of Events



All Critical Incidents are Level 4 Uses of Force, but all Level 4 Uses of Force are not Critical Incidents!

# 18%

of all Level 4 Uses of Forces were Critical Incidents

# 2021 Critical Incidents at a Glance

In 2021, there were eight (8) Critical Incidents. Of the eight (8) Critical Incidents, 63% were OIS and none resulted in fatality. This is the second year in a row NOPD has not been responsible for a fatality as a result of an use of force incident. The tables below contains the types of Critical Incidents recorded in 2021 by the OIPM and descriptions of the actual incidents.

# 72.6%

of all uses of force  
**DO NOT** result in  
individual injury



Year	Total CIs	OISs	Hospitalizations	ICD	Head Strikes	Other	Deaths
2011	19	19	0	0	0	0	2
2012	22	20	1	1	0	0	3
2013	17	12	1	2	0	2	2
2014	17	11	3	2	2	2	4
2015	14	12	1	1	0	0	5
2016	8	7	1	1	0	0	1
2017	5	5	1	0	0	0	1
2018	5	4	0	1	0	0	0
2019	10	9	2	0	0	0	3
2020	11	9	1	0	2	0	0
2021	8	5	5	0	1	1	0
<b>Totals</b>	<b>117</b>	<b>99</b>	<b>10</b>	<b>8</b>	<b>2</b>	<b>4</b>	<b>18</b>

DATE	OIPM Number	Description
February 4, 2021	CI2021-0001	Officers arrived on the scene to investigate an aggravated assault. After verifying the location of the alleged suspect, officers observed him run inside the residence and arm himself with an AR-15 rifle at which time he began shooting in the direction of the officers. The officers returned fire with no injuries. The suspect then barricaded himself inside the residence. SOD was called out to the location and declared a Swat Roll. The negotiator was on scene and talked the individual out of the residence.
March 20, 2021	CI2021-0003	While on proactive patrol, officers elected to conduct a traffic stop on a parked vehicle. The officer instructed the passenger of the vehicle during the investigation. Once the individual exited the vehicle he attempted to flee from the officer. The officer struck the individual in the head with his firearm and the officer's weapon discharged, striking the suspect in the right leg.
March 23, 2021	CI2021-0002	NOPD responded to a call of a barricaded individual who was experiencing a mental health crisis and was armed with a knife. Officers attempted to have the subject disarm himself and exit the room. The individual refused instructions and the command was given to taser the individual. The individual was struck in the head with a shield during the attempt to apprehend and disarm.
April 12, 2021	CI2021-0004	NOPD Sixth District units responded to a disturbance call in the 1400 block of Felicity Street. While attempting to approach the residence, two dogs came toward the officers. One officer fired shots and fatally wounded one of the dogs. The second officer suffered minor injuries to his arm from the firearm discharge.
May 7, 2021	CI2021-0005	While pursuing a 65G vehicle the subject lost control of the vehicle and crashed. Multiple occupants of the vehicle sustained serious and were transported to a local hospital for treatment.
May 27, 2021	CI2021-0006	An individual was arrested for outstanding warrants and was transported to the hospital for health concerns. The individual was handcuffed and exited the officers' vehicle. Upon exiting the vehicle, the individual fled to the parking garage and jumped from the second floor and fell on bike rack. The individual continued to flee on foot. The officer deployed his taser at the handcuffed individual and transported him back to the hospital. The individual was admitted for injuries sustained from the fall.
May 31, 2021	CI2021-0007	NOPD Third District officers responded to a domestic disturbance call in the 2000 block of Mirabeau Avenue. Upon arrival, an individual fired at the two officers. The officers returned fire. A female victim sustained a gunshot injury, possibly from the individual. The individual hid and was eventually apprehended. Upon apprehension, officers learned the individual sustained a gunshot injury to his leg. He was treated subsequently booked.
November 8, 2021	CI2021-0008	While the officers 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.

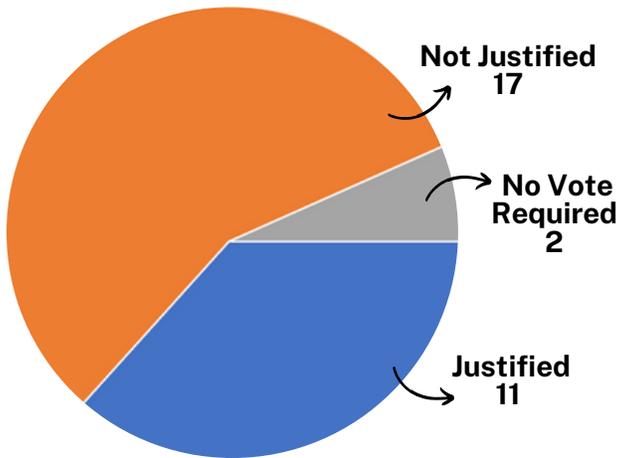
# Use of Force Review Board (UFRB)



The Use of Force Review Board (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 and commanders serve as non-voting members, and outside groups like OIPM and the Office of the Consent Decree Monitor have been invited to observe, listen and participate in discussion.

## Justified vs. Not Justified



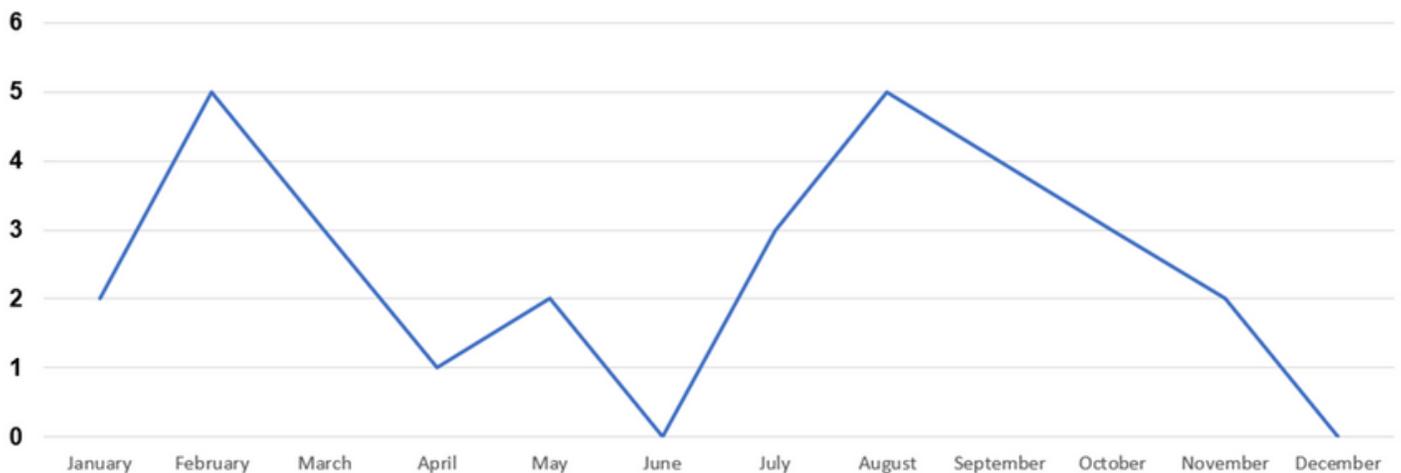
The FIT investigator prepares a written report, presents the cases and provides recommendations to the Use of Force Review Board (Board). The Board makes the final determination of whether or not an NOPD officer's use of force is justified or not justified based on the facts and evidence presented in the investigation. The force is evaluated using NOPD Policy Chapter 1.3. If the force is within policy it is **justified**. If it does not comply with policy it is **not justified**. If the Board determines the use of force violated NOPD policy, the Board will refer it to PIB for disciplinary action.

In 2021, the Board found 11 uses of force were justified and 17 were not justified. There were 2 cases that do not require a vote by the Board.

## OIPM Role in UFRB

UFRB happens every month and on average, the UFRB typically hears around three (3) cases a month. The OIPM receives the cases ten (10) days before the hearing and has approximately one week to review the investigation and respond with our questions and feedback prior to the hearing. The OIPM may provide feedback formally or informally prior to the UFRB. OIPM often provides feedback to FIT investigators throughout the entirety of the investigation.

## UFRB Cases Heard Every Month



# UFRB Recommendations

An investigating officer may provide recommendations to the UFRB and the UFRB may make its own recommendations based on the actions of an involved officer. These recommendations generally fall into three (3) categories: (1) Policy, (2) Training, (3) Equipment. Policy recommendations focus on an identified issue with existing NOPD policy that needs to be addressed. It may be an area of policy that needs to be better clarified for future instances or the creation of new policy. Training recommendations normally focus on the involved officer. The officer receives training to correct the behavior discovered during the investigation. If the investigation revealed a pattern of behavior, department-wide training will be provided. Tactics recommendations focus on the behavior of the officer that often led to the use of force. Involved officers may receive feedback from NOPD Academy, or other instructors such as Special Operations Division (SOD), on tactical considerations that should have occurred to reduce harm to the officers and civilians. Equipment recommendations often focus on other equipment that may be available to law-enforcement and could possibly help eliminate the force used.

3

**Policy Recommendations**

16

**Training Recommendations**

4

**Tactics Recommendations**

1

**Equipment Recommendations**

## OIPM Feedback in Use of Force Review Board

The OIPM monitors Critical Incident investigations from the first notification until the case is presented to the Use of Force Review Board. This allows feedback to be given in real-time, allowing investigators to incorporate suggestions and recommendations into their reports. However, there are also instances when OIPM makes formal recommendations concerning a specific case or pattern of behavior. The following three recommendations are an example of the feedback provided to NOPD.

### *Planning & Tactics*

OIPM met with the Director of Curriculum at the NOPD Academy to discuss training ideas for recruits and new supervisors. OIPM remains impressed with the academy's use of scenario-based curriculum where a small group is encouraged to solve problems together and then teach back the lessons to the larger class of recruits. Based on discussions during the Use of Force Review Board Hearings and the review of FIT investigations, OIPM recommended training could be enhanced or expanded including how to plan in escalated situations.

### *Neck Holds*

In 2021 there were four (4) neck holds performed by NOPD. During the investigations and UFRB Hearings, one of the elements of a neck hold includes, "a hold that inhibits breathing by compression of the airway in the neck." Discussions surrounding whether or not an individual's ability to breathe was inhibited or if there was compression of the airway were often the crux of the decisions rendered by UFRB. OIPM recommends investigating officers use questions similar to questions used during a Domestic Abuse Strangulation (R.S. 14:35.3(L)), investigation. This includes asking whether or not a person could or could not breathe.

### *BWC Review*

Under current NOPD policy, an officer may be allowed in certain matters to review body worn camera footage prior to all statements. If permitted, this allows an officer to review body worn camera footage prior to a criminal statement. NOPD does not regularly provide the public the opportunity to review evidence prior to providing a statement in a criminal investigation. Therefore, OIPM recommends that NOPD revisit this policy to further limit the ability of officers to review body worn camera footage before a criminal statement when suspected of criminal allegation and/or behavior.



# Complaints and Misconduct Work and Data

# Complaints: Catalyst for Change

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

The Office of the Independent Police Monitor receives complaints of officer misconduct from all – employees of the NOPD, the community, and anonymously. The OIPM monitors subsequent misconduct investigations and disciplinary proceedings that may result from complaints generated from the OIPM and the OIPM creates data on relevant trends and patterns to communicate back to the NOPD through policy and practice recommendations.

This section of the Annual Report will dive into the work the OIPM has completed during 2021 regarding misconduct complaints. This report will both analyze the OIPM role in the complaint 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 which were received by the NOPD directly and the OIPM will highlight relevant trends and patterns from this data.

## OIPM Complaint Process

A complaint is an allegation of misconduct filed against a NOPD employee by a member of a public or another employee. 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.

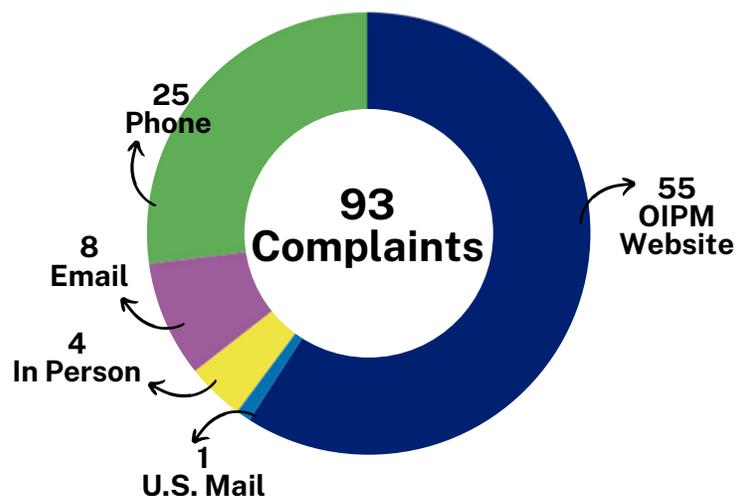
At the OIPM, any individual can file a complaint, whether it be the person who had the police encounter, an individual that witnessed a police encounter, or another officer or employee of NOPD. The OIPM accepts complaints filed by the person affected by the misconduct, a third party not directly involved 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. The chart to the side demonstrates the different intake sources utilized to file complaints over the last year.

The majority of the complaints were received either over the phone or through the OIPM website. This makes sense considering the public health mandates in place and the expanded online presence of the office.

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. NOPD policy only allows 36 months for progressive discipline (to increase penalties or establish a pattern), but out of an abundance of caution the OIPM reviews five (5) years.

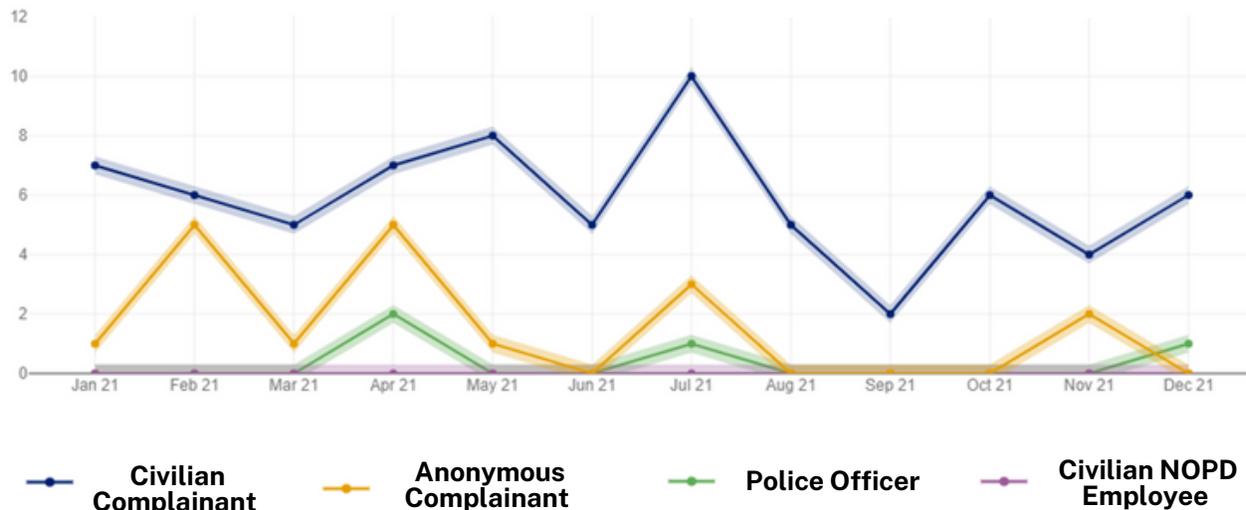
Complaint Intake Source - OIPM Complaints Only



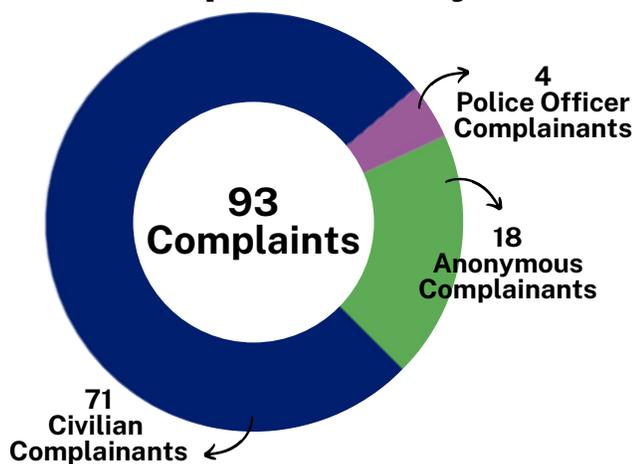
Finally, the OIPM classifies the complaint, makes recommendations on reassignments, managing retaliation, and any other corrective measures. The OIPM may also comment on the general policies or training if there is a risk that those policies, practices, or training may not provide enough guidance to officers in similar situations and there is an opportunity for a systemic improvement.

Below is a monthly breakdown of the complaints received by the OIPM according to the type of complainant. The majority of the complaints received by the OIPM were from civilians (members of the public who were willing to use their name in the complaint referral) and anonymous complainants. Anonymous complainants may be members of the community or may be individuals employed by the NOPD. Anyone has the right and the ability to file a complaint of officer misconduct.

### Complaint Type Over 2021 - OIPM Complaints Only



### Complaint Type - OIPM Complaints Only



In 2021, the Office of the Independent Police Monitor is pleased to report a continued high volume of complaints. The Office of the Independent Police Monitor appreciates the trust placed in the office by both the community and those civilian and ranked officers working within the NOPD to come to the OIPM to bring their concerns and file allegations of misconduct. For the third year in the row, the Complaints Department processed nearly one hundred (100) complaints. In 2020, the OIPM processed ninety-seven (97) complaints and in 2019, the Office of the Independent Police Monitor received one hundred (100) complaints. These complaints ranged from how the police responded in calls to service and engaged with the public and families of victims to how the police handled officer involved shootings of pets to use of force incidents.

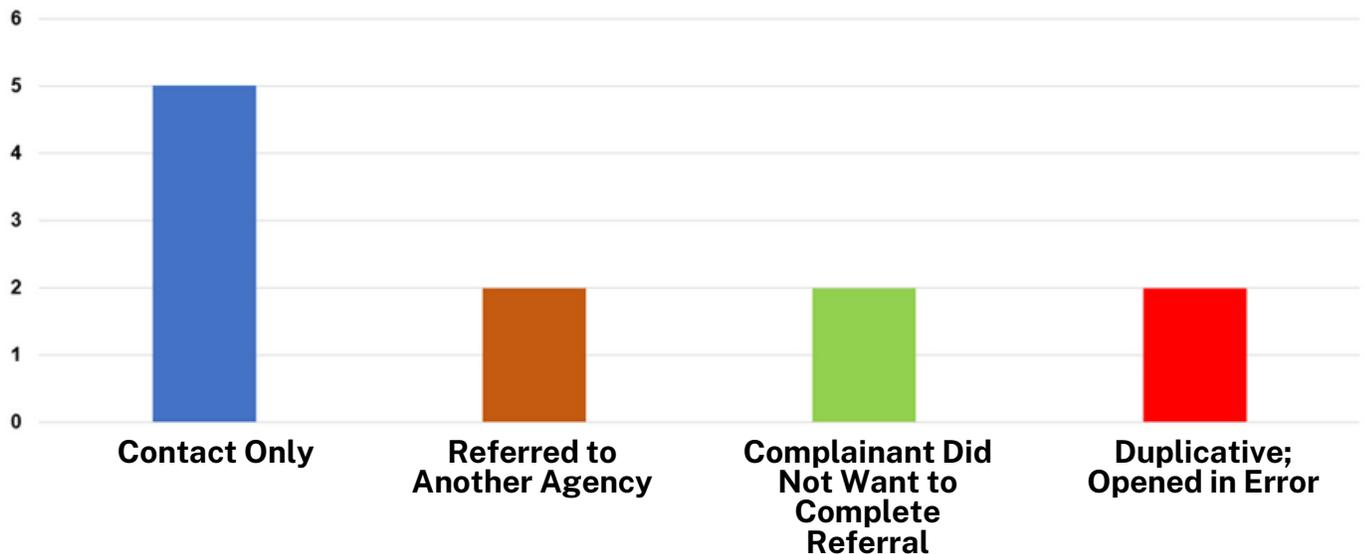
In 2021, the OIPM also received a small influx of complaints generated internally by ranked officers employed by the NOPD. The Office of the Independent Police Monitor received both named and anonymous complaints from these officers working within the NOPD. Some of the complaints were from officers who were speaking up regarding disparities in treatment from supervisors to employees sharing concerns over supervisory issues and management tactics to accounts of sexual harassment. Some anonymous complaints brought the OIPM’s attention to possible supervisory concerns regarding relationships between supervisors and subordinates and other allegations of neglect.

# Archived Complaints

In 2021, the OIPM received a hundred and three (103) complaints but only ended up submitting ninety-three (93) of those complaints to the PIB for investigation. This gap in ten (10) complaints is because the complaints received were either:

- Resolved by the OIPM through working with the complainant and NOPD to address the concern through facilitated communication, providing information about the NOPD and their policies which satisfied the complainant, or other OIPM services. Five (5) complaints were resolved through this contact only or criminal liaison work with the NOPD and other OIPM services.
- The complainant stopped communicating with the OIPM and the OIPM was unable to complete the referral. Two (2) complaints were archived for this reason.
- Two (2) complaints were archived because the named officer was not a NOPD employee but a Jefferson Parish officer or because the OIPM learned the OIG was addressing the issue. The complainants were referred the appropriate agencies.
- Two (2) complaints were determined to be duplicative so the new case numbers were created in error.

## Reasons Complaints are Archived by the OIPM



## Understanding NOPD Data



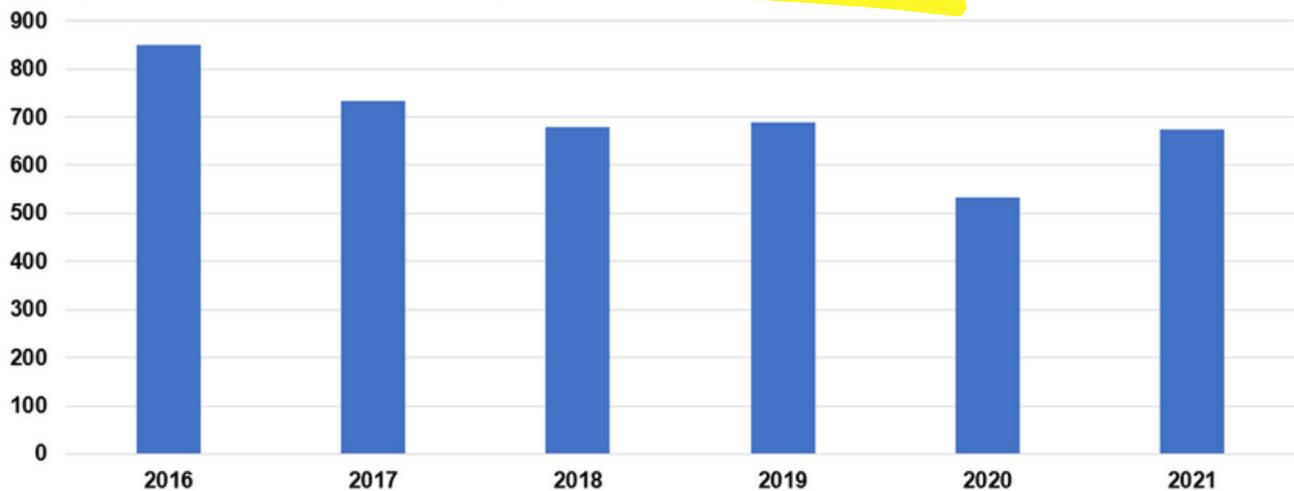
In the rest of this section of the annual report, the OIPM is analyzing data provided by the NOPD. The NOPD conducted intake, inputs data, and sets the data fields. Each year the OIPM strives to work with the NOPD leadership to meet and review the data in advance of reports. This year, there were delays in accessing the data and some data inconsistencies that influenced the ability for the OIPM to analyze certain areas of data. In the coming year, the OIPM will work with NOPD leadership to address these data inconsistencies and identify corrective strategies to ensure that data is free of such discrepancies moving forward.

# Complaints Received by the NOPD

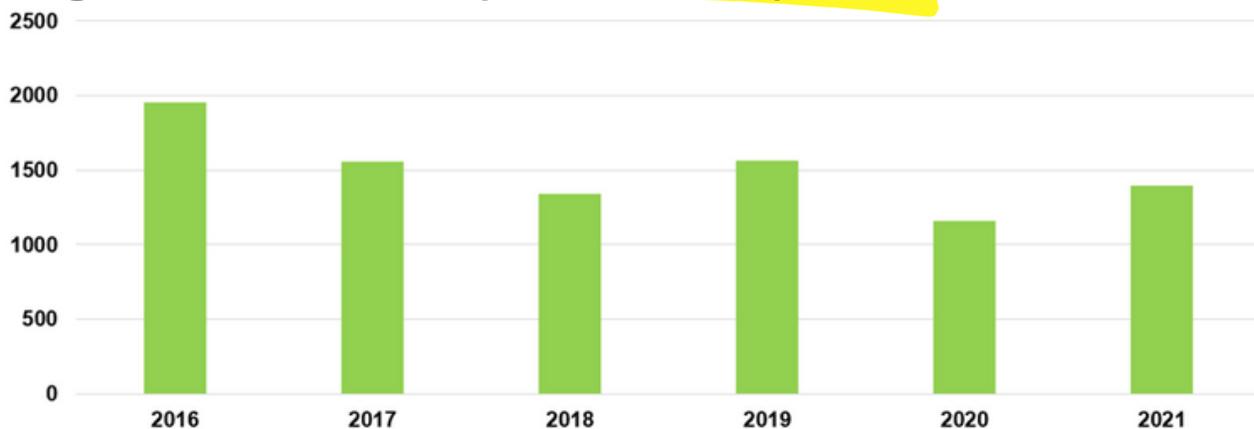
There is a difference between allegations and complaints. Complaints may include multiple allegations of wrongdoing. For example, one complaint of officer misconduct may be regarding how an officer handled a call to service. The member of the public may state: "the officer failed to take pictures of my injuries, kept interrupting me, rolled his eyes, and then left without giving me an item slip with the item number for my reference." Within this encounter are several different violations of policy. Each violation will be an allegation. All the allegations are referred in one complaint. Therefore, there are multiple allegations of misconduct in one complaint number. Additionally, when the investigator reviews the referral and the Body Worn Camera Footage and any documentation on the encounter, the investigator may identify additional violations of policy and raise more allegations against the accused officer.

Below is the breakdown of how many complaints were received by the NOPD over the years and how many allegations of wrongdoing were received by the NOPD by year. There will always be more allegations than complaints.

## Complaints Received by the NOPD by Year



## Allegations Received by the NOPD by Year

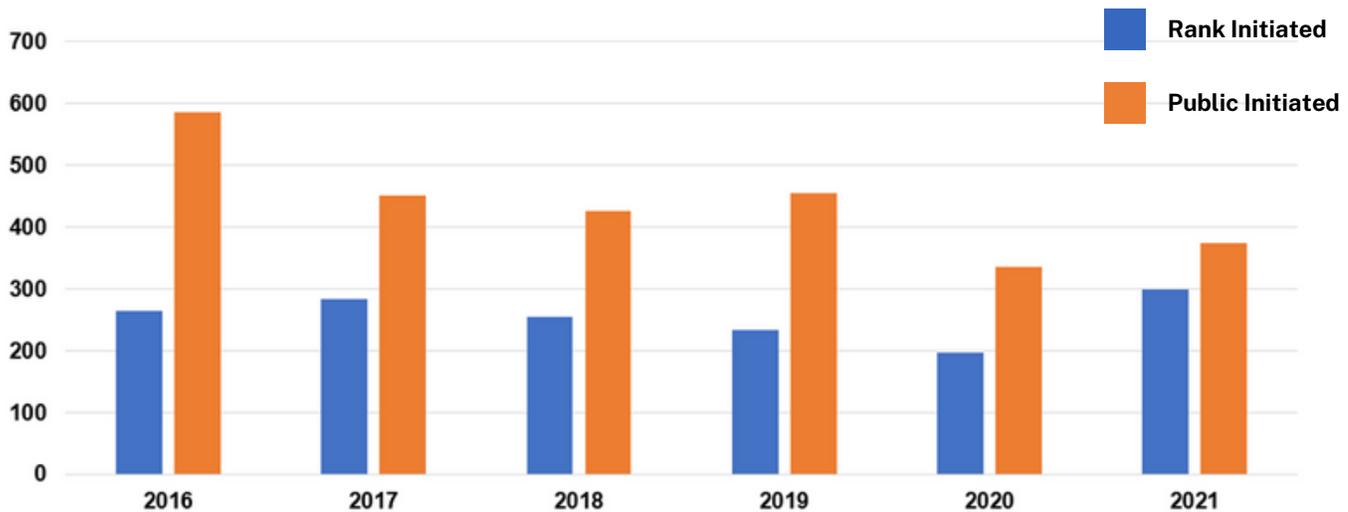


# Rank and Public Initiated Complaints Received by the NOPD

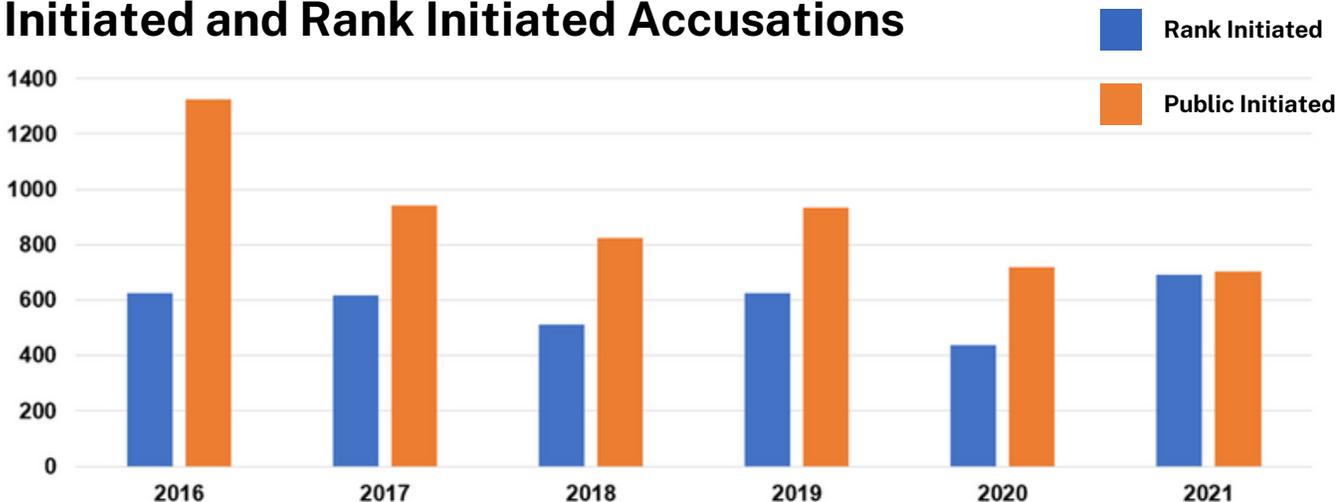
Rank and public complaints are how the NOPD classifies the complaints of misconduct the department receives. Rank initiated complaints are all complaints that are initiated internally. This means that a supervisor, peer, or another employee (civilian or commissioned officer) initiated the investigation of misconduct. Public initiated complaints are those initiated by a member of the community or any complaint provided to the NOPD from an external mechanism or organization.

These classifications can be confusing. An NOPD officer who files a complaint against another NOPD officer utilizing the NOPD's website or through the OIPM may have their complaint classified as "public" since it came from the public facing website (and not an internal mechanism like a Form 230) or from the OIPM which is independent from the NOPD. On the flip side, when supervisors are reviewing Body Worn Camera footage or are on scene and witness misconduct against a member of the public, the supervisor can initiate a complaint, however, that complaint will be classified as "rank initiated" even though the basis of the complaint is a public encounter.

## Complaints by Year According to Public Initiated and Rank Initiated Complaints



## Allegations by Year According to Public Initiated and Rank Initiated Accusations



## Why are Rank Initiated Complaints Increasing?



There is an argument that the number of sustained rank-initiated complaints is growing because there is an increase of supervisor-based accountability. The NOPD was found to be in full and effective compliance in supervision in 2022, but in 2021 leading up this, the NOPD stressed close and effective supervision to all supervisors. This means that rank is required under the Federal Consent Decree and now NOPD policy to review officer action within the community, identify misconduct in those interactions, and then initiate discipline against officers. Most rank complaints are initiated because a supervisor observed the misconduct as it occurred during his or her review of the subordinate's body worn camera.

## Complaint Outcomes

Every allegation of a misconduct investigation resulting from a complaint will have a disposition. This means there may be multiple dispositions within one complaint (because there may be multiple allegations within one complaint). A disposition is the outcome of an investigation of misconduct. Categories of dispositions include a determination of sustained, not sustained, exonerated, or unfounded.

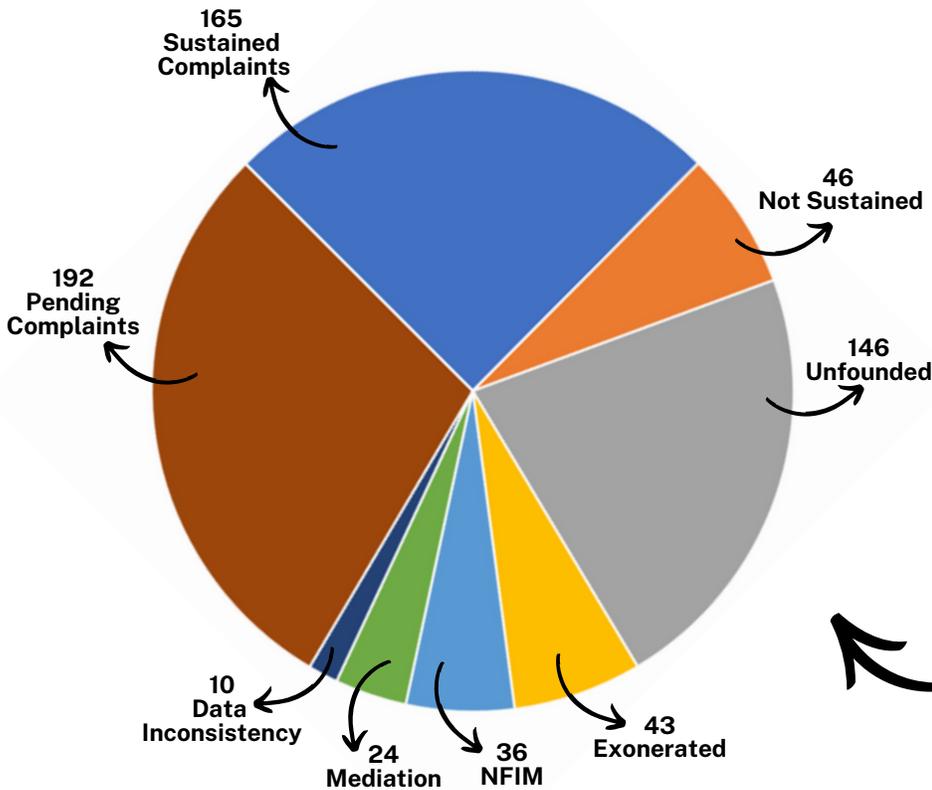
- Sustained – according to the NOPD, when the NOPD makes the finding of sustained this means under the standard of proof, the investigating officer or the hearing officer determined alleged incident or behavior occurred and it was a violation of the policies, practices, or training of the NOPD.
- Exonerated – 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.
- 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 categories 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.
- 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.

The OIPM break downs of the outcomes of NOPD misconduct investigations into complaints also includes two additional terms: "Pending" and "Data Inaccuracies." Pending means that the matter is still under investigation at the close of the 2021 year. Data inaccuracy means that there was an outcome entered into the database, however, it does not align with the designated outcomes available. The OIPM is working with the NOPD to address these data inaccuracies.

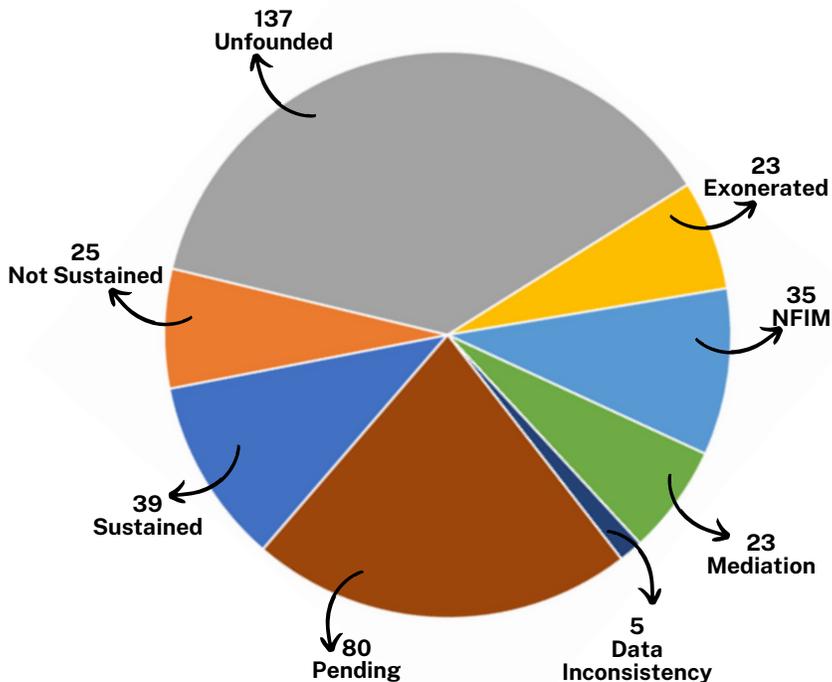
# 2021 Complaint Outcomes



At the time the data was pulled, 192 of the complaints filed in 2021 were still pending. This makes up the largest portion of the complaints analyzed at the time of the data being provided. The next largest amount was the 165 complaints that were sustained. Then the 146 complaints that were determined to be unfounded. These numbers do change and shift when the OIPM looks at the complainant source for the complaints.

## Outcomes of Rank and Public Initiated Complaints Received by the NOPD

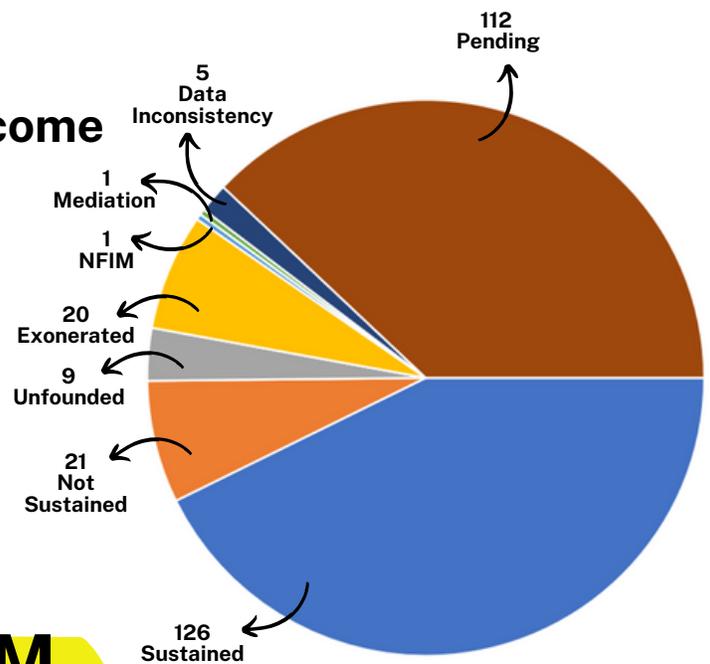
### Public Initiated Complaints by Outcome



This chart compared with the chart that follows shows that more rank initiated complaints are sustained than public initiated complaints. In the coming year, the OIPM intends to look deeper into this trend.

## Rank Initiated Complaints by Outcome

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.



## What is Next for OIPM Complaint Intake Work

Looking towards 2022, OIPM has identified priorities and goals for the year that will expand our impact and ensure accessibility for our complaint intake services.

### → Open Remote Intake Sites

Currently working with the Public Integrity Bureau leadership to identify and train community partners to act as **Remote Intake Sites** in New Orleans so it is easier to file complaints and commendations. In collaboration with the NOPD, the OIPM will identify and open remote intake sites focusing on community-based organizations working with: (1) Spanish and Vietnamese speaking populations in New Orleans; and (2) transgender individuals / advocacy. The goal of these remote intake sites is to create a safe place for under-served populations to file accounts of officer misconduct with a service provider or organization that already has a relationship with that individual.

### → Create a 24 Hotline to File Complaints of Officer Misconduct

In 2022, the OIPM started to work with vendors to establish and operate a 24 hour hotline to receive complaints of officer misconduct. This hotline would be available in English, Spanish, and Vietnamese and would offer anonymous filings. This hotline would improve OIPM accessibility to the community and simplify intake. The OIPM is also considering text and mobile app based submission abilities as well. The purpose of this expansion of services would be to ensure that our services can be used by all and accessed by all whenever needed through any submission method.

### → Ensure All Legal Mechanisms to Protect the Confidentiality of Complainants

In collaboration with the New Orleans City Council, determine the legal protections necessary for the OIPM to continue to receive complaints of officer misconduct and to protect the identity of all complainants or sources who wish to remain anonymous.



# **Disciplinary Proceedings and Appeals of NOPD Decisions**

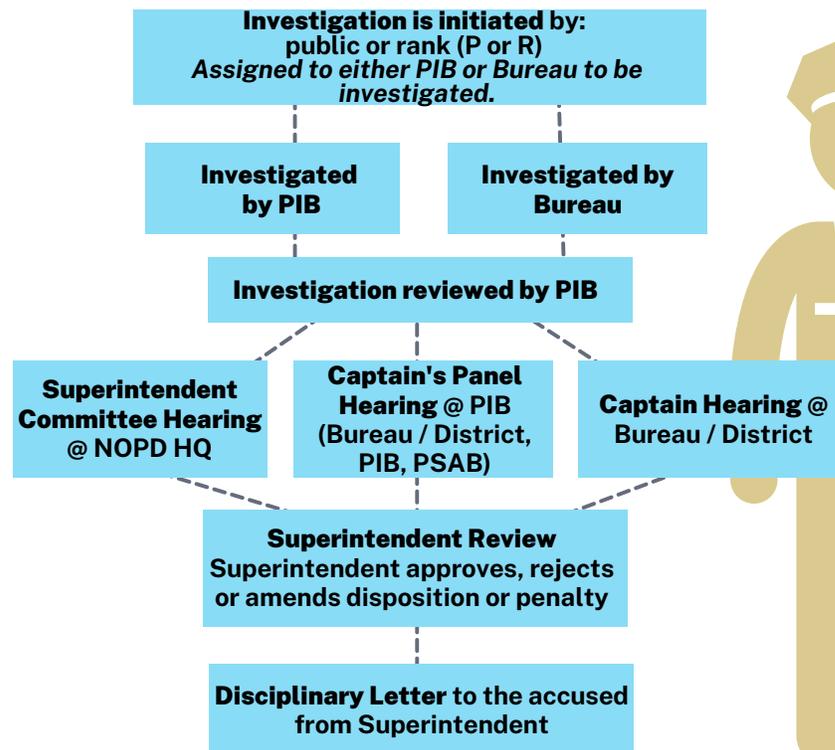
# Discipline

After the misconduct investigatory process, if the investigating officer sustained an allegation, then that allegation must be affirmed by NOPD leadership in order for that accused officer to be disciplined. This occurs through the disciplinary proceeding process. The disciplinary proceedings are conducted by the NOPD - either by Captains or Deputy-Chiefs. 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, truthful, and timely in accordance with NOPD policies and law.

Adjudication of misconduct is handled internally by the PIB or the Bureau of the officer / employee. 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.

## Discipline Process

The procedure for adjudication of misconduct has slight deviations when it is executed by the Bureau or the PIB. If any of the allegations are sustained, PIB coordinates a Captain's Panel Hearing. In 2020, the Public Integrity Bureau started conducting Captain Panel Hearings in lieu of Predisposition Conferences for investigations sustained by the PIB. A Captain Panel Hearing has two parts. The first part is the traditional Predisposition Conference, where the Captain of the Public Integrity Bureau is the hearing officer and determines whether the allegation should be sustained or not sustained. The second part is the traditional Penalty Hearing when the Captain of the District or Bureau of the accused officer will determine the appropriate penalty for the sustained offense.



This new format enables collaboration and synergy between the districts and PIB. This ensures that the captain of the district understands the disposition of the PIB and can take that reasoning into account along with mitigating and aggravating factors may be presented during the predisposition conference. Along with being more effective, this new model is more efficient, eliminating any previous delays between the predisposition conference and the disciplinary hearing. Further, PIB decided to include the Department of Professional Standards and Accountability in this new format and this holistic collaboration ensures that any policy concerns can be considered on the spot and result in timely policy recommendations in order to clarify confusion or enhance current policy.

# Role of OIPM in Disciplinary Hearings



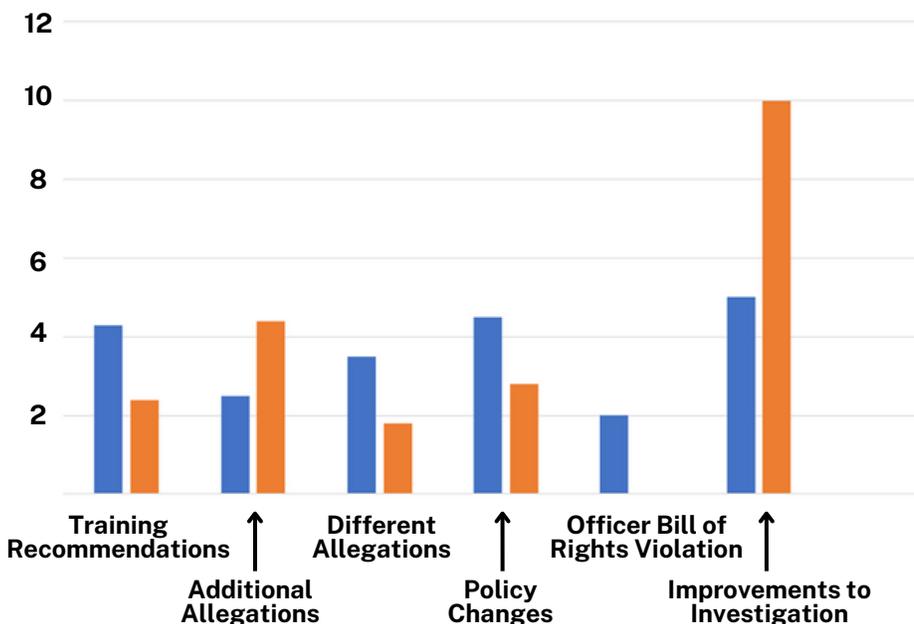
Above is Captain Richardson and Captain Gillard reviewing a disciplinary investigation before beginning a Captain Panel Hearing.

During every disciplinary proceeding, the OIPM remains in the room for deliberation with the NOPD leadership to give the hearing officers feedback and input. This process is how the OIPM provides our recommendations and feedback regarding the strength of the investigation, liability and risk management concerns, and areas where the policy required clarification or was being applied inconsistently. Though OIPM provides this feedback in memorandums to the NOPD prior to the hearing or supplementing these hearings, these discussions during the deliberation process enable the NOPD to consider and digest our points before any final decision was made on the matter. These discussions are an opportunity for the OIPM to provide and receive insight into the NOPD investigation and often these comments lead to meaningful discussion with not just the hearing officers, but the assigned investigator on the case, since it was an opportunity for that investigator to explain investigatory decisions and to answer questions.

These deliberations between NOPD leadership and the OIPM are lively collaborative discussions – during which the OIPM may shift perspectives by voicing concerns of the community or providing input the OIPM has received from other NOPD officers and employees. The NOPD leadership and hearing officers are extremely receptive and responsive to the OIPM feedback.

The NOPD and PIB leadership has worked to create a non-defensive space where NOPD and OIPM can both candidly discuss misconduct investigations or how policies and practices can improve. The OIPM seeks to continue our work with disciplinary proceedings and moving forward, look for more opportunities to appropriately share the collaboration and discussion that results from these deliberations with the community.

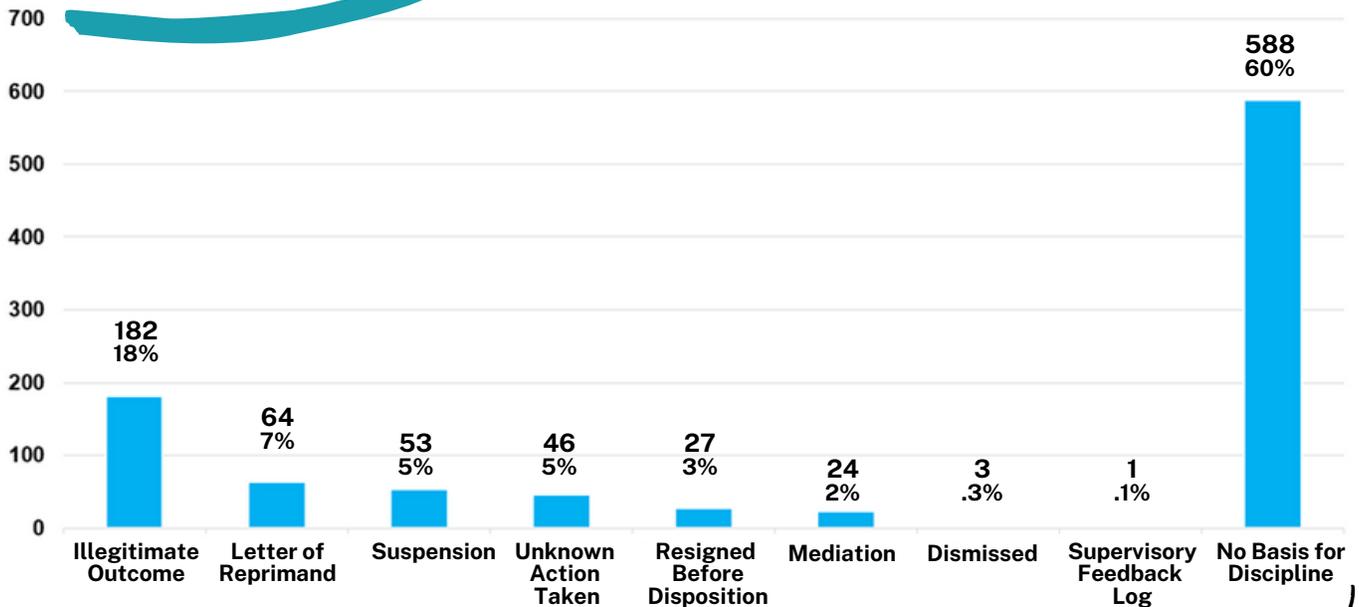
## OIPM Recommendations During Disciplinary Proceedings



Here are the recommendations provided by the OIPM regarding superintendent and Captain Panel Hearings. These numbers are based on the notes and memorandums submitted from the OIPM. There may be more than one recommendation provided per disciplinary proceeding.



# Discipline Data



Why are there so many "no basis for discipline" outcomes?

This data should be contained to only the outcomes for disciplinary actions. However, many outcomes like "exonerated," "unfounded," and "not sustained" were entered as disciplinary outcomes. Those are not outcomes of discipline but outcomes of investigations. The OIPM is going to work with NOPD to better differentiate in the data what is a disciplinary outcome and what is an result of an investigation.

## What does "illegitimate outcome" mean?

These are the data points that were entered into the NOPD system that do not represent a disciplinary outcome. These are entries are written exactly as they are entered into the data system:

- Action taken is labeled as "sustained"
- Awaiting hearing
- "s"
- "011618"
- Counseled
- None - RUI - Sustained - Awaited hearing

## What is "no basis for discipline"?

No basis for discipline is when the action taken is what is entered below. These entries are written exactly as they are entered into the system:

- none
- none - NFIM
- None - Not Sustained
- None - exonerated
- None - unfounded
- None - counseled
- none - duplicate allegation
- none - duplicate investigation
- none - RUI unfounded
- none - RUI not sustained
- none - no violations observed
- none - withdrawn
- none - resigned / retired
- none - deceased
- nullified per 40:2531, para. c
- letter of reprimand / overturned by civil service
- suspension / rescinded pursuant to civil service agreement

# Discipline + Appeals

All disciplinary action taken by the NOPD can be appealed except negotiated settlements. Employees of the NOPD can appeal the penalty to the Civil Service Commission and eventually to the 4th Circuit Court of Appeal and the Louisiana Supreme Court. Over the last year, the OIPM started to review these appeal outcomes to learn more about what employment and disciplinary actions were being appealed, if the employment determinations and disciplinary actions were being overturned and why, and if there were any lessons or recommendations that could be learned from the appeal data.

## Who is the Civil Service

The Civil Service Department of the City of New Orleans is responsible for the overall administration of the personnel function in city government. The Civil Service Commission is the policy-making body that exercises oversight of activities of the Civil Service Department. The Civil Service Commission is a constitutionally created entity composed of five members who are appointed by the New Orleans City Council to overlapping six-year terms. Four of the members of the Civil Service Commission are nominated by the presidents of designated local universities and one member is a City employee nominated by fellow employees. The Commission is a quasi-judicial body with power to make rules which have the force and effect of law. In its judicial capacity, the Commission serves as the court of first instance for all employee appeals resulting from disciplinary actions. In its legislative capacity, it adopts rules and establishes policies that regulate the conduct of labor and management in the merit system.

## What role does Civil Service play to the NOPD?

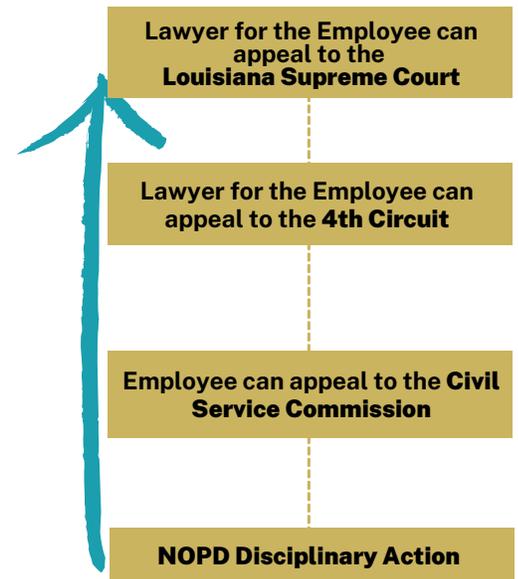
Classified employees of NOPD have the right to appeal disciplinary actions taken by NOPD to the Civil Service Commission. Additionally, officers who allege that they have been discriminated against because of their political or religious beliefs, sex, race, age, disability or sexual orientation shall have the right to appeal to the Commission.

## How does an appeal get to the Civil Service Commission?

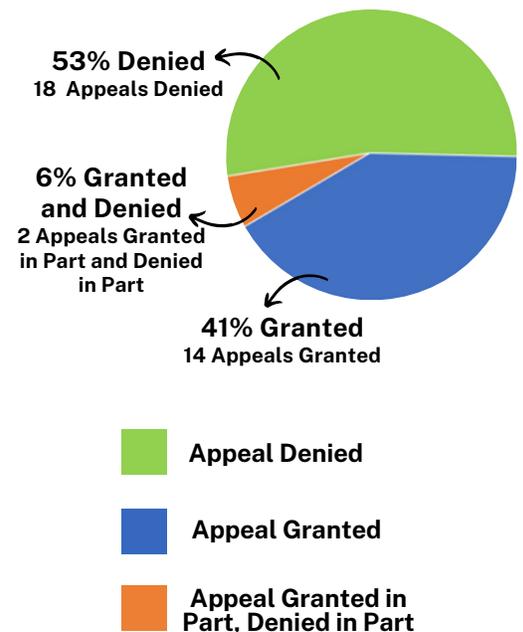
Within thirty (30) days after the discipline has been issued, an employee can file an appeal in Civil Service. Classified employees who have successfully completed a probationary period have the right to appeal disciplinary actions taken by their department to the Civil Service Commission.

Disciplinary actions eligible for appeal may include dismissal, involuntary retirement, demotion, suspension, fine, reduction in pay, or letters of reprimand as defined in Rule I of the Rules of the Civil Service Commission. In addition, all classified employees who make a timely claim that the disciplinary action was the result of discrimination or retaliation for whistleblowing are also entitled to a disciplinary hearing. The Commission shall review the hearing examiner's report and any other evidence and issue a formal disciplinary decision. In rendering a decision on any appeal, the Commission in its discretion may modify the disciplinary action of the appointing authority. The Commission shall receive and consider any application for re-hearing filed within ten (10) calendar days of the issuance of the decision by the Civil Service Commission. In such cases, the decision will be considered final on the date of notification of the disposition of the request for re-hearing.

Decisions of the Civil Service Commission may be appealed to the Court of Appeal, 4th Circuit, and eventually to the Louisiana Supreme Court.



## Civil Service Determinations

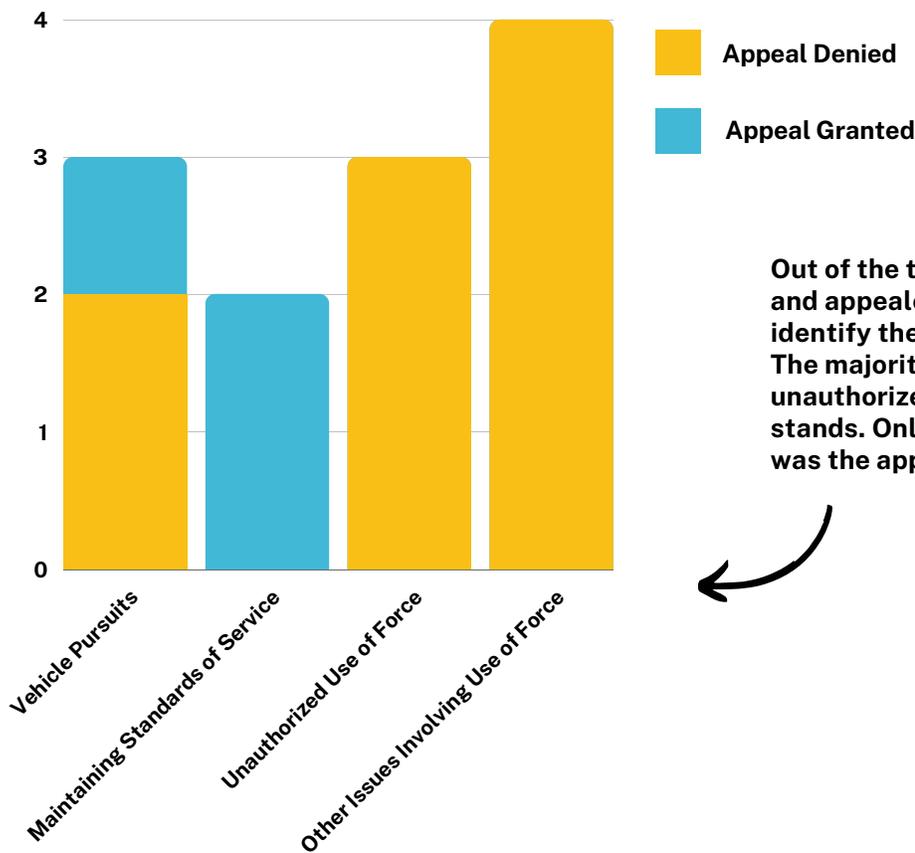


**"Of the decisions issued in 2021, the Commission upheld the discipline issued 74% of the time, it granted the employee's appeal 22% of the time, and granted the appeal in part (letting some portion of the disciplinary action stand) 2% of the time."**

***New Orleans Civil Service Commission  
2021 Annual Report, pg. 23***

According to the Civil Service Commission Annual Report, the majority of the time (74%) the Commission upholds the discipline that is issued by the department against the employee. However, the Civil Service Commission is only upholding the decisions of the NOPD 53% of the time and granted 41% of the appeals filed by the employees of the NOPD. This means the Civil Service Commission is granting 20% more appeals from NOPD employees and deviating from the decisions made by the NOPD regarding their employees.

### Civil Service Determinations: Rule Violations



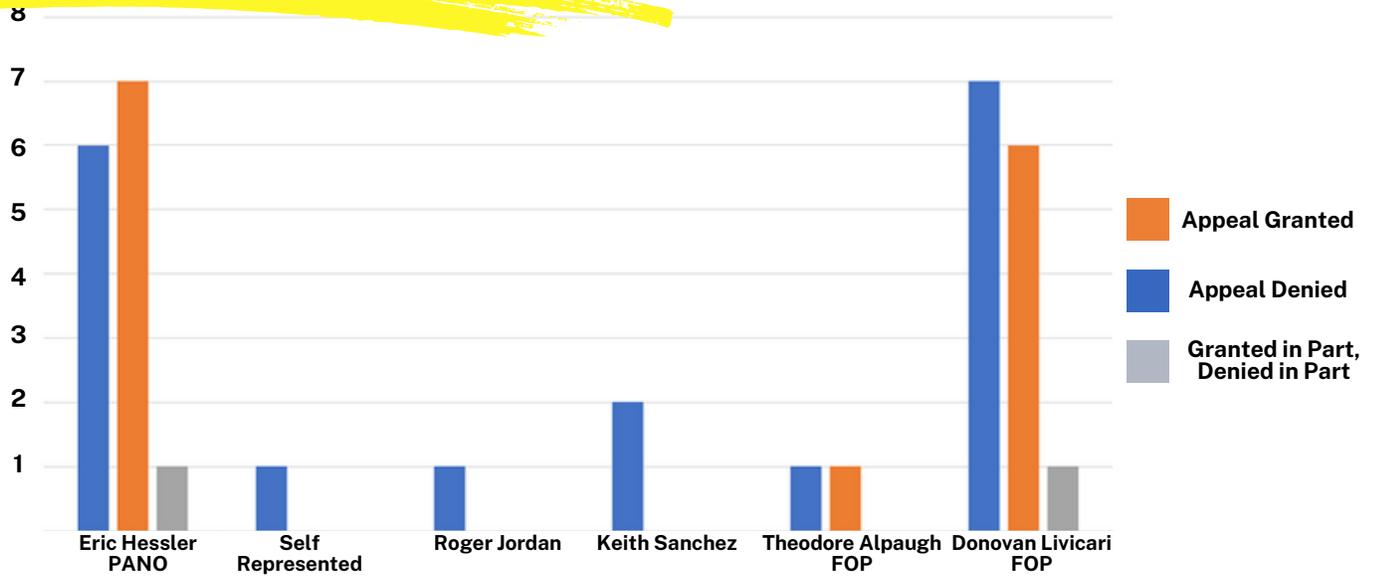
**Out of the total 34 decisions made by the NOPD and appealed by employees, the OIPM was identify the following numbers on rule violations. The majority of the appeals on use of force and unauthorized force are denied and the discipline stands. Only one case involving vehicle pursuit, was the appeal granted**



The OIPM had difficulties determining additional patterns since information was missing from appeal determinations that could be used to draw conclusions and patterns. The OIPM would request that future commission documents include:

- Clearly expressed violations that are being appealed. Specifically, what rule is being violated (not just what the officer is accused of doing wrong in a narrative form).
- Penalties should be clearly expressed, the penalty matrix should be referred, and whether the penalty is mitigated or aggravated should be stated in the determination.
- Officer assignment should be included in the documentation and what type of hearing was held on the NOPD level (Captain's Panel, Superintendent Committee Hearing, etc.) so those hearing officers can be advised on appeal outcomes and receive necessary feedback on procedural deficiencies.

## Civil Service Appeals by Representative



Police unions or associations in every jurisdiction are different. In New Orleans, there are no police unions but instead there are police associations. Police associations represent officers during disciplinary proceedings and misconduct investigations as legal defense, bring up labor and safety concerns to NOPD leadership, participate in the legislative process on a state or federal level, and act as a resource or support center. Police Unions do not decide appropriate discipline, oversee misconduct, or make investigatory or labor decisions.



Police Association of New Orleans (PANO)



Fraternal Order of the Police (FOP)

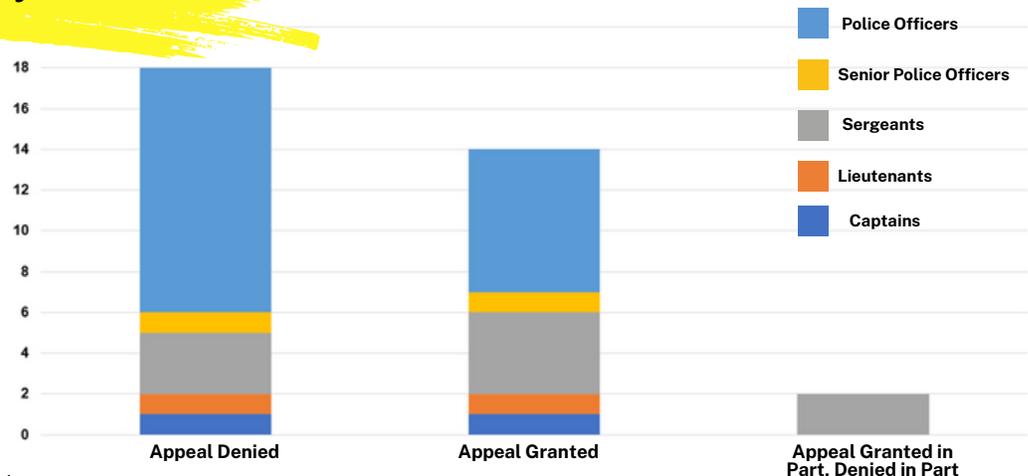


Black Organization of Police (BOP)

Above are the appeals of NOPD issues and the outcomes in Civil Service according to the representative of the NOPD employee. Of appeals handled by PANO, the appeal was granted 50% of the time (7 cases) and was denied 43% of the time (6 cases). The remaining cases were granted in part and denied in part (which was one case in 2021). In comparison, FOP had 50% of the appeals where they were representing the employee denied and had the appeals granted 43% of the time. The remaining cases were granted in part and denied in part (also one case in 2021). PANO and FOP were of counsel in the majority of the appeals filed against NOPD. Only four appeals were filed by the employee representing themselves or by independent counsel (all of which were denied).

## Civil Service Appeals by Involved Employee Rank

There are no real trends to draw out of the rank of the appellant officers except to highlight that appeals are granted and denied across rank. It does not appear that any rank of officer receives preferential treatment in the appeal process.



# Civil Service Timeframes

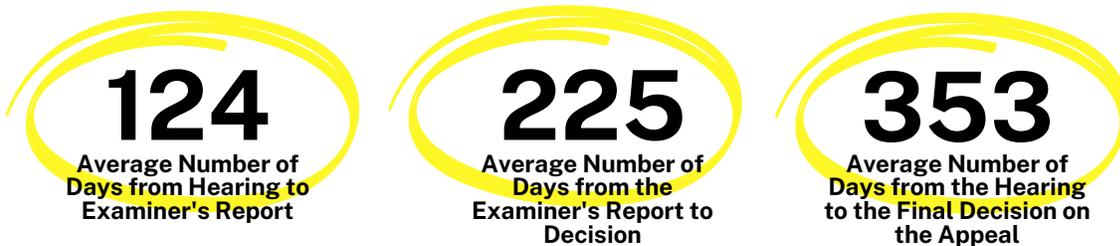
After reviewing every NOPD disciplinary appeal decided by the Civil Service Commission from 2021 until the present day it has become clear that the appeal process operates at pace slower than policy requires, violating the Rules of the Civil Service Commission. This slow pace has been observed at multiple levels throughout the appeal process. In the 31 appeals decided from March 24, 2021 until April 12, 2022, the average length of time between the completion of a hearing and the hearing examiner's report was 124 days. The maximum time between the completion of a hearing and the release of a hearing examiner's report was 296 days. The shortest time between the completion of a hearing and the release of a hearing examiner's report was 34 days, still well over the maximum duration of 15 days expressed in Rule 4.11(b). The average length from hearing examiner's report to decision is 225 days. The maximum amount of days seen in the 31 appeals analyzed was 700 days.

The Civil Service Commission strives to decide decisions promptly, but under the Rules of Civil Service Commission 4.17, the expectation is 90 calendar days after the completion of the hearing (except when counsel is allowed additional time to submit memoranda or briefs). According to the Rules of Civil Service Commission, Rule 4.17, the entire appeal process from the date of the receipt of the employee appeal by the Department of Civil Service to the date of the rendering of the decision by the Commission is to be completed within six (6) months (absent exceptional circumstances). However, in 2021, the average length from hearing to decision was 353 days, well over 6 months. The longest duration was 741 days. The shortest amount of time was 102 days. Even without knowing when the Department of Civil Service initially received employee appeals, nearly all NOPD appeals reviewed by the OIPM suggest that Civil Service appeals are unlikely to be completed within 6 months after the reception of an appeal.

## What is the Hearing Examiner?

For suspensions or fines in excess of ten (10) working days, dismissals, demotions and involuntary retirements, any resulting appeal will be assigned to a hearing examiner. The hearing examiner shall be a licensed attorney who will conduct a formal hearing in accordance with the Code of Civil Procedure. The hearing examiner is empowered to administer oaths, rule on the admissibility of testimony and evidence and supplement the record with pertinent questions. The hearing examiner will prepare a report of the proceedings for the Commission within fifteen (15) working days after the completion of the hearing; the report may include reference to the relative weight or credibility of testimony and evidence, as well as other observations relevant to the legal strength of either party's arguments.

Out of 32 appeals in which the dates are properly expressed, 28 of them, or 87.5%, took over 6 months from the hearing to the Commission's decision. Given that this figure does not include the duration from receipt of the appeal to the completion of the hearing, it is likely that even more appeals took over the allotted 6 months.



## Why Do Delays in Appeals Matter?

Dismissal letters are issued by the NOPD immediately and more than likely, appeals are filed before the thirty (30) day timeline. Once the appeal is received in Civil Service, there appears to be delays. There are valuable lessons to learn in the Civil Service Commission appeals that change the way that NOPD conducts investigations and implements policies - changes that cannot be learned until the decision is rendered. While awaiting the results of Civil Service Commission decisions, the NOPD may continue to make the same mistaken or not correct a problem. Reform requires timeliness and the Civil Service Commission is an important part of the reform occurring within the NOPD. Appeal outcomes change NOPD practice. It is vital that information be provided in a more timely manner.

Additionally, whenever terminations are reversed, the NOPD is responsible for paying backpay to employees. This backpay comes at a great cost if the appeal takes longer than policy permits.

# Trends in Disciplinary and Employment Appeals and Lessons Learned

## → Penalty Mitigation

In multiple of the appeals of NOPD discipline, the Civil Service Commission mitigated on the penalties given by the NOPD, stating that the penalty was "excessive" even though the penalty appealed was within the NOPD Disciplinary Matrix of Chapter 26.2.1. In only one appeal was the discipline aggravated beyond the matrix under the grounds that it was egregious. At times, there was no justification from Civil Service for the change in the penalty. When there was a reason provided it was due to: (1) a lack of intent to cause the harm the officer caused; (2) the officer admitted to the wrong doing and took ownership; and (3) because the officer was trained under a different earlier policy than the one the officer later violated. Moving forward, the OIPM intends to further examine this and provide feedback to both NOPD and Civil Service about these differing interpretations of the Disciplinary Matrix.

## → Civil Service Commission Believes the NOPD Violates Due Process by Terminating or Suspending Officers Without Pre-Disciplinary Hearings

The Civil Service Commission adopted and applied the Hampton ruling to NOPD officers. The Hampton ruling was from the 4th Circuit decision in Hampton v. Department of Fire which states that a failure to provide a pre-disciplinary hearing before an emergency unpaid suspension violates the firefighter bill of rights. The Civil Service Commission has interpreted this to be equally applicable to police officers. For this reason, the Civil Service Commission has ruled that the NOPD violates the Police Officer Bill of Rights and Due Process by terminating or suspending officers without pre-disciplinary hearings prior to the suspension or termination.

## → Procedural Errors Add Up

The Civil Service Commission often uses what they consider to be "procedural errors" on the part of the NOPD to grant appeals. Examples of procedural errors are violations of Due Process or the Officer Bill of Rights as described above, when the Public Integrity Bureau fails to initiate an investigation within 14 days of the cognizance date, when an investigator fails to admit evidence into the investigation, and when the NOPD utilized a Captain's Panel Hearing instead of the Superintendent Committee Panel to conduct the hearing.

## → Drug Tests Without Cause?

One important question considered by the Civil Service Commission in 2021 was over the cause required for the NOPD to drug test an employee. NOPD Policy under Chapter 13.21 on Drug and Alcohol use and testing states: "all members shall be tested when there is reasonable suspicion to believe that substance abuse may be present and the member causes or sustains an injury that requires medical treatment..." One officer was terminated by the NOPD after he tested positive for marijuana. He was drug tested because he was receiving medical treatment for smoke inhalation after conducting a police response to an apartment fire. The investigating officer testified that her investigation did not reveal any reasonable suspicion that the officer was under the influence or engaged in drug use. The Civil Service Commission decided that the NOPD policy did not authorize drug testing in a non-crash treatment for injury in the absence of reasonable suspicion.

## → Medical Based Appeals That Resulted in Reinstatement

Twice NOPD officers got their jobs back after being terminated for medical reasons. The Civil Service Commission stated in one situation that the NOPD failed to follow Rule IX protocol and establish sufficient evidence or independent medical evaluation. In another appeal, the Civil Service Commission ruled that the appellant should have been afforded an opportunity to attempt to return to his normal duties as a police officer with continued treatment and he was denied that opportunity when he was improperly terminated.



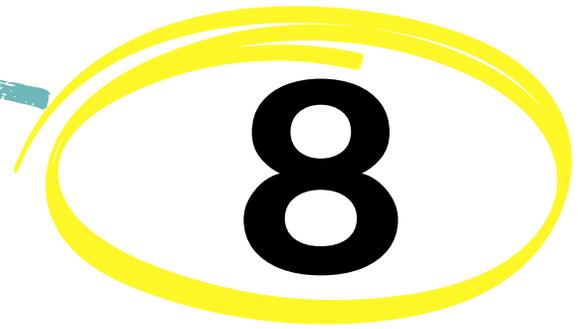
**Contact Only.  
Criminal Liaison.  
Commendations.**

# Commendations

Commendations are accounts of positive policing. The commendation may include a positive interaction that occurred during a call for service or recognition to an officer who participated in a community event or an officer that was particularly helpful or went above and beyond.

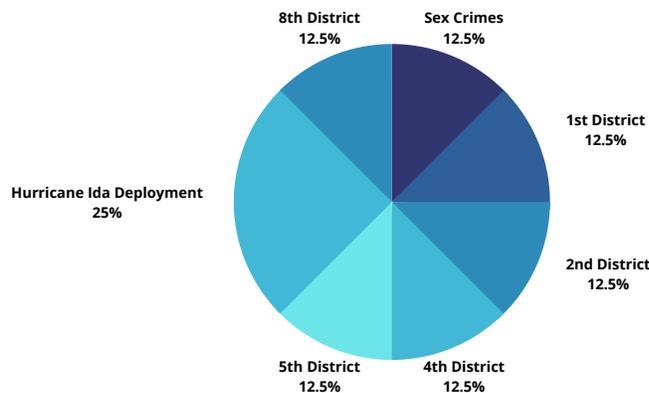
The commendation request is an opportunity to recognize this positive action and the affect it had on the individual or the community. Anyone can file a commendation and a commendation can be filed an anonymously.

The commendation will go into an officer's file. We at the OIPM want to ensure such examples of positive policing are captured and marked by the community and we provide the NOPD with examples of excellent policing when it occurs.



**In 2021, the OIPM received 8 commendations from members of the community.**

**These commendations included accounts of officers helping neighborhoods after Hurricane Ida, officers conducting community outreach and townhalls, and officers being professional and going above and beyond during calls for service.**



**Commendations matter. It encourages the policing we want in our community and gives leadership examples of who on the police force should be promoted and used to train others. Our feedback can change the way our police interact with our community and leave a lasting positive impact.**

*"I realize how very dangerous that part of the interstate is and how many officers have died doing exactly what Officer Saunders did for me that night. I am greatly appreciative of his courage."*

*"I would just like to formally express our gratitude to Officer Young and request that the department also commends her for her professionalism."*

*"Officer Moses really exemplifies community policing. He reminds me of the days back when the community knew and respected its officers and they the community."*

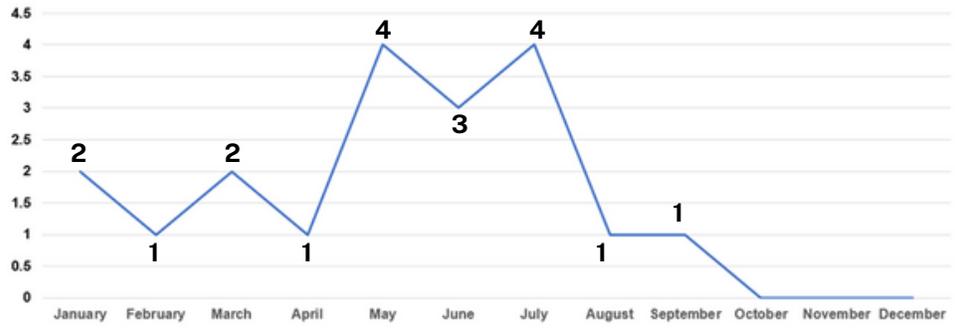


**Above is Captain Roberts and his team at the 1st District working with a member of our community.**

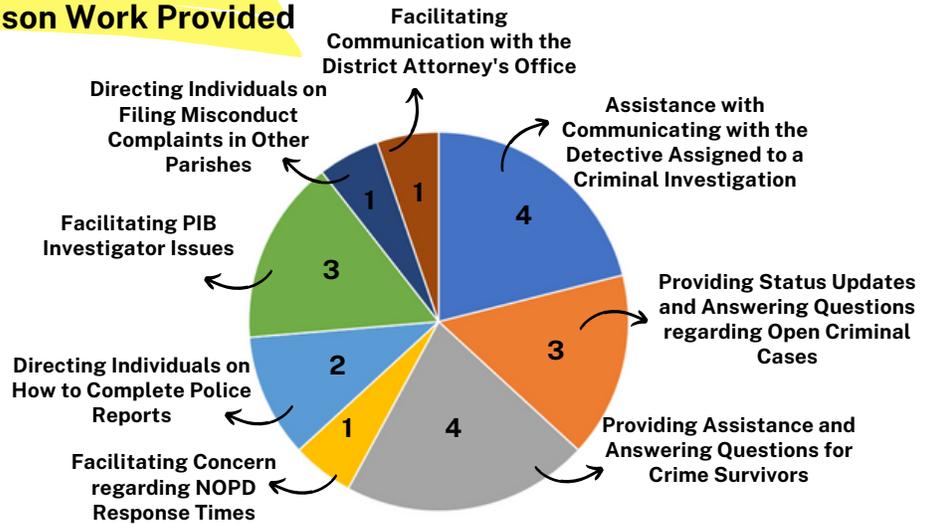
# Criminal Liaison

OIPM utilizes the classification of “Criminal Liaison” for whenever the OIPM assists a civilian with navigating an NOPD interaction about a criminal investigation but sometimes this involves facilitating communication with the Public Integrity Bureau or a police district regarding an ongoing misconduct investigation. These requests result in meetings coordinated by the OIPM between the NOPD, the District Attorney’s Office, other agencies as appropriate, and the civilian. In 2021, the OIPM assisted individuals making contact with the officer on their case, setting up meetings with the District Attorney’s Office, assisting with misconduct allegations for law enforcement agencies other than NOPD, and facilitating meetings with PIB and NOPD leadership.

## Criminal Liaison Work Over the Year



## Types of Criminal Liaison Work Provided



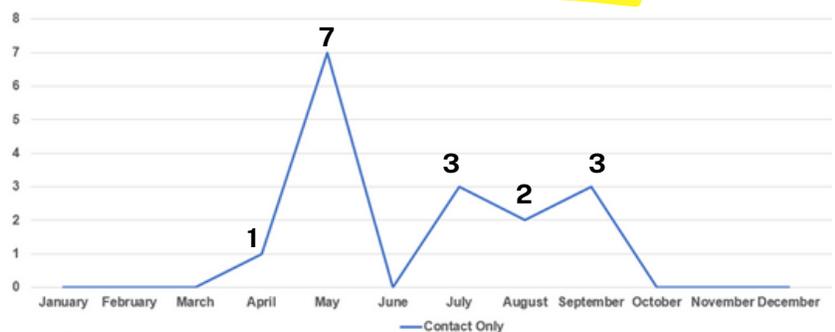
**16**

Criminal Liaison handled by OIPM in 2021

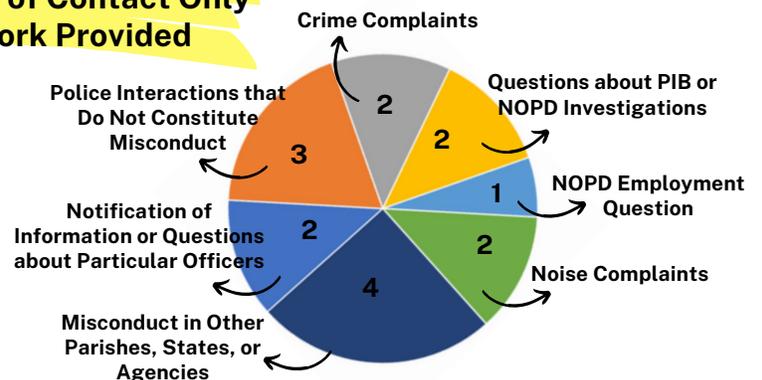
# Contact Only

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. This can also include filing a complaint but then not completing 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. Some Contact Only encounters resemble Criminal Liaison work, and moving forward the OIPM will further define this classification to ensure its difference from the Criminal Liaison category.

## Contact Only Work Over the Year



## Types of Contact Only Work Provided



**16**

Contact Only handled by OIPM in 2021



# Community- Police Mediation

# Community-Police Mediation Program

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation provides a process facilitated by two professionally-trained community mediators to create mutual understanding and allow the officer and civilian to be fully heard and understood in a non-judgmental way. Mediation creates a safe, neutral space for officers and civilians to speak for themselves, share about their interaction and how it impacted them, explain what is important to them, and come to their own agreements and solutions about moving forward.

**Voluntary**

**Confidential**

**Non-judgmental**

**Mediation is a powerful tool for discussing critical issues and allows a much-needed space for civilians and officers to talk about what is important for them and how to keep their communities safe.**

Mediation is:

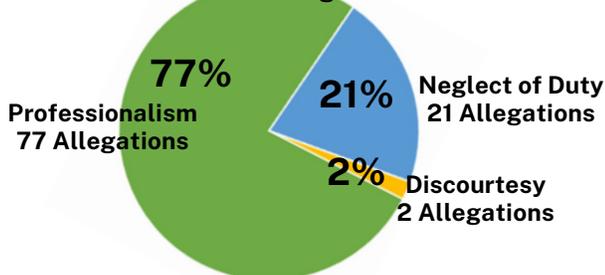
- A participant-guided process that helps the community member and the officer come to a mutually-agreeable solution. This helps to create mutual understanding and improve relationships.
- A space of discussion without the need to say who is right or wrong. No evidence is needed. The mediators are not judges. The mediators do not present their thoughts on the issue.
- It's about dialog, not forced resolutions. People are not forced to shake hands or make-up. The role of the mediators is to be neutral 3rd party facilitators. They will not pressure either participant to come to an agreement.
- An opportunity for the community member and the officer to be in charge of their own process and outcome. It will not be decided by an outside agency or person. It is outside of any punishment framework or the legal process. There is no appeal because mediation is voluntary.

## Eligible for Mediation

The Public Integrity Bureau (PIB) of the NOPD determines which complaints are referred to the Mediation Program. The types of complaints that are most often referred to mediation are those that allege **lack of professionalism, neglect of duty, or discourtesy**.

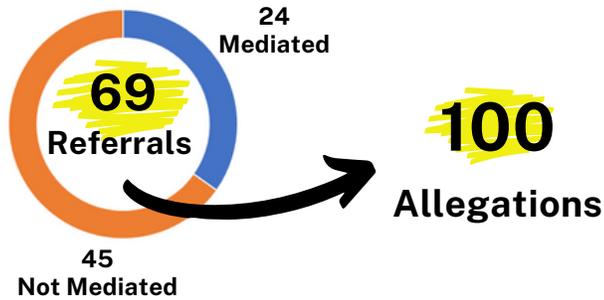
Complaints such as unauthorized use of force, unlawful search, and criminal allegations are ineligible for mediation and continue through the formal complaint investigation process by the PIB.

100 Allegations from the Referrals made to the Community-Police Mediation Program



*Above are photos of the cohort of new mediators participating in a training at the end of 2021 conducted by the OIPM.*

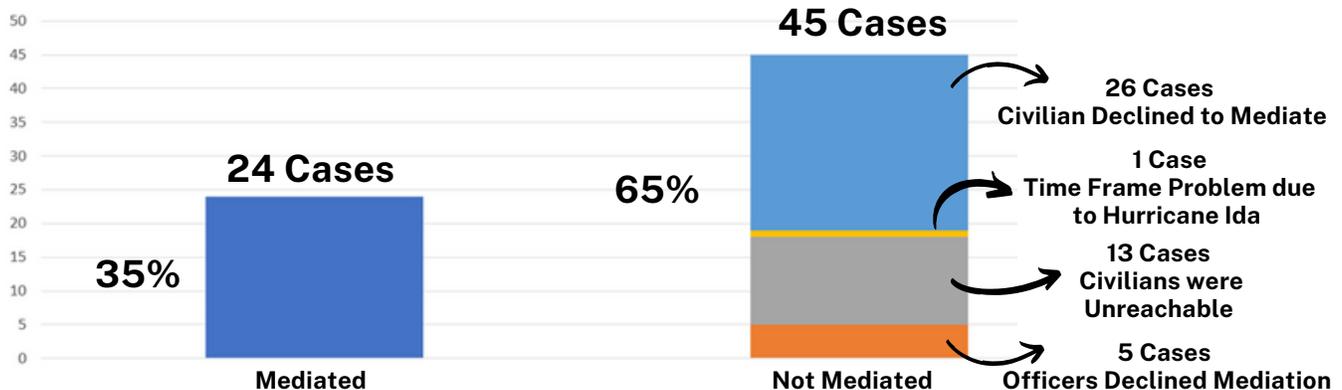
# Referrals to the Community-Police Mediation Program



The Public Integrity Bureau (PIB) of the NOPD determines which complaints are referred to the Mediation Program. As previously stated, the types of complaints that are most often referred to mediation are those that allege lack of professionalism, neglect of duty, or discourtesy. Some complaints contain multiple allegations and multiple officers; hence the total number of allegations is greater than the total number of complaints referred. Therefore, there are two numbers. The number of allegations and the number of referrals.

Below is information regarding the referrals made to the Community-Police Mediation Program in 2021 and the outcomes. The term referrals and cases are used interchangeably.

## Outcomes of Referrals



## Why Decline Mediation?

37% of Cases

Civilians Declined Mediation

47% of the civilians who were reachable agreed to mediate.

7% of Cases

Officers Declined Mediation

93% of officers agreed to mediate

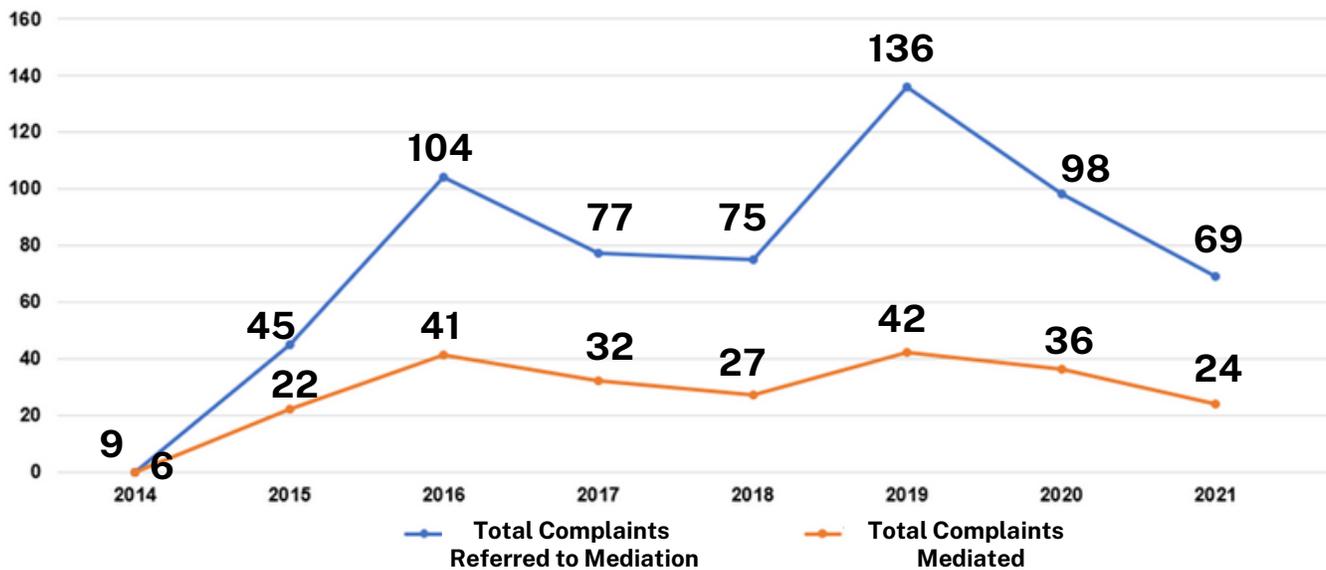
(91 out of 98 officers; some cases involved multiple officers, so the number of officers is greater than the number of cases)

Of the mediation referrals that the OIPM received in 2021, 37% of the cases were not mediated because the civilians involved in the incident (the complainants) declined mediation. OIPM conducts intake conversations with each complainant to offer them mediation, explain the process, and answer questions. It is a voluntary process that we offer for all eligible complaints. Some complainants are eager to participate and others decline. Each person and case is unique, but some of the reasons we heard this year as to why civilians did not want to participate in the mediation program were:

- Civilian didn't think it would help this officer change his behavior.
- The civilian didn't have time to mediate because of family, job, or medical issues.
- Civilian wants to remain anonymous.
- Civilian didn't feel safe in presence of officer.
- Civilian already received an apology from NOPD and felt the matter was resolved.
- Civilian preferred the complaint be investigated through the traditional complaint investigation process.
- Civilian feels traumatized and does not wish to talk with officer.
- Civilian wants to pursue civil litigation.
- Civilian doesn't think they will get what they want out of mediation.
- Civilian doesn't want to waive the investigation of complaint.

In 7% of the cases referred, it was the officer who declined the mediation. Officers declined mediation because they preferred an investigation to occur or because the officer did not want to have a conversation with the civilian.

# Referrals to the Community-Police Mediation Program Over the Years



*\*The Mediation Program launched in October 2014, so the 2014 numbers are particularly low because they include only 3 months - October through December 2014*

In 2021, a total of 69 complaints were referred to mediation by the PIB. The above graph shows the total number of both referrals and mediations each year since the program launched in 2014. In 2021, there was a drop in referrals, which OIPM believes was in part due to a staffing transition at PIB. In February 2021, the Lieutenant in charge of complaints at PIB was transferred to a different department and a new Lieutenant took over. The previous Lieutenant had been in the role many years and there had been no turnover in that position since the beginning of the mediation program. With the new Lieutenant, there was a drop in mediation referrals for several months (March to June). OIPM staff brought this to the attention of PIB immediately. After meeting with PIB leadership, we were able to work together to ensure all eligible cases were being referred for mediation and resume the typical case load. This highlights a common challenge in police oversight in which workflow can change depending on shifts in staffing and leadership. OIPM and PIB worked together to discuss the issue, find resolutions, and established check-ins to monitor progress. Complaint referral numbers are now back to normal and have remained consistent.

## Civilian Feedback from Mediations

**“I appreciated being able to communicate with the officer to get clarity. There had been a lot of miscommunication. I know it’s hard to be a cop right now. I liked the process and the great experience.”**

**“I liked the ability to show them my concerns and instead of coming from the sergeant, they heard it from me.”**

**“When I spoke to PIB, it was intimidating. It seemed like they weren’t able to work with me like the mediators were. They [mediators] did a good job staying neutral, being fair and understanding.”**

**“It was fair, everyone had a chance to speak. It wasn’t rushed and it focused on coming to a resolution.”**

**“It was very helpful for me to understand how to respond in the future.”**



# Officer Feedback from Mediations

“I learned it’s definitely good to take a step back. Being a police officer, you don’t always think about the other side and that was a good thing.”

“I was able to explain things to the family. When you hear another person directly, it opens your eyes and the other person can understand the process. I liked that part.”

“In future calls, I’ll try to think about the mediation I went through and to think about what’s important to the person. I’ll try to have a different view of that.”

“I liked being able to express myself and explain the investigation and reasons why it went a certain way.”

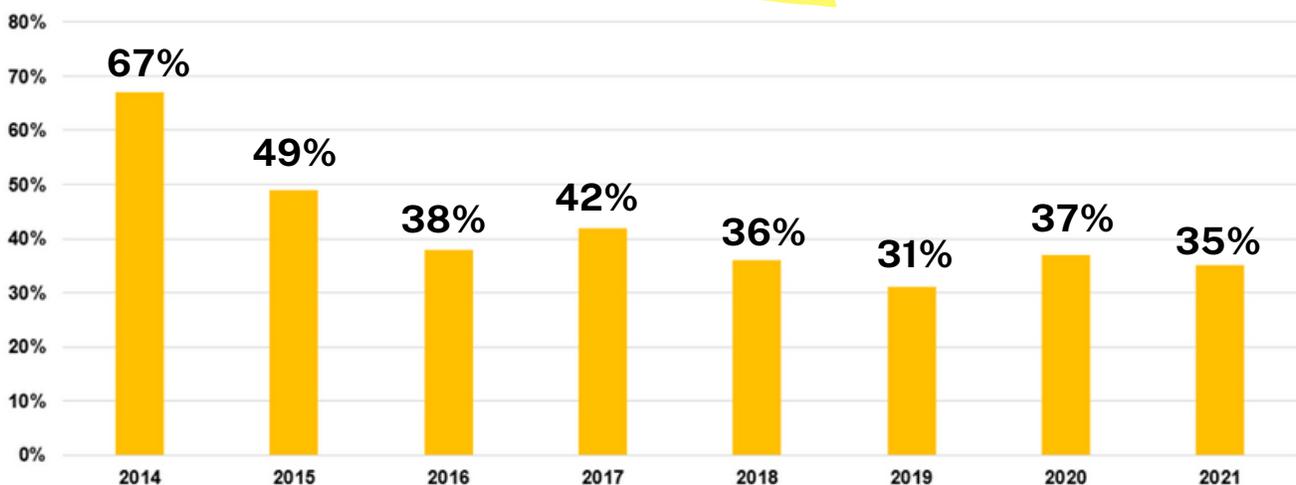
“It was a better process than PIB. It was smooth, I like that the mediators listened to both with no opinion.”

“We are all in this together. It’s important for officers and the public to come together and work for a solution.”

The chart below shows the percentage of cases mediated out of total cases referred by PIB over the past 8 years that the program has existed. The percentage of "yesses" to mediations has remained fairly consistent, with an average of 30-40% of eligible cases going forward to mediation. This percentage is on par or even higher than what other community-police mediation programs across the country report. While it may seem like a low number of people agreeing to mediate, it is important to consider the fact that for many community members, it takes a lot of courage, time, and trust to come forward and file a complaint in the first place, let alone participate in a face-to-face conversation about something that often feels very emotional and vulnerable. OIPM is grateful to the community members and officers who are willing to participate in mediation and be open to listening and sharing their perspectives.



## Percentage of Cases Mediated out of the Total Cases Referred by PIB



*\*The Mediation Program launched in October 2014, so the 2014 numbers are only for 3 months - October through December 2014*

# Mediation Surveys



The Community-Police Mediation program commits to providing the following in every mediation experience:

- Accessible
- Safe, Comfortable Space
- Neutral & Non-Judgemental
- Opportunity to Speak and Be Heard
- Confidential

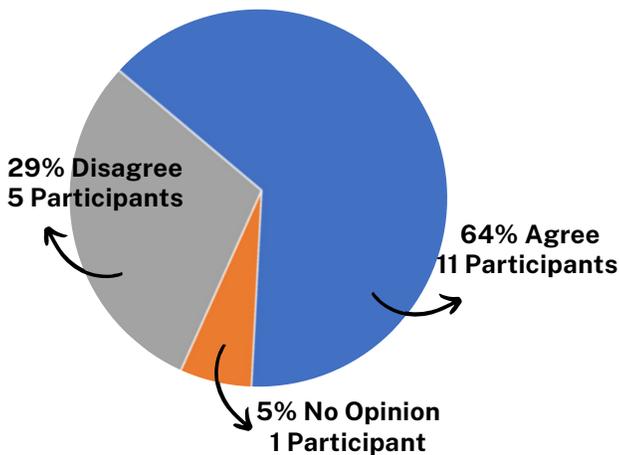
The Community-Police Mediation program conducts surveys upon the completion of the mediation. These surveys are an opportunity for the participants to give feedback on their mediation experience. The surveys help the OIPM to monitor the quality of the program, understand its impact, and identify gaps that need to be addressed, such as things to add to the intake process, areas where mediators need additional training, or how to make the process more accessible to all.

The surveys are also an opportunity to learn if and how the mediation impacted the participants' understanding of policing or the community, how they would make changes based on what they learned, and if this service is something the participant would recommend to others.

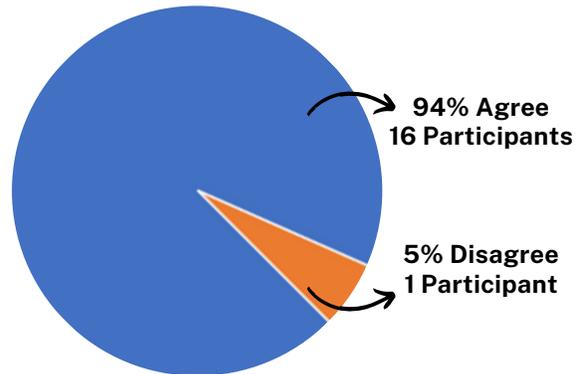
## Quality Control

Are participants satisfied with the services we committed to providing and the quality of the service? In these questions we ask about the overall process, professionalism, and staff.

**Civilian Participants Satisfied with the Mediation Process**



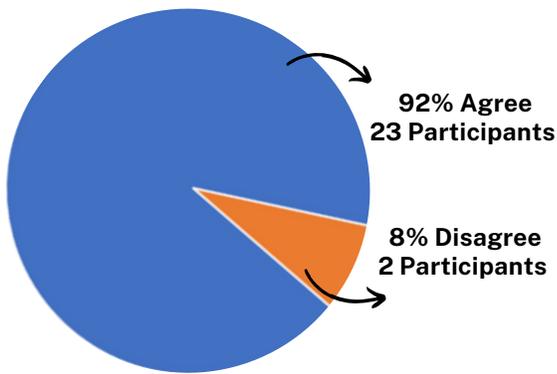
**Civilian Participants Believe That Mediation Staff were Professional and Helpful**



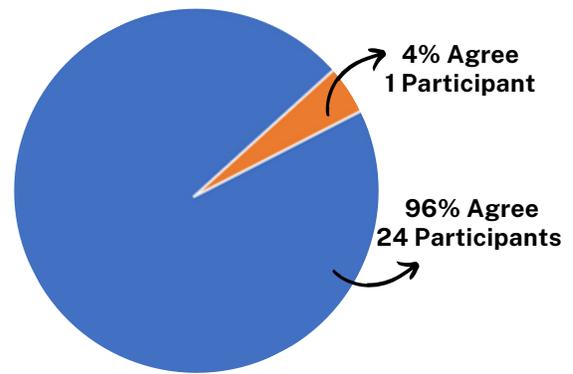
**100%**

of the Civilian Participants (17) Surveyed Agreed that the Mediators Listened to What I had to Say Without Judging My Ideas or Words.

**Officer Participants Satisfied with the Mediation Process**



**Officer Participants Believed that Mediation Staff were Professional and Helpful**

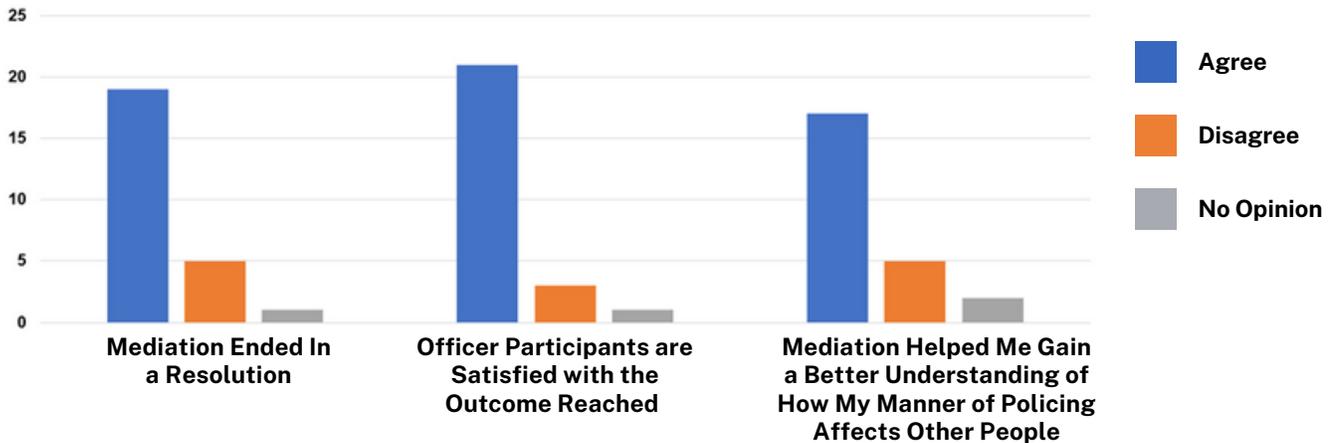


**96%** of the Officer Participants (24) Surveyed Agreed that the Mediators Listened to What I had to Say Without Judging My Ideas or Words.

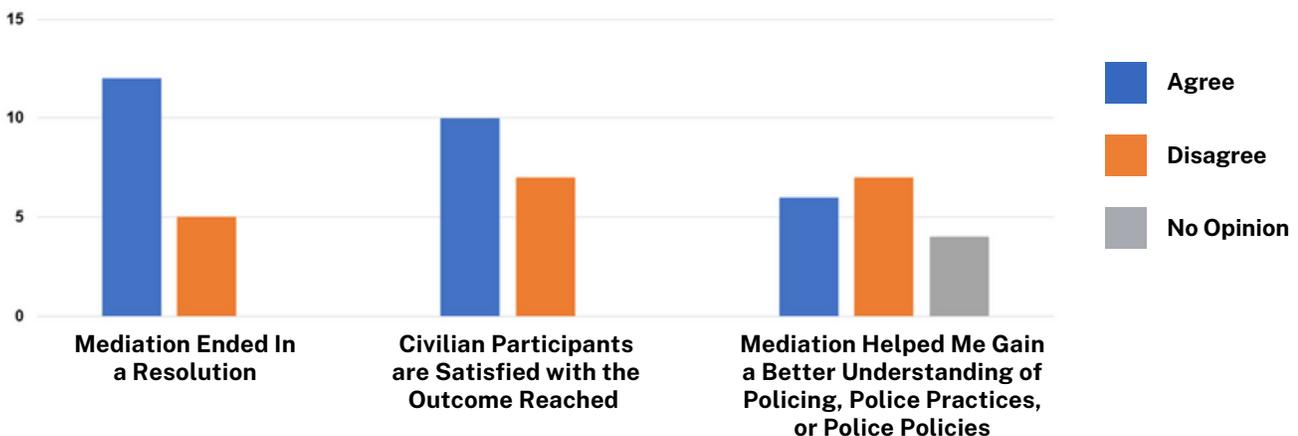
**Outcomes, Impact, and System Evaluation**

The mediation surveys posed questions to learn if the participants left the mediation satisfied or with a stronger understanding of policing and NOPD policy or the community experience.

**Officer Participants Outcome and Impact**

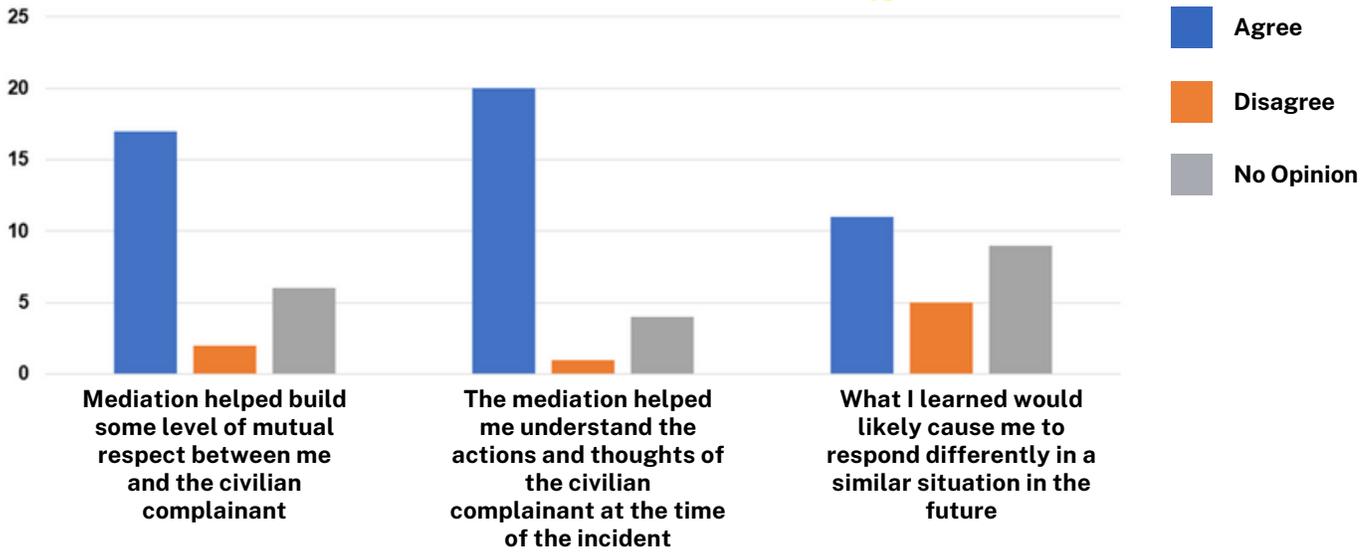


**Civilian Participants Outcome and Impact**

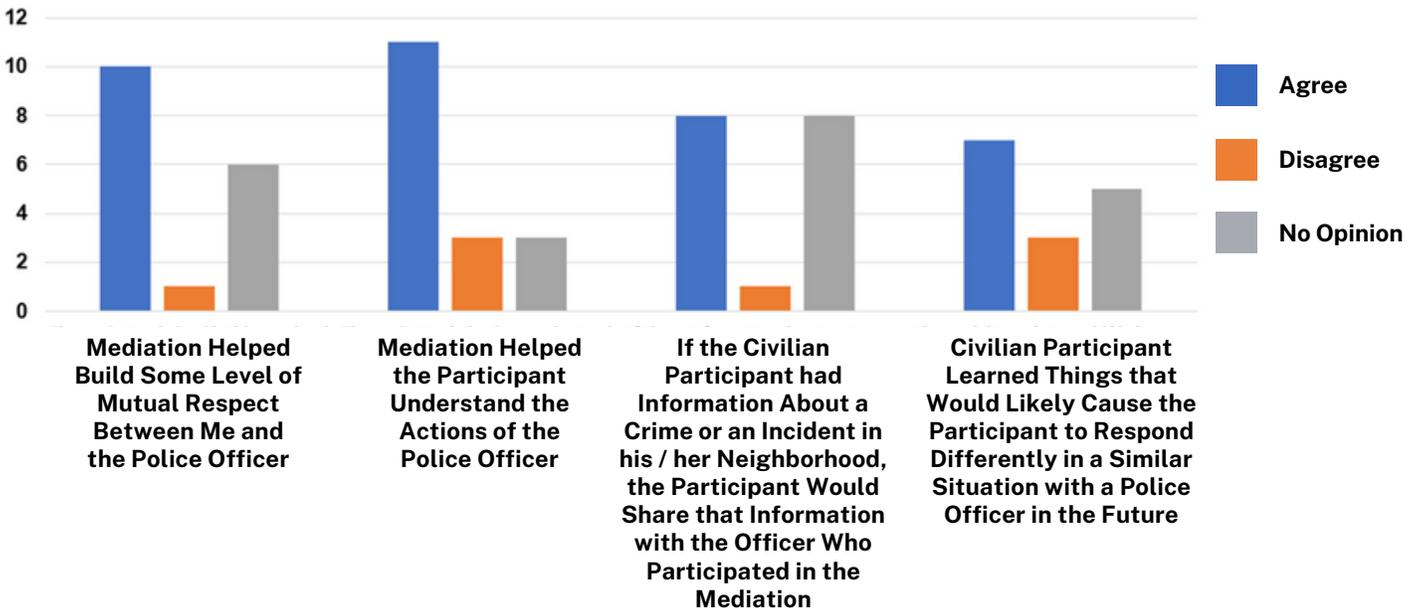


Do the participants feel changed by the experience and the sharing of perspectives? Did they build stronger understanding of each other?

### How Mediation Changed the Perspective of **Officer Participants**



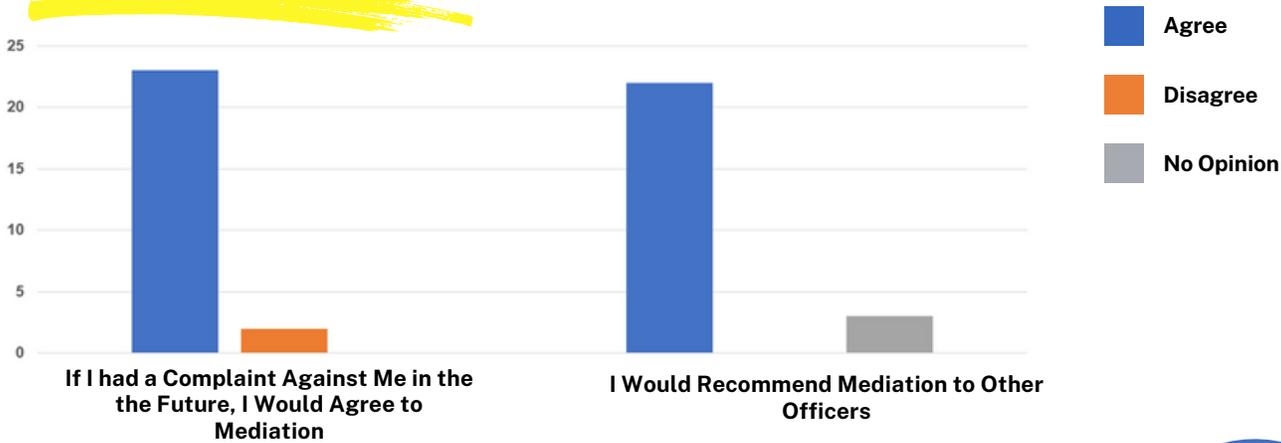
### How Mediation Changed the Perspective of **Civilian Participants**



# Recommend Mediation

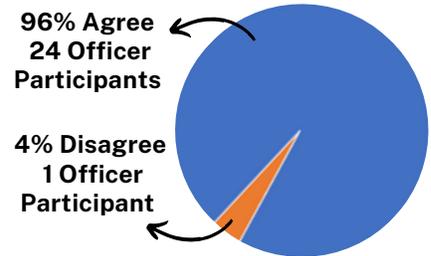
Did the participants leave feeling that the mediation process was better than the PIB process and that they would recommend the mediation option to others in the future?

## Would Officers Participate in Mediation Again or Recommend It Moving Forward

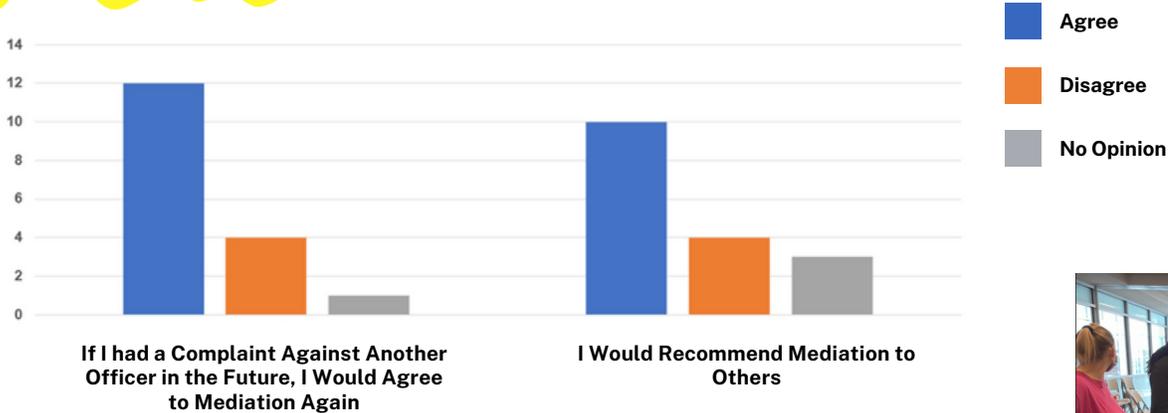


## Officer Input on the Value of Mediation Over Investigation

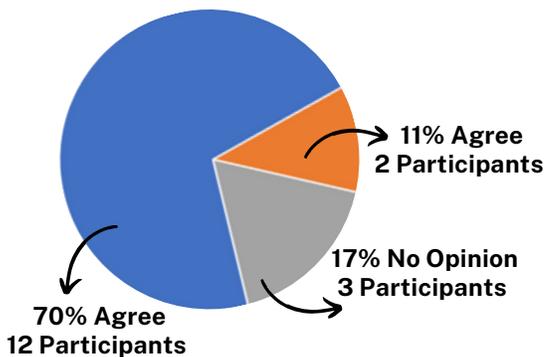
The majority of officer participants agree that mediation is a better option than the traditional complaint investigation process by the Public Integrity Bureau because it's an opportunity for officers to feel heard and understood and explain policing practice and policy.



## Would Civilian Participate in Mediation Again or Recommend It Moving Forward



## Civilian Input on the Value of Mediation Over Investigation



The majority of civilian participants agree that mediation is a better option than NOPD's traditional investigation process because it is an opportunity for them to be heard and explain their perspective and expectations.



# 2021 Mediation Team



## Who are the mediators?

The New Orleans Community-Police Mediation Program has a total of 35 active mediators on its roster. All Community-Police mediators are community members who volunteer for the program and have been selected from a competitive application and recruitment process. They come from a variety of backgrounds and are committed to improving community-police relationships through dialogue. In 2021, the Program recruited a new cohort of 15 mediators to join the mediator pool. Applications were received from more than 60 community members and more than 30 candidates were interviewed as part of the selection process.

## How are Mediators Selected

Mediators are selected based on the following characteristics:

- Availability and flexibility of schedule
- Empathic communication and listening skills
- The ability to hold space for intense emotions
- The capacity to demonstrate competence, composure and neutrality (open to hearing others' opinions and perspectives and an ability to put aside one's own biases)
- Commitment to improving community-police relationships
- Comfortable with constructive feedback and ability to learn a new process
- Reflect the diversity of our community based on age, race, gender, ethnicity, and income

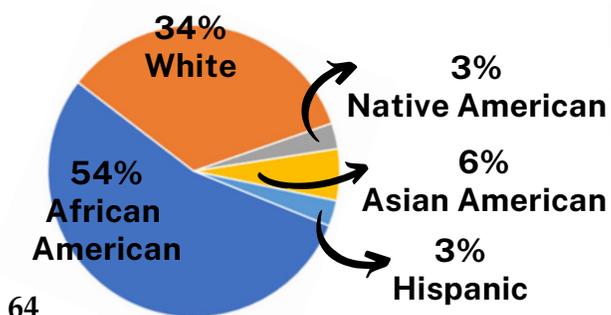
## Mediator Training

Mediators receive an initial 50 hours of CLE-approved specialized mediation training and attend monthly professional development trainings throughout the year to maintain and build their skills. In 2021, the Program provided 12 hours of Professional Development training through in-service mediator trainings, offered bi-monthly. The 50-hour New Mediator Training took place in December 2021 over 6 days. Four NOPD officers also participated in the full training. The officers participate as role players, giving the mediators realistic practice and also help provide important insight into the perspective of officers. They receive training in communication and mediation, which they bring back to their job and also serve as ambassadors to the mediation program so that other officers can ask questions and get information about what to expect in mediation.

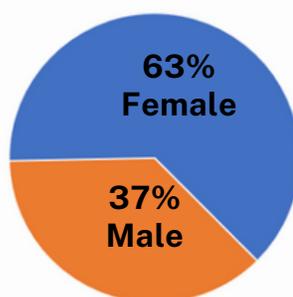
## Mediator Demographics

In assigning mediators, the CPMP seeks to match the demographics of mediators to that of the participants as much as possible, so seeks to recruit mediators with the greatest diversity and range possible of gender, age, race, ethnicity, language, education, sexual orientation, and socio-economic background.

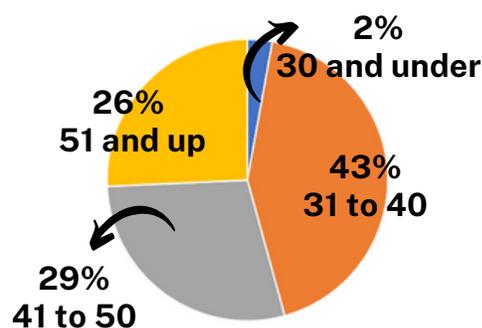
Race and Ethnicity



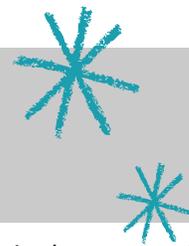
Gender of Mediators



Age of Mediators



# How to Expand the Mediation Program in the Future



The OIPM intends to keep building on the mediation program to expand our services and impact - both in the community and within the NOPD. Expanding the Community-Police Mediation Program has been a long standing recommendation from the the Ethics Review Board and the OIPM Quality Assurance Review Advisory Committee. Both expressed recommendations to expand our operations to include more necessary services. For example, in 2019, at the request of the Ethics Review Board, PIB leadership, community and NOPD leaders, new processes and policies were enacted to increase the number of mediations. Policies were unanimously approved by OIPM, OICDM, the Public Integrity Bureau (PIB), and the Department of Justice (DOJ). Thanks to these revisions, complaint referrals from PIB to the OIPM Community-Police Mediation Program doubled in 2019 and the OIPM wants to ensure its continued growth. By building out this program, the OIPM would be able to expand into providing mediation services for the NOPD to utilize in the NOPD grievance process in order to resolve internal disputes between employees. In 2022, the OIPM would like to build a pilot program for internal grievances and rank-initiated complaints to be mediated, but this type of expansion requires the OIPM have a larger budget and the OIPM is seeking grant opportunities to start this necessary growth.

## How the OIPM would Expand the Mediation Program

Improving officer safety and working conditions is a key part of OIPM's mission and we strongly believe that offering mediation and conflict resolution training for internal conflicts within NOPD will improve relationships, communication, morale, retention, and working conditions. The OIPM has been asked on many occasions by NOPD employees, officers, department leadership, and PIB staff whether we can provide mediation and conflict resolution services for internal conflicts within NOPD. The OIPM has identified the following opportunities to expand the mediation program:



### **Providing mediation for grievances between officers and on rank-initiated disciplinary investigations where appropriate and useful**

The OIPM would propose that mediation is offered as an alternative to or in conjunction with the traditional internal grievance investigation process for NOPD employees. Mediation provides an opportunity for the officers to sit face-to-face with one another to discuss their conflict, listen to each other, build understanding, and reach a mutually-agreeable solution.



### **Providing conflict resolution and community-building workshops for particular departments or units**

Conflict Resolution and Community Building Workshops are used to strengthen and repair relationships among a group and the OIPM could provide these workshops for the NOPD internally or between the NOPD and the communities they seek to serve. These workshops could be used as a preventative measure to reduce future conflict among a team within NOPD or can be used to rebuild relationships that have been broken from a conflict. These sessions help build trust and connection among team members and help develop communication, interpersonal, and leadership skills.



### **Providing one-on-one conflict coaching for individuals or teams**

The OIPM could provide conflict coaching to eligible NOPD employees. Conflict coaching is a one-on-one process wherein the conflict coach works with an individual officer who is, or may in the future be, involved in conflict. Coaching enables the officer to talk about the conflict with a neutral third party (the coach), consider options for managing the conflict, and design an approach to discuss the conflict with the other person. Conflict coaching can be used to support an officer having trouble with unresolved conflict, or as a preventive method to enhance an officer's ability to constructively manage conflicts that may arise in the future.



### **Conflict Resolution and Active Listening Training**

The OIPM can offer specialized trainings and workshops in Conflict Resolution and Active Listening to the NOPD. Trainings are interactive and hands-on and offer officers of all levels an opportunity to learn and practice strategies for managing conflict in their day-to-day activities. Skills can be applied to officer's interactions with civilians, fellow officers, supervisors, and community leaders.



# Final Reflections and the Year to Come

# Final Reflections



This report is an opportunity to reflect, analyze, recommend, and grow. Each year, the OIPM uses this report as a critical assessment of our own internal work – both the quality and the quantity produced. The OIPM seeks to ask in our analysis if we accomplished the impact we sought to achieve when we started the year.

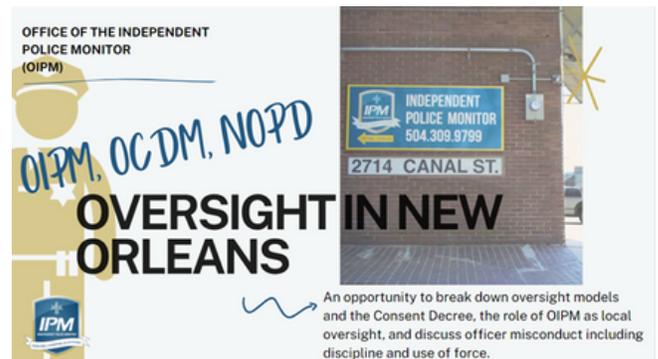
Our answer for this year would be that we did. This year, in addition to the normal high volume of regular work like use of force reviews and complaint letters submitted, the OIPM also sought to expand our work product to new areas:

- For the first time, the OIPM expanded our capacity to look at the data coming from the Civil Service Commission regarding appeals of NOPD employment decisions and disciplinary outcomes. This is the type of analysis the OIPM intends to continue prioritizing in the coming year since in analyzing appeals the OIPM can identify problems and patterns that when addressed will make the NOPD better.
- Wrote new and novel reports such as the Police Captain Promotions Report analyzing the promotional process, the captain candidates, the captains selected, and why this process matters to both the NOPD and the community.
- Released the first ever hurricane and declared emergency oversight plan and the subsequent report analyzing the police response to Hurricane Ida.

This report is also an opportunity for the OIPM to look outward to the NOPD and review their data, the work being conducted by the department, and the effectiveness of the NOPD's systems and policing. In looking to the data inputted by the NOPD and shared in this report, the OIPM identified areas where data can be improved to ensure more consistency. In the coming months, the OIPM will be presenting the NOPD with documentation on these data discrepancies along with some recommendations on how to improve data moving forward.

## What's Next: 2022

Now, the OIPM is entering another season of transition and rebuilding. In 2022, the OIPM will have a change in leadership and the office will need to prepare for the sunset of the Consent Decree. With both new leadership and with the expanded role of local oversight during the Sustainment Period, the OIPM will be reimagining our goals and work product. The OIPM will be asking what effective police oversight looks like once the federal monitors are gone and the Consent Decree is over.



In this spirit, the OIPM released the 2022 work plan to the community and our partners. The 2022 work plan was designed to be a roadmap to where the OIPM intends to go next to ensure that this transition is thoughtful, impactful, resourceful, and effective. Looking to 2022, the OIPM wants to highlight the following goals and intentions that will be priorities in the coming year:



A large component of our work moving forward is going to be **audits and audit review**. The OIPM needs to provide critical assessments of NOPD audits, conduct audit checks, and issue reports to transparently report out to the community the progress or backsliding of the NOPD.



Creating the **OIPM Sustainment Transition Plan** with how the OIPM intends to take on the responsibilities of federal oversight and manage new obligations when OICM stops active monitoring.



With these new responsibilities will be the need for the **OIPM to expand and grow**. This means more staff and more money. The OIPM needs to hire team members who can analyze data, conduct investigations, conduct audits and reviews, work effectively in our community and coordinate outreach, conduct complaint intakes, and be available to monitor on scene investigations when there are Officer Involved Shootings. With this need, comes the financial reality that the OIPM needs more money to build out the team that the NOPD and the community require to conduct the work required of oversight. The OIPM will be asking the City Council to consider expanding our budget to achieve these vital goals.



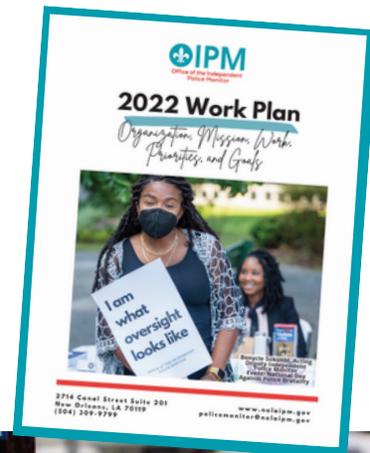
As the team expands, as must our ability to serve the public through finding a larger and more **community accessible office space**. In the coming year, the OIPM intends to find a new office to better accommodate our team safely and ensure the community can find and access our services.



The OIPM intends to continue to **expand the Community-Police Mediation programming** in the coming year. From adding mediation as an option upon the completion of Formal Disciplinary Investigations to providing mediation services for internal employee disputes and leadership issues, the OIPM is looking to provide this valuable service to as many as possible.



If there is a theme for 2022, it would be community. In the coming year, the OIPM intends to conduct **more outreach and expand our reach** to historically underserved communities within New Orleans. The OIPM intends to do this through finally opening Remote Intake Sites, providing regular “office hours” in New Orleans East, the Westbank, and the Lower 9th Ward, and starting a 24-hour hotline for the public to file misconduct complaints.



The OIPM cannot achieve these goals alone. We thank our community partners, the leadership team at NOPD, the Ethics Review Board, our partner agencies within the city government, and every person of New Orleans for your continued support. Your voices make our work happen and make our work better. Thank you for speaking out for police oversight. Together, we are building a community and a police department that is representative of and responsive to us. Let’s keep the work going – **together**.



**I am  
what  
oversight  
looks like**

**OFFICE OF THE INDEPENDENT  
POLICE MONITOR**