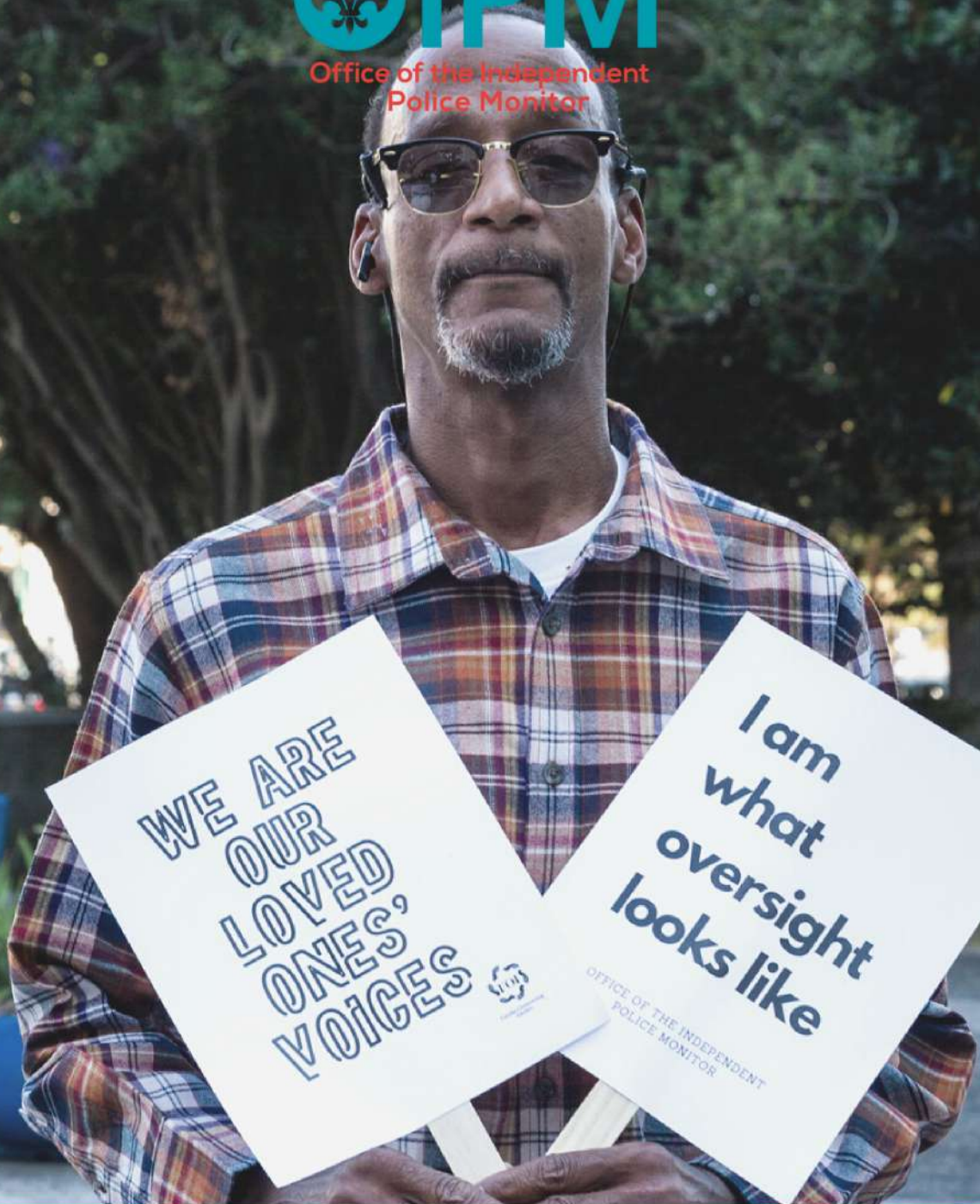




Office of the Independent
Police Monitor



2022 ANNUAL REPORT

Office of the
Independent Police Monitor

Dear New Orleans Community,

This year, the Office of the Independent Police Monitor (OIPM) faced new challenges and achieved more than ever before, and I want to start this Annual Report with a **thank you** to everyone partnering with us in this work and to the community that engages us and challenges us to be better everyday because what we do would be impossible without you. In 2022, the OIPM strove to be more present in the community, relevant and impactful in our work, find new ways to champion effective, safe, and constitutional policing, and build our capacity and infrastructure for everything that is next as we prepare for the transition from federal oversight. This Annual Report is an opportunity for the OIPM to reflect on the year that passed and to provide a formal review of the state of the New Orleans Police Department (NOPD) in 2022, 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, detailing its monitoring and review activities and the appropriate statistical information from the internal investigation 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 valuable input.

In this report, the OIPM strives to provide relevant policing data from the year to the community, the NOPD, and all stakeholders in this work. This data review utilizes both internally generated data and data that is input 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 new recommendations. In this way, the Annual Report provides a space to reflect on what is learned through the policing data and to take those lessons into the coming year – to create a plan for 2023 on how to better work together to change problematic trends and continue positive ones.

In 2022, the OIPM expanded our impact beyond our ordinarily high volume of complaint intake, use of force monitoring, and community-police mediation work. The OIPM released more case review reports than ever before with recommendations and analysis on supervision, policy, practice, and misconduct investigation strategy. The OIPM led public forums on the status of the Consent Decree, alongside our Federal Monitor partners, where we candidly engaged with the community on their concerns, questions, and feedback regarding the NOPD today.



This year, we actively monitored and provided real time recommendations to NOPD leadership on a multitude of topics from the Use of Force Review Board to the secondary employment investigations and resulting policy changes.

On a personal note, this year I was appointed to be the Independent Police Monitor and Bonycle Sokunbi was made the Deputy Police Monitor. This appointment is a huge honor and responsibility. I thank the Ethics Review Board and the community for their trust in me to continue our important oversight work and take our office into this new phase of policing.

With this said, on behalf of the OIPM, I look forward to sharing how we strove to achieve our mission of accountability and our intention to bring this energy and vision into 2023.

Stella Cziment
Independent Police Monitor

Understanding the Data and Information Shared in this Annual Report

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

Data Provided by the NOPD

First, most 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 conducts intake, inputs data, and sets the data fields. 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. For example, when the NOPD was affected by the Cyber Attack of 2019, the OIPM was unable to produce the same data analysis.

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 the OIPM describes what a "data inconsistency" means and the OIPM will state what was inputted into the NOPD data to be classified as a "data inconsistency."

The OIPM works with the NOPD every year to improve data intake and data keeping by identifying data gaps, inputting errors, and redundant or confusing data. This collaboration increases data usability and transparency. The OIPM would like to extend appreciation to the PSAB team for their prompt and responsive assistance in providing necessary data for this annual report and being receptive to recommendations moving forward. The OIPM looks forward to continuing this vital data work with this bureau to improve the policing data that the community has access to from both of our agencies.

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 data generated by OIPM includes the work conducted internally, such as the intakes, 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 in prior years, we also tried to create new ways to track our recommendations provided to NOPD to have aggregate data on our work product. For the second year, the OIPM analyzed Civil Service appeals 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. For the second year, the OIPM strives to hire a Data Coordinator in the coming year and expand our data work and analysis.

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What we do.
Who is the OIPM.
What drives our work.

What We Do: Overview of OIPM Work

The OIPM is an independent, civilian police oversight agency created by voters in a 2008 charter referendum. Its mission is to improve police service to the community, community trust in the NOPD, and officer safety and working conditions. Since first opening its doors in August 2009, the Office of the Independent Police Monitor has been responsible for representing the community of New Orleans, providing accountability and oversight to the NOPD, and assisting in the reforms required under the Federal Consent Decree.

The OIPM is protected and required by City Charter and Ordinance. The OIPM operates through a Memorandum of Understanding (MOU) with the City of New Orleans and the New Orleans Police Department and has distinct responsibilities outlined by ordinance. This means this office was created by the people of New Orleans to represent all people interacting with the New Orleans Police Department to improve the way our community is policed and how the department operates for all NOPD employees to make the NOPD a safe and non-discriminatory workplace for all.



What services OIPM provides

Misconduct Complaints



Complaint Intake, Investigation Review, and Discipline
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 in the form of disciplinary actions and appeals.

Disciplinary Proceedings



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.

Data Analysis



Community-Police Mediation Program



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.

The OIPM is the oversight body for the NOPD. The OIPM provides oversight through monitoring, reviewing, and auditing police activity and data. The OIPM is responsible for conducting complaint and commendation intake, on-scene monitoring of critical incidents and uses of force, overseeing the community-officer mediation program, reviewing investigations, providing assessments, identifying patterns, and making recommendations for improved practice, policy, resource allocation, and training. There are three components to the OIPM's work and mission:

Ensuring Compliance and Reform

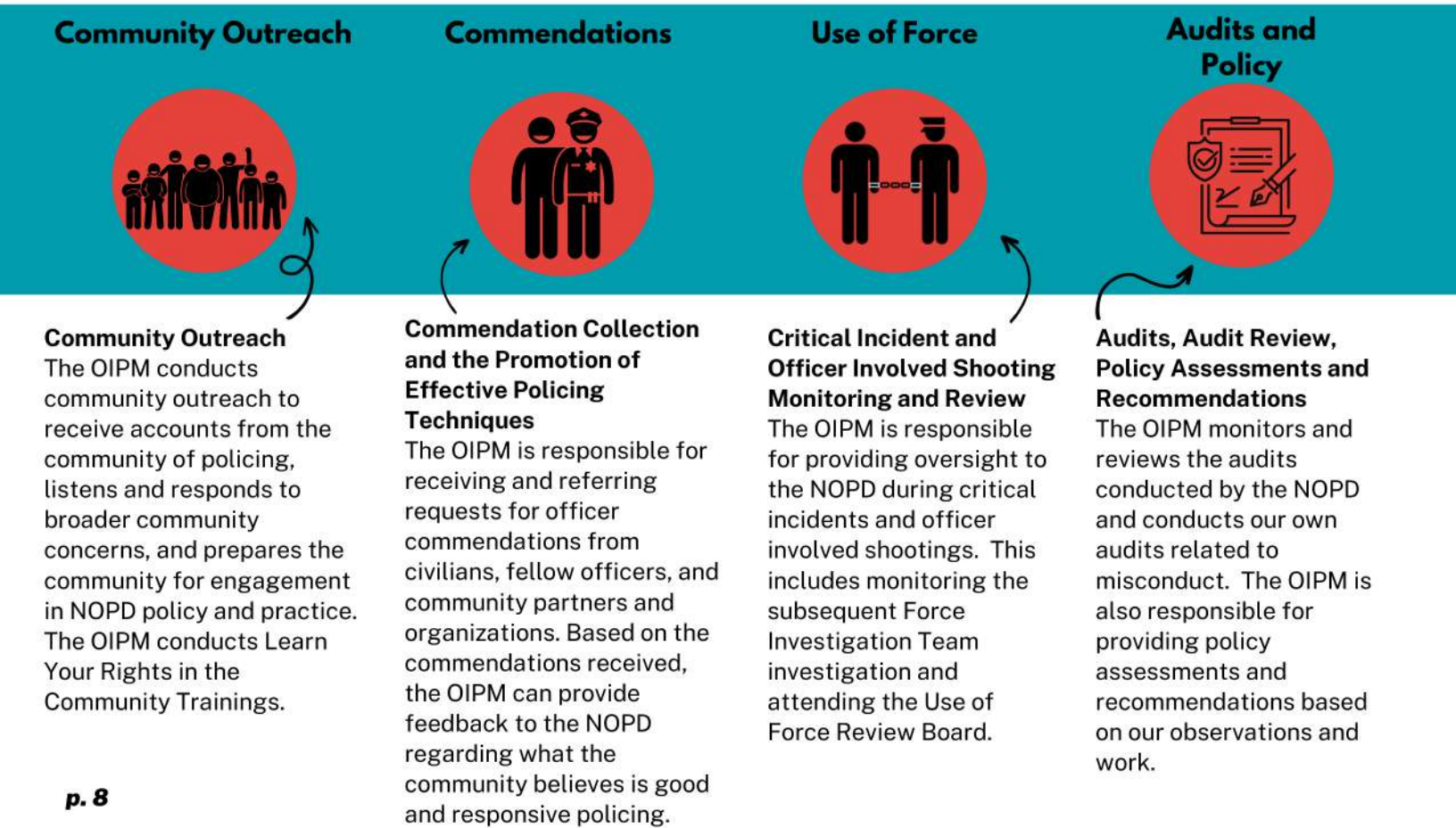
- The OIPM reviews the NOPD's policies, practices, and investigations to ensure that every action taken is compliant with local, state, and federal law, and Consent Decree reforms.
- The OIPM advises on policy, tactics, training, and supervision to ensure that the NOPD is adopting national best practice.
- The OIPM monitors NOPD investigations, conducts case reviews and audits.

Amplifying the Needs of the Community

- The OIPM engages with the community to ensure that they both know about our services and understand how the police department works. Through providing information, the OIPM is equipping and empowering the community to navigate police encounters safely and demand what they need.
- Provides Complaint Intake and receives commendations.
- Operates the Community-Police Mediation Program.
- Coordinates public forums and outreach opportunities for the community to provide vital input on the way they are policed.

Making the NOPD a Safer and Nondiscriminatory Workplace

- The OIPM provides recommendations and assessments to ensure that the NOPD is a safe and nondiscriminatory work place for all employees.
- The OIPM assesses supervision and training to ensure that employees are being equipped and supported.
- The OIPM meets with police associations to hear concerns from their membership.
- The OIPM monitors disciplinary hearings to ensure that discipline is consistent and nonretaliatory.



What Drives Our Work: Creation Statutes and Legal Expectations

The OIPM operates under three core legal documents that guide the scope of local oversight and the jurisdiction of our work. Additionally, below are overviews of other ordinances that affect our work and create new legal obligations on the OIPM.



New Orleans Code of Ordinances Stat. § XIV: Office of the Independent Police Monitor

This statute was created by voter referendum and provides the legal responsibilities, parameters, and budgetary support of the OIPM. This was put to a public vote in November 2016 and passed. This statute states the responsibilities of the OIPM and requires particular work streams and tasks. The statute also describes the disclosure requirements of the office.



Memorandum of Understanding between NOPD and OIPM Executed November 10, 2010

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.



Louisiana Revised Stat. § 33:2339: Detail or Secondary Employment; City of New Orleans

This statute was created in 2013 and gives legal abilities and subpoena power for the OIPM to investigate allegations of misconduct in the secondary employment system operated by the Office of Police Secondary Employment. The statute is silent as to the ability for the OIPM to refer these investigations to the NOPD or the District Attorney's Office for subsequent criminal or administrative accountability based on the OIPM investigation.



Ordinance 29130: Sharing of Data

Ordinance 29130 requires that our office (along with other public safety agencies) provide data monthly to City Council. Since this ordinance passed, the OIPM started adding the requested data to the ERB monthly report and formally submitting it to both the ERB and City Council.



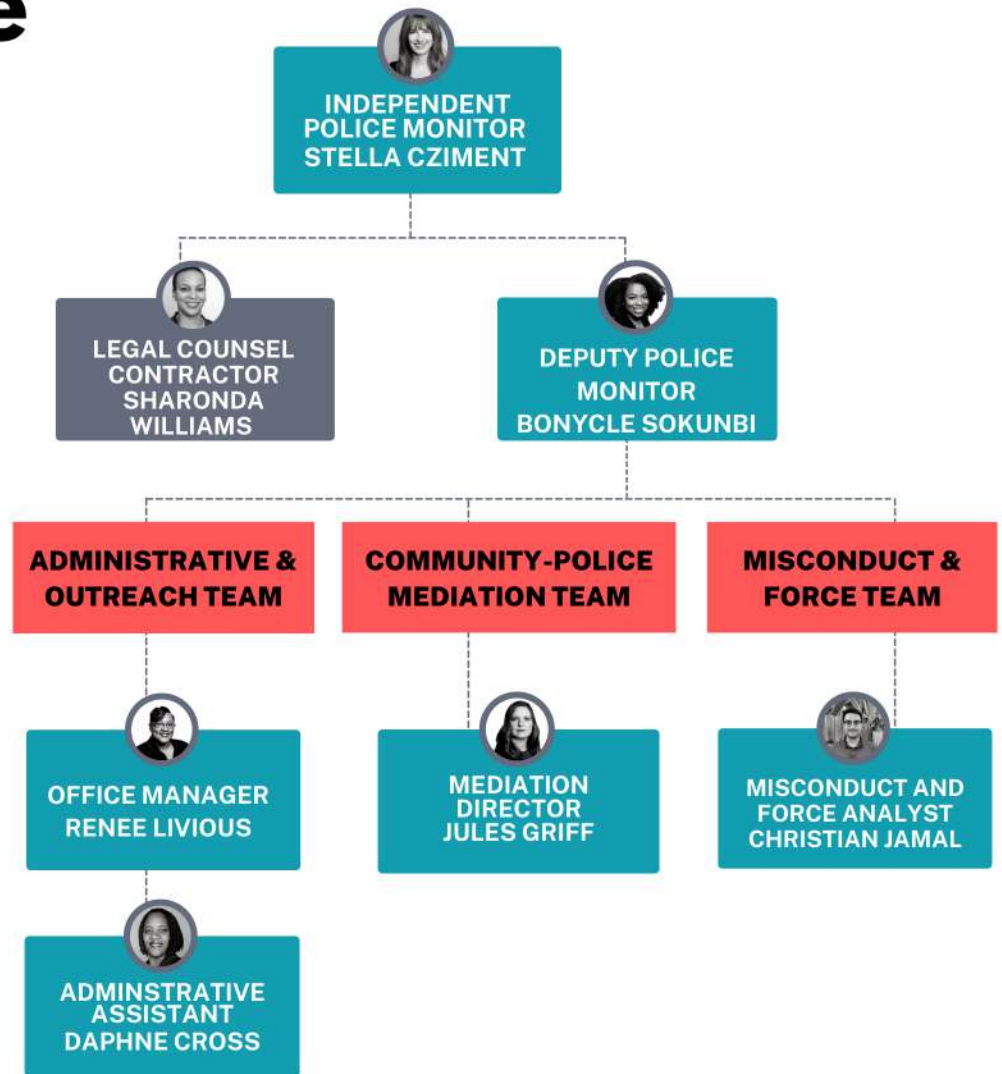
Ordinance 29063: Quarterly Presentations to the Criminal Justice Committee

Ordinance 29063 requires that our office (along with other public safety agencies) present quarterly to the City Council Criminal Justice Committee. The OIPM completed our first presentation in August and will be presenting again in February 2023 (the meeting scheduled for November was cancelled due to budget presentations).

Who is the OIPM

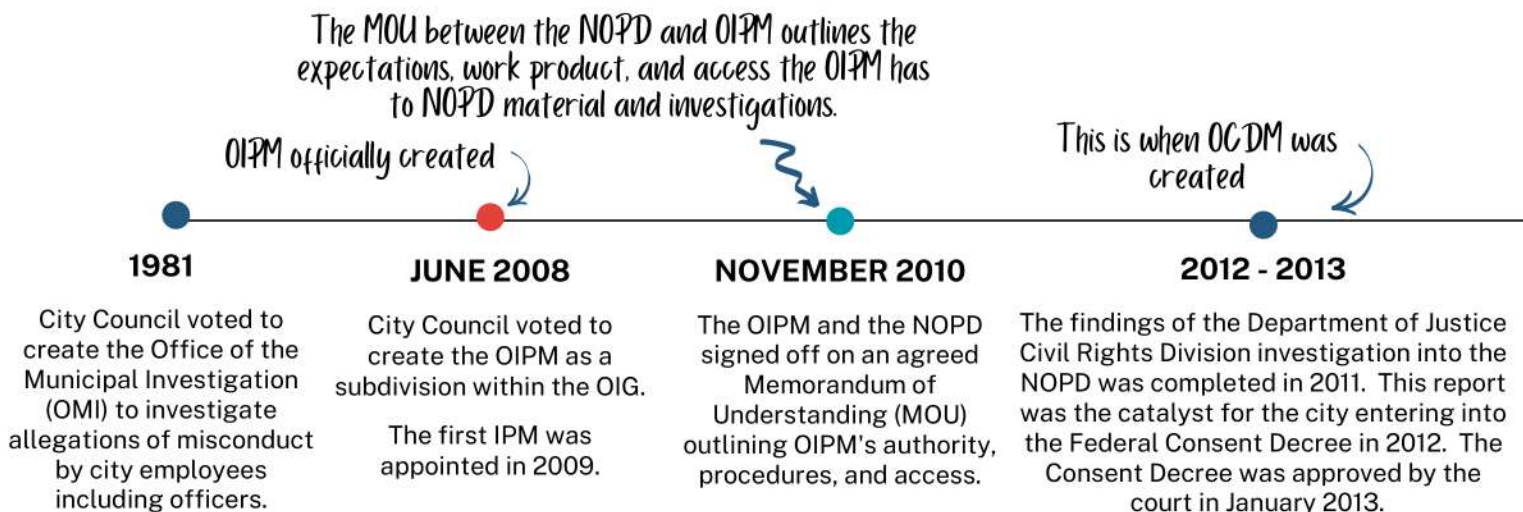
In 2022, the OIPM employed six full time staff members. This organizational chart does not include mediators or contractors which the OIPM utilizes for project-based use.

In 2023, the OIPM is preparing to build the team to achieve the new responsibilities that may be requested of the OIPM in order to: prepare for the Sustainment Period of the Consent Decree and the end of federal monitoring, complete more case review reports, conduct investigations of the secondary employment system, and complete more monitoring and projects to ensure the police reforms of the last ten years continue and sustain.



Timeline of the OIPM

Below is a high level timeline of oversight in New Orleans. While the OIPM was created in 2008, the concept of oversight and accountability for officers and public employees has existed in New Orleans since the late seventies.



OIPM Leadership

In 2022, the OIPM leadership team stabilized. After a national search, the Ethics Review Board appointed **Stella Cziment as the Independent Police Monitor**. The first staffing decision made by the new IPM was to finalize **Bonycle Sokunbi as the Deputy Police Monitor**.

Stella Cziment and Bonycle Sokunbi were on the management team under the previous leadership, advising the prior IPM on policy, staffing, and operations.

Both Stella Cziment and Bonycle Sokunbi attended law schools in New Orleans. After graduating, both practiced law in Criminal District Court and other criminal justice and government spaces. This leadership team has a wealth of experience in criminal justice, law, employment and management - all from the prior work in the city. Both look forward to continuing to serve the people of New Orleans in their new roles.

After the leadership appointments were finalized, the leadership team started "Coffee and Leadership" meetings with the staff to hear ideas and feedback from the staff on projects, work streams, and how to support individual performance goals. The leadership team looks forward to implementing the new ideas expressed during those coffees and making the OIPM a more rewarding employment experience for all.



Team Changes

This year the **OIPM said good bye to Abe Lowe IV** as he departed to pursue other legal work in our government. Abe IV was the Complaint Intake Specialist for four years. Abe Lowe IV was the first voice that many members of the community talked to when reaching out to the OIPM to notify us of officer misconduct. Abe Lowe IV conducted case reviews, met with PIB, and completed legal research. Abe Lowe IV left in February 2022, and his absence affected the internal operation of the office – forcing leadership to reimagine the work flow to ensure there were no gaps in the service provided.



In July, the **OIPM welcomed Christian Jamal to the team**. Christian Jamal was a law intern for the office during his final year at Tulane Law School in the spring of 2022. Upon graduation, the OIPM hired Christian Jamal as the Force and Misconduct Analyst. In this newly created role, Christian Jamal takes public complaints, attends disciplinary hearings, serving on the on-call calendar, monitors use of force investigations, and conducts misconduct case reviews.

This year, the **OIPM also welcomed Sharonda Williams**, former City Attorney for New Orleans, onto the team as the OIPM legal counsel. After multiple years, John Williams left the OIPM for other work within city government. Sharonda Williams was instrumental over the last year.

OIPM Timeline

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.

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; however, backsliding is reported and there are accounts of misconduct in the secondary employment system.

2022

The City of New Orleans files a motion to terminate the Consent Decree. The Judge sets the motion for a hearing in 2023. The OIPM continues working with the OCDM and the NOPD to reimagine our role and responsibilities to prepare for the end of the federal oversight and the two-year Sustainment Period.



A Year of OIPM: Accomplishments and Important Updates

A Year of OIPM: Accomplishments and Important Updates

In 2022, the OIPM took on an ambitious work plan and set of goals for the year. From expanding public outreach to increasing the number of reports released, the OIPM sought to become more timely, relevant, and effective. This required the leadership team at OIPM reflecting on where the OIPM reached the most people and best achieved the goals and mission of the office and increasing those activities while decreasing the time and energy put into tasks that were determined to be ineffective. These work product assessments will be described in more detail in other sections of the annual report. In those sections, the OIPM will highlight specific work product for each department that may have been new or increased from previous years and what work was decreased or retired.

This section of the annual report highlights some of the major projects and important updates from a successful year. In this section, readers can learn more about relevant legislation affecting police oversight, consent decree status and progress, data improvements within OIPM, major projects accomplished by the OIPM and reports released, and some updates about the work highlighted by the NOPD in 2022. Additionally, the OIPM provided updates on projects that the office will hope to continue or complete in the coming year. The OIPM is proud of all we achieved in 2022 and is honored to share these successes with you.

2022 Work Plan

The OIPM started the year 2022 with the intention to create more relevant and timely work product for the community and the NOPD, to increase daily work product, to expand the community-police mediation program, increase public awareness and accessibility, and to prepare the eventual sustainment of the Consent Decree.

To engage our partners, the community, the NOPD, and the ERB in our vision and goals for the year – the OIPM released a work plan for 2022. This work plan included an overview of the internal operations and work product that is completed regularly by the different departments and work streams within the office. The second component of the work plan was the identification of the goals and projects that the OIPM intended to prioritize in 2022 and beyond. As this annual report will show, many of the projects and goals included in the 2022 OIPM Work Plan were successfully started or completed over the last year.



Consent Decree Oversight Work

In 2022, the city of New Orleans filed a motion to terminate the Consent Decree. This motion has not yet been heard by the Court, but it signaled that the city believes the NOPD has reached compliance with the Consent Decree, or the spirit of the Consent Decree, and should be released from active monitoring and the conditions of the Consent Decree. While this question is being considered by the Court, NOPD is still in the process of trying to reach full and effective compliance in the remaining areas of the Consent Decree, along with trying to correct some backsliding that has been reported on other areas of the Consent Decree that were previously in compliance.

In 2022, the OIPM prioritized Consent Decree oversight work, including:

- Shadowing and participating in audits conducted by the Professional Standards and Accountability Bureau
- Providing technical assistance to both the Professional Standards and Accountability Bureau and the Public Integrity Bureau to ensure these two bureaus stay in compliance with the Consent Decree and improve the mechanisms needed to identify where there is compliance slippage.
- Working on the Sustainment Strategy and post-Sustainment Strategy. Discussing the strategy with OCDM partners along with the Seattle OIG office and the Special Monitor appointed to the Puerto Rico Consent Decree to get differing perspectives.
- Attending status meetings with Judge Morgan along with the Department of Justice and the Federal Monitors
- Attending and contributing to public hearings in Court.
- Co-hosting public forums in the community on Consent Decree status and progress with the Federal Monitors. At these forums, the OIPM fields questions, comments, and concerns from the community about the status of the consent decree and policing.

Data Dashboard

In 2022, the OIPM continued to build on our internal data dashboard that is available to the public. 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. The data dashboard can be found online at: 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 OIPM. 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 daily. The charts from this data dashboard are shared in the Complaints section of this Annual Report.



In 2022, the OIPM was part of ordinance 29130: Sharing of Data for agencies involved in criminal justice. Now, the OIPM includes the data captured in this data board in the monthly reports submitted to the Ethics Review Board and the City Council. In the coming year, the OIPM intends to continue to build on this valuable resource.

Launched New Website

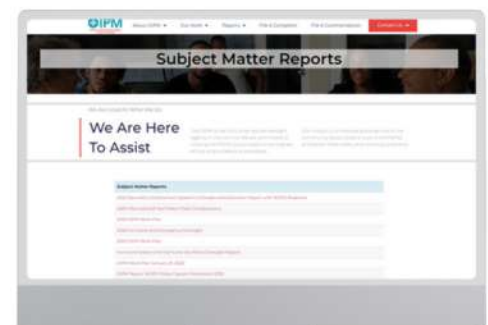
In previous years, the Quality Assurance Review Advisory Committee (QARAC) has recommended OIPM update and reformat its website to increase access to the public and improve functionality. In 2021, OIPM began the process of redesigning our website and rebranding the OIPM. This year, in 2022, the OIPM is happy to report we completed this multi-year goal to redesign our website and launch a new logo.

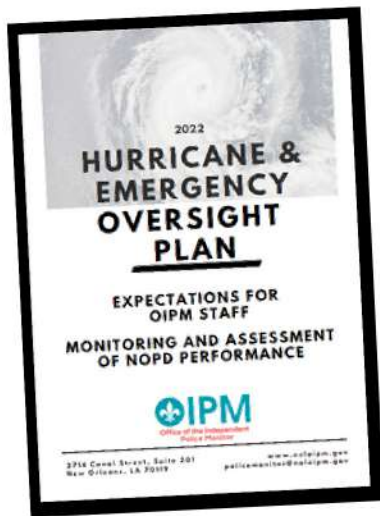
This new website includes more functionality, ease of use on smart phones, and more relevant and updated information. This new website includes an auto-updating stream from our social media accounts and posts on Facebook, Twitter, and Instagram so the public can find different platforms to learn more about our work and stay engaged. The website is updated with released reports and work product so the public can review the work being produced by the OIPM including monthly reports to the City Council and the Ethics Review Board, public letters, case reviews, reports, and data dashboards.

In 2023, the OIPM intends to continue to grow this website by updating some of the outdated content within the website and building out new sections. The OIPM intends to build a Consent Decree page of the website with relevant updates on the Consent Decree and status updates. The OIPM is also working with local civil rights attorney, Mary Howell, to build a public archive of policing resources onto our website.



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Hurricane and Emergency Oversight Plan and Public Forum

Last year, the OIPM produced our second 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. In this report, 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 reviewed city policy, state law, and NOPD's operational policies.

This Hurricane and Emergency Oversight Plan also included public feedback that the OIPM received after releasing our report assessing officer performance during Hurricane Ida and holding a public and online forum. During the month of June, the OIPM hosted a community forum that was streamed live on social media platforms about hurricane preparedness, policing during hurricanes, and police oversight during emergencies. NOLA Ready participated in the forum and presented on hurricane preparedness - fielding individual questions posed by the community both in person and online. The OIPM was joined by a sergeant from the NOPD Professional Standards and Accountability Bureau who is responsible for drafting the NOPD Hurricane Plan and he received feedback from the community that may be incorporated into the 2022 NOPD Hurricane Plan.

In the small but robust forum, the OIPM along with our agency partners answered questions about evacuation protocol, the role of the NOPD during curfews and evacuations, what the "anti-looting" protocol is and who decides to implement it. The OIPM presented to the community the Hurricane Report the OIPM wrote in 2021 regarding the police response to Hurricane Ida including use of force, misconduct, and community engagement and we reflected on the lessons learned from that storm response. The OIPM heard from the community how they were served during Hurricane Ida and where they would like to see improvements going into the 2022 hurricane season. The OIPM incorporated those suggestions into this report to ensure it was more responsive to the needs of the community.



Above, IPM, Stella Cziment, presents at the public forum regarding hurricanes and policing.

National Training on Civilian Oversight

During the month of September, the OIPM participated in a national conference and training through the National Association for Civilian Oversight of Law Enforcement (NACOLE). At the conference, the OIPM staff connected with civilian oversight offices in the south and all over the country, shared information and ideas, and gained new insight on how to better structure our office, hone our work, and make oversight more accessible, relevant, and effective to all. We attended sessions on a variety of topics and look forward to sharing our gained knowledge with the community, our partners, and the NOPD. Every session was an opportunity to learn new ways to engage with the public, how to make law enforcement safer, and how to address misconduct and uses of force. The OIPM is appreciative of the opportunity to connect and learn from leaders across the country.

NACOLE is an opportunity to speak with other practitioners in the oversight field. Above right Bonycle is talking to George Perezvelez regarding use of force work. Below right, Bonycle and Stella are with Mummi Ibrahim, the new Independent Police Monitor of Arlington, VA.



Secondary Employment Monitoring

In 2022, the OIPM continued to monitor, provide feedback and technical assistance to the NOPD and the Office of Police Secondary Employment (OPSE) regarding the allegations of misconduct that were raised in 2021.

Over the last year, multiple agencies and the OIPM worked together to address the problematic behavior, create new policy to resolve confusion and gaps, retrain and inform officers of the requirements around secondary employment, prepare supervisors for how to identify potential abuses within the system, and integrate different timekeeping systems to ensure that officers could not and would not be able to work a secondary employment shift at the same time as their required duty shift. The OIPM participated in the first hearing of the newly developed Serious Disciplinary Action Review Board under NOPD Chapter 1.3.8 to address the role of supervision in these allegations of misconduct.

The OIPM submitted three formal letters to the Chief and Deputy Chiefs outlining observed obstacles and concerns about the misconduct investigations completed around the secondary employment system and provided policy recommendations to address those concerns.

Over the course of the year, the OIPM recommended and saw the NOPD implement improvements to training, system integration, and policy changes. The Independent Police Monitor, Stella Cziment, stated regarding the new monitoring measures put into place, "Together, these bureaus along with OPSE and OIPM are working to ensure there are manageable and realistic ways to identify potential misconduct in the secondary employment system. Though ultimately there may always be bad actors, the new integrations, policy, and monitoring will make it harder for the system to be manipulated and any violation will be identified and addressed faster and better."

While completing this monitoring work, the OIPM with the Federal Monitors provided updates to Judge Morgan and the public about the steps being taken to address the secondary employment system.

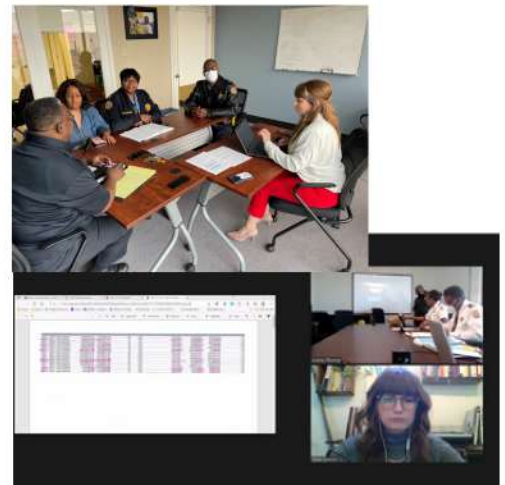
In 2023, the OIPM will release a capstone report summarizing the work completed to respond to the allegations of misconduct so the public will understand the changes, accountability, and monitoring that occurred over the last year.

Below right is a photo from a NOPD issued press release regarding the collaboration on the secondary employment response.

Below left is the cover of the secondary employment report that the OIPM released in 2023.



Above is a picture of one of the many meetings the OIPM attends with different partners including leadership of the NOPD, OPSE, and Homeland Security. This meeting was to discuss system integration for secondary employment tracking.



Above left is a picture of IPM, Stella Cziment, meeting with the investigating Sergeant from the Public Integrity Bureau and the leadership team at the Black Organization of Police (BOP) about the changes being made to the secondary employment system.

Above right is a photo of IPM, Stella Cziment, monitoring disciplinary hearings about secondary employment misconduct.



The negotiated settlements were formulated, reviewed and agreed upon by all parties involved including the NOPD and the Independent Police Monitor. The IPM was present at each settlement meeting.

"While these corrective actions have been agreed upon by all parties involved, this does not mean the investigation ends here." NOPD Superintendent Shaun Ferguson said. "As I have previously stated, the NOPD and IPM take this situation very seriously. We are working with the Office of Police Secondary Employment to identify and correct any gaps or human errors in the process. We also continue to work with the IPM to conduct a systemic review of each violation of our secondary employment policy. Through this investigation, we will hold accountable all officers found to be in violation."

Increase in Case Reviews

In 2022, the OIPM was featured in local news and presented to city council after the release of a case review report analyzing the misconduct investigation that occurred after a police response to an incident between Belden Batiste, a civilian, and a then-Councilmember. This is just one example of the impact that the OIPM assessments on NOPD's performance can have in the community and the police department. This case review report was the fifth case review report released by the OIPM in 2023. This is more case reviews ever completed by the OIPM since conception.

Case review reports are two-tiered reviews during which the OIPM asks critical questions about the strength of the investigation, assess if there were any violations of the officer bill of rights, local, state, and federal law, evaluate risk management, supervision, and propose recommendations on policy, training, and investigatory practice. In the case reviews, the OIPM may agree or disagree with some of the NOPD's findings and in response, suggest additional allegations, different outcomes, or policy recommendations.

The OIPM appreciated the attention and consideration these reports received from the NOPD, public, and City Council.



24 Hour Hotline for misconduct complaints

Big progress was made on the goal of building a 24 hour hotline to receive complaints of officer misconduct. In 2022, the OIPM released the RFP and received vendor proposals. In 2023, the OIPM will move ahead in the process with the submitted proposal for a call center with a text and website submission option. The hotline would be offered in English, Spanish, and Vietnamese and give callers the option to file anonymously or with their name and receive a personalized identification number that can be used to receive case updates. The OIPM conceived this idea in late 2021 and made it a major goal for 2022. To see the idea start to come into fruition is a big win for oversight and the community.



Expanded Public Presence

In 2022, the OIPM strove to find creative ways to expand our public impact and increase awareness of our office and services provided. In 2022, the OIPM started "**Community Office Hours**." During community office hours, an OIPM representative would in neighborhoods that we historically do not have large engagement with: the Westbank, the Lower 9th Ward, and New Orleans East. We also started hosting "**Coffee with the IPM**" events in order for members of the public to sit down with OIPM leadership and learn more about what it is we do and to provide feedback about the NOPD. We intend to bring this same energy and engagement into our community in 2023.

Providing Trainings and Sitting on Panels

In 2022, the OIPM expanded our impact by bringing information, training, and resources to the public and our community. The OIPM sat on panels and led presentations virtually and in person where we could discuss the status of the Consent Decree, the role of police oversight, and receive feedback from the public regarding how the NOPD was performing.

For the second year, the OIPM offered Continuing Legal Education (CLE) credit for our training. The OIPM provided CLE credit to both the Orleans Public Defenders and the District Attorney's Office on our joint training with NOPD on the use, policy, and law behind facial recognition technology in policing. This training was an opportunity to lead an

informative training and discussion on the realities of this technology and how it will be used or affect the criminal justice system as the NOPD implements facial recognition in their investigations. The OIPM was joined with a Sergeant from the NOPD's Professional Standards and Accountability Bureau (PSAB) who discussed the NOPD policy that he wrote. Both the NOPD and the OIPM took questions from public defenders and prosecutors on how facial recognition could affect the public, police officers, and both offices' cases in Criminal District Court.

That said, the OIPM did make some missteps in our attempts to create relevant and timely content and training for the public. In September, the OIPM planned to host a public forum regarding facial recognition software and the NOPD. The panel would be an opportunity for the public to speak with the different agencies operating the software, the NOPD (who would use the software), the agency operating the cameras in the French Quarter, and hear from the ACLU, who is against the use of this technology. The intent was for this to be a chance for the community to ask the questions they wanted to ask and to voice their concerns and opinions about the software. As the event drew closer, the OIPM realized that there were other community organizations in this space who were not included in this event - and their voice was too valuable to be missing. The OIPM cancelled the event. The OIPM reflected on that event and the lessons learned that have shaped the trainings and events the OIPM has committed to moving forward.



Left, our Mediation Director, Jules Griff, co-presented at the Association for Conflict Resolution annual conference. Panelists shared knowledge and experience on community-police mediation programs in Baltimore, Miami, and New Orleans.

Legislative Updates

In 2022, the City Council passed two ordinances that touched on the OIPM and added additional requirements on the OIPM. *Some of these ordinances were included previously in this report:*

Ordinance 29130: Sharing of Data

In order to increase information sharing and data transparency among criminal justice agencies, the City Council passed Ordinance 29130. This ordinance requires that our office (along with other public safety agencies) provide data monthly to City Council. Since this ordinance passed, the OIPM started adding the requested data to the ERB monthly report and formally submitting it to both the ERB and City Council.

Ordinance 29063: Quarterly Presentations to the Criminal Justice Committee

Over summer, City Council started requiring that public safety agencies present to the Criminal Justice Committee about how the organizations are addressing crime and working together to improve the criminal justice landscape in New Orleans. The new ordinance, Ordinance 29063, requires that our office (along with other public safety agencies) present quarterly to the City Council Criminal Justice Committee. Since this ordinance has passed, the OIPM presented one time in 2022 and is expected to present quarterly in 2023. The OIPM uses these presentations as an opportunity to discuss newly released work product, address current events touching on oversight, and present relevant data to the Council and public.

Subpoena, Investigation, and Confidentiality Power

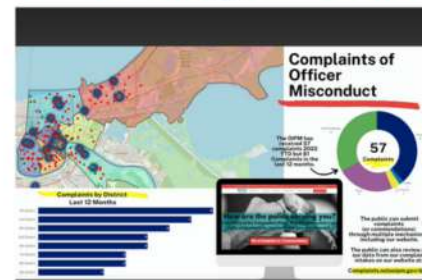
In 2022, Councilmember Morrell proposed ordinance Cal. No. 33,950 to grant the OIPM subpoena power over the NOPD and the ability to conduct investigations into NOPD employees. It would also clearly protect our ability to receive and keep confidential information. Since separating from the Office of the Inspector (OIG), the OIPM has tried to receive investigatory and subpoena powers over the NOPD to achieve our mission of providing accountability to the NOPD. In late November, the Ethics Review Board passed a resolution stating that the OIPM was not to receive any additional responsibilities / powers until the OIPM had an increase in funding through an independent stream. This ordinance was deferred to mid-2023.

NEW ORLEANS CITY COUNCIL



These photos are screenshots from the presentation the OIPM gave to the City Council in compliance with Ordinance 29063.

NEW ORLEANS CITY COUNCIL





NOPD Recap: Highlights, Updates, Priorities for 2023



2022 NOPD Accomplishments, Updates, and Priorities for 2023

In this section of the annual report, the OIPM reports out the accomplishments achieved by the NOPD and relevant updates regarding the department that affect the public. This year, the OIPM is also reporting out how the OIPM engaged with the NOPD on some of these topics such as the resignation of Chief Ferguson and the initiative to deputize city employees. Finally, the OIPM uses this section as a chance to report what the NOPD has identified as goals for the department and policing in New Orleans for the coming year.

Aspects of this section of the annual report use words and language from NOPD materials that were not written by the OIPM. The OIPM will indicate when that is occurring. This is to ensure that the information is reported to the public as the NOPD presented and intended the information to be conveyed.

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 2022, the NOPD highlighted the following accomplishments. These accomplishments, written in the NOPD's own words from 2022, capture the progress and work of the department:



Removing more guns from our streets.

NOPD officers took more than **2,057 illegal guns** off our streets in the first 10 months of 2022 alone, up more than **26.5%** from 2021.



Response times stabilized.

NOPD held Emergency Call for Service median response times to under 11 minutes and 6 seconds despite a 20% reduction in manpower over a one-year period.



SSA internal district audits to self govern / self monitor related to Procedural Justice

The NOPD had each district conduct their own internal stop, search, and arrest audits to ensure the reforms regarding the procedural justice aspects of the Consent Decree were being implemented.



Improved collaboration with NOPD, DA's Office, and U.S. Attorney's Office



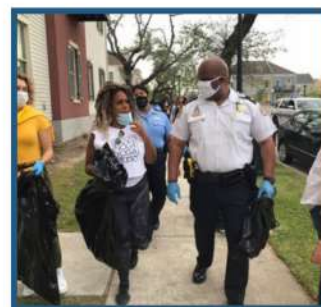
Operation Golden Eagle 2.0

Operation Golden Eagle 2.0 in collaboration with the Louisiana State Police took 94 guns off the street and resulted in four federal indictments.



Public Integrity Bureau Outreach and Reduction of Backlog

The Public Integrity Bureau conducted many bureau-wide focus groups, conducted district and bureau system administrator meetings, and addressed the backlog of disciplinary hearings and letters.





Management Services Bureau Increase of Equipment

The Management Services Bureau secured additional resources for the NOPD including 75 marked SUVs and department computer upgrades.



Redeployment of Officers

To address staffing, the NOPD took the following redeployment actions: (1) moved officers to 12-hour shifts; (2) initiated the District Administrative Response Team; and (3) redeployed district staff including detectives, SOD-canine officers, and SOD-traffic officers.



Changes to Hiring Policies

The NOPD eliminated questions regarding marijuana use prior to hire and eliminated negative credit issues as an automatic disqualifier to hiring in order to broaden the eligibility of potential hires and increase recruitment.



Civilianization Efforts and Deputizing of Civilian City Employees to Increase Workforce



The Resignation of Chief Ferguson and the Appointment of Interim Chief Woodfork

In December, Chief Ferguson resigned as Chief of NOPD after leading the department for three years. During his tenure, Chief Ferguson oversaw the NOPD response to the Covid-19 Pandemic, protests over the murder of George Floyd, challenges from a changing city council, and crime increases across the city. There were steps forward under his leadership and there were department-wide mistakes. While the OIPM did not agree with all of Chief Ferguson's decisions, Chief Ferguson was very receptive to oversight, sought to collaborate on projects, kept an open line of communication, and our disagreements were always respectful. The OIPM appreciated the partnership during a challenging tenure.

The departure of Chief Ferguson set into motion a wave of change within the NOPD. In a historic move, Mayor Cantrell appointed Captain Michelle Woodfork to be the first African American female police interim chief of the NOPD.

With the shift in leadership, the OIPM has paid close attention to changes that took place within NOPD in the final month of 2022, including leadership changes within the deputy chiefs, and how those shifts may impact the Consent Decree and police reform. Within a week of her appointment, two tenured deputy chiefs retired as new deputy chiefs were selected, new lieutenants and captains were promoted and sworn in.



OIPM Letter to Mayor Cantrell Requesting "Collaborative Search"

In December, the OIPM sent a formal letter to Mayor Cantrell and City Council requesting a "collaborative search and selection process" for the permanent chief. The OIPM requested both for our inclusion as oversight in the process and for the community, NOPD employees, and other stakeholders to be given meaningful opportunities to contribute and provide input into the search process. The appointments and departures of police chiefs have left the public and even NOPD employees confused about the appointment process, how chiefs are selected, and what makes an individual an effective chief candidate. In response to the questions that the OIPM received in December around these leadership shifts, the OIPM prepared an informational tool on police chiefs for the public and partners to learn more about the logistics and criteria considered in these important appointments which was released in 2023.



City Files Motion to Terminate Consent Decree

In August, the City filed a motion to terminate the Consent Decree. The motion was filed by the independent counsel retained to represent the city in Consent Decree matters.

The motion has not been ruled on yet. It is expected that the motion will be ruled on in the summer of 2023. Until that motion is decided, the Consent Decree remains in effect and the NOPD is continuing to try to reach full and effective compliance with the Consent Decree.

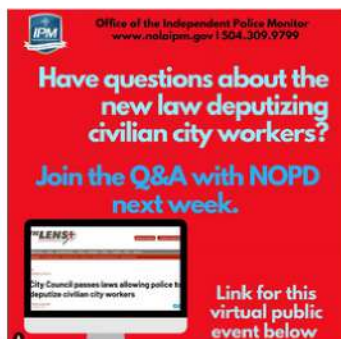


New NOPD Initiatives the OIPM is Monitoring

In 2022, the NOPD implemented new initiatives, promoted new leaders, and created new solutions to staffing problems - all of which the OIPM monitored or will be monitoring in the coming year. Through monitoring, the OIPM can provide assessments to determine the impact of these protocols.

Chapter 51.1.1: Use of Facial Recognition for Criminal Investigations

In 2022, the City Council reversed a previously passed ordinance banning the use of facial recognition software, now permitting the NOPD to have limited use and access to the technology. In response, the NOPD drafted a policy guiding how, when, and who would have access to facial recognition software and the role this software will have within criminal investigations. The OIPM expressed concerns regarding potential loopholes and use of the facial recognition software to the NOPD leadership and worked with the Professional Standards and Accountability Bureau to review the policy. Moving forward, in 2023, the OIPM will start to review the use of this software and how the policy has been implemented.



Deputizing Civilian City Workers

At the end of 2021, the NOPD announced that they would deputize select city workers in order for those workers to issue citations in instances of illegal dumping, blight, and other environmental, hazard, and code related responses. This will enable the city departments with the expertise on this code enforcement to conduct the regulation and response without the presence of an officer. The goal is to reduce the NOPD's workload; but the OIPM also highlighted that this is a real step to also reducing or eliminating unnecessary police interactions in the community. In 2022, the OIPM did not receive any complaints regarding this protocol or interactions with these deputized city workers. As this policy continues to be implemented, the OIPM will monitor the impact this policy has on the public and the department.

Civilianization of NOPD's Workforce

At the end of 2022, the NOPD, Chief Administrator's Office (CAO), and City Council, identified the opportunity for new civilian positions within the NOPD in order to reduce the need for commissioned officers to take on all the work related to cases. These positions are predominantly administrative or focused around social work or public interactions. The NOPD created a number of civilian positions and started posting the positions at the end of 2022.

In 2023, the OIPM will work with NOPD leadership to see if these opportunities have in fact assisted with lessening the immense workload on commissioned officers.

Promotion Process for Lieutenants

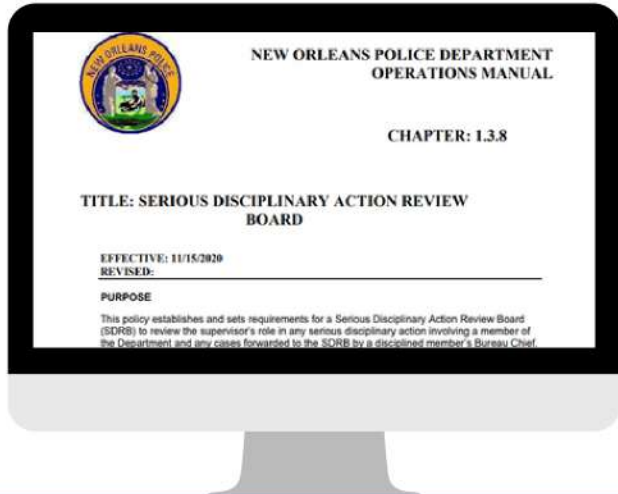
Again in 2022, the OIPM was asked to monitor the internal promotional decision making process for sergeants considered for lieutenant positions. The OIPM monitored the multiple days of lieutenant interviews and assisted in the assessing and ranking of the candidates. The OIPM was impressed with the caliber of the applicants and looks forward to seeing what these new leaders achieve.



"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."

New Deputy Chief of Public Integrity Bureau

In the fall of 2022, there were some shifts in the leadership of the Public Integrity Bureau. After over a decade, Chief Arlinda Westbrook was moved to the CAO's Office to coordinate Consent Decree compliance initiatives for the city. The new deputy-chief was appointed by Chief Ferguson: Chief Keith Sanchez. Deputy-Chief Sanchez is a lawyer and a former instructor of the NOPD Academy. The OIPM is already working effectively with the new leadership of the Public Integrity Bureau and intends to maintain that collaborative spirit moving into 2023.



NOPD Holds First Supervisory Feedback Board Meeting

In 2022, the NOPD leadership held the first Supervisory Feedback Board meeting. The Supervisory Feedback Board is a new initiative designed to provide feedback to police Captains on performance and to identify opportunities for close and effective supervision. Judge Morgan attended this first meeting and the OIPM, along with Judge Morgan, provided feedback and recommendations regarding the operation and purpose of the Supervisory Feedback Board. The OIPM intends to further work with the NOPD to make this Board as effective and impactful as the Use of Force Review Board in 2023.

NOPD Academy Adopts OIPM's Recommendations

The OIPM strives to create a new generation of prepared and effective leadership at the NOPD. Over the summer, the OIPM leadership met with the Academy Curriculum Director for the NOPD and took a big step in achieving that goal.

During June, the OIPM met with the Academy Curriculum Director for the NOPD and provided training recommendations based on our own assessments and based on feedback we've collected from the community and officers themselves. One recommendation proposed was that OIPM lead a weekly training for supervisors regarding active listening, conflict resolution, and communication. The Academy is excited about the possibility of providing necessary soft skills for supervisors and the OIPM immediately started working with the NOPD to create this training a reality starting in January 2023.

Additionally, the OIPM recommended that the NOPD offer a financial literacy course for officers that includes an explanation of all benefits and programs that officers are eligible for and should take advantage of in order to increase wealth and benefit from their employment. The OIPM made this recommendation based on feedback heard from a candidate in Captain's Interview at the end of 2021 and immediately adopted the suggestion as it is a way to increase retention of officers and possibly recruit more officers since there appears to be confusion regarding how attractive employment at the NOPD may be for individuals. OIPM understands that this recommendation was also accepted by the Academy Curriculum Director and is now being taught by the same officer who initially pitched this in the interviews.

Announcement of NOPD Priorities for 2023



Civilianization of the NOPD

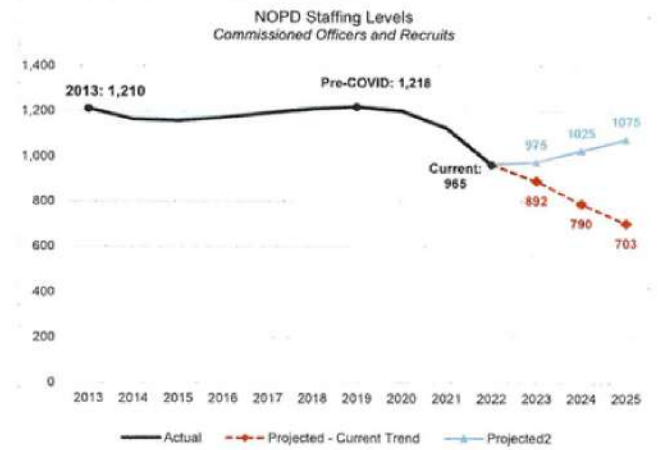
The NOPD is updating its staffing vision to create a more robust civilianization plan that will build additional staff capacity in the department and maximize the effectiveness of limited sworn resources. The civilianization effort would identify existing or new work duties that may be handled by civilians rather than sworn officers. This means the NOPD would build staff capacity. The NOPD has identified 66 positions that may be filled by professional civilian staff and intends to start that hiring in 2023.



Addressing the NOPD Officer Shortage

The NOPD intends to implement a strategic plan to focus on recruitment and retention initiatives to sustain sufficient staffing and develop world-class officers.

The NOPD is facing a staffing crisis that the NOPD is planning to address through recruitment and retention programs. Part of that strategy is a proposed benefit package and additional reforms, which would result in an increase in hiring to get to 1,075 commissioned officers by the end of 2025.



The chart above was created and released by the NOPD in November 2022 as part of the NOPD's Budget presentation to City Council.



Increase Lateral Transfers to the NOPD

Through proposed compensation and benefits to experienced officers from other jurisdictions and former NOPD officers, the NOPD intends to increase the number of lateral transfers to the department. Such efforts include:

- \$30,000 Recruit Incentive Package
- \$20,000 Retention Incentive Package
- Increasing the starting pay by 5% every 5 years of service up to 20 years
- Adding 2 additional guaranteed pay raises by 5% in 2024 and 2025
- Providing fully funded health insurance

Many of these initiatives do require the action of the Civil Service Commission and / or City Council in order to become a reality but the NOPD is prioritizing this effort in 2023.



Community Engagement and Public Outreach



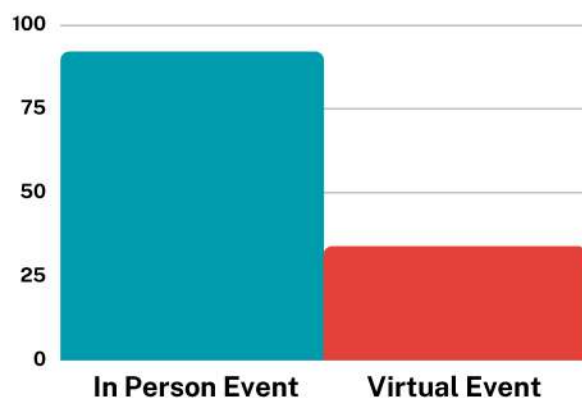
Stella Cziment, IPM, and Bonycle Sokunbi, Deputy, speak with Gerod Stevens on WBOK's The Reality Check. We took callers' questions on policing, oversight, and what the future of NOPD may look

Community Engagement 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 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. These events were held virtually and in person. The OIPM counted some media activities in these numbers since through the media, the OIPM is able to engage with and reach more of the people in New Orleans.

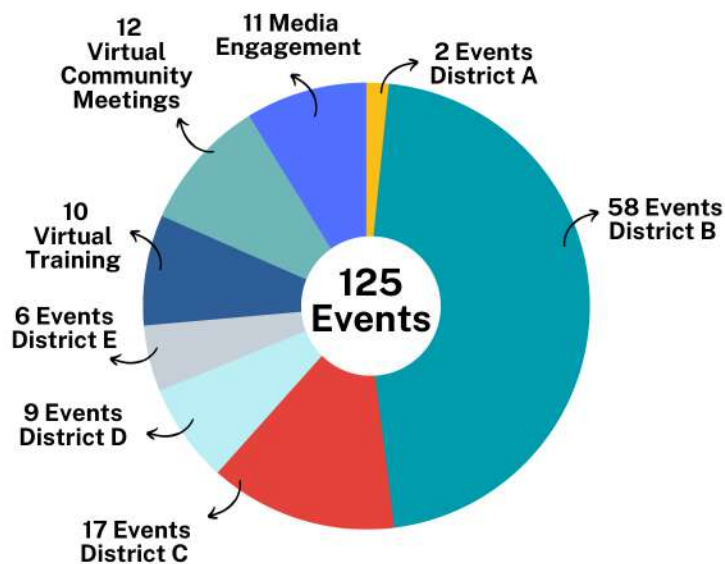
In the coming year, the OIPM intends to better track the type of outreach being conducted and the type of media attention the OIPM may receive since it increases public awareness of the office.



Community Engagement by Location and 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 2022, 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

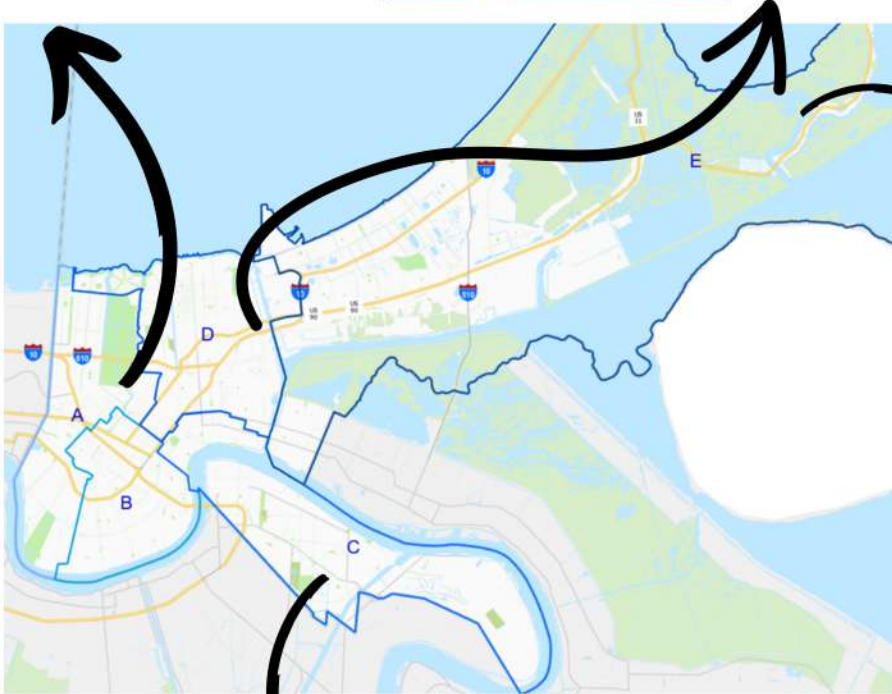
District D

District A

- Acting IPM met with Councilmember Giarrusso to discuss policing oversight, the work and goals of the OIPM, and policing concerns in District A.
- Mediator community building event



- Attended community building event for OIPM mediators
- Held Coffee with the IPM at Old Road Coffee
- Held community office hours in Mid-City Library
- Tabled at the "Victims Have Voices Too" Panel at SUNO
- Attended the 5th District NONPACC meeting
- OIPM met with the Advancement Project regarding allegations of sexual assault in the police department
- Hosted 4-hour mediator professional development role play training
- Presented at the Citizen's Police Academy
- Meeting with the Advancement Project



District E

- Tabled at Ubuntu Village parent resource fair at Joe Brown Park
- Presented at the 7th District PCAB meeting to neighborhood association leaders in New Orleans East
- Participated in Undoing Racism training by the People's Institute for Survival and Beyond
- Co-led public forum about the status of the consent decree with the Office of the Consent Decree Monitors
- Night Out Against Crime kickoff event in the Lower 9th Ward
- Held Coffee with the IPM at the PJ's Coffee on Read Blvd.

District C

- Met with Councilmember King's office to discuss how the OIPM can provide services to District C
- Facilitated multiple meetings with NOPD leadership, 8th district leadership, and the Music and Culture Coalition of New Orleans (MaCCNO)
- Participated in the tutu walk for sexual assault and LGBTQIA awareness
- Led professional development in-person role play training for mediators
- Vera Institute of Justice - New Orleans 15 year anniversary event
- Participated in the second line celebrating the life and contribution of Robert Goodman, Jr.
- Attended the New Orleans Workers' Center for racial justice rally
- Led public forum with the NOPD and NOLA Ready about hurricane preparedness and policing policy
- Tabled at backpack giveaway hosted by Old and Nu Style Fellas
- Held community office hours on multiple occasions on the Westbank at the Algiers Regional Library
- Held community office hours at the NORD Center in the Cut-Off
- Attended the Silence Not Violence community meeting
- Mediators volunteered at the 50-hour mediator training of Re-Entry Mediation Institute of Louisiana (REMILA)
- Led multiple in-person role play training for mediators

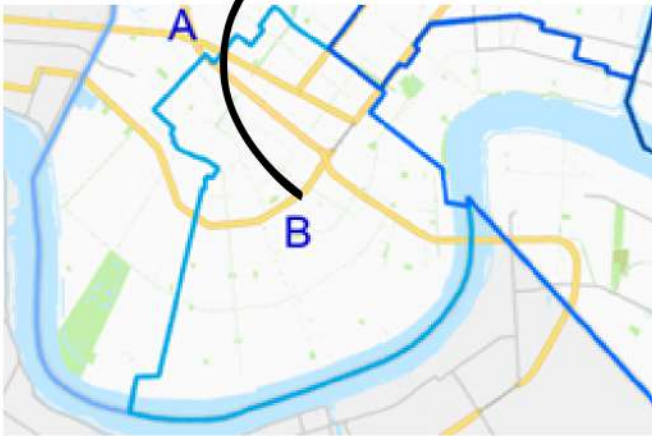


Community Outreach and Public Events By District

District B



- Met with Councilmember Harris to discuss shared goals and collaborations on policing concerns for District B
- Acting IPM facilitated meeting with PIB and the police association: Black Organization of Police (BOP)
- Acting IPM facilitated meeting with PIB and the police association: Fraternal Order of Police (FOP)
- Acting IPM facilitated meeting with PIB and the police association: Police Association of New Orleans (PANO)
- OIPM monitored St. Joseph's night and Super Sunday
- Parent empowerment workshop at Ubuntu Village
- Public Allies fellow participated in the Black & Blue Project and Yaya Arts Center "Graphic Storytelling for Social Justice"



- Attended multiple public hearings in Federal Court regarding the status of the consent decree compliance
- Co-facilitated multiple public forums on the consent decree with the community
- Met with Voices Of The Experienced (VOTE) regarding community partnerships and input
- Tabled at the resource fair in Duncan Plaza as part of the National Crime Victims' Rights Week events
- Attended the Ubuntu Village parents workshop and meetings on a monthly basis
- Presented to the City Council Criminal Justice Committee about OIPM and police oversight
- Presented to the Criminal Justice Committee of City Council about a case review recently conducted by the OIPM
- Participated in a retreat with the Office of the Consent Decree Monitor (OCDM) and the NOPD at the Federal Court

- Attended meeting with the NOPD leadership and the Police Association for New Orleans
- Met with the Office of Criminal Justice Coordination
- Met with Councilmember Morrell about policing and oversight
- Co-taught with the NOPD a facial recognition continuing legal education to Orleans Parish District Attorney's Office
- Facilitated Families Overcoming Injustice (FOI) meeting
- Participated in Allen Ray Bolin high school mock trial competition in Criminal District Court
- Attended the NOPD Academy #194 graduation
- Led 2 hour skills workshop for mediators: "Identifying and Framing Topics #1"
- Led professional development in-person role play training for mediators: "Brainstorming Stage C and D"
- Attended Federal Court public hearing
- Co-led public forum with the Office of the Consent Decree Monitor regarding the consent decree
- Led professional development in-person role play training for mediators: "Harnessing Intense Emotions"
- Led 4 hour skills workshop and role play for mediators
- Led 2 hour skills workshop for mediators: "Identifying and Framing Topics #2"
- Led mediator community building event
- Presented OIPM budget to City Council
- Hosted event and dinner with service providers, speakers, and Families Overcoming Injustice (FOI) for the National Day Against Police Brutality
- Held a remembrance event on the National Day Against Police Brutality with the Families Overcoming Injustice (FOI)
- Met with House of Tulip
- Met with the organization New Orleans Community Control of Police (NOCCOP)

Virtual Community Engagement

In 2022, the OIPM continued to offer outreach and educational opportunities to the public virtually. Through social media and online platforms, the OIPM was able to reach a wider audience and make relatable and easy to understand and navigate resources. In 2022, the OIPM completed the following virtual outreach:

Virtual Training

- Led a virtual two hour mediation training: "Tips for Online Mediation"
- Led a professional development virtual training for mediators including a role play activity
- Led a virtual two hour mediation training: "Brainstorming Stage A and B"
- Led a professional development virtual training for mediators including a role play activity
- Led a virtual two hour mediation training: "Neutrality"
- Led a virtual two hour mediation training: "Reflective Listening Review"
- Presented as part of a panel for the National Association for Conflict Resolution Conference, "Developing Mediation Programs to Cultivate Creative Collaborate Conversations to Transform and Democratize Policing"

Virtual Community and Coalition Meetings

- Led meeting for Families Overcoming Injustice (FOI) with Louisiana Survivors for Reform
- OIPM participated in a forum previewing the Vera Institute for Justice's Police Transparency Index
- Met with Columbia University regarding Body Worn Camera data and policy
- Justice and Accountability Legislative Advocacy Training
- Led multiple meetings with the Musician and Culture Coalition of New Orleans (MaCCNO)
- Justice and Beyond Meeting Presentation: "Role of OIPM in New Orleans"
- U.S. Attorney Criminal Justice Coordinating Committee meetings
- Meeting with Campaign Zero

Social Media as Community Engagement

During the Covid-19 pandemic, more of the public utilized 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 and the OIPM website. In 2022, the OIPM used the account to showcase our data work and relevant databases, reports, provide information regarding on scene monitoring of use of force, current events, advertise OIPM events, 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. Frequently, the OIPM would comment under a posted video or picture and be able to engage with someone who previously did not know of the office or the services we provide.

For the first time, in 2022, we started live streaming events and forums in order for people to participate virtually and provide input or submit questions.

In 2022, the OIPM also started using online polls and surveys through social media to collect feedback on things the community wanted to know or to gain input into how the NOPD handled public events like Mardi Gras.



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. As social media becomes a large part of everyone's life, our Instagram account has allowed us to have more passive and active engagement with the public and our partners.



Below left, the OIPM posted a Washington Post article about how a Virginia town is allowing residents to review police interactions similar to an Uber driver. We asked if the community would be interested in a similar platform, and here is one of the responses we received.

Consent Decree Public Engagement and Forums

In 2022, the OIPM strengthened the collaboration and working relationship with the Office of the Consent Decree Monitors (OCDM) in order to increase public transparency around the status of the consent decree and any transition from federal oversight to local oversight.

Additionally, the OIPM participates in the U.S. Attorney's Working Group on the Consent Decree. During these quarterly meetings, the District Attorney's Office, NOPD leadership, OIPM, and the Public Defenders discuss concerns, progress, and other issues of note that touch on the Consent Decree and collaborate on possible approaches to solve problems.

In 2022, the OIPM also addressed the court in public hearings and during status conferences and meetings on the Consent Decree, specific investigations being conducted by the Public Integrity Bureau, and other matters of concern. During the month of April, the NOPD was found to be in full and effective compliance with supervision, promotions, and performance evaluations sections of the Consent Decree. During the public hearing with Judge Morgan, the OIPM addressed the court and the NOPD leadership in the room. By the fall, Judge Morgan expressed concerns with the NOPD's progress towards compliance, particularly addressing the allegations of misconduct in the secondary employment system. As a result, the OIPM and the OCDM increased public hearings and public forums to almost monthly for the remainder of 2022.

Together, the OCDM and the OIPM facilitated 5 public forums on the consent decree. These public forums were held in Central City and New Orleans East. The public forums held by the OCDM and the OIPM in 2022 and moving into 2023 are opportunities for the community to engage with the federal and local monitors about how the NOPD is doing. City Councilmembers and other local leaders frequently attend the court hearings and the public forums to learn more about what oversight is doing and engage with the public on the Consent Decree.

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Consent Decree Public Forums

3

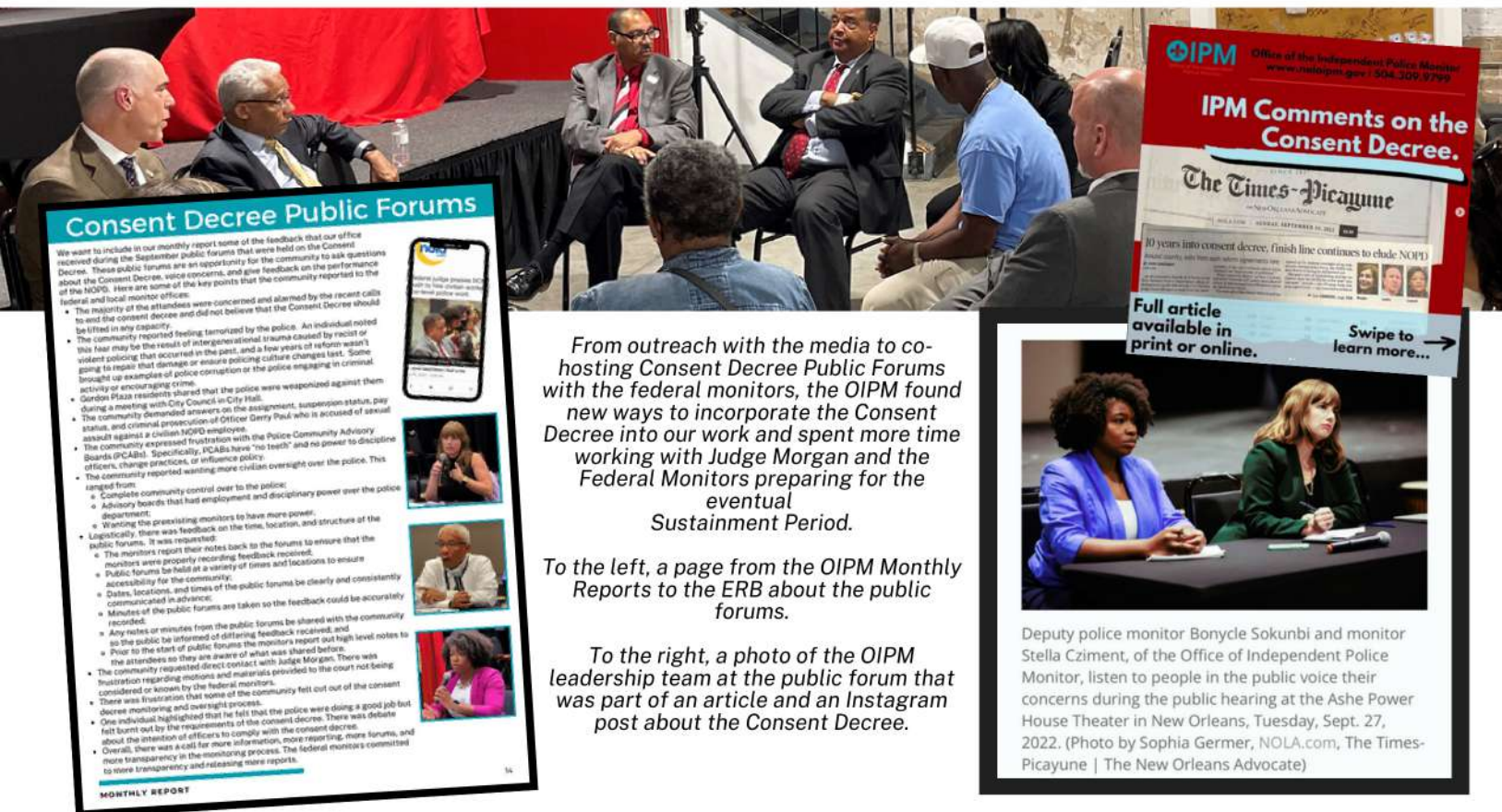
U.S. Attorney Working Group on Consent Decree Compliance with the District Attorney, NOPD, and Public Defenders

25

Status Meetings on Consent Decree Compliance

4

Public Hearings Before Judge Morgan on the Consent Decree



From outreach with the media to co-hosting Consent Decree Public Forums with the federal monitors, the OIPM found new ways to incorporate the Consent Decree into our work and spent more time working with Judge Morgan and the Federal Monitors preparing for the eventual Sustainment Period.

To the left, a page from the OIPM Monthly Reports to the ERB about the public forums.

To the right, a photo of the OIPM leadership team at the public forum that was part of an article and an Instagram post about the Consent Decree.

Deputy police monitor Bonylde Sokunbi and monitor Stella Czimont, of the Office of Independent Police Monitor, listen to people in the public voice their concerns during the public hearing at the Ashe Power House Theater in New Orleans, Tuesday, Sept. 27, 2022. (Photo by Sophia Germer, NOLA.com, The Times-Picayune | The New Orleans Advocate)



In October, the OIPM joined with Families Overcoming Injustice, an organization made up of families who lost loved ones to police violence, to commemorate the National Day Against Police Brutality.

This year, we co-hosted two events around this important day. First, we hosted a dinner with partner organizations so families could be connected to resources and services. The OIPM was honored that A’Niya Robinson from the American Civil Liberties Union (ACLU) gave a keynote speech for the evening. Afterwards, family members took the stage to share their experiences with losing loved ones during police encounters with those in attendance.

The next day we held a peaceful vigil on the steps of City Hall. The NOPD, Promise for Justice, and Councilmember Thomas joined in the event. The vigil was an opportunity to reflect on lives of those lost, say their name and make space, and join as one and collectively demand accountability and reforms to end police violence.

It was a beautiful two-day event that ended with a balloon release and a shared commitment to keep working together to ensure that everyone is safe during police interactions. The OIPM always leaves the National Day Against Police Brutality events feeling renewed in a sense of purpose and direction. The OIPM thanks all the families, participants, and partners in this work for coming to these events. The OIPM commits to remembering those who have died, remembering our shared history in New Orleans, and keeping their memory alive in our police oversight work.



OIPM National Impact

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 2022, the OIPM shared information with oversight agencies operating in:



- **New York**
 - Rochester - Police Accountability Board of Rochester
- **Illinois**
 - Chicago Civilian Office of Police Accountability
- **Washington**
 - Seattle, Washington - Office of Police Accountability; Office of Inspector General
- **Puerto Rico**
 - Commonwealth of Puerto Rico - Special Monitor Appointed to the Consent Decree
- **Florida**
 - Miami - Civilian Investigation Panel
- **Tennessee**
 - Knoxville - Police Advisory Review Committee
 - Knoxville - Community Mediation Center
 - Nashville - Community Oversight Board
- **Louisiana**
 - St. Mary's Parish
 - Re-Entry Mediation Institute of Louisiana
- **Texas**
 - Dallas Office of Community Police Oversight (including hosting 2-day site visit and training for their new Mediation Director)
 - Fort Worth, Office of the Police Oversight Monitor
 - Denton Police Department
- **Colorado**
 - University of Colorado Boulder Conflict Resolution Center

OIPM Works with Organizations Representing Local Culture



OIPM Monitors Super Sunday and St. Joseph's Night

St. Joseph's Night and Super Sunday is an annual community gathering of Mardi Gras Indian tribes. It is an opportunity to celebrate heritage and culture through the meetings of tribes, displays of hand-sewn suits, singing, dancing, and chanting. The OIPM monitors to make sure the police give space and respect for this culturally significant event.

The OIPM monitors the police presence at these events to ensure the NOPD honors the Ten Agreements Between NOPD and New Orleans Mardi Gras Indian Chiefs that came out of the March 15, 2011, mediation between various Mardi Gras Indian chiefs and NOPD police chiefs and commanders. The OIPM monitors where the police stand, if sirens or lights are flashing, what roads are blocked, how the NOPD responds to incidents that may arise, and the interactions that occur between the NOPD and the Mardi Gras Indian tribes and community.



OIPM Works with Local Musicians and Street Performers

Throughout the year, the OIPM facilitated meetings between the NOPD and the Music and Culture Coalition for New Orleans (MaCCNO) to discuss how the police are interacting with musicians and street performers, relevant tactics and policies, and other current events and concerns from residents that affect both groups.

As a result, the OIPM wrote two formal letters regarding policing and musician concerns. In January, after facilitating meetings with NOPD leadership, representatives from the Eighth District, and MaCCNO to discuss the possibility of the resurrection of the Royal Street Patrol and how that will influence policing in the French Quarter. The OIPM wrote a public letter to Chief Ferguson and his leadership team regarding the oversight concerns that the OIPM has regarding the possibility of the Royal Street Patrol. The OIPM highlighted our concerns regarding inconsistent and unclear accountability, public safety with law enforcement related shootings, and the lack of public engagement and input in the structuring of the patrol and attached an accompanying letter from MaCCNO.


In December, the OIPM wrote a second formal letter to the Deputy-Chief of the Field Operations Bureau regarding musician and performer concerns about the barricades being implemented on Royal Street.

Through this activity, the OIPM is able to ensure that the local culture that represents New Orleans is considered in policing tactics and their voice is heard in policing decisions.



Join the
Independent Police Monitor
for coffee and conversation
about police oversight.

Old Road Coffee
2024 Bayou Road
Friday, July 22nd
at 9am.



OIPM Expands Community Presence

In 2022, the OIPM started finding new ways to engage with the community and increase public awareness of our office, what oversight is, and what services we provide. We decided to start creating more casual opportunities for people to engage and ask questions, in informal settings, based in neighborhoods. In that spirit, the OIPM started two new series of events: Coffee with the IPM and community office hours.

Coffee with the IPM was a chance for people to talk to the leadership team of the OIPM over coffee in local coffeeshops. The OIPM was able to hold two of these events in 2022, one in the 7th Ward and one in New Orleans East. These events were informal but informative. At Old Road Coffee, the IPM, Deputy, and the Director of our Mediation Program gathered in the 7th Ward to talk with community members and organizational partners, like the Metropolitan Crime Commission and the Crime Survivors NOLA. Over cups of coffee, we talked candidly about our work, our goals, the state of the NOPD, and challenges facing policing in New Orleans. We received insightful questions and had a robust discussion - everyone chiming in about experiences with the police and hopes for the post-Consent Decree NOPD. A couple months later, people popping into the PJ's on Read Blvd were able to quickly get more information about the role of police oversight over their morning coffee. We were able to talk to stakeholders and partners in our work - organizations that showed up to hear what the community was concerned about and to discuss collaboration - and with the public. We loved the chance to talk to the people we seek to serve and to make new connections while enjoying iced lattes.

Community office hours was inspired by the District Attorney's Office opening a satellite office in New Orleans East. The OIPM frequently heard that some neighborhoods felt unserved or like distance made it difficult for them to access city agencies. The OIPM wanted to combat this challenge by offering hours during the week that we were available to take complaints and commendations or answer questions about policing. We started tabling at NORD centers and libraries in New Orleans East, the Lower 9th Ward, and the Westbank. Our hope was to be more available to all banks and wards in New Orleans and eliminate the real obstacles of distance and accessibility that may influence the public's ability to receive our services.

In 2023, we hope to continue these initiatives and continue to find creative new ways to reach more people.



OIPM will be on the Westbank tomorrow. Learn more about us. File complaints and commendations.

Algiers Regional Library
3014 Holiday Drive

Tuesday, August 30th
1 - 3pm

OIPM Office of the Independent Police Monitor
www.nolaipm.gov | 504.309.9799

This is how NOPD treated me....



Above are examples of the IPM speaking to the public and social media posts about community engagement.



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 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.

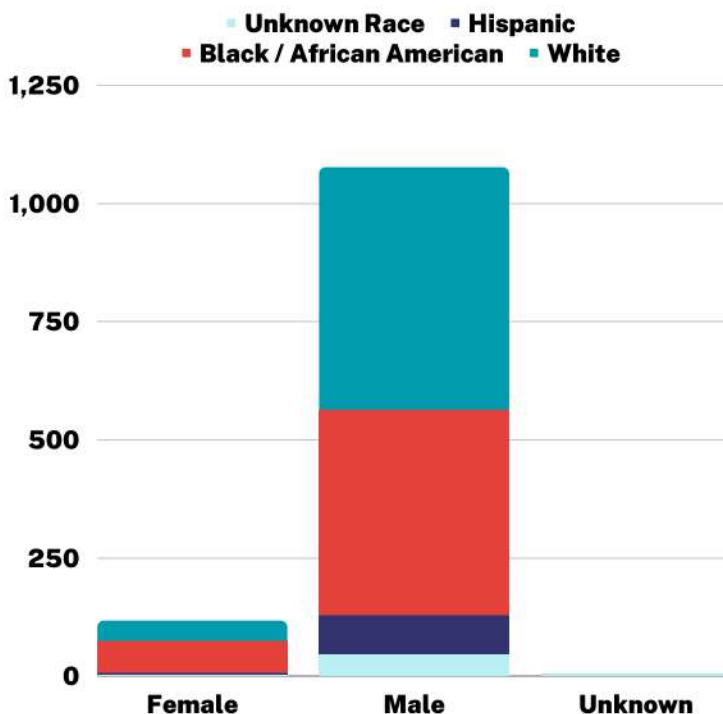
OIPM's Role in Use of Force

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.

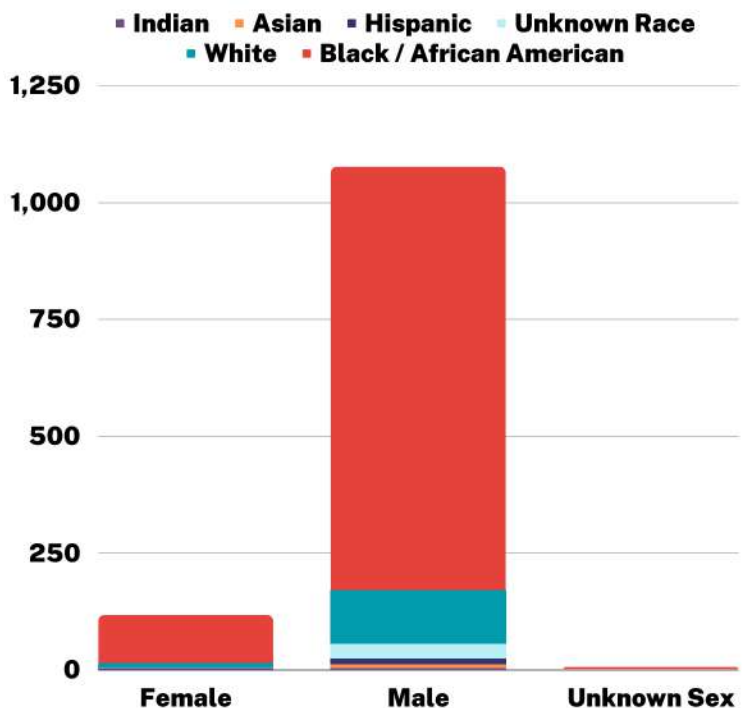
A Look at Force by Race and Gender

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 rates regardless of race, but for subjects of force there is a disparity. African-American males are still significantly more likely to be subjects of force than any other demographic. In the future, OIPM hopes to review NOPD data analyzing use of force in comparison to the alleged crime, if any, of the individuals subjected to force.

Force Used by Officer Gender and Race



Individuals Subjected to Force by NOPD



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

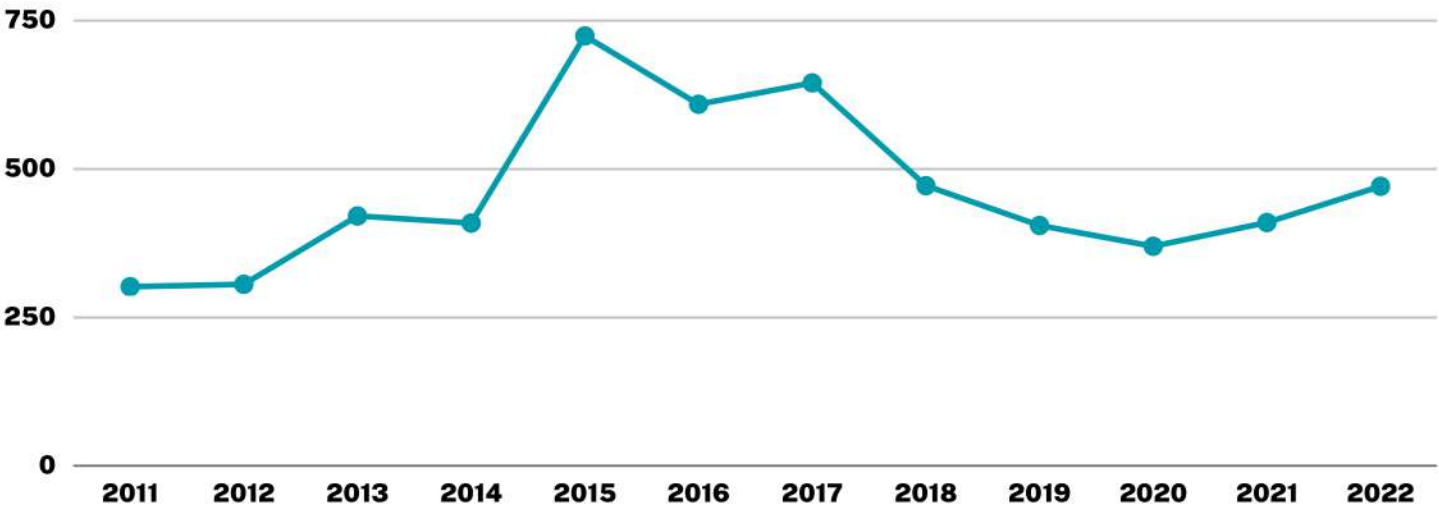
There are many acronyms and abbreviations in this department and it is important to understand them and their differences.

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. In 2022, there were 471 FTNs (compared to the 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. In 2022, there were 1198 UOFs compared to the 1086 UOFs in 2021 - a 10% increase.

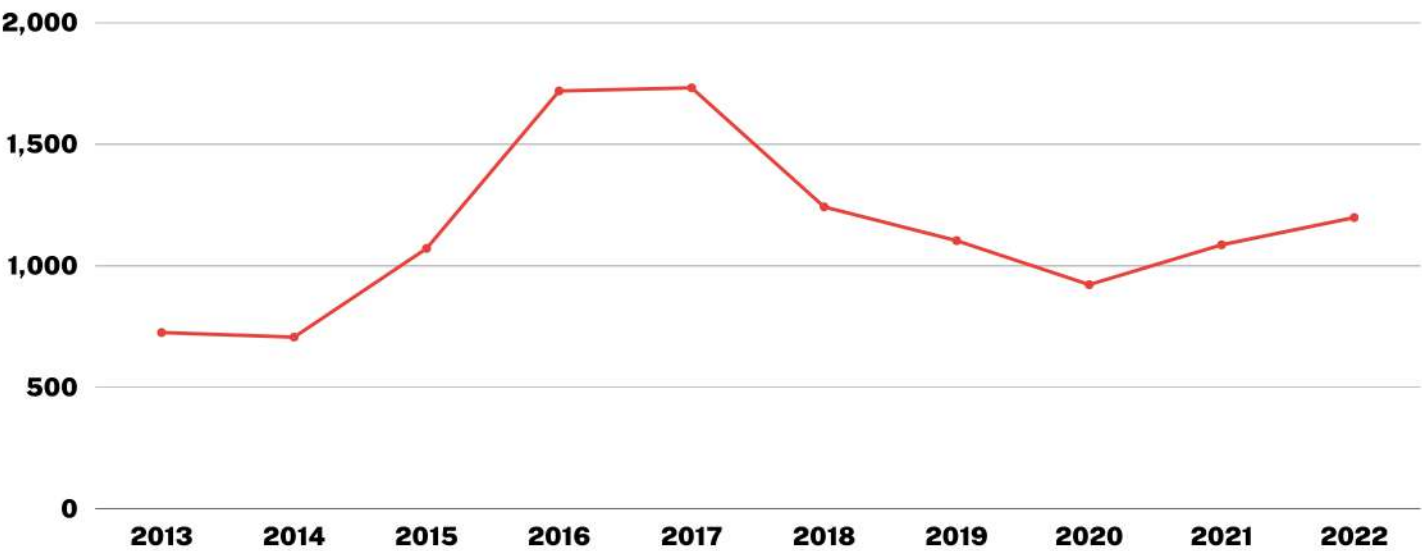
A single FTN corresponds to one or more UOF. This means if Officer A and Officer B both use their hands against Individual C, the result would be one FTN, corresponding to two UOFs (one for each officer). The same pattern would apply if there were multiple types of force used or multiple individuals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

1198	471
UOF	FTN

Incidents Involving Force (FTN) by Year



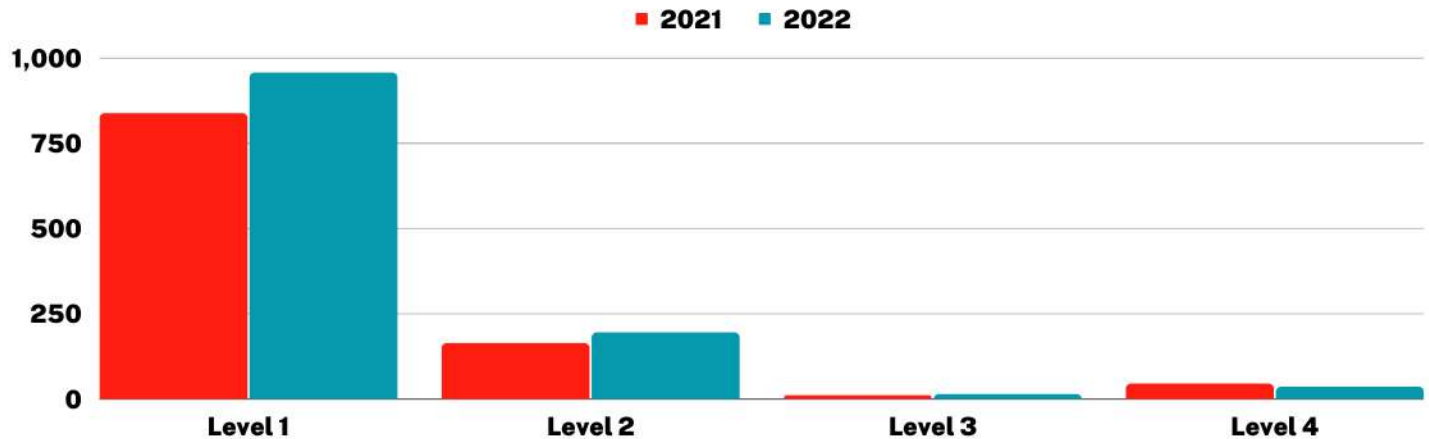
Amount of Force (UOF) by Year



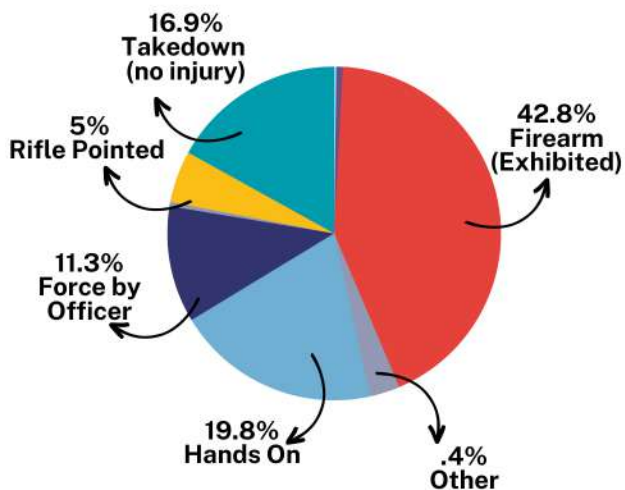
Levels of Force

Total Uses of Force

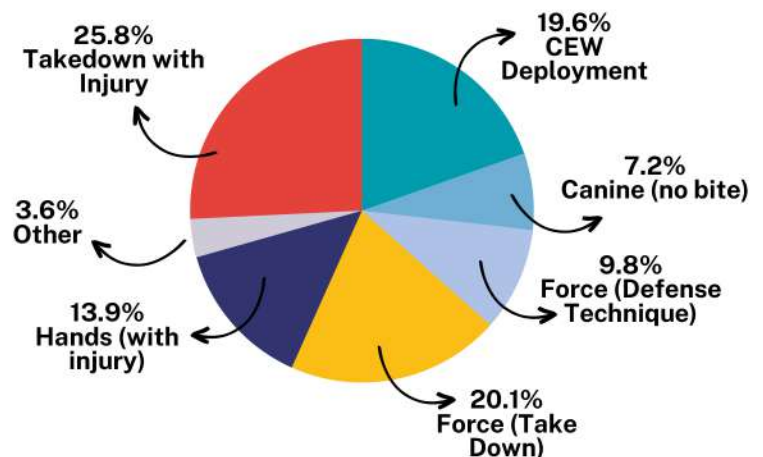
The New Orleans Police Department categorizes all uses of force in 4 Levels defined in NOPD Policy 1.3 with Level 4 being the most serious uses of force. Based on the data received by NOPD, Level 1 uses of force were the most frequently used by NOPD officers with 956 Level 1 uses of force in 2022, a 14% increase from 2021. Officers reduced level 4 uses of force by 20% in 2022.



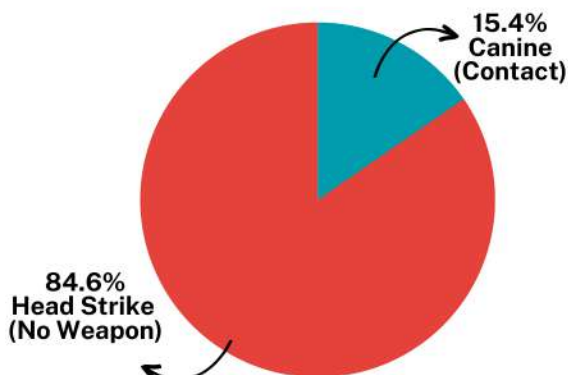
Level 1 Total = 956



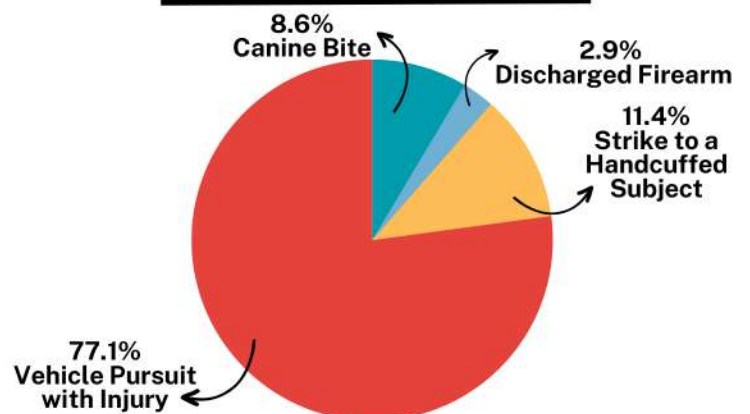
Level 2 Total = 194



Level 3 Total = 13



Level 4 Total = 35

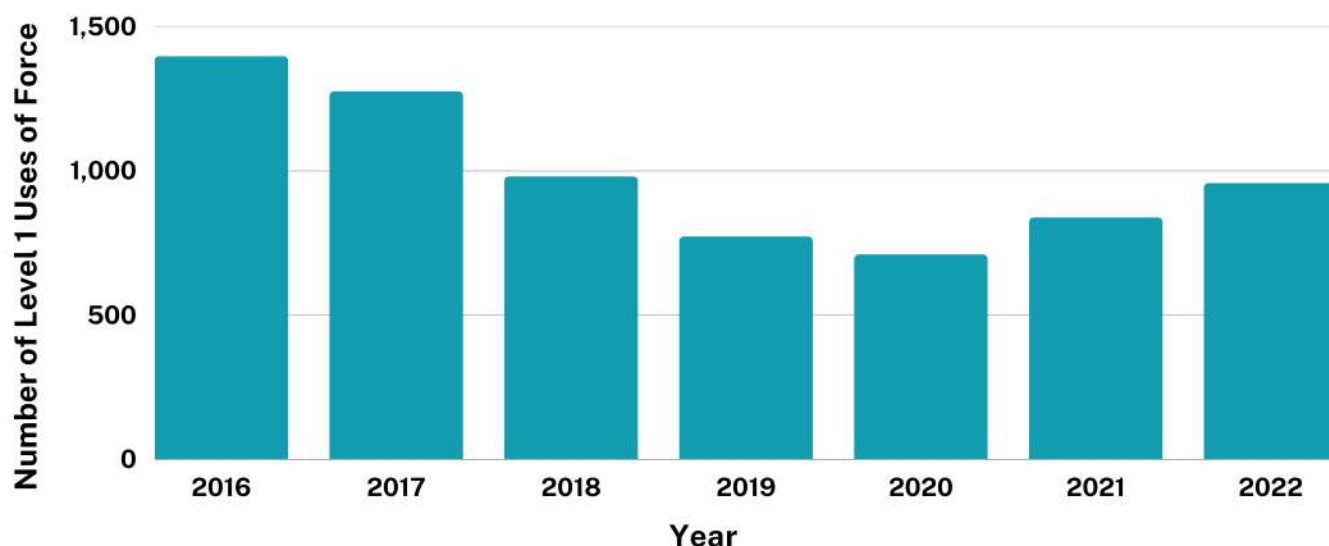


Amount of Force by Force Levels

Level 1

956
in 2022

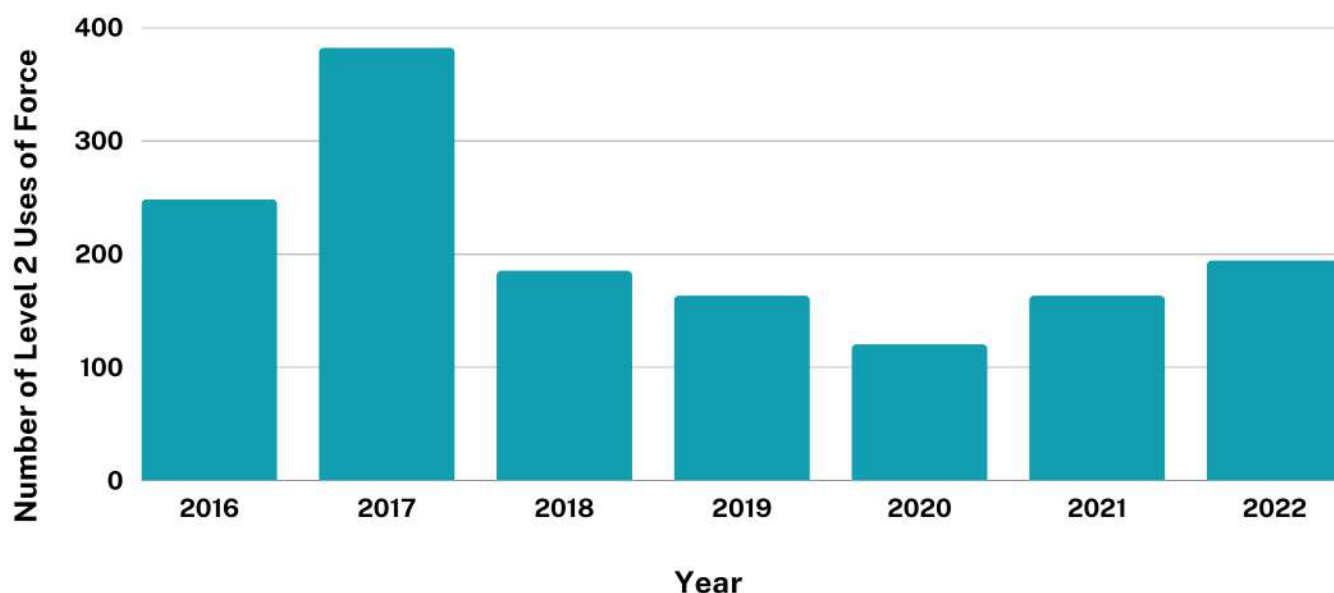
Includes pointing a firearm at a person and hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip) applied as pressure point compliance techniques that are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use 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

194
in 2022

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.

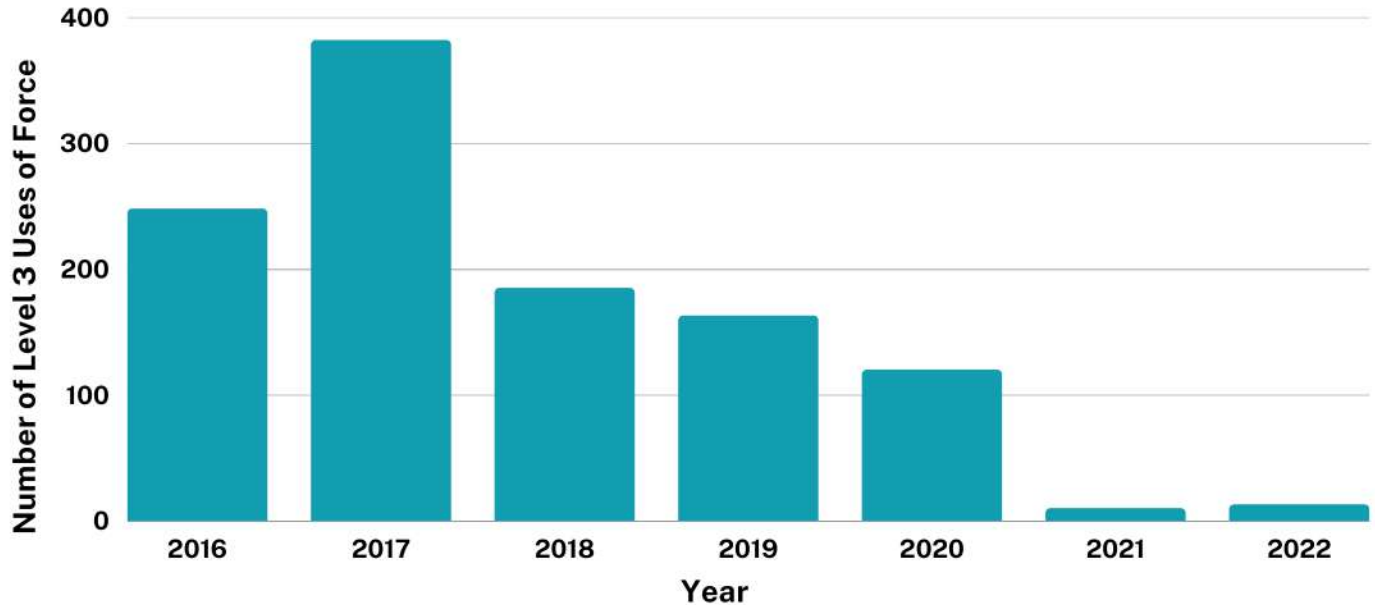


Amount of Force by Level of Force

Level 3

13
in 2022

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.

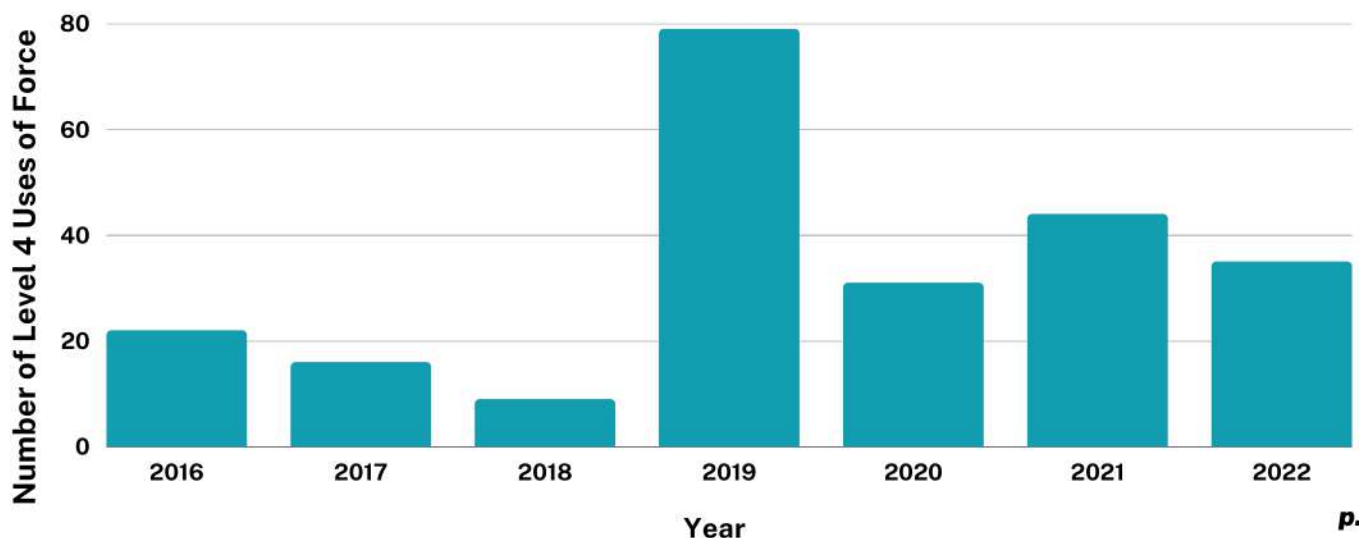


Level 4

35
in 2022

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.

.08%

of all uses of force in 2022 resulted in fatality

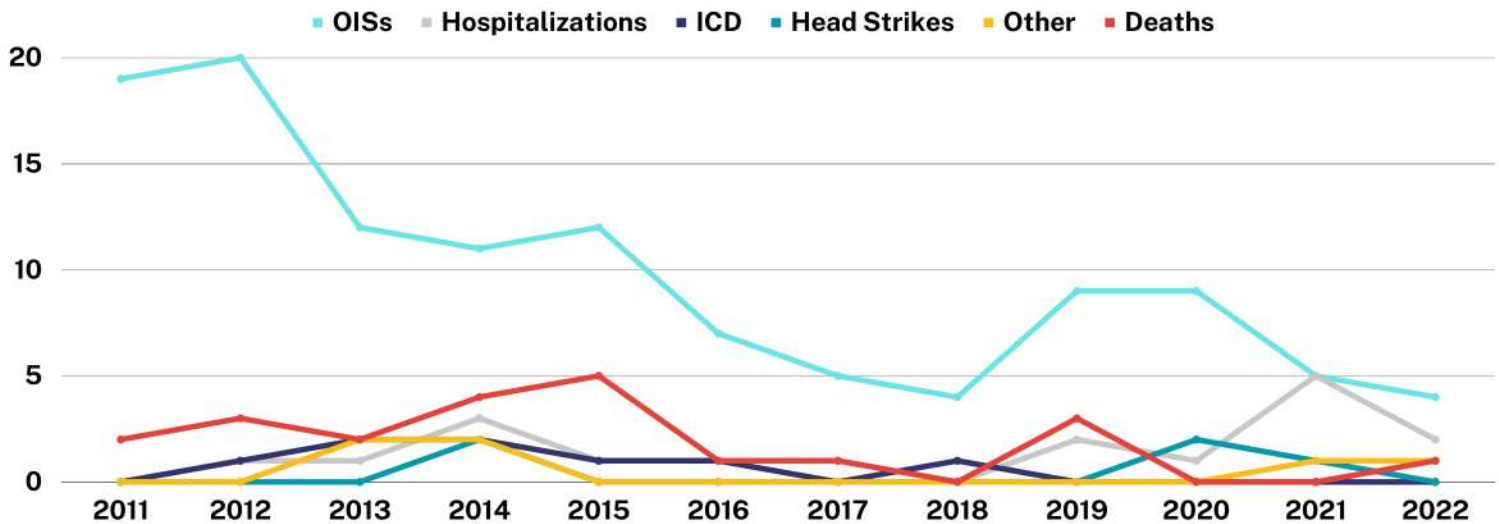
.33%

of all uses of force in 2022 were officer involved shootings

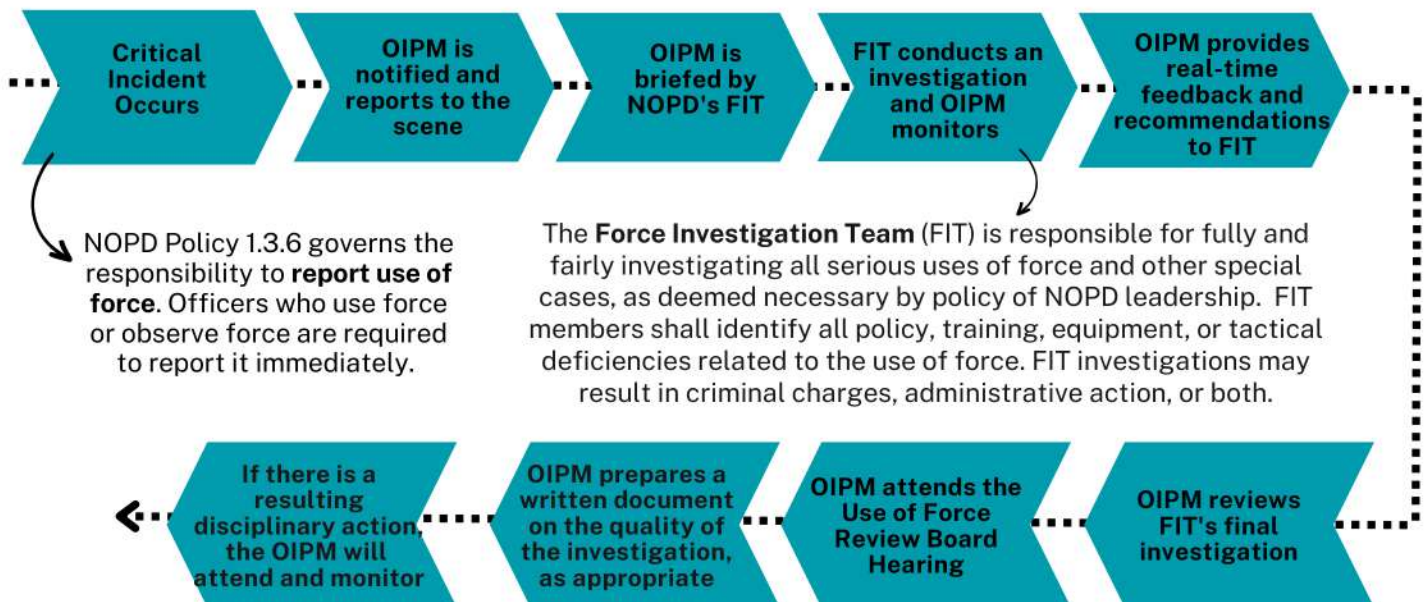
.17%

of all uses of force in 2022 resulted in hospitalization

Types of Critical Incidents By Year



Critical Incident / Use of Force Chain of Events



What is OIPM's Role in Monitoring Critical Incidents?

OIPM works side by side with the Force Investigation Team (FIT), a specialized unit of NOPD officers within the Public Integrity Bureau, throughout the investigation of a critical incident. A FIT member notifies the OIPM designee of a possible critical incident promptly after they receive notification. An OIPM designee will report to the scene within one-hour of notification of the incident and receive a briefing on the facts and circumstances that are known at that time from FIT. The OIPM designee will be given a walk-through of the crime scene area, to the extent possible, to observe any deceased persons, any injured persons, any evidence to be collected, and pathways taken by involved officers, subjects, and witnesses. Being able to review the scene and receive a walkthrough and briefing is essential for the OIPM to determine if the initial part of the investigation is being conducted properly.

Throughout the course of an investigation, the OIPM and FIT remain in regular contact about the steps being taken and decisions being made. The OIPM is notified about all officer interviews and attends the interviews to monitor the interviews in real-time.

The open lines of communication between FIT and OIPM are essential for the OIPM to make recommendations to improve the quality of NOPD critical incident investigations, accordingly.

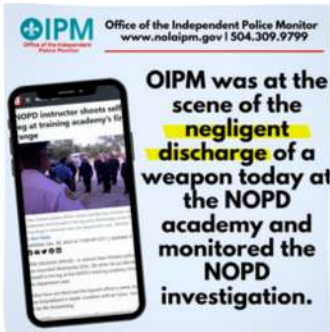
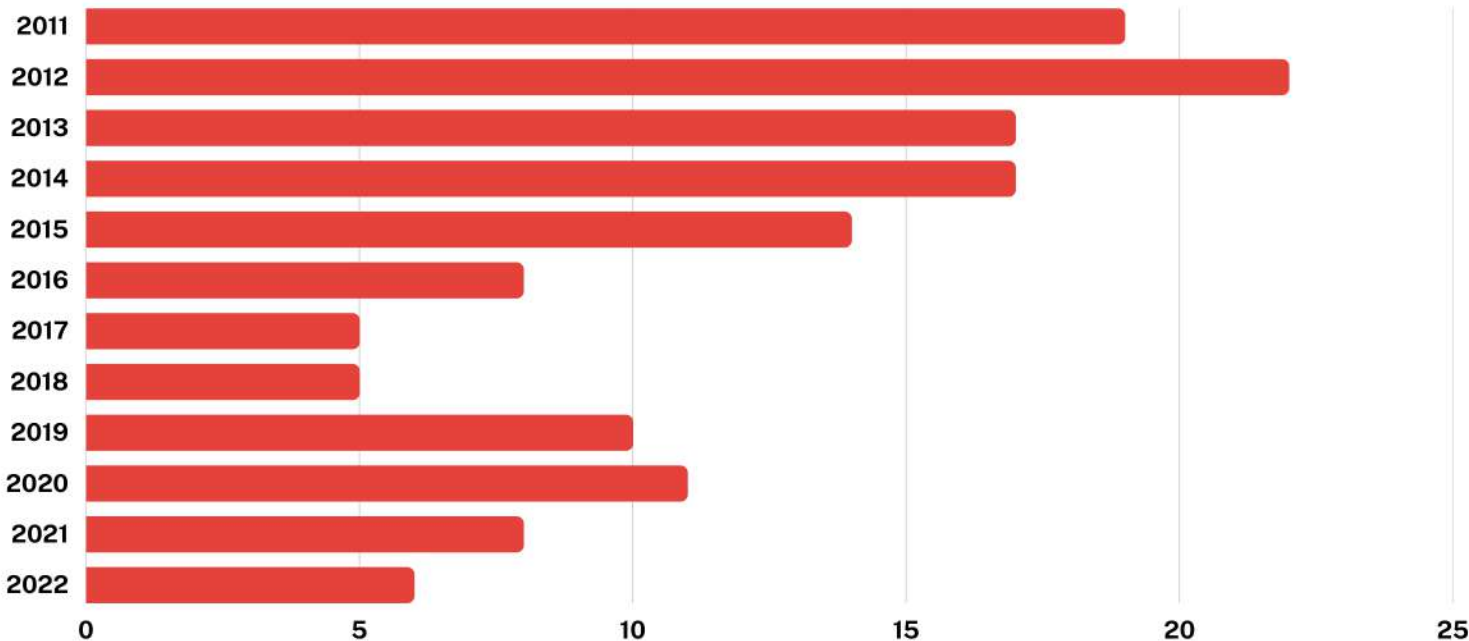
OIPM is Monitoring More UOF Investigations

OIPM is regularly notified by FIT about force incidents before there are enough details to properly classify the incident. OIPM welcomes this change. This allows OIPM to promptly report to a force scene regardless of classification. Many critical steps are taken early in an investigation and it is important not to miss the opportunity to monitor an investigation that may become critical, if possible.

2022 Critical Incidents at a Glance

In 2022, there were six (6) Critical Incidents. The chart below lists the number of critical incidents by year. The table on the next page contains descriptions of the incidents that took place in 2022.

Number of Critical Incidents Each Year



Summaries of Critical Incidents in 2022

Date of Incident	Summary
1/12/2022	An off duty ATF agent was the victim of an attempted carjacking. The agent pursued his vehicle and notified the 2nd District of NOPD. The suspect crashed the vehicle into a building injuring a pedestrian in the process while being pursued by NOPD.
2/9/2022	The officer encountered an armed subject while searching for a cellular phone in a field that was taken in an armed robbery. The suspect opened fire towards the officer, the officer fired back striking the subject. The subject was transported to a local hospital by NOEMS. The officer did not sustain any injuries.
2/10/2022	A NOPD officer was serving a high-risk warrant on a murder suspect at a residential location along with the US Marshal's Task Force. Officers made contact with the suspect who was armed with a long rifle, the suspect appeared to point the weapon at the officers causing them to fire and fatally wound him.
6/14/2022	Officers observed a vehicle matching the description of a stolen vehicle used in an unarmed carjacking and car burglaries. The vehicle travelled eastbound on the Danziger Bridge. Officers followed the vehicle for additional information and attempted to raise the dispatcher but were not acknowledged. The units activated their lights and sirens and began to transmit to the dispatcher and the vehicle crashed causing severe injuries to one of the occupants.
7/11/2022	NOPD was on the scene with SPCA and Child Abuse Detectives serving a search warrant at the residence. The SPCA officer went into the rear yard to confiscate the dog when the dog attacked her. After hearing her screams and observing the dog refusing to release his bite, an officer went to assist and fired 4 shots striking the dog. The dog perished on the scene. The SPCA officer was taken to a local hospital for treatment.
11/15/2022	While investigating a trespassing call for service, the officer observed a male laying on the ground, refusing to leave. The individual then stood up, produced a knife, lunged at the officer, and subsequently continued to move towards the officer with the knife. The officer fired one shot, striking the individual in the right arm. The individual was transported to a local hospital. The officer did not report any injuries.

Use of Force Review Board (UFRB)

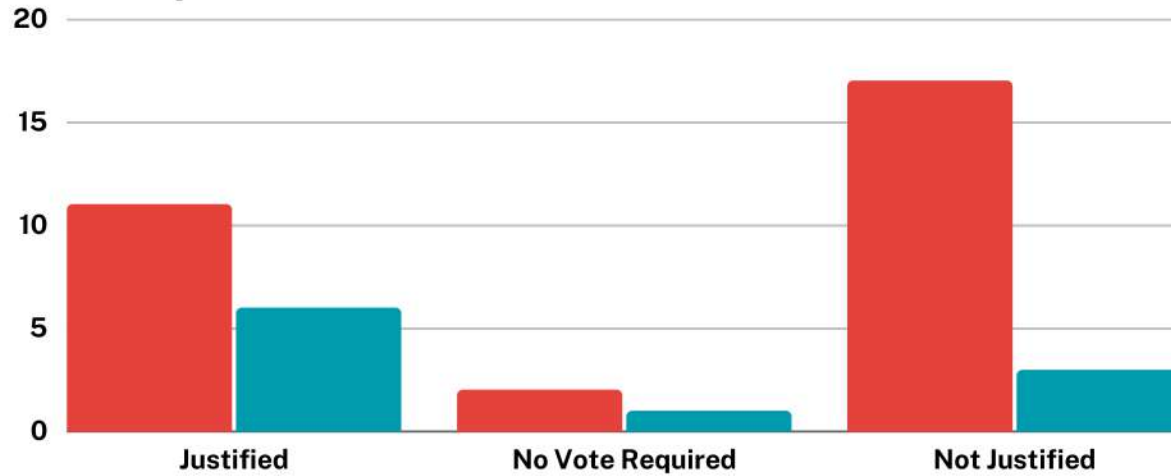
The Use of Force Review Board (UFRB) serves as a quality control mechanism to ensure timely reviews of all serious use of force investigations to determine the appropriateness of the investigative findings, and to quickly appraise use of force incidents from a tactics, training, policy, and agency improvement 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.

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 2022, the Board found 6 uses of force were justified and 3 were not justified. There was 1 case that did not require a vote by the Board.

UFRB Dispositions: 2021 and 2022



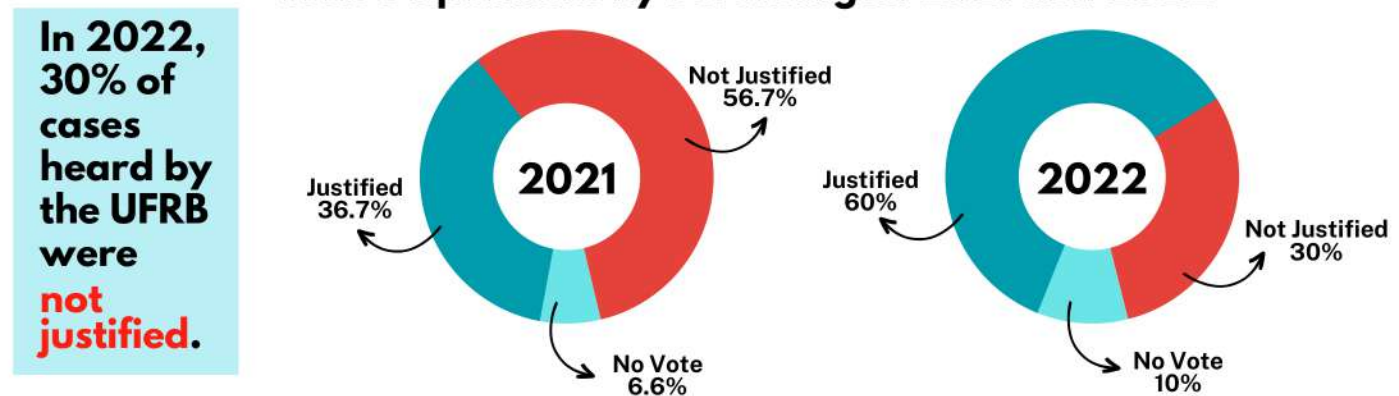
10

UFRB cases
heard in 2022

30

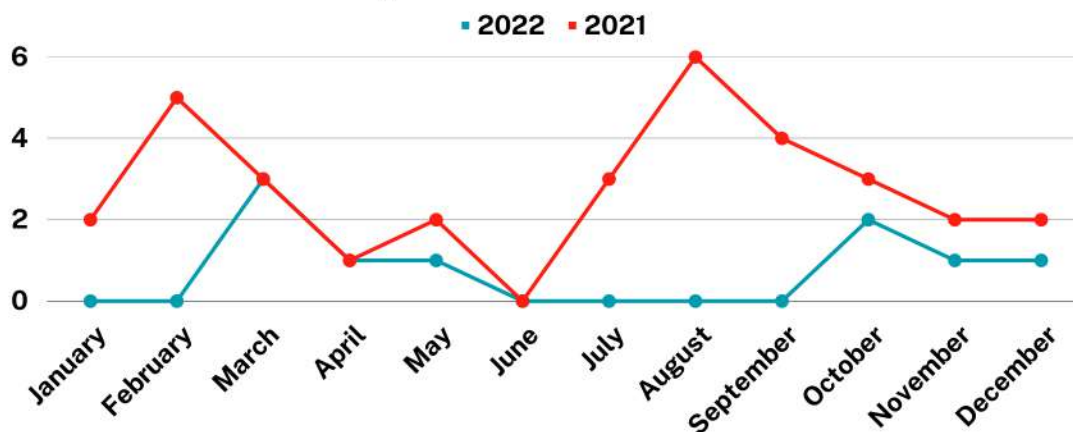
UFRB cases
heard in 2021

UFRB Dispositions by Percentages: 2021 and 2022



In 2022, the NOPD used the term not justified incorrectly in many UFRB hearings. As discussed on page 44, IPM recognized this deficiency and recommended changes to more accurately reflect the boards findings of whether behavior was within departmental policy or a violation of departmental policy.

UFRB Cases Heard By Month in 2021 and 2022



**67% fewer
UFRB cases
were
heard in
2022 than
2021.**

OIPM Role in UFRB

By policy, UFRB should occur every 30 days to review use of force incidents or investigations that have been submitted since the prior UFRB meeting. In 2023, UFRB was not held in 6 out of the 12 months. When a UFRB is held, 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. The OIPM often provides feedback to FIT investigators throughout the entirety of the investigation.

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 the OIPM makes formal recommendations concerning a specific case or pattern of behavior. In 2022, the OIPM provided two significant recommendations:

Use of Force Review Board Hearing Dispositions

OIPM provided a policy recommendation to the UFRB to change the language that was previously used for dispositions of cases. UFRB previously voted if the alleged use of force was "justified" or "not justified." OIPM was concerned about the use of that language because (1) justification is a legal finding and (2) NOPD policy did not contain a definition for "justified" or "not justified." This led to inconsistent outcomes in cases. Additionally, there were cases, such as vehicle pursuits, where the voting members would believe the force was "justified" but violated the vehicle pursuit policy. These situations caused significant confusion. Based on national best standards, the OIPM recommended the vote be amended to the following:

1. The employee's actions were within department policy and procedure, or
2. The employee's actions were in violation of the department's policy and procedure.

After robust discussions, this policy was accepted by NOPD and also supported by the Office of the Consent Decree Monitors. OIPM anticipates having more consistent and transparent data in the future because of this change.

Crisis Intervention Training

In 2022, OIPM provided the recommendation of increasing the amount of Crisis Intervention Training (CIT) required by NOPD officers. UFRB reviewed cases where the force was technically within policy, but it was apparent to NOPD and OIPM that the force may not have been necessary had the responding officers been CIT certified or had more CIT training. NOPD joined OIPM in this recommendation. This issue is currently under review for the possibility of implementation.

Use of Force Policy Changes

NOPD made three changes to policies involving Use of Force in 2022. NOPD made changes to the definition of a neck hold, the classification of uses of force involving special munitions, and as described above, the Use of Force Review Board Hearing Dispositions.

Neck Holds

In 2021, OIPM raised concerns about how neck holds were being evaluated by the UFRB. Neck holds are a serious use of force and should be evaluated thoroughly and accurately. In 2022, NOPD modified its policy to the following:

Neck Hold — One of the following types of holds: (1) arm-bar control hold, a hold that inhibits breathing by compression of the airway in the neck; (2) carotid restraint hold, a hold that inhibits blood flow by compression of the blood vessels in the neck; (3) lateral vascular neck constraint; or (4) a hold with a knee or other object to the back of a prone subject's neck; (5) any actions with the hands and fingers of an officer, which restricts the airflow of an individual. A neck hold is considered lethal force. NOPD Policy Chapter 1.3

The new definition requires more than touching someone on their neck. It requires the inhibition of blood flow or breathing. NOPD accepted OIPM's recommendation to evaluate this standard similar to how they review domestic violence strangulation incidents.

Specialized Weapons

During the summer of 2020, NOPD used specialized weapons on protesters on the Crescent City Connection. Then Superintendent Shaun Ferguson called the incident a department wide failure as there was a lack of policy and training related to First Amendment Assemblies and Specialized Weapons. As a result, Use of Force policy was updated to designate special munitions, such as impact rounds and flash bangs, as a level 4 use of force.





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 2022 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.

104
Complaints
2022

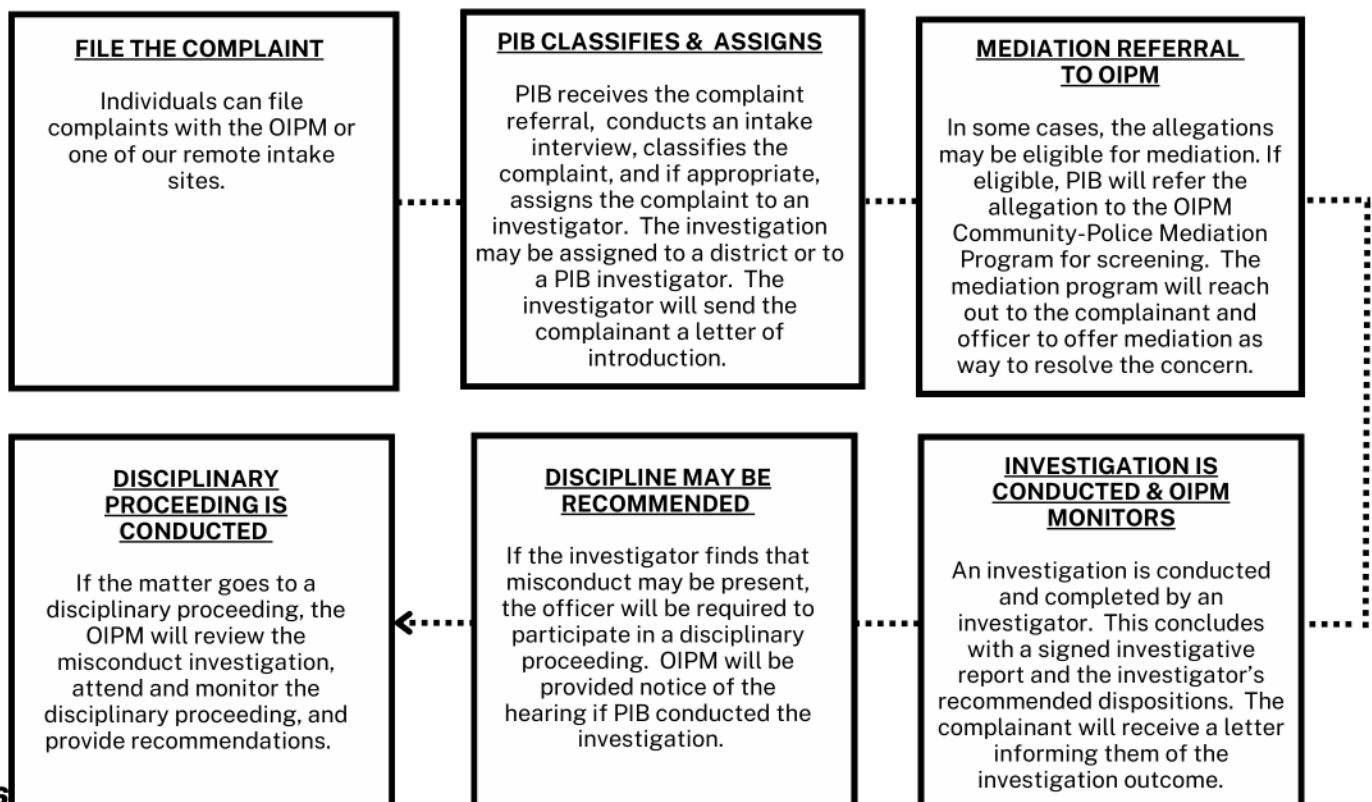
93
Complaints
2021

100
Complaints
2020

Understanding the Complaint Process

Below is a high level summary of the complaint process utilized by the NOPD and where the OIPM may be the most included. When the OIPM reports out on complaint data, the OIPM may be reporting on complaints that were filed with the OIPM or complaints that were filed with the Public Integrity Bureau (PIB) and the OIPM was not included until the disciplinary process or not at all. On the next page is more information regarding complaints that are filed directly with the OIPM.

Complaint Process

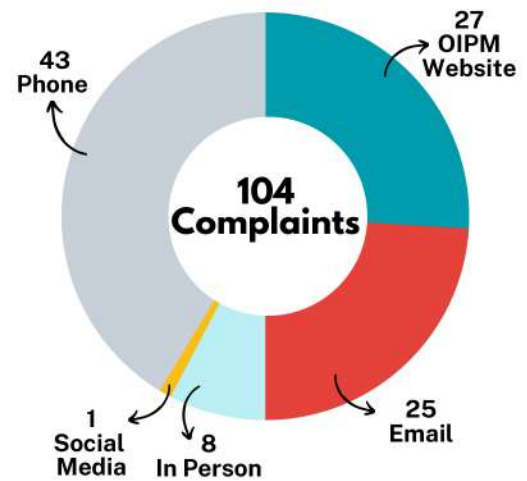


OIPM Complaint Intake Methods

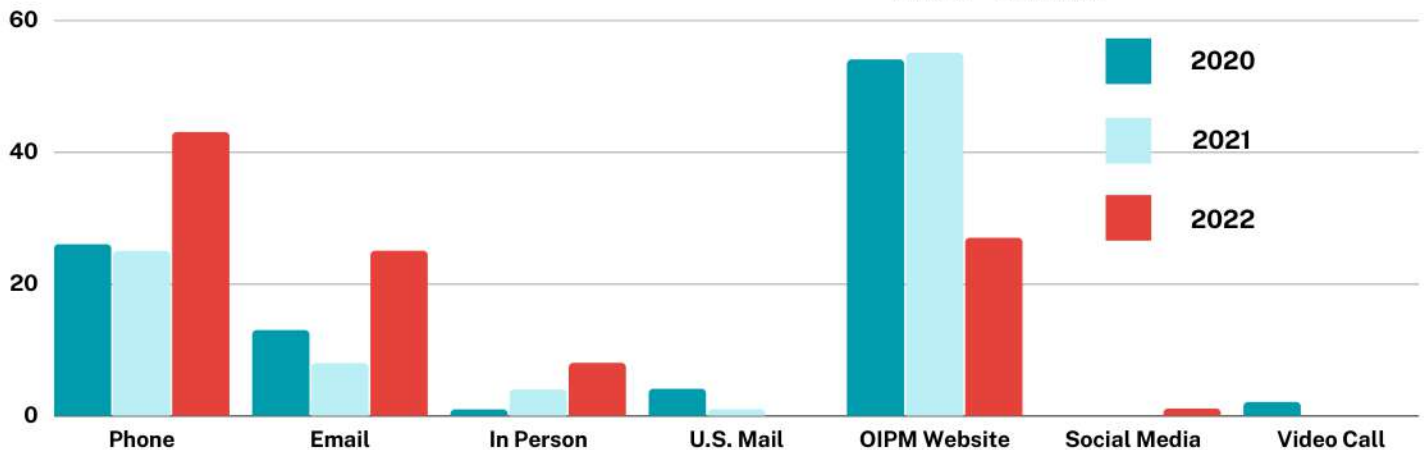
The OIPM accepts complaints through multiple intake methods. Complaints may be filed with the OIPM by telephone, in writing, by mail, e-mail, the OIPM website, in person at the OIPM office, at a designated OIPM trained/sponsored organization location, or at a designated OIPM outreach event. The chart below demonstrates the different intake sources utilized to file complaints over the last three years.

The majority of the complaints were received either over the phone (41.3% of all complaints received in 2022) or through the OIPM website or email (both were nearly 25% of the total complaints received in 2022).

**Complaint Intake Source 2022
OIPM Complaints Only**



**Complaint Intake Method 2020, 2021, 2022
OIPM Complaints Only**



OIPM Complainant Type

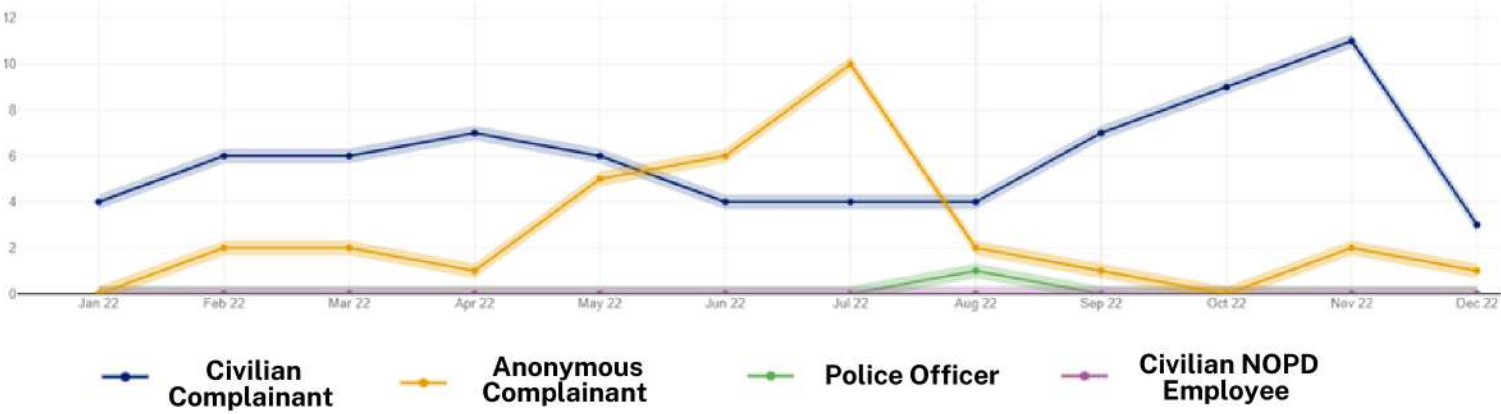
A complaint is an allegation of misconduct filed against a NOPD officer(s) or employee(s) by a member of the public or civilian (external) or another officer (internal). A complaint may concern an action or lack of action taken by a NOPD employee(s), an interaction with a NOPD employee, or a witnessed interaction with a NOPD employee.

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.

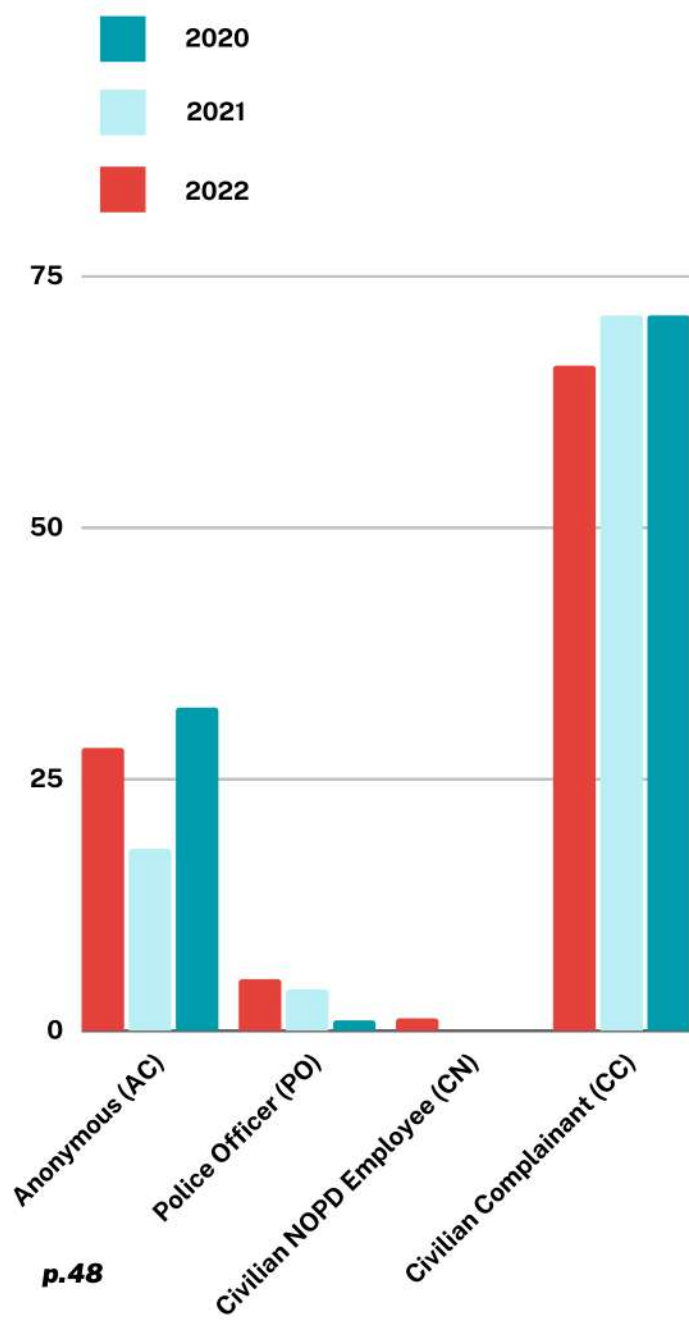
Complainant Type Within the OIPM

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.

Complainant Type Over 2022 - OIPM Complaints Only

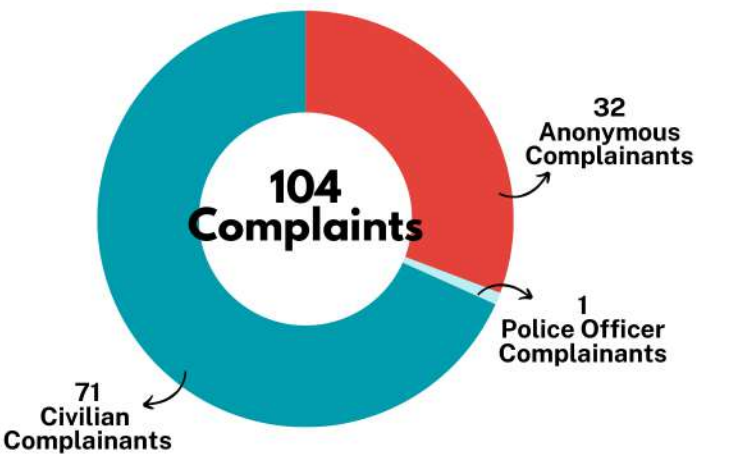


Complaint Type 2020, 2021, 2022 OIPM Complaints Only



In 2022, the OIPM continued to receive a high volume of complaints. To the OIPM, this demonstrates a public trust 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. In 2022, the OIPM processed 104 complaint referrals. In 2021, the OIPM processed 100 and in 2020, the OIPM processed 97 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 investigations of homicides and use of force incidents.

Complaint Type 2022 - OIPM Complaints Only



Understanding the OIPM Referral Letters

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.

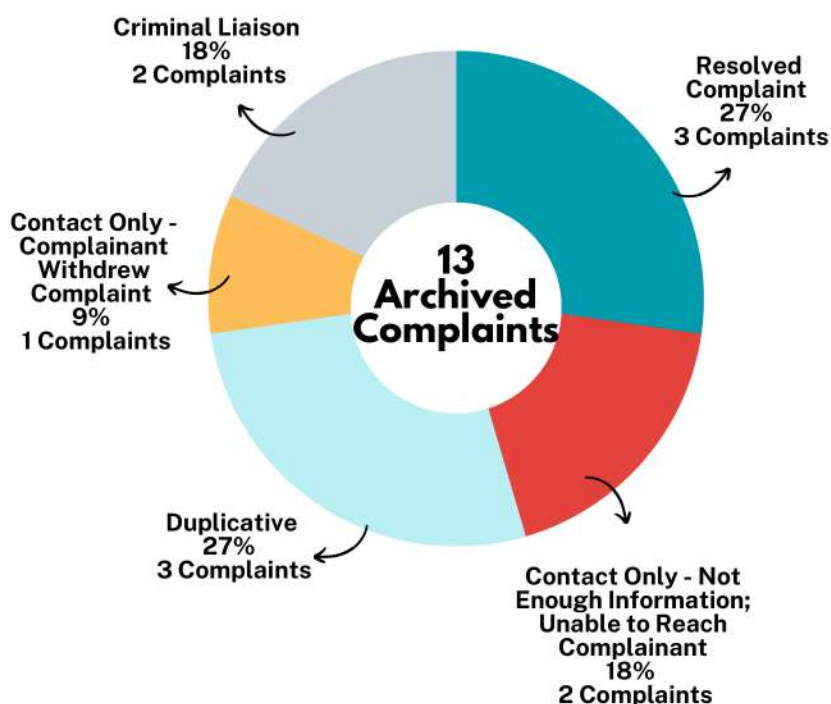
Finally, the OIPM classifies the complaint, makes recommendations on reassignments, managing retaliation, and any other corrective measures. The OIPM may also comment on the general policies or training if there is a risk that those policies, practices, or training may not provide enough guidance to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

Archived Complaints

In 2022, the OIPM received 118 complaints but only submitted 104 to the PIB for investigation. The OIPM archived 13 complaints - which means that the complaints were received but never submitted to the PIB for investigation. There are multiple reasons why the OIPM may not submit a complaint that was received.

In 2021, the OIPM archived 10 complaint referrals because those complaints were resolved by the OIPM through providing information to the complainant, explaining NOPD policies, or being able to actually solve the problem (5 complaints). The other complaints were archived because the named officer was not a NOPD employee, or they were created in error. In 2022, the OIPM archived 13 complaints because: complaints were resolved by the OIPM working with the complainant and NOPD, the OIPM was unable to move ahead with the complaint, the complainant withdrew the complaint, or the complaint was duplicative.

Complaints Archived by the OIPM in 2022



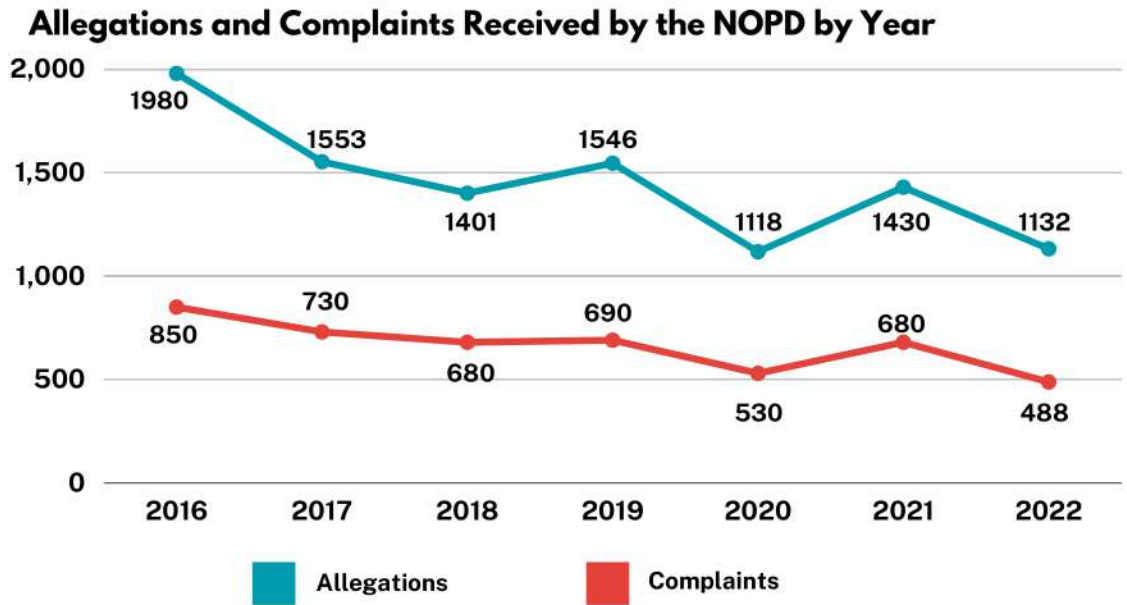
Misconduct and Force Analyst, Christian Jamal, works on complaint referral letters at his desk at OIPM. A component of his work is reviewing Body Worn Camera Footage and looking up Electronic Police Reports for additional information.

Complaints Received by the NOPD

There is a difference between allegations and complaints. Complaints may include multiple allegations of wrong doing. 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 can be 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.

To the right is a breakdown of how many complaints were received by the NOPD over the years compared to how many allegations of wrongdoing were received by the NOPD by year.

There will always be more allegations than complaints.

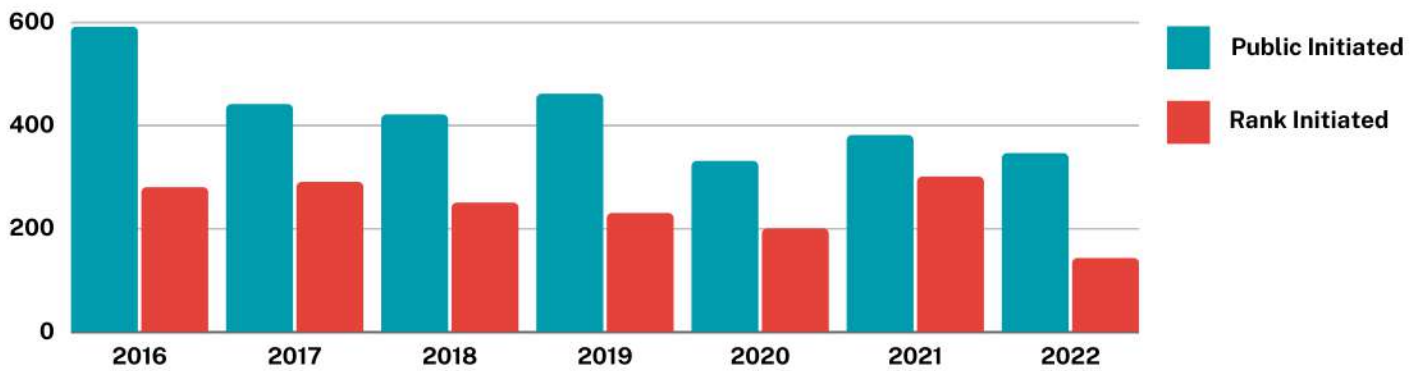


Rank and Public Initiated Complaints Received by the NOPD

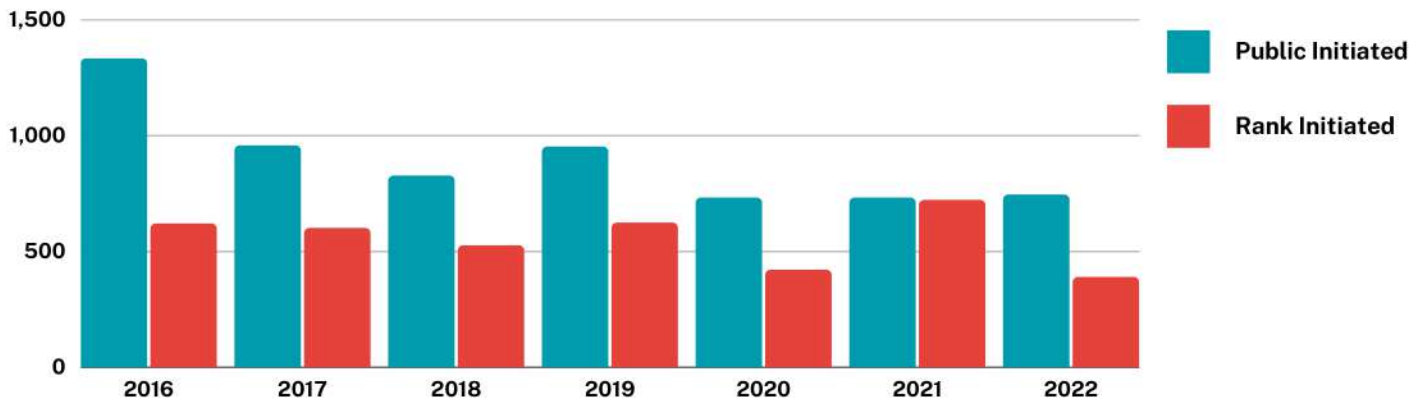
Rank and public complaints are how the NOPD classifies the complaints of misconduct the department receives. Rank initiated complaints are all complaints that are initiated internally. This means that a supervisor, peer, or another employee (civilian or commissioned officer) initiated the investigation 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

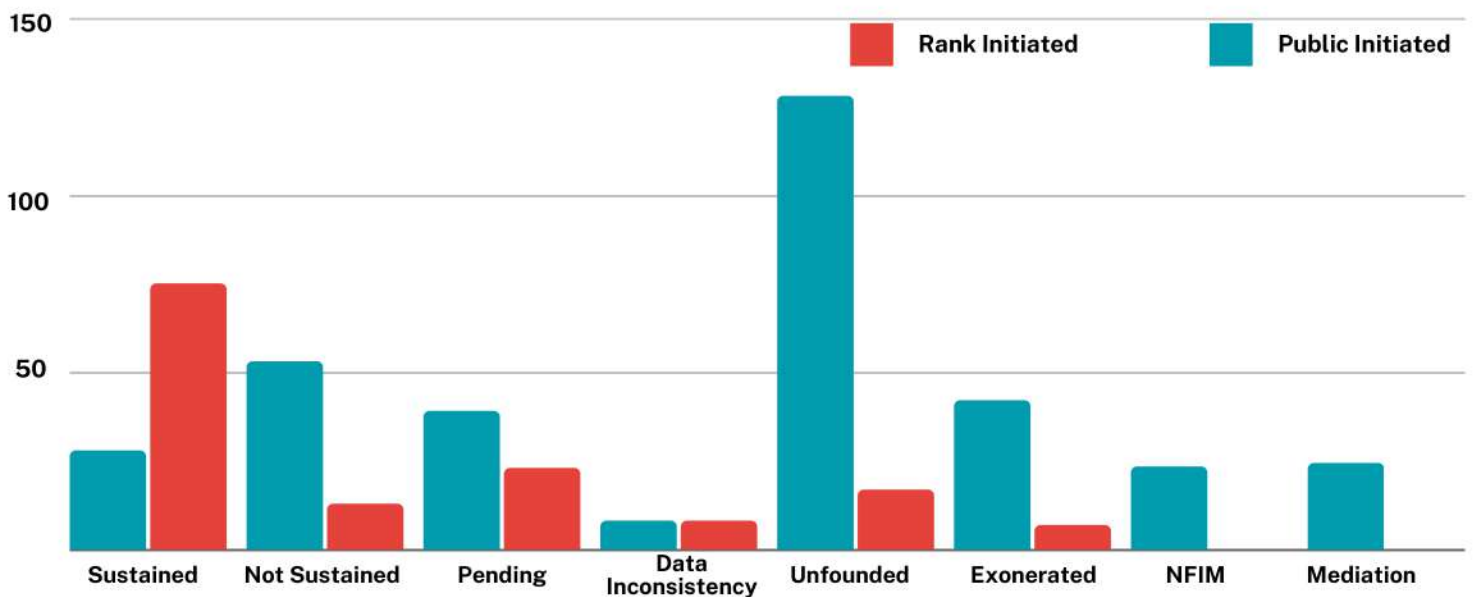


Allegations Received by the NOPD by Year according to Rank or Public Initiated Accusations



Outcomes of Rank and Public Initiated Complaints Received by the NOPD

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. This chart 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.



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.

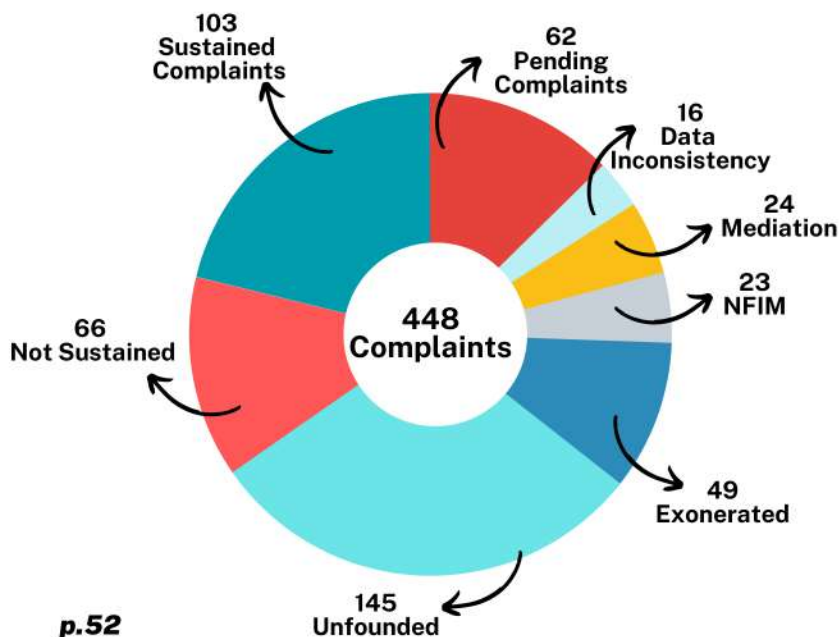
- **Sustained** – according to the NOPD, when the NOPD makes the finding of sustained, this means that under the standard of proof, the investigating officer or the hearing officer determined that the alleged incident or behavior occurred and it was a violation of the policies, practices, or training 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, or 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 breakdowns 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 2022 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.

2022 Complaint Outcomes



At the time the data was pulled, 62 of the complaints filed in 2022 were still pending. This is a huge improvement from 2021 when 192 complaints were still pending.

The largest amount in 2022 was the 145 complaints that were unfounded, which is similar to 2021 when 146 complaints were unfounded. These numbers do change and shift when the OIPM looks at the complainant source for the complaints.

What is Next for OIPM Complaint Intake Work

Looking towards 2023, the OIPM has identified the following priorities and goals for the year that will expand our impact and ensure accessibility for our complaint intake services.

Create a 24-Hour Hotline to File Complaints of Officer Misconduct

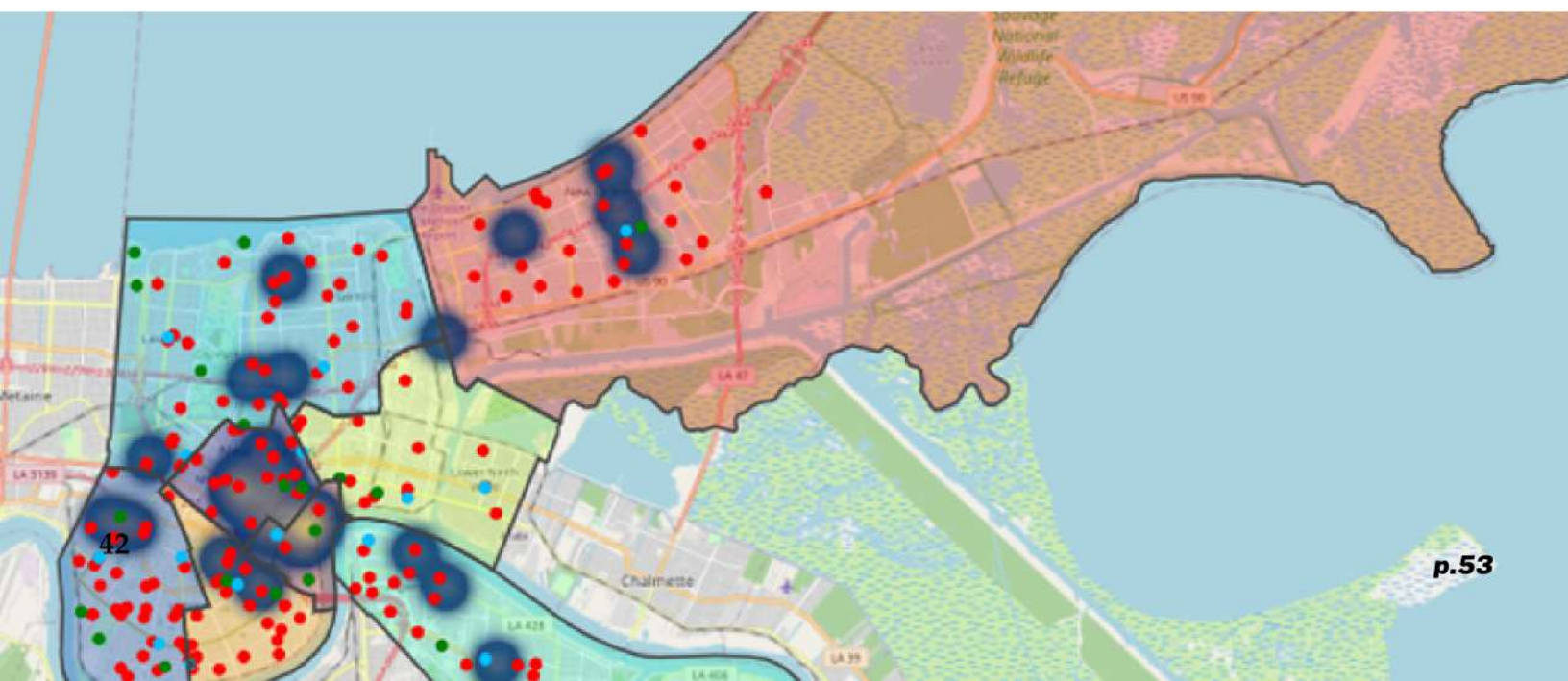
In 2022, the OIPM started to work with vendors to establish and operate a 24 hour hotline to receive complaints of officer misconduct. This hotline would be available in English, Spanish, and Vietnamese and would offer anonymous filings. This hotline would improve OIPM accessibility to the community 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, the OIPM will determine the legal protections necessary to receive complaints of officer misconduct and to protect the identity of all complainants or sources who wish to remain anonymous.

Utilize Formal Engagement and Close Out Letters for Complainants

In light of concerns regarding how to sufficiently communicate expectations with complainants, outline services that can be provided and cannot be provided by the office, and explain when OIPM services have come to an end, the OIPM is considering how to effectively introduce engagement and close out letters into our operations.





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.

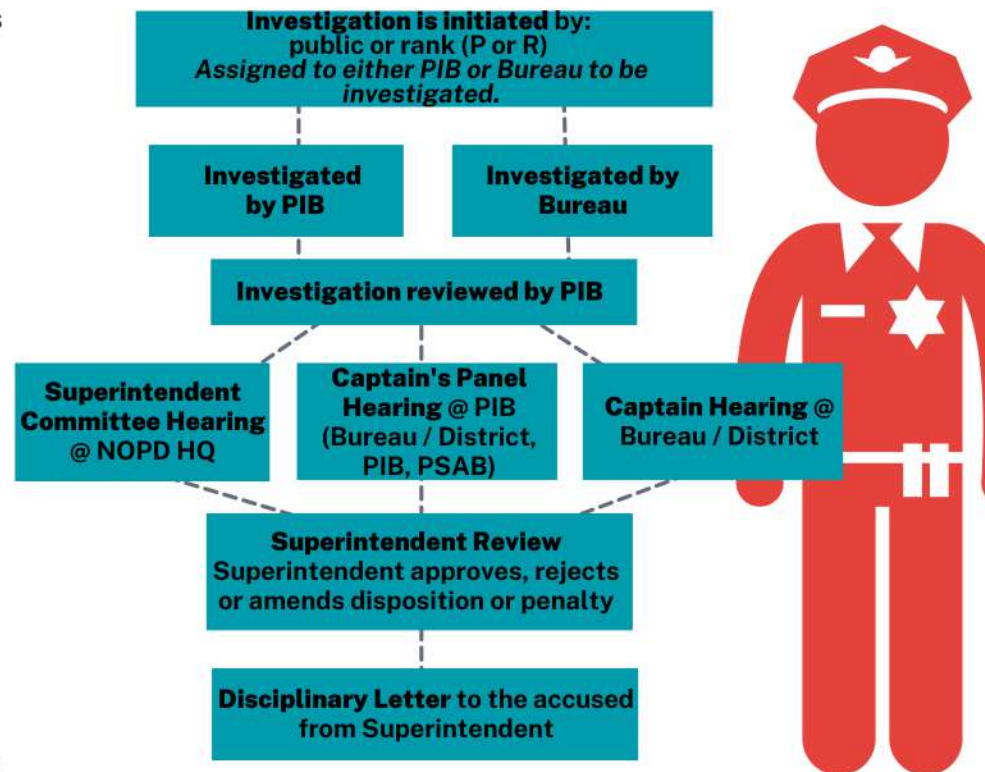
Discipline Process

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 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 that 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. 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

79

Total Disciplinary Hearings
Scheduled in 2022

66

Formal Disciplinary
Investigations including 79
total officers

56

Approximately Captain
Panel Hearings

14

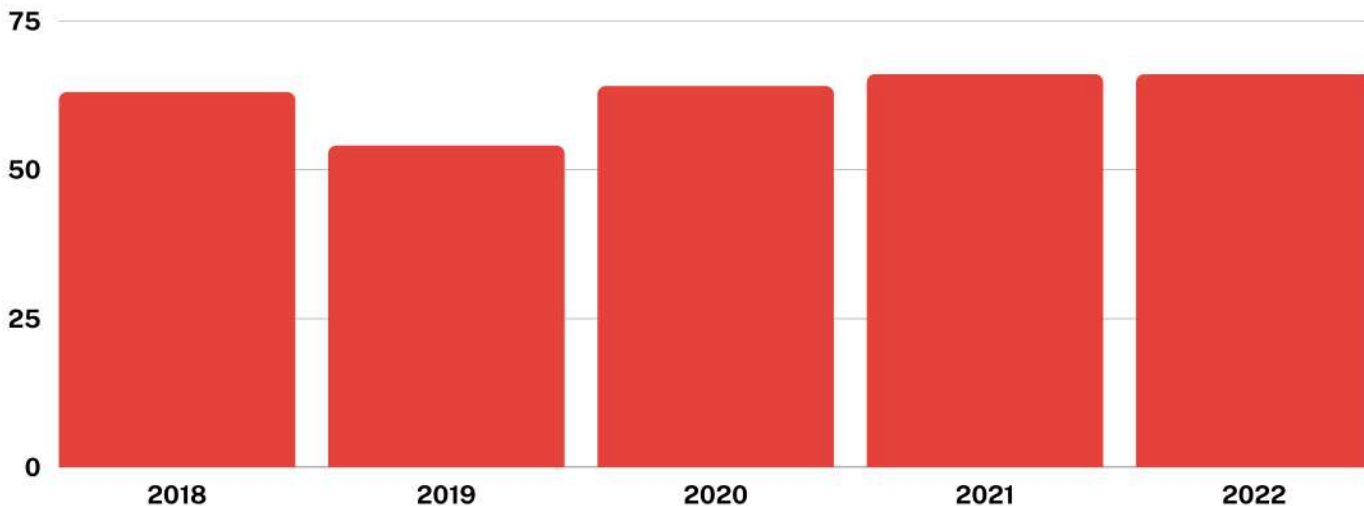
Approximately
Superintendent Committee
Hearings

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 strengths 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 supplements these hearings, these discussions during the deliberation process enable the NOPD to consider and digest our points before any final decision is 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 is an opportunity for that investigator to explain investigatory decisions and to answer questions.

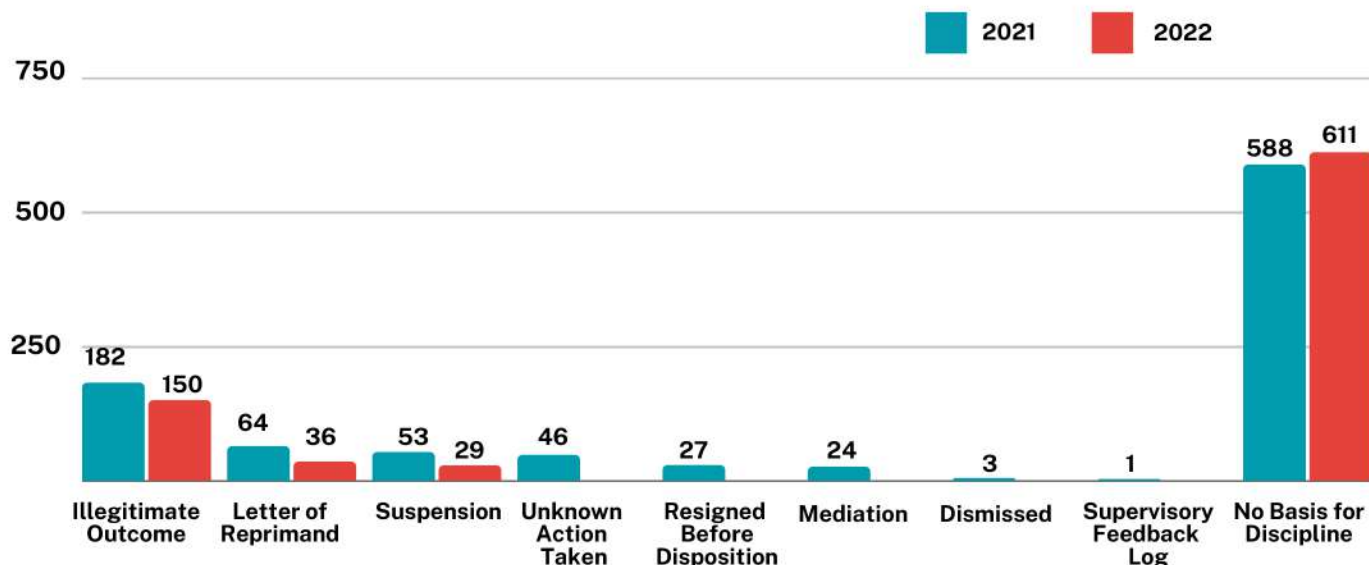
These deliberations between NOPD leadership and the OIPM are lively collaborative discussions – during which the OIPM may shift perspectives by voicing concerns of the community or providing input the OIPM has received from other NOPD officers and employees. The NOPD leadership and hearing officers are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

The NOPD and PIB leadership have 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.

Formal Disciplinary Investigations that went to Disciplinary Hearings 2018 - 2022



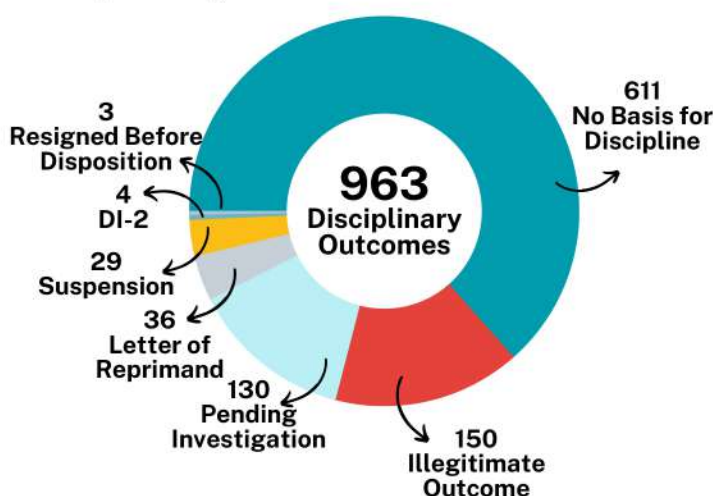
Disciplinary Outcomes 2021 - 2022



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 a result of an investigation.

Disciplinary Outcomes 2022



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 entries are written exactly as they are entered into the data system and can include:

- Action taken is labeled as "sustained"
- Awaiting hearing
- Counseled
- None

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

Disciplinary 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.

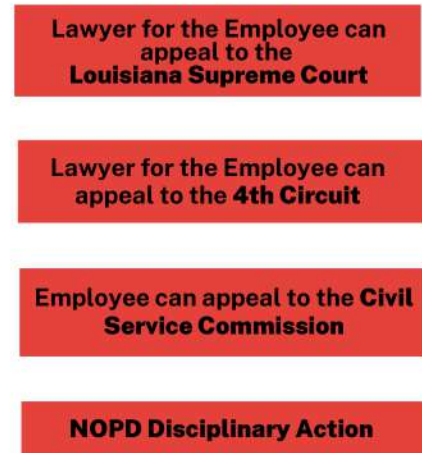
How does an appeal get to the Civil Service Commission?

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.

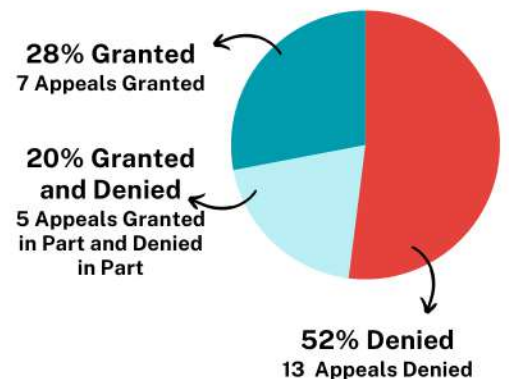
Disciplinary actions eligible for appeal may include dismissal, involuntary retirement, demotion, suspension, fine, reduction in pay, or letters of reprimand as defined in Rule I of the Rules of the Civil Service Commission. In addition, all classified employees who make a timely claim that the disciplinary 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.

Appeal Process



Civil Service Determinations of NOPD Appeals



“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.”

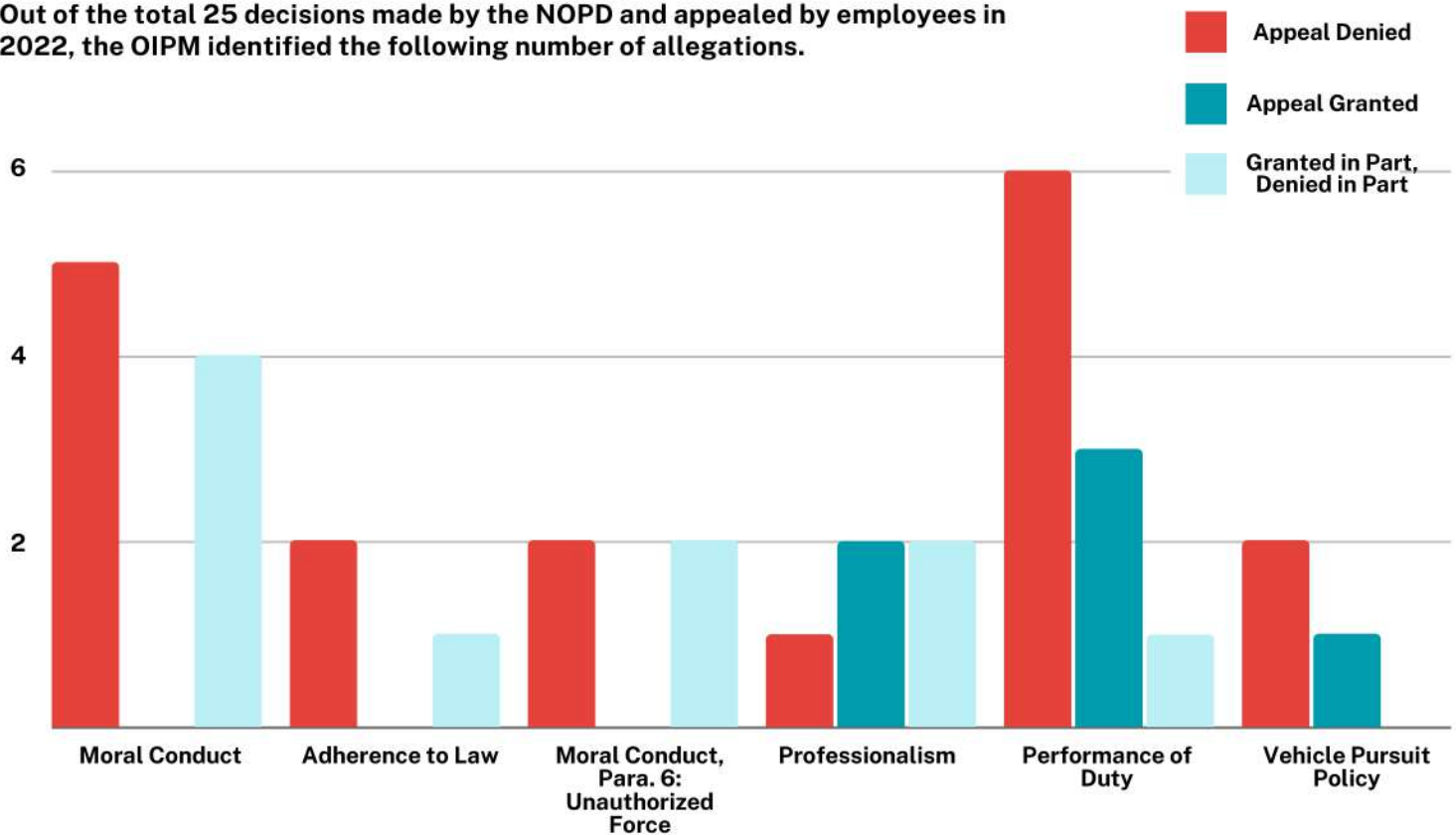
New Orleans Civil Service Commission 2021 Annual Report, pg. 23

According to the 2021 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, in 2022, the Civil Service Commission only upheld the decisions of the NOPD 52% of the time, granted 28% of the appeals, and granted the appeal in part 20% of the time.

This means the Civil Service Commission is granting 6% more appeals from NOPD employees in full and 18% more in part compared to the average city employee, deviating from the decisions made by the NOPD regarding their employees.

Civil Service Determinations: Rule Violations

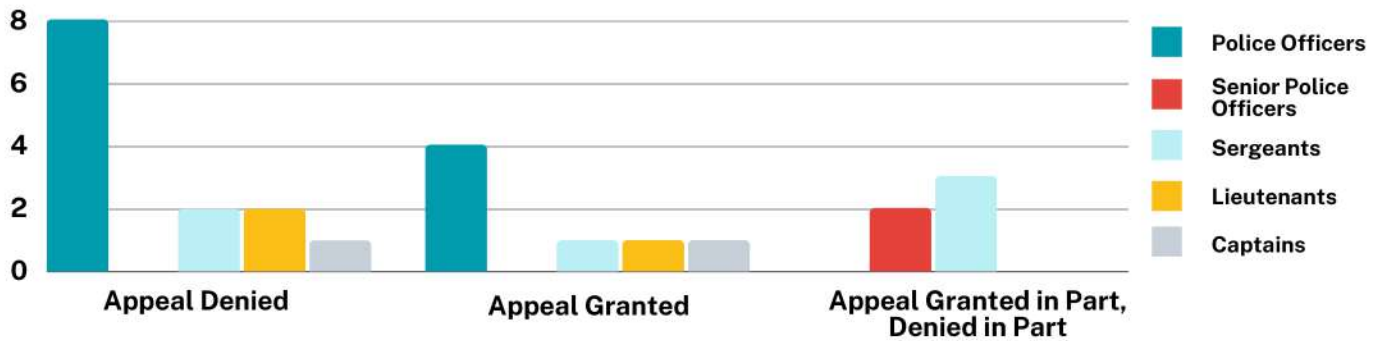
Out of the total 25 decisions made by the NOPD and appealed by employees in 2022, the OIPM identified the following number of allegations.



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:

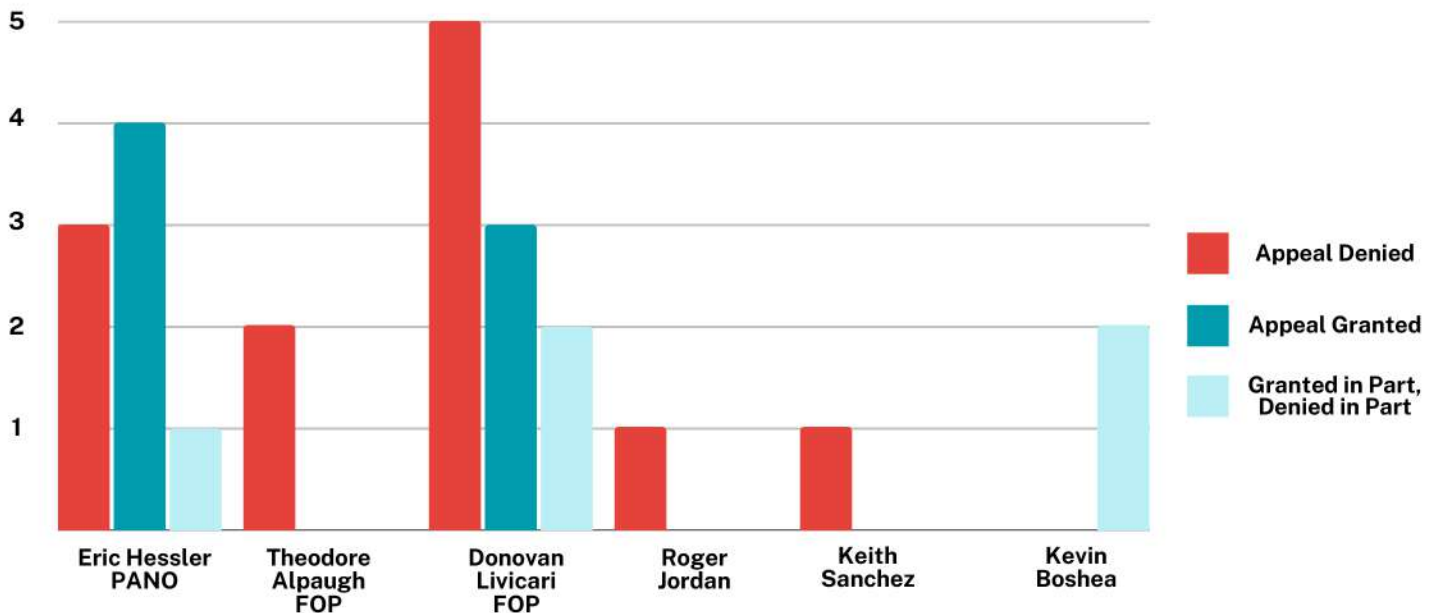
- Clearly expressed violations that are being appealed. Specifically, what rule is being violated (not just what the officer is accused of doing wrong in a narrative form).
- Penalties should be clearly expressed, the penalty matrix should be referenced, and whether the penalty is mitigated or aggravated 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 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 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. These 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. The police associations 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 (4 cases) and was denied 37.5% of the time (3 cases). The remaining cases were granted in part and denied in part (which was one case in 2022). In comparison, FOP had 58% of the appeals where they were representing the employee denied and had the appeals granted 25% of the time. The remaining cases were granted in part and denied in part (2 cases, 16%, in 2022). PANO and FOP were of counsel in the majority of the appeals filed against NOPD. Only five appeals were filed by the employee representing themselves or by independent counsel (all of which were denied or denied in part and granted in part).

Civil Service Timeframes

After reviewing every NOPD disciplinary appeal decided by the Civil Service Commission during 2022, it appears 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.

The Civil Service Commission strives to decide decisions promptly, but under the Rules of Civil Service Commission 4.17, the expectation is that a decision will be made within 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 2022, the average length of time from hearing to decision in NOPD appeals was 210 days, an average of 6.9 months. The longest duration was 431 days. The shortest amount of time between hearing to decision was 63 days (it should be noted that this appeal was the only appeal out of 25 heard by the Civil Service Commission in 2022 that took less than the 90 days required under Rule 4.17).

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 receipt of an appeal.

Out of 25 total appeals heard in 2022 by the Civil Service Commission, 16 of them, or 64%, 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 required under Rule 4.17.

According to Rule 4.11b of the Rules of the Civil Service Commission, for appeals regarding fines or suspensions in excess of 10 working days, the hearing examiner is required to prepare a report of the proceedings within 15 days after the completion of the hearing.

However, in 2022, for appeals concerning 10+ day suspensions of NOPD employees, the average length of time from hearing to the completion of the hearing examiner's report was 118 days. This figure is noticeably longer than the required 15-day deadline for hearing examiner's reports for appeals of 10+ day suspensions, and is actually longer than the average length of time between hearings and hearing examiner's reports for all appeals heard in 2022 (108 days).

Out of 12 total NOPD employee appeals concerning suspensions greater than 10 days, not a single appeal had the hearing examiner release their report within the required 15 day timeline.

108

Average Number of Days
from Hearing to Examiner's
Report

210

Average Number of Days
from Hearing to the Final
Decision on the Appeal
(6.9 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 mistakes 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. There were 3 instances in 2022 where terminated employees of NOPD were reinstated by the Civil Service Commission following appeal. Of these 3 appeals, the average length in time between hearing and the Commission's decision was 257 days. Of these 3 appeals the average length in time between the original termination of the employee and the Commission's decision was **312.67 days**.

As a result of their appeal being granted, all 3 employees were reimbursed in back pay for the time spent between termination and the Commission's decision.

Trends in Disciplinary and Employment Appeals and Lessons Learned

Penalty Mitigation / Failure to Apply Mitigating Factors

In 12 out of 25 appeals of NOPD discipline, the Civil Service Commission granted or partially granted appeals of the penalties given by the NOPD. In several cases, the Civil Service Commission determined that the penalty was "excessive," even though the penalty appealed was within the NOPD Disciplinary Matrix of Chapter 26.2.1. In several of these cases, the NOPD was criticized by the Civil Service Commission for not considering mitigating factors when determining the appropriate discipline, or for improperly weighing aggravating factors while not considering mitigating factors. Mitigating factors include years of service with the Department and lack of prior disciplinary history.

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 and the application of mitigating and aggravating factors when determining discipline.

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 violated the Police Officer Bill of Rights and Due Process by terminating or suspending one officer in 2022 without pre-disciplinary hearings prior to the suspension or termination. The officer's appeal was granted and the officer received back pay for his 300+ day suspension and termination.

Drug Testing without Cause

One important question considered by the Civil Service Commission in 2022 was over the cause required for the NOPD to drug test an employee. NOPD Policy 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 only 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. This employee's emergency suspension and termination were ultimately reversed upon appeal, and the officer was entitled to back pay for over 318 days.

Aggravating Factors Not Always Considered by Civil Service Commission in Serious Cases

Twice in 2022 the Civil Service Commission granted appeal and reinstated two officers following their termination due to NOPD's "improper" weighing of aggravating factors. The NOPD uses aggravating factors such as "whether the violation resulted in a criminal conviction or arrest" to increase the disciplinary penalty for officers, when such aggravating factors warrant an increased penalty due to certain circumstances such as arrest, injury to civilians, and intentionality. However, the Civil Service Commission determined in these two instances that NOPD improperly weighed these aggravating factors, and that NOPD should not have considered them when increasing the officers' disciplinary penalties to termination.

One officer was terminated following a DWI conviction, yet the Civil Service Commission reversed the termination after reasoning that "Because a DWI is a level E offense, the arrest and conviction is already a factor in the level of discipline... so enhancement on this basis is inappropriate."

Trends in Disciplinary and Employment Appeals and Lessons Learned

In another appeal, an officer was terminated after committing an aggravated offense due to posting hate speech and discriminatory statements to Facebook. The violation the employee was found to have committed carried a presumptive 5 day suspension, the NOPD made the decision to aggravate the suspension to a Level F penalty. Level F offenses carry the presumptive penalty of an 80 day suspension. NOPD further aggravated the penalty to termination due to “hate speech, discriminatory statements, or advocacy of violence.” In this appeal, the Civil Service Commission reasoned that aggravating factors used to aggravate the penalty to termination such as “compromis[ing] an officer’s ability to testify in court or lead other officers” should not have been considered by the NOPD when aggravating the penalty because, “this factor should already be a reason the presumptive penalty is increased from a five-day suspension to an 80-day suspension.”

Procedural Errors

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.

Civil Service Commission Making Determinations of Unauthorized Force in Contrast to Use of Force Review Board Rulings

The Civil Service Commission granted the appeal in part of an officer who discharged their firearm, wounding an individual. The officer was terminated for this use of force, which was determined to be unauthorized and not within departmental policy by NOPD’s Use of Force Review Board. The officer was also terminated for hitting the same individual with their departmental issued firearm, as well as for not disclosing the fact that they hit the individual with their firearm. This officer’s appeal was granted as it related to their termination for unauthorized force, with the Civil Service Commission reasoning that the force was “accidental” and caused by the subject’s resistance. The officer remained terminated due to their other allegation being upheld for submitting a false report.

It is extremely concerning to the OIPM that the Civil Service Commission overrode a determination made by the Use of Force Review Board in favor of their own interpretation of what constitutes authorized and within policy uses of force.

NOPD inconsistently applying Rule 2(6) Unauthorized Force vs. 4(4) Neglect of Duty for Instances of Unauthorized Force

The OIPM observed that similar instances of force used by officers carried vastly different penalties and disciplines brought by NOPD investigators. Two appeals to the Civil Service Commission concerned an officer’s use of their CEW (Taser) and the use of its “drive stun” mode, which is forbidden under NOPD policy unless under specific circumstances. In one case, the officer was suspended for 80 days for a violation of Rule 2(6) Unauthorized Force, while in another case the officer was suspended for only 12 days for violating Rule 4(4) Neglect of Duty. The officer suspended for 12 days only received 12 days because it was their third offense of Rule 4(4), otherwise the penalty would have been even lower.

The OIPM is concerned over the inconsistent application of Rule 2(6) Unauthorized Force. Officers receiving inconsistent penalties is not fair, particularly when the circumstances of such uses of force are so similar. Any application of force being investigated by NOPD should be investigated under Rule 2(6) Unauthorized Force, and not Rule 4(4), which concerns instances of neglect of duty. Additionally, if there are circumstances that warrant lesser penalties for instances of unauthorized force, there are mitigating factors which NOPD can apply to such cases if that is a concern.

Trends in Disciplinary and Employment Appeals and Lessons Learned

NOPD bringing Investigations Frivolously / Without Merit, or Disciplining Without Merit

The Civil Service Commission overturned or mitigated several disciplinary penalties, reasoning that the “Appointing Authority (NOPD) failed to carry its burden of proof that the complained of activity occurred”, or that the “penalty is not commensurate with the violation.”

These examples include:

- In one appeal, two captains were suspended for creating a “proactive plainclothes unit”, however it was determined by the Civil Service Commission that this unit only came into question after one lone plainclothes officer acted proactively, against the commands of his supervisors. The supervisors never attempted to create a proactive plainclothes unit, only one officer, who was not on duty, acted proactively against orders.
- In another appeal, an officer was disciplined for “moving against the flow of traffic” as apart of the vehicle pursuit policy when the officer took an illegal u-turn. The officer was also given a letter of reprimand for not attending vehicle pursuit training. However, the officer was on military leave during the scheduled training, and was never informed of a make up date. The Commission also determined that the officer did not move against the flow of traffic, only against the regulations governing traffic, as there were no vehicles in the street that would constitute a “flow of traffic.”
- In another appeal, a Sgt. was disciplined for professionalism for engaging in a public argument with a subordinate. However, it was determined that the subordinate was the aggressor in this incident, and became aggressive after refusing an order from the Sgt. Also, a piece of evidence that was central to the discipline was never admitted by the investigator.
- In another appeal, a Sgt. was suspended after an internally generated complaint. However, the complainant attempted multiple times to withdraw their complaint, and the investigating officer recommended a mitigated penalty based on this and other factors. However, the investigator’s recommendation to mitigate the penalty was rejected by a Deputy Superintendent, and the appeal was ultimately granted because of this.



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OFFICE OF THE INDEPENDENT POLICE MONITOR

CASE REVIEW: 2021-0092-P

The Office of the Independent Police Monitor (OIPM) is an independent branch of city government responsible for providing oversight to the New Orleans Police Department (NOPD). The OIPM provides transparent assessments of the NOPD's work, progress, and obstacles. Based on those assessments, the OIPM provides the NOPD with detailed recommendations on policy, practice, and how to become or remain compliant with the Federal Consent Decree. Most importantly, at the center of the OIPM's work is the community. The OIPM is responsible for issuing public reports to the people of New Orleans and the NOPD regarding the state of law enforcement in New Orleans. This case review is one such example and is created in conformity with the Memorandum of Understanding between the NOPD and the OIPM executed on November 10, 2010; as well as being consistent with La. R.S. § 40:2531 Chapter 25 and Municipal Code of Ordinances, Part II, Chapter 2, Article XII Section 21.

Case Reviews

Case Reviews

The city of New Orleans, the NOPD, and the community envisioned the OIPM as an impartial and independent oversight body to review the misconduct and use of force investigations conducted by the PIB and NOPD. This qualitative review of an investigation will ensure thoroughness, timeliness, fairness, transparency, and accountability. Complainants who have concerns about the manner, quality, and/or outcome of the investigation may request a case review with the OIPM.

The OIPM uses case reviews as an opportunity to measure the quality of misconduct investigations. During the review, the OIPM utilizes a two-tier review approach, requiring that two reviewers look at all materials and participate in the final product. During the review, the OIPM identifies certain patterns and other issues within the NOPD's investigations that may reflect the effectiveness of NOPD's policies and practices as implemented. The primary focus of the review is on misconduct investigations and how they are being conducted. Case reviews are an opportunity to identify procedural, policy, and training gaps and make recommendations that may apply systematically. According to the MOU, OIPM shall make recommendations to the Superintendent to improve NOPD policies and practices based on national best practices based on the case review.

During the case review, the OIPM is required to have access to all investigative reports, evidence collected during the investigation, and any other documents or materials related to the investigation. Such material may include recording and transcripts of interviews, investigative notes, chronological records, memoranda, Body Worn Camera footage, and / or other surveillance / video footage. Upon the completion of the review, OIPM will submit a written report to the NOPD, the public, and / or the complainant (if the complainant requested the review) stating the findings, assessment, recommendations of the OIPM.

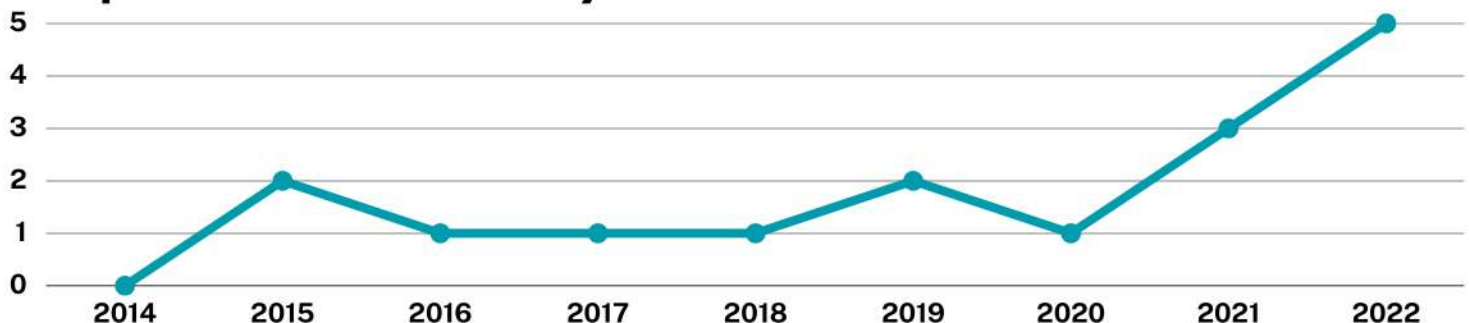
In accordance with the MOU, if the OIPM determines that the NOPD findings were not fair, thorough, or timely, the OIPM may issue a finding and recommend that the investigation be re-opened by the PIB. This option is limited to investigations where further investigation is not barred by state law. As required, the OIPM will provide the NOPD thirty (30) days to review the final case review memorandum before releasing the document to the complainant or to the public through the OIPM website.

In the case review memorandum, the OIPM can assess any collaboration conducted by the NOPD with any other agency or the involvement of other agencies in the investigation. Such agencies may include the Office of the Inspector General, Louisiana State Troopers, or the New Orleans Coroner's Office. While the OIPM can assess those efforts, the OIPM has no oversight jurisdiction and will limit recommendations to how the NOPD can best utilize and work within those partnerships.

Case Reviews Completed in 2022

In 2022, the OIPM completed 5 comprehensive case reviews in which the OIPM reviewed 7 different formal disciplinary investigations. This is more work product than ever completed since the office was created. These 5 case reviews of 7 formal disciplinary investigations covered topics such as death investigations, use of force investigations, investigations of misconduct that involved elected city leaders, investigations into allegations of discrimination, and the thoroughness of traffic accident investigations.

Completed Case Reviews by Year



2022 Case Review Recommendations to NOPD

In the OIPM's 2022 Case Reviews, the OIPM presented numerous recommendations to the NOPD regarding potential revisions to NOPD policy and practice. These recommendations were made following the OIPM's extensive review of individual Formal Disciplinary Investigations. In each reviewed case, the OIPM drafted recommendations based on identified faults within the investigation, gaps in policy that led to such faults, or gaps identified that could lead to faults in future investigations if unaddressed. Examples include:

CR2022-0001

The OIPM formally requested the complainant's complaint be investigated under a new Case Tracking Number due to deficiencies noted in the original investigation that occurred.

CR2022-0002

The OIPM recommended the NOPD consider "instituting a formal procedure for changing traffic crash reports that includes notifications to all involved parties and insurance companies."

The OIPM identified a potential policy and procedural gap regarding traffic crash report revisions. In this case, the officer altered a traffic crash report at least two times, resulting in three different versions of the traffic crash report.

CR2022-0004

The OIPM recommended the NOPD revise the Major Crime Scene Roster Report. The OIPM additionally recommended the NOPD revise Ch. 46.20 (Crime and Disaster Scene Integrity) to provide additional guidance on under what circumstances civilians should be allowed to enter a crime scene and what type of restrictions should be placed on them, such as law enforcement chaperoning, or providing exemplars (hair, blood, shoe, fingerprints, etc.) for elimination purposes.

The OIPM recommended the NOPD create Standard Operating Procedures or guiding factors to consider when determining whether to process a scene as a suspected homicide and how to handle multiple agencies working in collaboration on the same investigation. Additionally, the OIPM recommended revisions to NOPD Ch. 1.2.4 (Search and Seizure) to clearly express how responding officers should process a scene and obtain a search warrant when officers find suspected drugs on scene.

CR2022-0005

The OIPM recommended NOPD Ch. 1.12 (Diplomatic Agents & Consul Officers) or Ch. 1.22 (Arrest of a City of New Orleans Employee) be revised to address how the arrest or detainment of governmental officials, such as City Council members or district attorneys, should proceed. The OIPM also recommended the OIPM be notified in the event of the arrest or detainment of governmental officials. Similarly, the OIPM recommended the NOPD consider expanding the Memorandum of Understanding with the Office of the Inspector General (OIG) to consider including investigations that involve political leaders and alleged NOPD misconduct.

The OIPM identified a gap within the NOPD disciplinary matrix (NOPD Ch. 26.2.1) wherein instances of non-verbal intimidation are not included in the definition of intimidation.

Ongoing Case Reviews Started in 2022

In addition to the misconduct case reviews completed in 2022, the OIPM committed to or began work on three additional case reviews which are expected to be completed in 2023. These case reviews concern: the investigation into a vehicle pursuit, an allegation of sexual misconduct, and the dispatch of officers to City Hall during a Gordon Plaza resident meeting.



**Commendations.
Criminal Liaisons.
Contact Only.**

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. In 2021, 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.

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 anonymously.

In 2022, the OIPM received a commendation request from a member of the public for a sergeant with the Management Services Bureau after the sergeant responded to an incident courteously and with great regard for the member of the public's concerns.

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.

1

**Commendation Request
Received by OIPM in 2022**

8

**Commendation Requests
Received by OIPM in 2021**

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.

Strategies to Increase Commendations



The OIPM was disappointed to not receive more commendation requests in 2022; however, there are different factors that affect the public's perception of the NOPD and a desire to notify us of positive policing. In 2023, the OIPM would like to see commendations increase and the community use commendations as an encouraging tool to support officers and showcase the type of policing that the community would like to see increased across the department.

The OIPM intends to give more social media attention to opportunities to file commendations, remind Police Community Advisory Boards to collect and advertise commendations, and use community outreach events as a chance for the public to share with OIPM how an officer has served them.

Stella Cziment, IPM, and Bonycle Sokunbi, Deputy, speak with then-lieutenant Delarge during a Coffee with the IPM event in New Orleans East.



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 2022, 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.

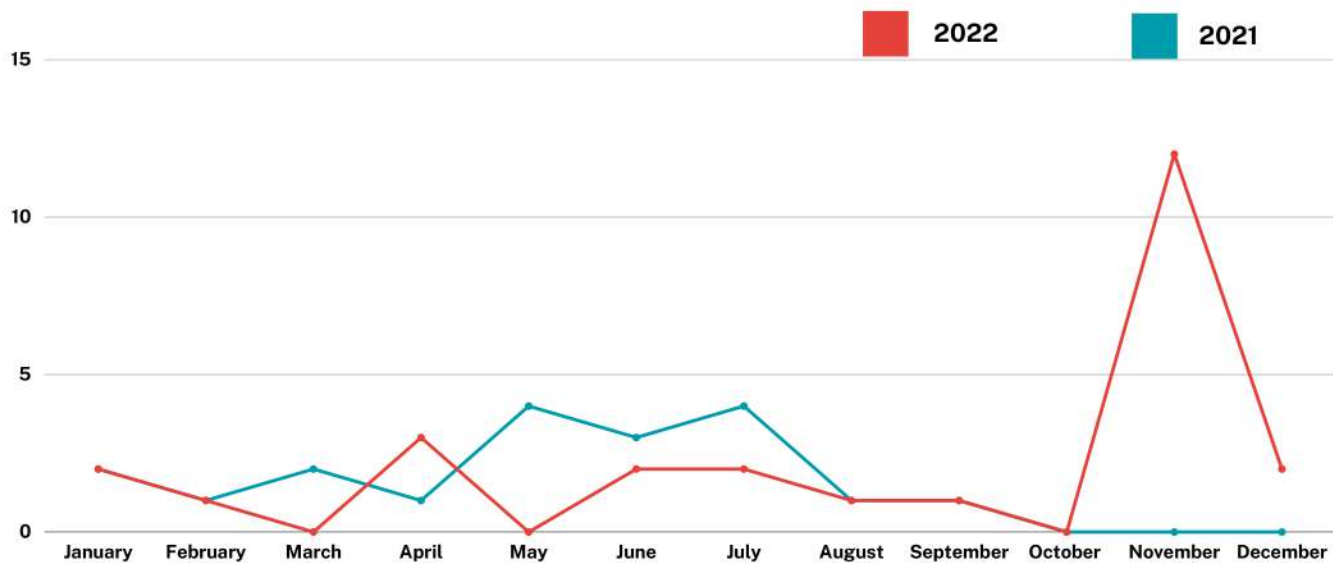
26

**Criminal Liaison
Interactions handled by
OIPM in 2022**

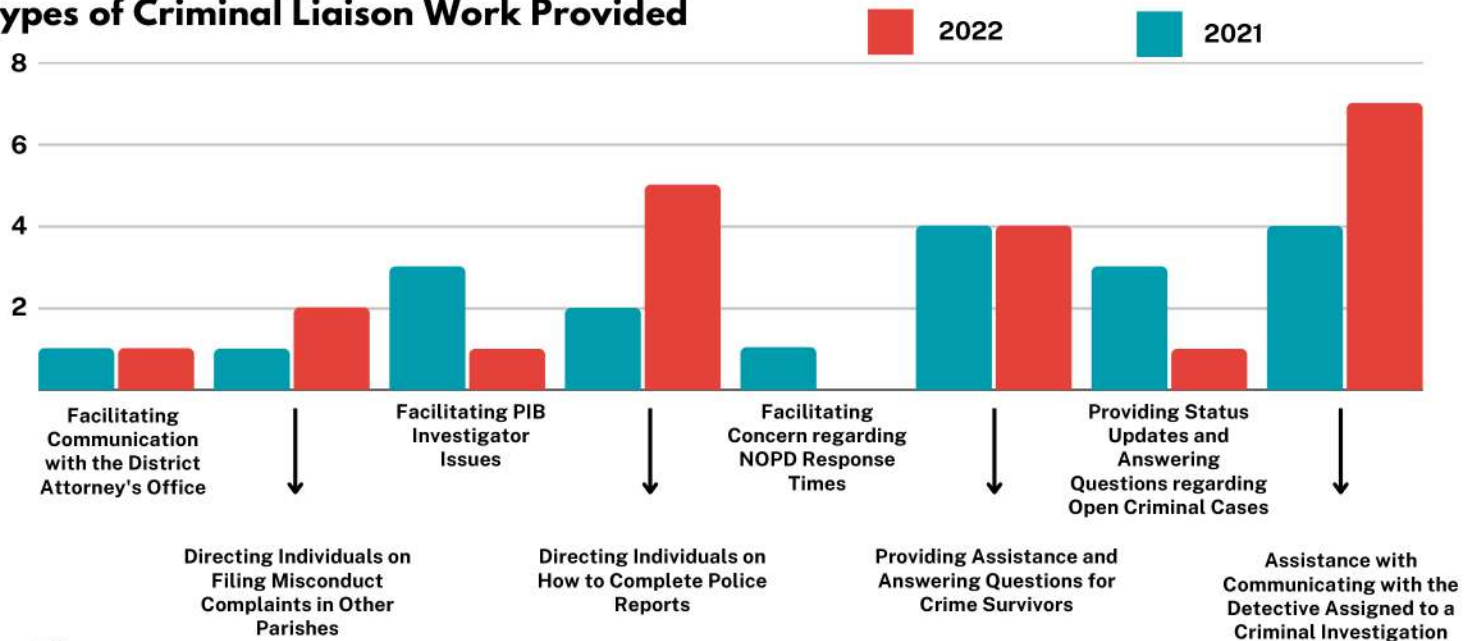
16

**Criminal Liaison
Interactions handled by
OIPM in 2021**

Criminal Liaison Work Over the Year 2022; 2021



Types of Criminal Liaison Work Provided



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.

In 2022, the category of "Reporting or Complaining of Crime" was 38.2% of the Contact Only Interactions the OIPM received, while "Questions about PIB or NOPD investigations" was 17.6%. "Providing Information or Asking about Particular Officers" was 14.7%

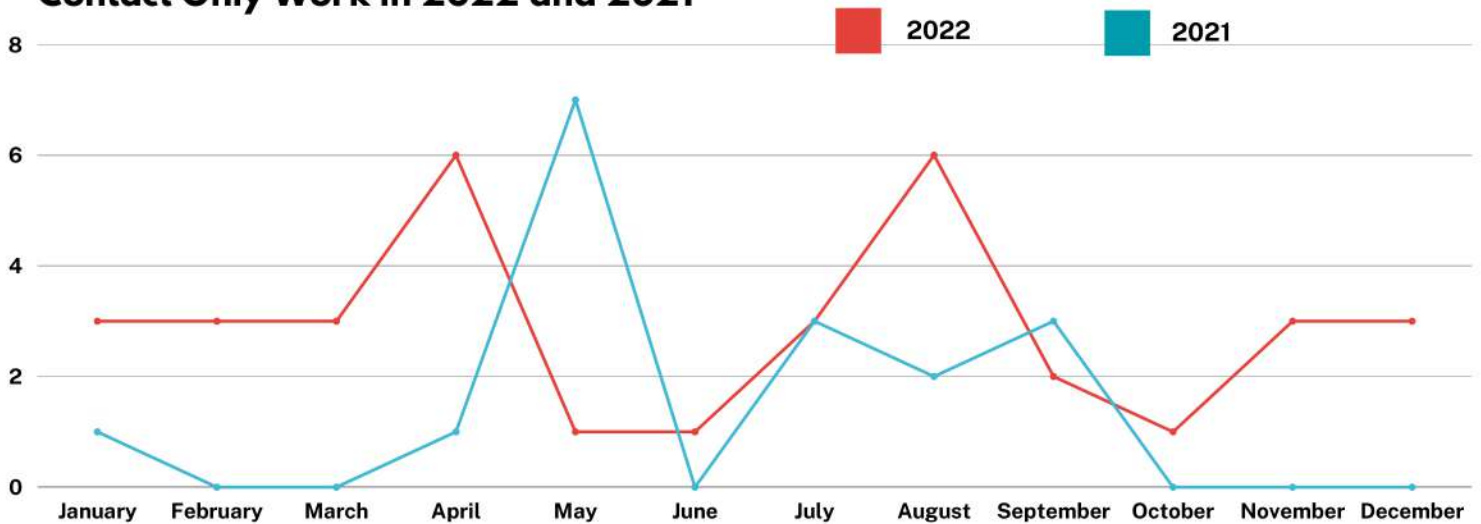
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Contact Only Interactions
handled by OIPM in 2022

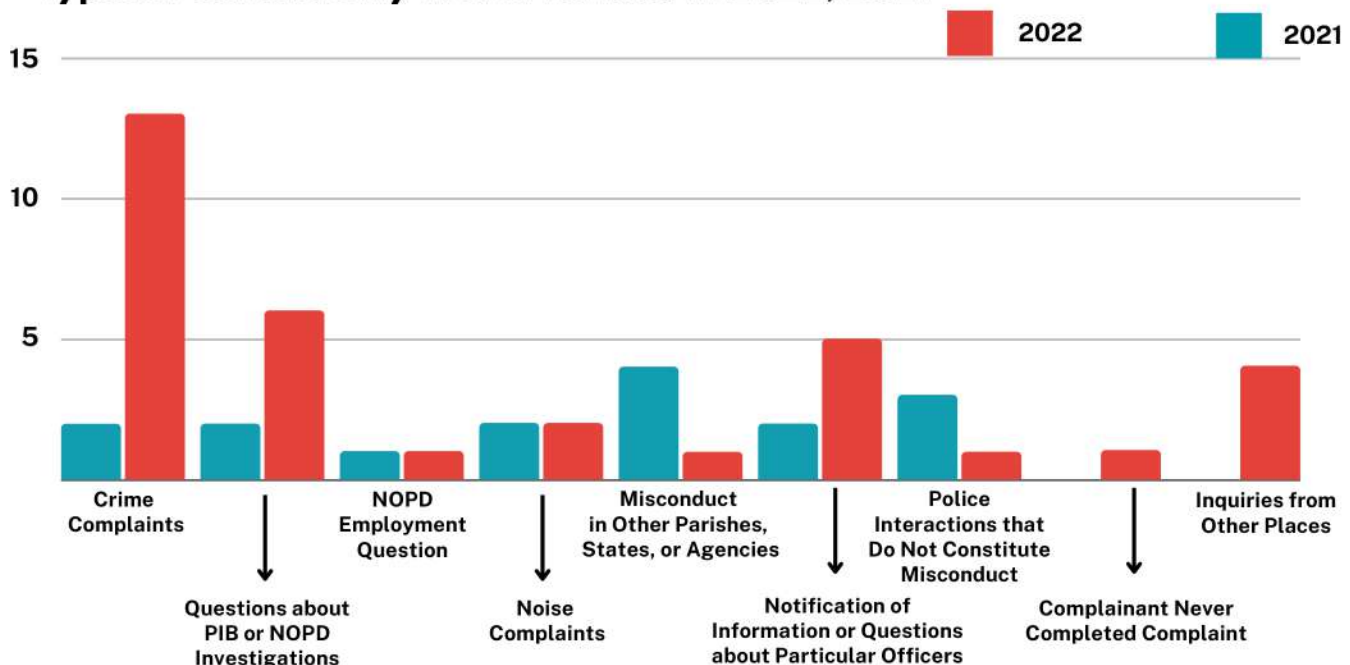
17

Contact Only Interactions
handled by OIPM in 2021

Contact Only Work in 2022 and 2021



Types of Contact Only Work Provided in 2022; 2021





Community-Police Mediation

Community-Police Mediation Program

Mediation is an alternative to the traditional investigation 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 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 participant-guided process that helps the community member and the officer come to a mutually-agreeable solution. This helps to create 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 dialogue, 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.

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.

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**.

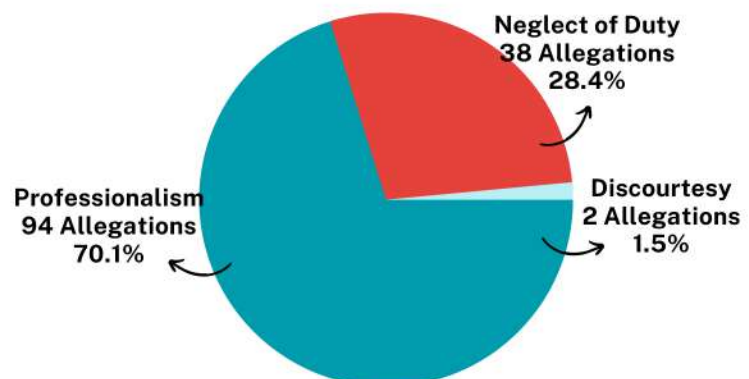
Complaints such as unauthorized use of force, unlawful search, and criminal allegations are ineligible for mediation and continue through the complaint investigation process by the PIB.

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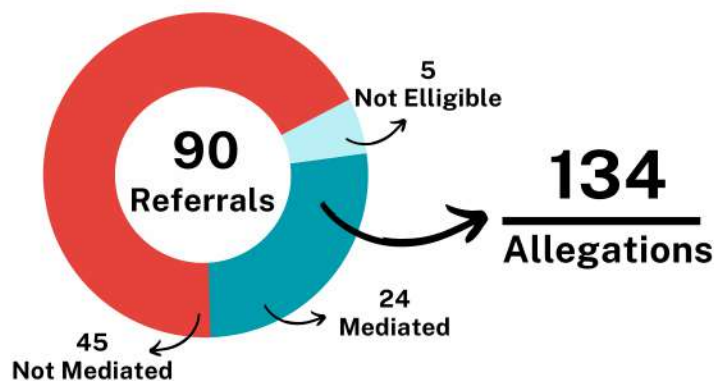
Allegations referred to Mediation

Some complaints contain multiple allegations and multiple officers; hence, the total number of allegations is greater than the total number of complaints referred. This is explained in more detail on the next page.

134 Allegations from the Referrals made to the Community-Police Mediation Program in 2022



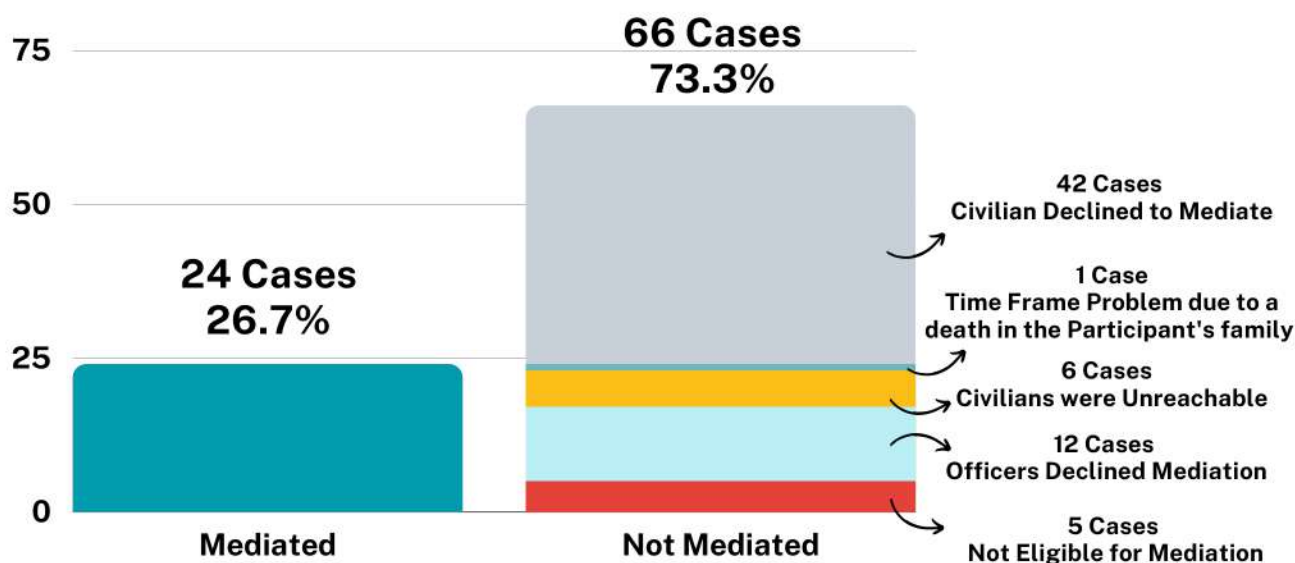
Referrals to the Community-Police Mediation Program



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 2022 and the outcomes. The term referrals and cases are used interchangeably.

Outcomes of Referrals



Why Decline Mediation?

46.7% of Cases
Civilians Declined Mediation

Of the mediation referrals that the OIPM received in 2022, 46.7% of the eligible cases were not mediated because the civilians involved in the incident (the complainants) declined mediation.

10.2% of Cases
Officers Declined Mediation

In 10.2% of the eligible 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. This was an increase from 2021, when 7% of the officers declined.

37% of the civilians who were reachable agreed to mediate.

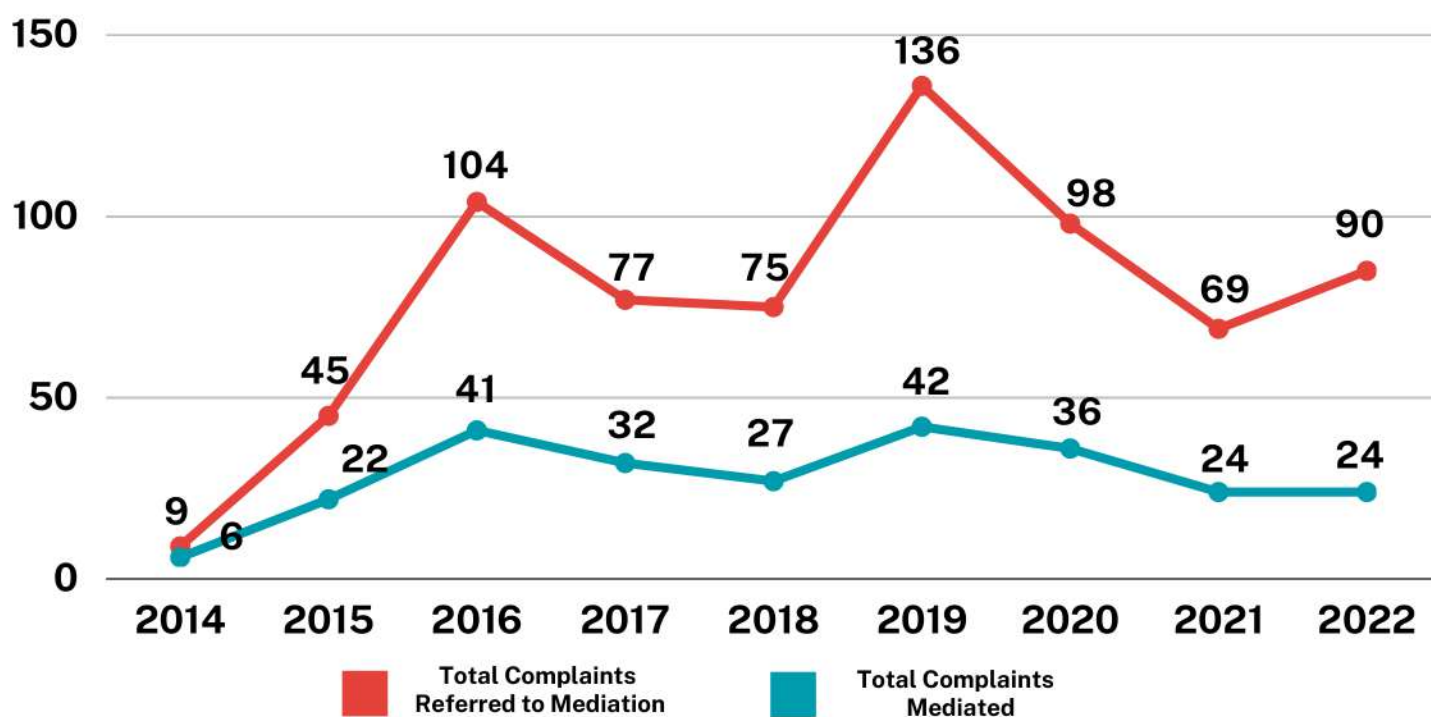
89% of officers agreed to mediate

(109 out of 122 officers; some cases involved multiple officers, so the number of officers is greater than the number of cases)

The 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 was sick or had other health issues.
- Civilian didn't feel safe in presence of officer or wants to be anonymous.
- 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.

Referrals to the Community-Police Mediation Program Over the Years

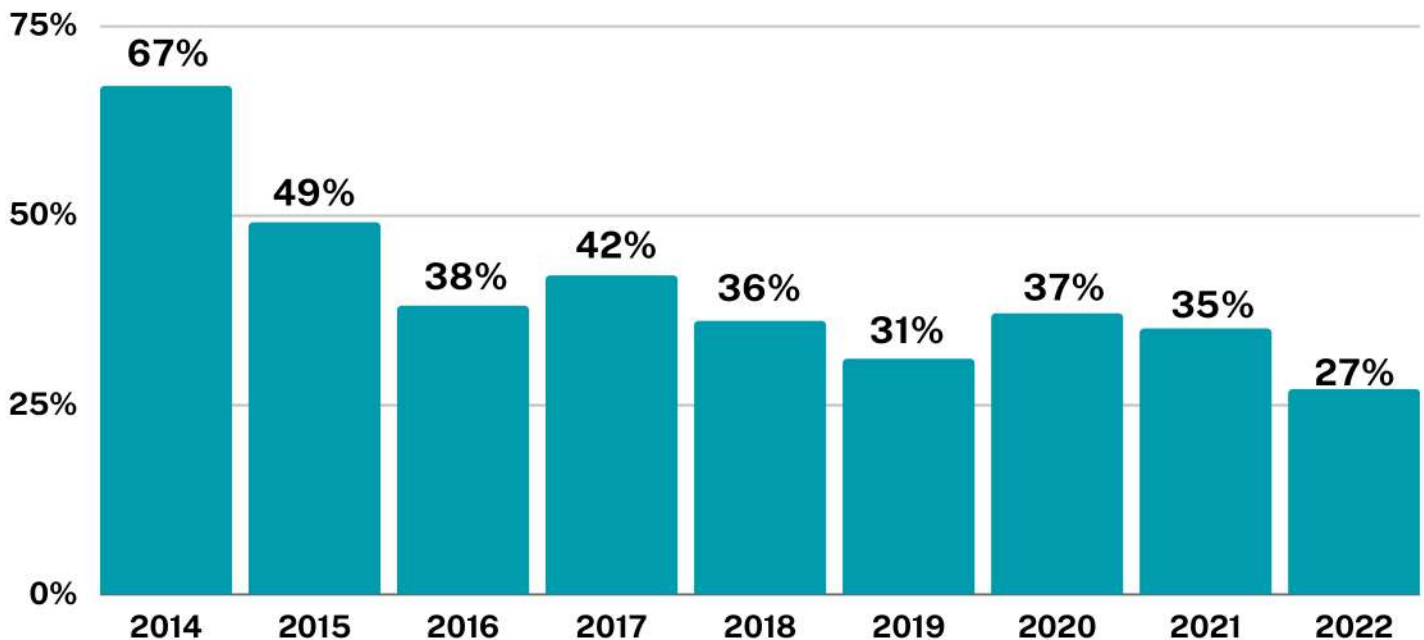


**The Mediation Program launched in October 2014, so the 2014 numbers are particularly low because they include only 3 months - October through December 2014*

In 2022, a total of 90 complaints were referred to mediation by the PIB. Of those, 85 were eligible for mediation. The above graph shows the total number of both referrals and mediations each year since the program launched in 2014.

Each year, the OIPM tracks patterns in case referrals, declines, and accepting rates. The OIPM meets regularly with PIB leadership to work together to ensure all eligible cases are referred for mediation and identify challenges the program may be facing in the year. The OIPM and PIB worked together to discuss the issue, find resolutions, and established check-ins to monitor progress.

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.*

The chart above shows the percentage of cases mediated out of total cases referred by PIB over the past 9 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. However, in 2022, we saw this acceptance rate decrease.

In 2022, the acceptance rate to mediation decreased (it was 27% compared to 35% the previous year). In looking at the numbers, this lower rate was likely due to the following factors:

- In 2022, there was an increase in referred cases deemed not eligible for mediation by IPM (5 out of 90), due to issues such as the wrong officer being named, the complainant not being able to represent themselves due to mental health issues, or ineligible allegations.
- In addition, 2022 saw a slight increase in the number of officers who declined mediation (12 out of 90). IPM spoke with officers to better understand the reasons for the decline and discovered that some officers had misconceptions about the mediation process and outcomes. IPM has attempted to "de-mystify" mediation through presentations and outreach materials for officers, supervisors, and PIB staff. We are also planning to meet with the police associations in 2023 to hear any concerns, clarify the mediation process, and encourage ongoing support of the program. The other possible influences for officer declines could be general lower morale within NOPD, in part due to stresses such as increased crime and pressure on the NOPD and a higher rate of officers leaving the force.
- 2022 was also a year of high tensions in the United States in which inflation, increased cost of living, COVID, and labor shortages had deep impacts on our community. These economic and social strains made day-to-day life more difficult and having the time, energy, and motivation to participate in things like community mediation was even more challenging. Additionally, the increased awareness of and public outrage around police killings has created high tensions, divisiveness, and distrust between the community and police, which could lessen people's willingness to engage in a collaborative process like mediation.

While it may seem like a low number of people are 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.

Civilian Feedback from Mediations

"I appreciated the opportunity to voice my feelings."

"I liked that we were able to talk things out and understand the circumstances better."

"I learned that everything may not always go as you plan. I will remember to always look at the bigger picture."

"The officer turned out to be reasonable, and that it wasn't as I assumed. Sometimes what you think may look another way to someone else."

"It created a safe space to get both our points across. We were able to get to an understanding."

"I liked the opportunity to hear the officer's explanation for his behavior and choices face to face."

"I learned why the officer handled my case the way that he did. The officer apologized for his actions."

"I was so fortunate to hear from y'all. Everything got resolved and I would've never got that without this. You are a great service, thank you a thousand times. A lot of other people should take advantage of this"

"It was a chance to talk to an officer in a neutral setting and be free to say what you needed to say."

"It was good to vent and be listened to. I hope your office can continue to do more work."

"Your program has been the greatest part. You've been honest and analyze everything so well. I appreciate that."

"Y'all were a listening ear, the mediation team was not judgmental about anything. I gained a lot of understanding."

"I gained a new perspective for homicide detectives. I used to think they were just police, now I know they are passionate and care about people."



Officer Feedback from Mediations

"The mediators listened well, gave off a very neutral feeling that was comfortable."

"The process helped the civilian get a better understanding of our decision making process involving domestic incidents."

"Everyone had a chance to tell their story. I took away that everyone has a life to live and there are two sides to every incident."

"I learned that sometimes my demeanor and approach can come off as too aggressive."

"I liked that we were able to suggest things for the officer and civilian to do better in the future."

"I liked the opportunity to speak with the complainant face to face."

"The mediators were neutral and helpful and I felt able to speak freely."

"I appreciate everything you guys do. This process is way better than PIB's – way more efficient and it serves a great purpose."

"What I will take away is that she just wants to be heard. I tried to put myself in her shoes and I understand her wanting to know."

**"Mediation opened up a dialogue. Sometimes people do understand better when you stop and explain things to them."
"I try to listen a little more now than I did before."**

"It's a fair process. It's more community-based than the PIB investigation."

"It was very valuable to get to explain myself. I think it went fairly well, I liked it."



2022-2023 Mediation Team



Who are the mediators?

The New Orleans Community-Police Mediation Program has a total of 42 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. In 2022, the OIPM partnered with the Re-Entry Mediation Institute of Louisiana (REMILA) to cross-train mediators and expand our mediator pool.

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

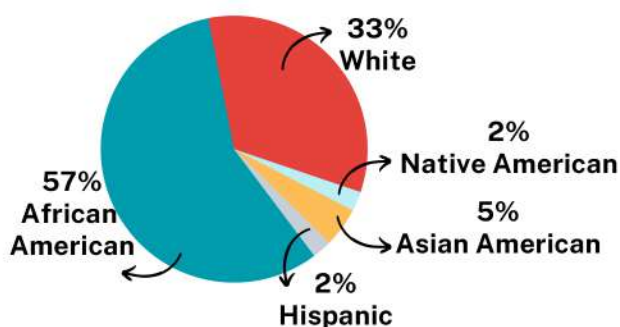
Mediator Training

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 2022, the Program provided 42 hours of Professional Development training through in-service mediator trainings, offered twice a month. 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.

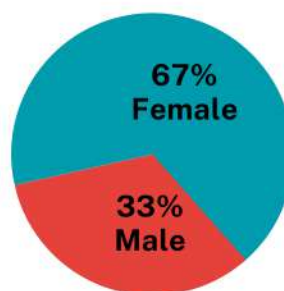
2022 Mediator Demographics

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

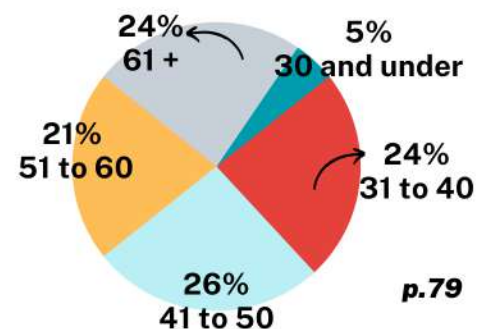
Race and Ethnicity



Gender of Mediators



Age of Mediators



2022 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

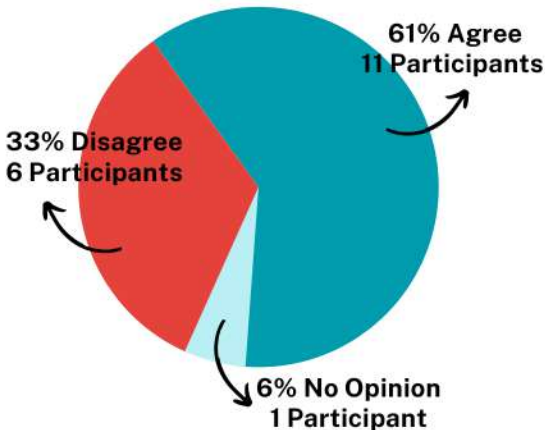
The Community-Police Mediation program conducts surveys upon the completion of the mediation. These surveys are an opportunity for the participants to give feedback on their mediation experience. The surveys help the OIPM to monitor the quality of the program, understand its impact, and identify gaps 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



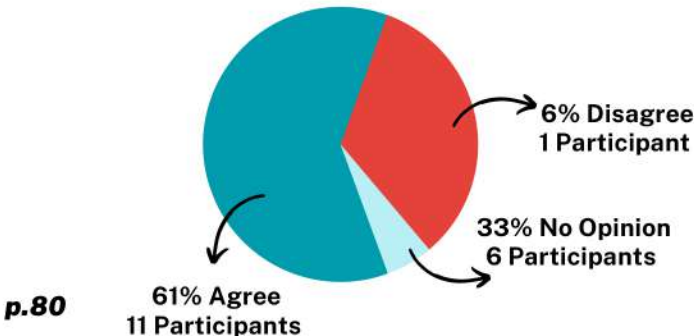
100%

of the Civilian Participants (18) Surveyed Agreed that the Mediators Listened to What I had to Say Without Judging My Ideas or Words.

100%

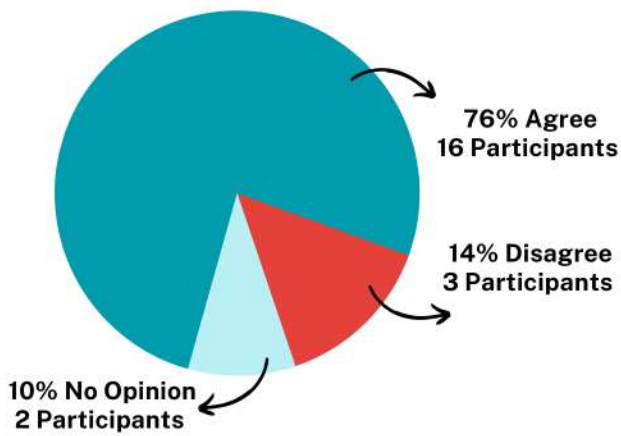
of the Civilian Participants (18) Believe That Mediation Staff were Professional and Helpful

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.

Officer Participants Satisfied with the Mediation Process



100%

of the Officer Participants (21) Believed that Mediation Staff were Professional and Helpful

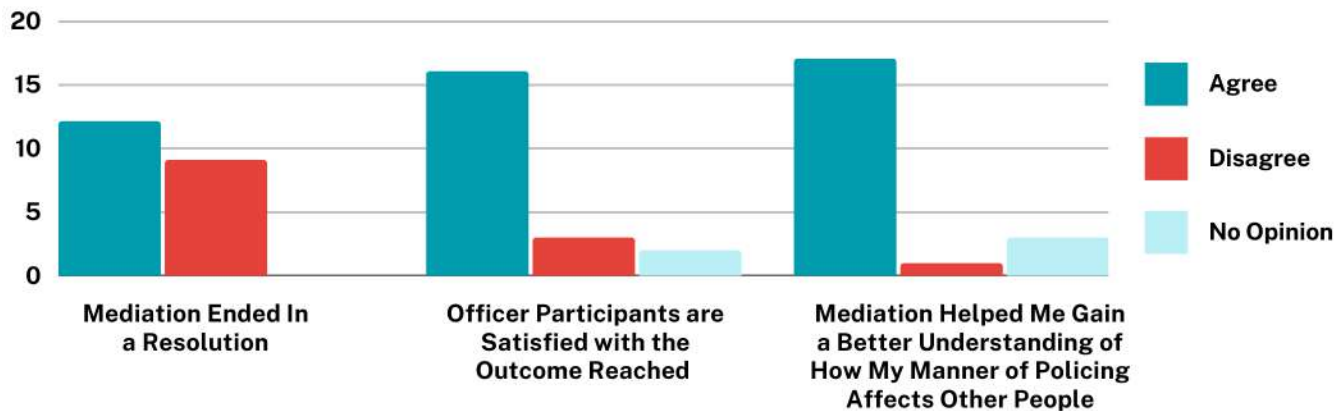
95%

of the Officer Participants (20) Surveyed Agreed that the Mediators Listened to What I had to Say Without Judging My Ideas or Words.

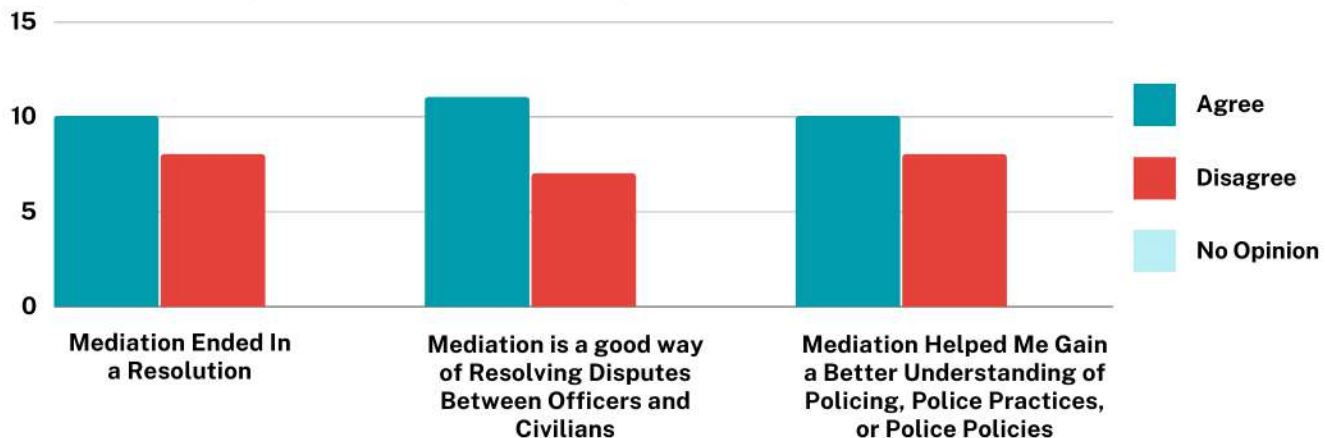
Outcomes, Impact, and System Evaluation

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

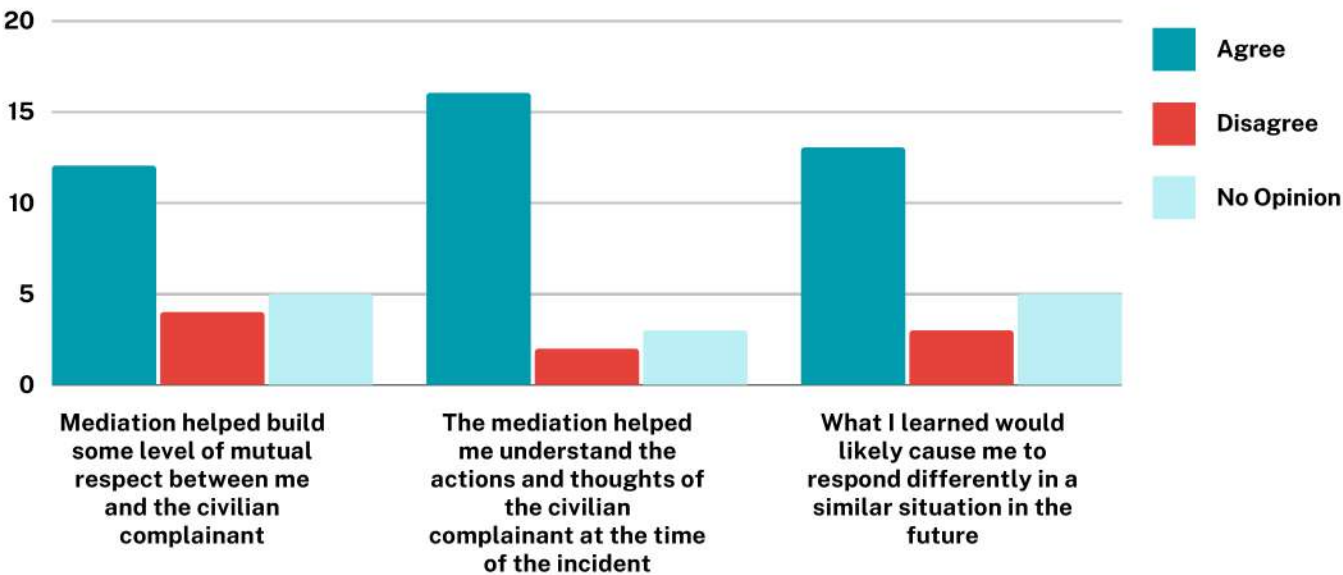


Civilian Participants Outcome and Impact

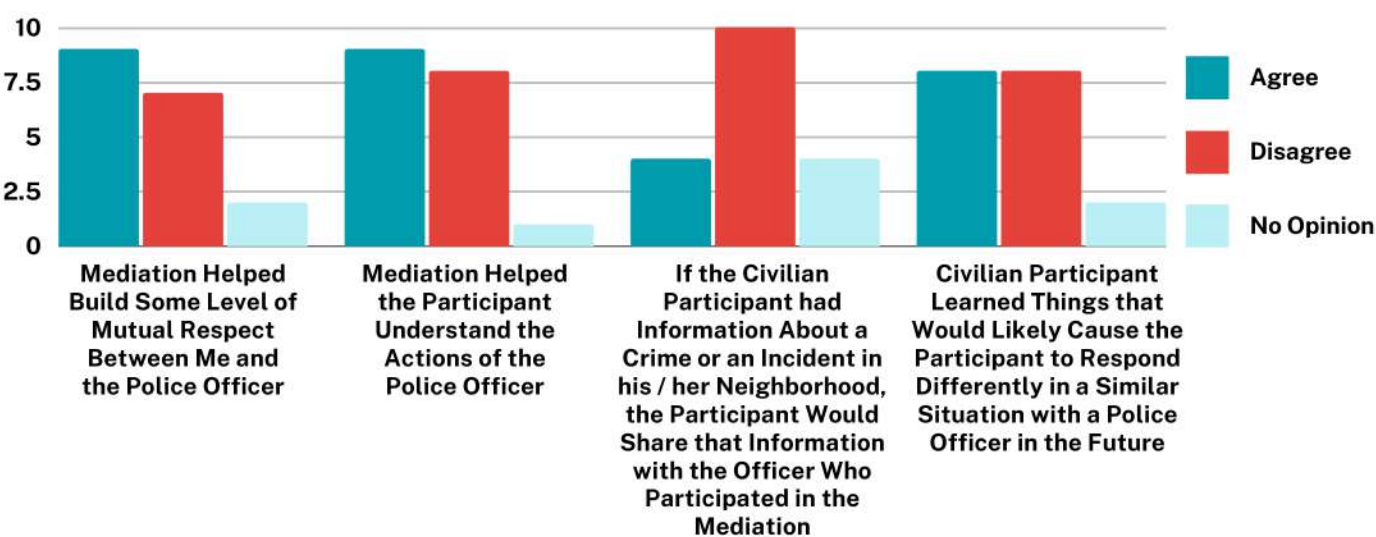


Do the participants feel changed by the experience and the sharing of perspectives? Did they build stronger understanding of each other?

How Mediation Changed the Perspective of Officer Participants



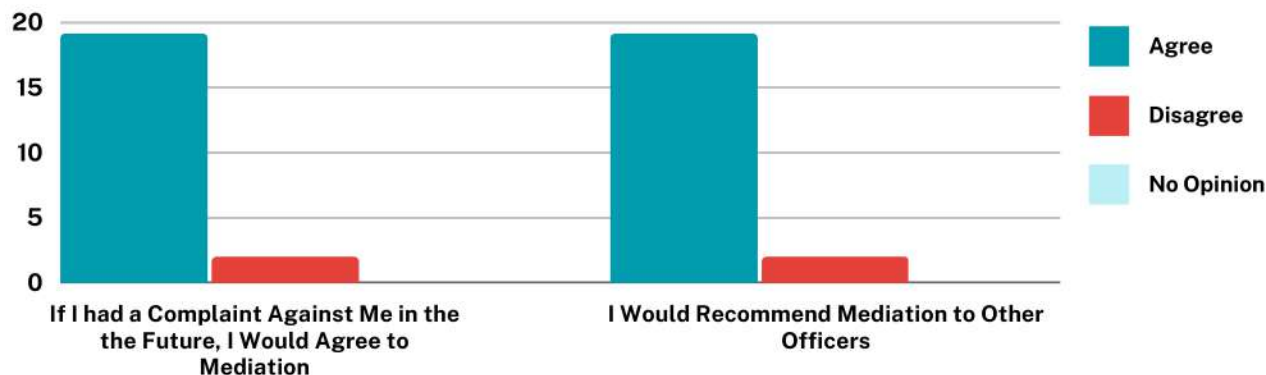
How Mediation Changed the Perspective of Civilian Participants



Recommend Mediation

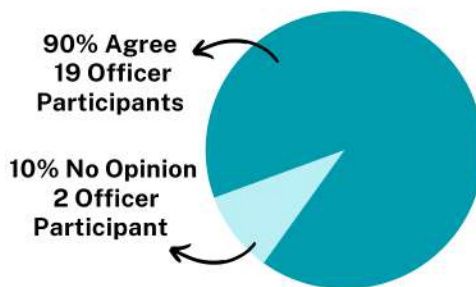
Did the participants leave feeling that the mediation process was better than the PIB process and that they would recommend the mediation option to others in the future?

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

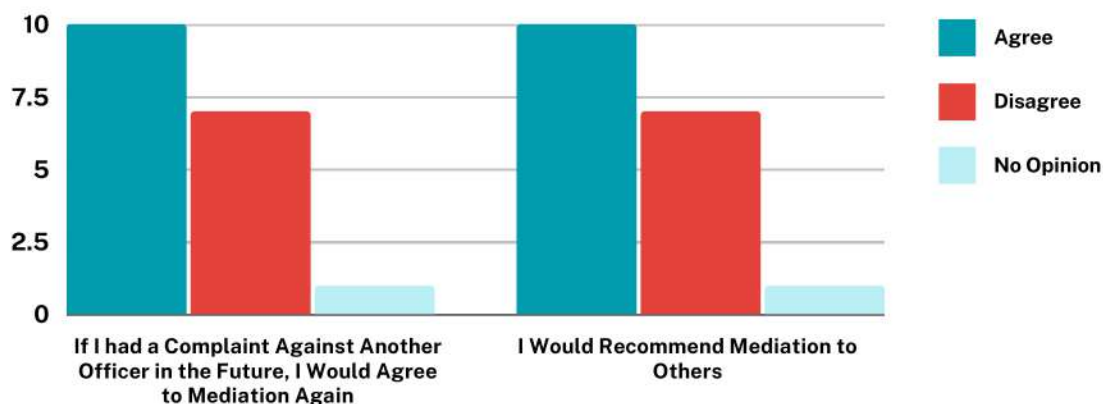


Officer Input on the Value of Mediation Over Investigation

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



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, OCDM, 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 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 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 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.

Optional Community Mediation Outside of the Misconduct Process



The OIPM intends to start offering on a trial basis optional mediation to members of the community and the NOPD department outside of the misconduct process. The OIPM hopes this will both increase mediation participation and decrease unnecessary misconduct complaints.



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 internal work – both the quality and the quantity produced. When we started 2022, we released our work plan for the year with some large intentions: from creating new work product, producing more case reviews, and providing more recommendations to the NOPD to increasing our community impact and becoming more accessible to all.

Now, at the end of this year, the OIPM uses this annual report to critically determine 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:

- The OIPM conducted **more outreach and expanded our reach** to historically underserved communities within New Orleans. The OIPM did this through providing regular “office hours” in New Orleans East, the Westbank, and the Lower 9th Ward, hosting Coffee with the IPM events, and finding more opportunities to get our message to the community through television, radio, social media, and in person events.
- The OIPM completed **more case reviews than ever before** – critically reviewing 7 formal disciplinary investigations on topics ranging from traffic accidents to discrimination to use of force investigations to death scenes. Through these case reviews, the OIPM was able to provide comprehensive, practical, and helpful recommendations to the NOPD to improve the thoroughness of investigations and improve internal operations.
- The OIPM started **presenting to the Criminal Justice Committee of City Council** and sharing data with the committee to increase public transparency and collaboration between all the criminal justice city agencies.
- The OIPM **increased our role in consent decree compliance and monitoring**. The OIPM co-led public forums with the Office of the Consent Decree Monitors (OCDM), participated in more audits, and attended regular status hearings and meetings to discuss NOPD compliance, progress, and backsliding.

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. The OIPM looks forward to continuing our work with the NOPD to increase data capacity and reliability in the coming year.

At the end of the annual report each year, the OIPM tends to propose what the future of oversight in New Orleans should include and where our office can go next and what goals we hope to achieve. Looking into 2023, the OIPM intends to:



Family Bill of Rights

Complete the Family Bill of Rights and set an agreed upon set of standards into operation of how the police should engage with families affected by officer force or shootings – justified or not.

Build the 24 Hour Hotline

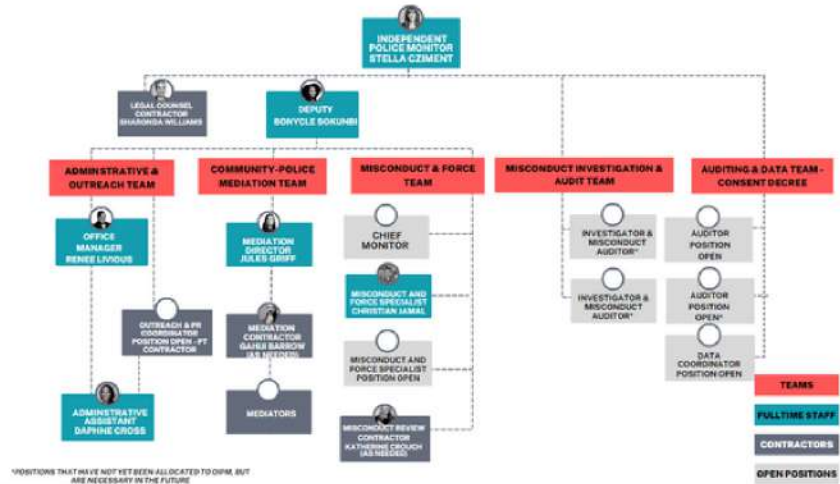
In 2022, the OIPM released the RFP and received public bids from vendors. At the start of 2023, the OIPM selected a vendor and started the contracting process. In 2023, the OIPM intends to finalize the contract and start work building the 24 hotline for callers speaking English, Spanish, and Vietnamese. The OIPM also intends to broaden our platforms by improving our web submission and adding the ability to submit via text.

Confidentiality

Protect our legal right to receive necessary information from the public and maintain their trust by keeping that information confidential.

Increase Capacity and Build the Team

Expand our team to take on the new responsibilities and work product that the OIPM is completing. 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. Last year in this report, the OIPM wrote that with these needs 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 so the OIPM intended to ask City Council to consider expanding our budget to achieve these vital goals. However, in 2023, the OIPM will instead consider charter amendments or other means to ensure that our funding needs are met.



Resource of Information

The OIPM intends to continue to be a resource to the community as the police chief search progresses and provide valuable input into the process. The OIPM intends to continue to share data and present to City Council about policing and oversight. The OIPM wants to continue to be an agency that can be turned to about policing.

Draft and Implement Necessary Policies and Standard Operating Procedures

Internally, the OIPM intends to build and implement necessary updates and additions to our policies and standard operating procedures to better guide our work, ensure consistency in our operations, and increase transparency around what we do and why we do it.



Find Creative Ways to Build the Mediation Department

Increase the services provided by our Mediation program including: offering post-investigation mediation, mediation outside of the complaint process, utilizing mediation in grievances for internal employment disputes, and teaching active listening at the NOPD academy in 2023.

Execute Resolution 20-175 with Councilmember Moreno and NOPD

Finally, the OIPM intends to continue to work with Councilmember Moreno's office and the NOPD leadership to build the public facing misconduct database so the public and all stakeholders can access necessary individualized information on officer's performance, disciplinary, use of force, and award history.



These are just some of the goals that the OIPM hopes to achieve in 2023 and beyond.

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