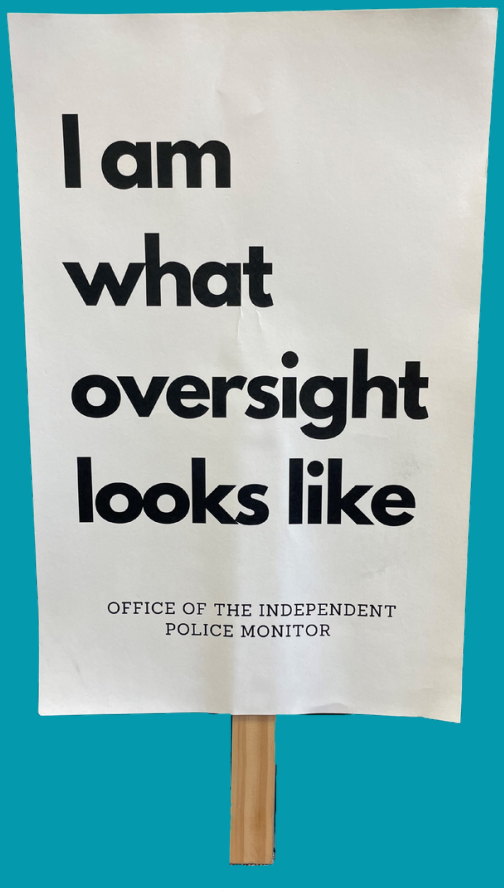
OFFICE OF THE INDEPENDENT POLICE MONITOR

MONTHLY REPORT

March 2023



IPM

Office of the Independent Police Monitor

LETTER TO THE COMMUNITY

Dear New Orleans Community,

When I think about our work in the month of March, I think about the word: "accountability." That word weighed heavily on me when I sat in the Federal Courthouse for two days of sentencing for former NOPD officer, Rodney Vicknair. Rodney Vicknair was convicted of sexually assaulting a child - a teenager that he was directed to transport to the hospital for a rape kit test related to a different incident. Instead of upholding the values, integrity, and professionalism that should come with being a police officer, Rodney Vicknair saw an opportunity to target a vulnerable child and her family. Rodney Vicknair used his position as an officer for the New Orleans Police Department to gain the trust of this child's parent in order to gain access to her child. As this parent said in open court during sentencing, that was the beginning of her nightmare. But in March, in front of a judge, and the family and community that Rodney Vicknair betrayed, the nightmare ended. He was sentenced to sentenced to 14 years in prison and 5 years of supervised probation upon his release.

I was the person who handled this allegation of sexual assault for our office. I spoke with representatives of the family and Public Integrity Bureau leadership about how to proceed. I facilitated those first phone calls with the PIB investigator, and monitored as that investigator started to gain the trust of this family so they would participate in the subsequent investigation. In this investigation I saw some of the worst within the police department and some of the best. I was impressed with the empathy and sensitivity I saw this investigator give this child and her parent. I saw that same empathy when he hugged the family in Federal Court, years later, when Rodney Vicknair was sentenced to jail - because that investigator would never miss an opportunity to support this family and stand behind his investigation. I want to honor the hard police work that went into securing that conviction and the disappointment and anger that everyone feels knowing that an officer would have done something so cruel and criminal while in his squad car, wearing his NOPD badge.

Working in oversight is challenging. This work is not easy and often accountability may feel like it's not enough when faced with such misconduct and brutality. I share how this experience affected me with the hope that those whose trust in the NOPD was shaken by this event will also know that it was the work of the NOPD that led to this conviction and the beginning of this family's healing. I thank everyone who helped in this investigation and, on behalf of the OIPM, I say that we stand with survivors of sexual assault and hope to always create a space that enables survivors to come forward.

During the month of March, the OIPM monitored investigations, produced work product to make operations of the NOPD better, and engaged with the community. From monitoring police presence on St. Joseph's Night while Mardi Gras Indian Tribes celebrated their culture to connecting with different people on Instagram over videos of police interactions, the OIPM appreciated this opportunities to connect with the community. Thank you for trusting our office and sharing your experiences - no matter what they may be - of interacting with the NOPD. Your voice matters.

Thank you,

Stella Cziment

Stella Cziment
Independent Police Monitor

WHO WE ARE

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.

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 and building a nondiscriminatory, safe, effective, and respectful police department that is responsive to the needs of the community and their employees.
- The OIPM does this through monitoring, case reviews, audits, and policy recommendations.

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.
- Operates the Community-Police Mediation Program.
- Partners with Families Overcoming Injustice.
- 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.
- The OIPM receives commendations and accounts of positive policing from the community.

WHAT DO WE DO?

Mission, Vision, Work

We serve the community, ensure police transparency, compliance, and accountability, and make policing a safer and more rewarding employment experience.

WHAT WE DO

Misconduct Complaints

Disciplinary Proceedings

Data Analysis

Community Outreach

Use of Force

Community-Police Mediation Program

Audits and Policy

Commendations

The OIPM is the oversight body for the New Orleans Police Department (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:

The OIPM envisions a police force where the community is a valued and respected partner in public safety and law enforcement. This is achieved through:

- Assurance of transparency, accountability, and fairness within the NOPD and in all policing practices
- Community-driven policing policy that reflects the changing and dynamic needs of New Orleanians
- Continued efforts to engage the community and collaborate with community partners
- Recruitment and retention of a police force that is representative of and responsive to the community it serves
- Utilization of de-escalation techniques and methods when responding to calls of service
- Conducting only lawful and necessary arrests free of discriminatory practices
- Thorough and effective investigations resulting in appropriate arrests and prosecutions
- Clear and professional communication with victims and witnesses of crime and all that come into contact with the NOPD
- Responsible utilization of equipment and allocation of resources
- Development of highly trained supervisors and organizational leadership
- Interactions with the public and internally within the police force that are based in mutual trust and respect

The OIPM seeks to amplify the voice of the community to ensure that all within the city – visitors and residents alike – can access police services equally and have a positive experience with officers.

DATA OVERALL: YEAR TO DATE AND MONTH

	2023	2022	2021	2020	2019	2018	2017	Avg 2017-2022
Civilian Complaint Count	33	14	14	10	22	6	8	12.33
Police Complaint Count	0	0	0	0	0	4	1	0.83
Civilian w/in NOPD	0	0	0	0	0	0	0	0
Anonymous Complaint	8	3	9	2	0	0	0	2.33
Criminal Case Liaison Count	10	3	6	18	11	1	3	7
Case Monitoring Count	2	6	1	7	0	5	4	3.83
Case Review Count	0	4	0	1	1	1	0	1.17
Contact Only Count	18	9	1	3	6	0	2	3.5
Disciplinary Hearing Count	10	7	4	5	6	12	12	7.67
Critical Incident Count	1	3	3	3	4	1	5	3.17
Firearm Discharge Count	1	4	2	3	3	1	2	2.5
Level 4 Non-Critical*	2	4	2	5	0	0	0	1.83
Force Monitoring*	1	-	-	-	-	-	-	-
Mediation Count	3	3	5	7	8	1	6	5
Commendation Count	1	0	0	0	0	0	0	0
Grand Total	90	60	47	64	61	32	43	51.17

	Mar-23	Mar-22	Mar-21	Mar-20	Mar-19	Mar-18	Mar-17	Avg 2017-2022
Citizen Complaint Count	11	6	5	1	11	2	4	4.83
Police Complaint Count	0	0	0	0	0	0	0	0.00
Civilian w/in NOPD*	0	0	0	0	-	-	-	0.00
Anonymous Complaint*	5	2	2	0	-	-	-	1.33
Criminal Case Liaison Count*	3	0	3	2	6	-	-	2.75
Case Monitoring Count	0	2	0	1	0	3	1	1.17
Case Review Count	0	3	0	1	0	1	0	0.83
Contact Only Count	5	3	0	0	3	0	0	1.00
Disciplinary Hearing Count	3	0	1	2	2	3	3	1.83
Critical Incident Count	0	0	2	0	2	1	0	0.83
Firearm Discharge Count	0	0	1	0	1	1	0	0.50
Level 4 Non-Critical*	0	0	1	2	-	-	-	1.00
Force Monitoring*	0	-	-	-	-	-	-	-
Mediation Count	3	3	2	2	6	1	2	2.67
Commendation Count	1	0	0	0	0	0	0	0.00
Grand Total	31	19	17	11	31	12	10	16.67

**indicates a new category or a category that was not always captured by OIPM*

CURRENT BUDGET

OIPM Budget Description	Amount
Personnel	$769,582.00
Operating	$400,000.00
2022 Total OIPM Budget	$1,169,582.00
2022 Total OIPM Budget	$1,169,582.00
Amounts Spent to Date:	($72,585.00)
Unexpended funds	$1,096,997.00

MISCONDUCT WORK

Relevant Definitions

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

Complainant
A complainant is the individual who files a complaint against a NOPD officer(s). A complainant may be generated internally (by another officer or a supervisor) or externally (by a member of a public). The complainant does not need to be personally affected by the incident.

OIPM Complaint Codes
When the OIPM receives a complaint referral, the OIPM organizes the complaint according to the source of the complaint.

- Civilian based complaints are classified as: CC.
- Complaints from police officers are classified as: PO.
- Complaints from civilians working within the NOPD are classified as: CN.
- Anonymous complaints are classified as: AC.

Misconduct
Officer action or failure to take action that violates any rule, policy, procedure, order, verbal or written instruction of the NOPD or is a violation of any city ordinance, state or federal criminal law. Misconduct includes, but is not limited to:

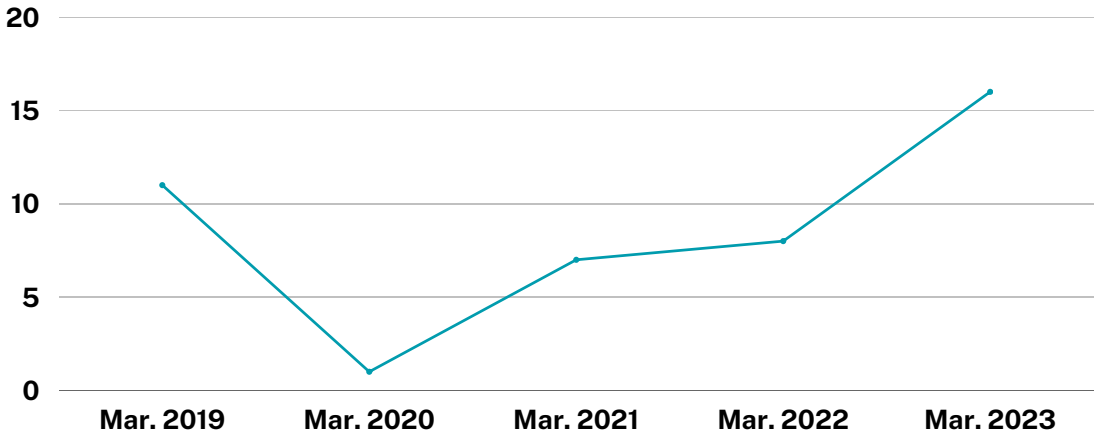
- Use of Force
- Abuse of Authority such as unlawful searches and seizures, premises enter and search, no warrant, threat to notify child services, threats to damage of property, etc., refusal to take complaint, refuse to identify themselves, damages to property seized
- Failure to supervise
- Falsification of records
- Inappropriate language or attitude
- Harassment
- Interference with Constitutional rights
- Neglect of duty
- Discrimination in the provision of police services or other discriminatory conduct on the basis of race, colors, creed, religion, ancestry, national origin, gender, sexual orientation
- Theft
- Retaliation for filing complaint with NOPD or the OIPM

Complaint Procedures

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. OIPM personnel may review information in NOPD systems regarding the interaction complained of, including body worn camera video, in car camera video, electronic police reports and field interview cards. The OIPM may include information obtained from NOPD information systems in the complaint referral.

The OIPM assesses whether in the information provided should be provided confidentially or if the OIPM would recommend covert operations conducted by the Special Investigation Squad (SIS). Anything shared in this report is public information.

Complaint Totals - March



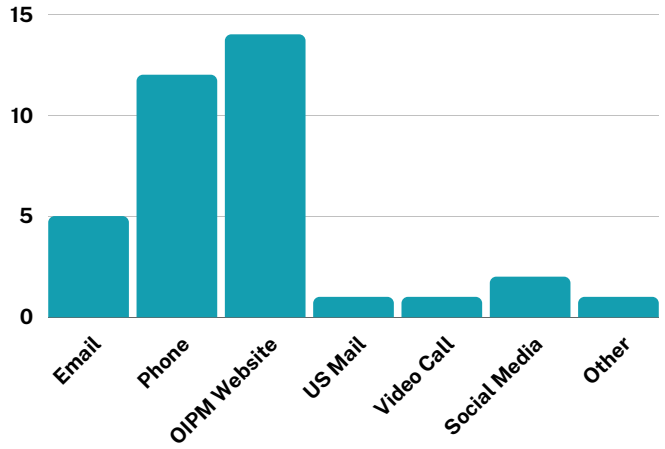
16

Total Complaints Received this month

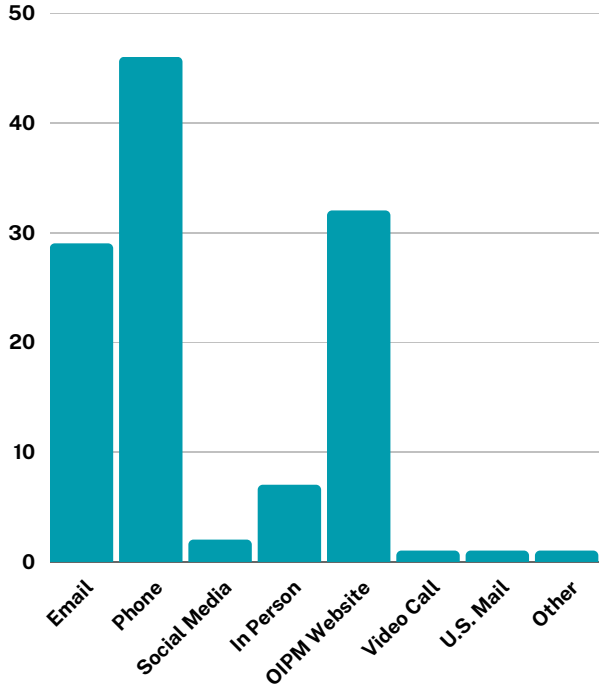
120

Total Complaints Received in the Past 12 Months

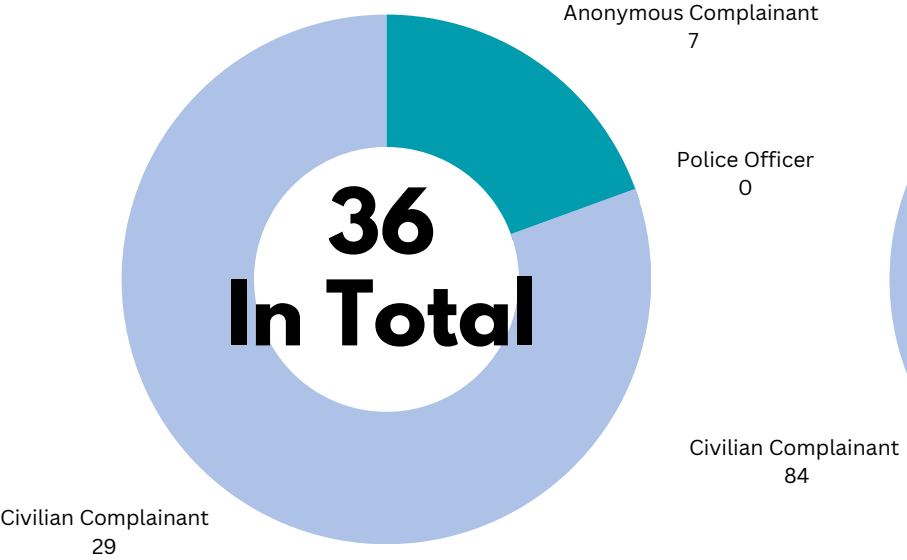
Complaint Intake Source - 2023



Complaint Intake Source - Past 12 Months

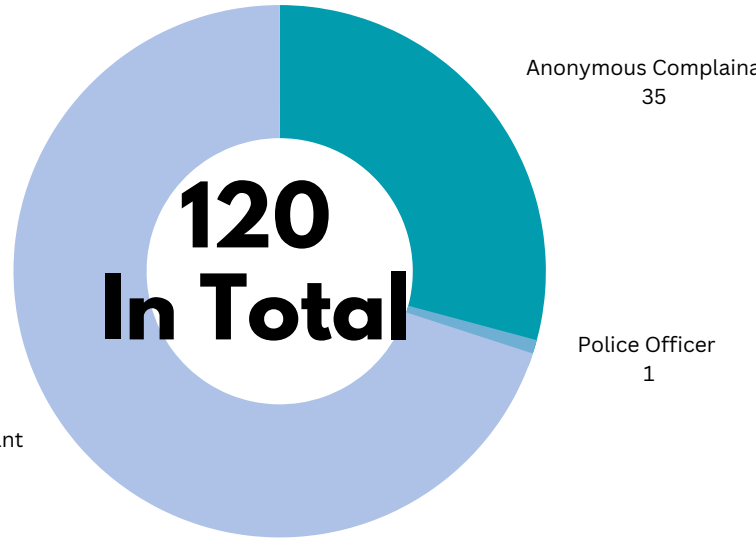


Complainant Type - 2023



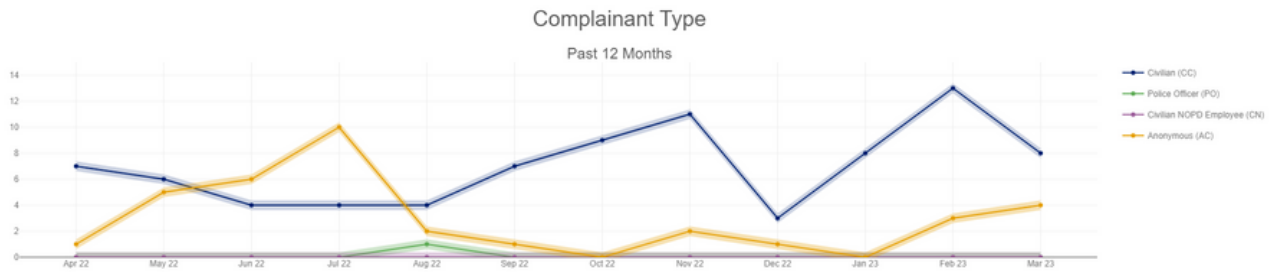
Anonymous Complainant: 10%
Civilian Complainant: 90%

Complainant Type - Past 12 Months



Anonymous Complainant: 28.6%
Civilian Complainant: 70.5%
Police Officer Complainant: 0.9%

Complainant Type - Past 12 Months

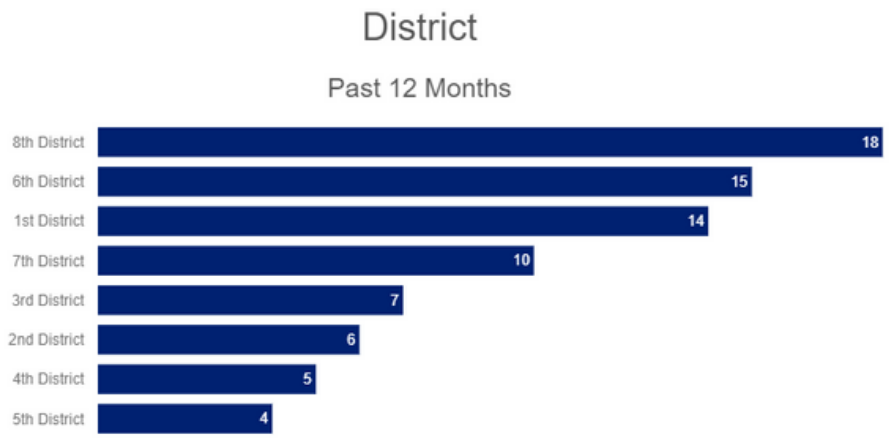


Top Allegations - Past 12 Months

This chart captures the top allegations are proposed by the OIPM in the referral letters submitted to the Public Integrity Bureau. This chart is limited since it will only include the allegations that the OIPM entered into our database and has not yet been updated. The OIPM hopes to work on this issue with the NOPD in order to ensure accuracy in the proposed allegations.

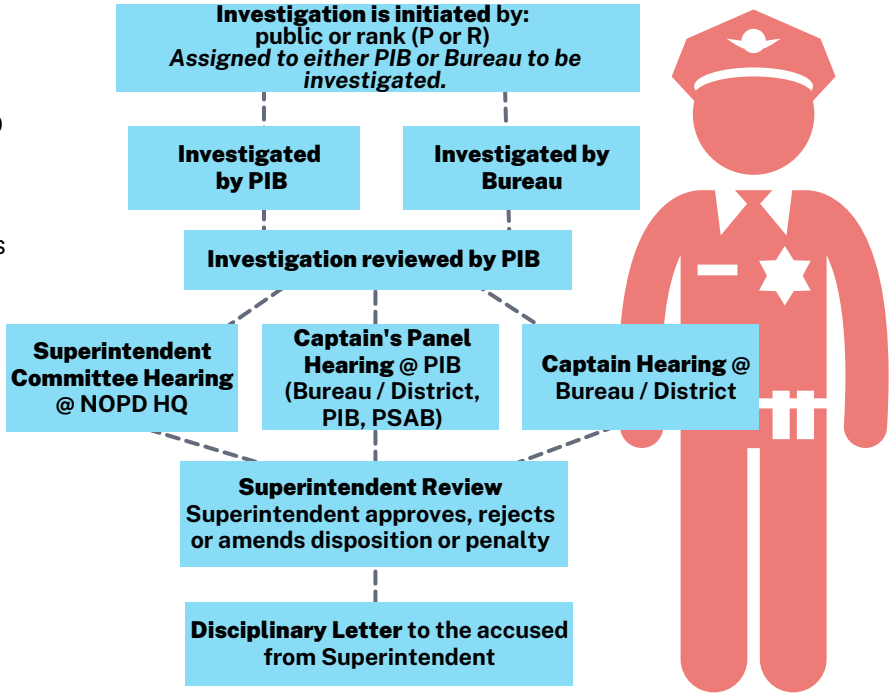
Districts - Past 12 Months

This chart communicates where the alleged misconduct occurred by police district. This requires the misconduct to occur in a physical space (instead of an incident that occurs over the phone or internet for example). This is based on complainant disclosure and the OIPM tries to verify this information through electronic police reports, body worn camera footage, and field identification cards.



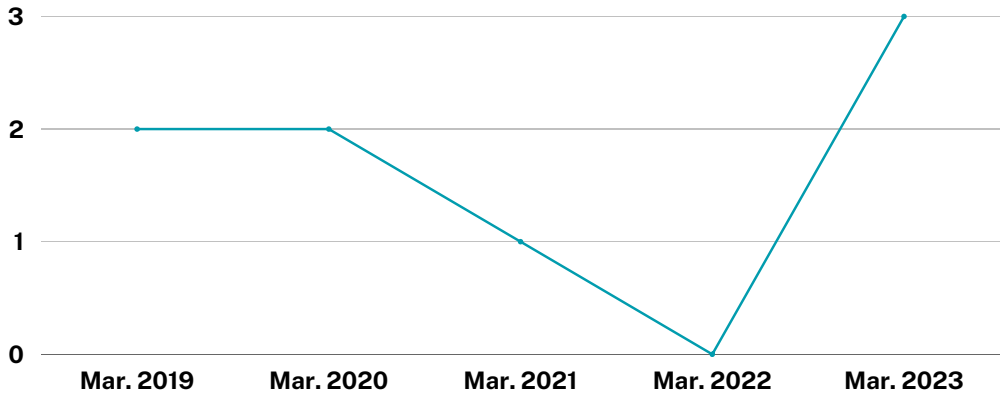
DISCIPLINARY PROCEEDINGS

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

Disciplinary Proceedings



3

Total Disciplinary Proceedings Received this month

OIPM tracks Disciplinary Proceedings based on the date notice is received from NOPD and not necessarily on when the disciplinary proceeding occurs. These proceedings are often rescheduled for scheduling conflicts. Tracking by notification date allows for consistent and accurate data collection.

USE OF FORCE

Relevant Definitions

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:

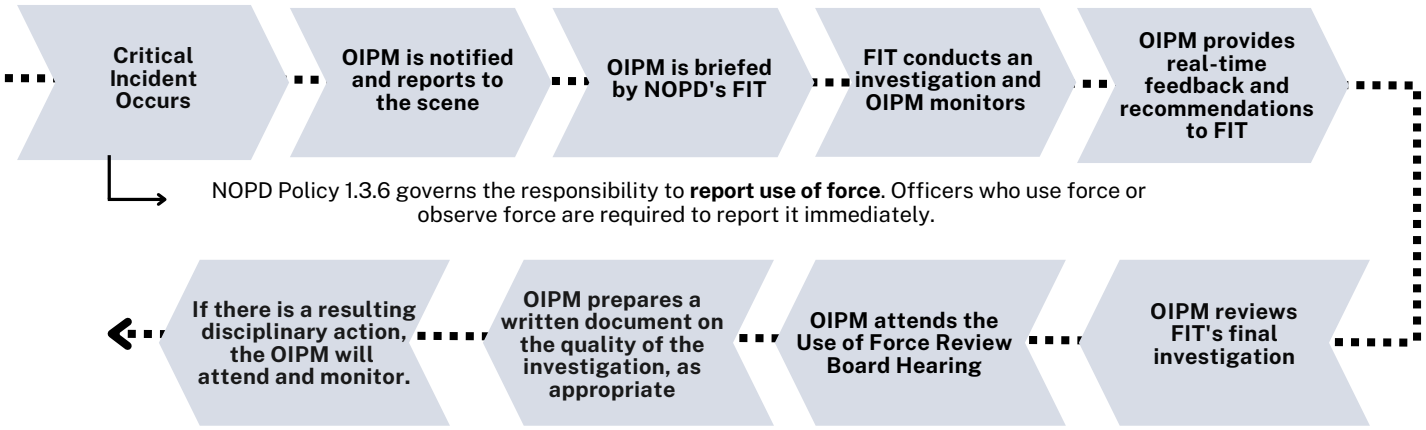
- All incidents including the use of deadly force by an NOPD officer including an Officer Involved Shooting ("OIS");
- All uses of force by an NOPD officer resulting in an injury requiring hospitalization;
- All head and neck strikes with an impact weapon, whether intentional or not;
- All other uses 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.

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

Levels of Force

- **Level 1**: 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**: 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.
- **Level 3**: 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**: 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.

Critical Incident / Use of Force Chain of Events

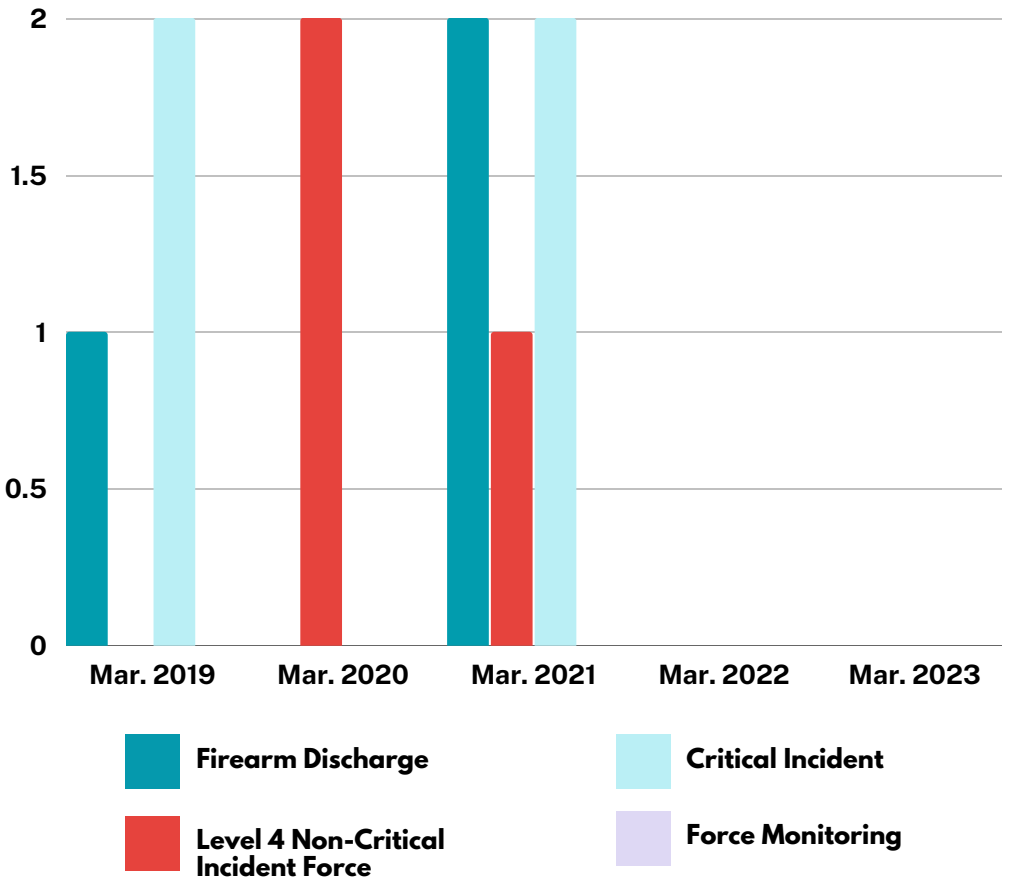


Use of Force Work

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

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

Use of Force - March 2019, 2020, 2021, 2022, 2023



0

Firearm Discharge this month

0

Critical Incidents this month

0

Level 4 Non-Critical Use of Force this month

0

Force Monitoring this month

Force Monitoring
In 2023, the OIPM began tracking "Force Monitoring." The OIPM is required to report to Critical Incident scenes, but may elect to report to a scene if necessary details to make a determination of force categorization are not available at the time of notification. OIPM recognizes many critical steps are taken early in an investigation and believes it is important not to miss the opportunity to monitor an investigation that may become critical, if possible.

Use of Force Review Board

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. UFRB hearings should be held every 30 days.

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. During UFRB, 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 within policy or not based on the facts and evidence presented in the investigation. If the Board determines the use of force violated NOPD policy, the Board will refer it to PIB for disciplinary action.

The OIPM receives the cases ten (10) days before the hearing and has approximately one week to review the investigation and respond with our questions and feedback prior to the hearing. The OIPM may provide feedback formally or informally prior to the UFRB. OIPM often provides feedback to FIT investigators throughout the entirety of the investigation.

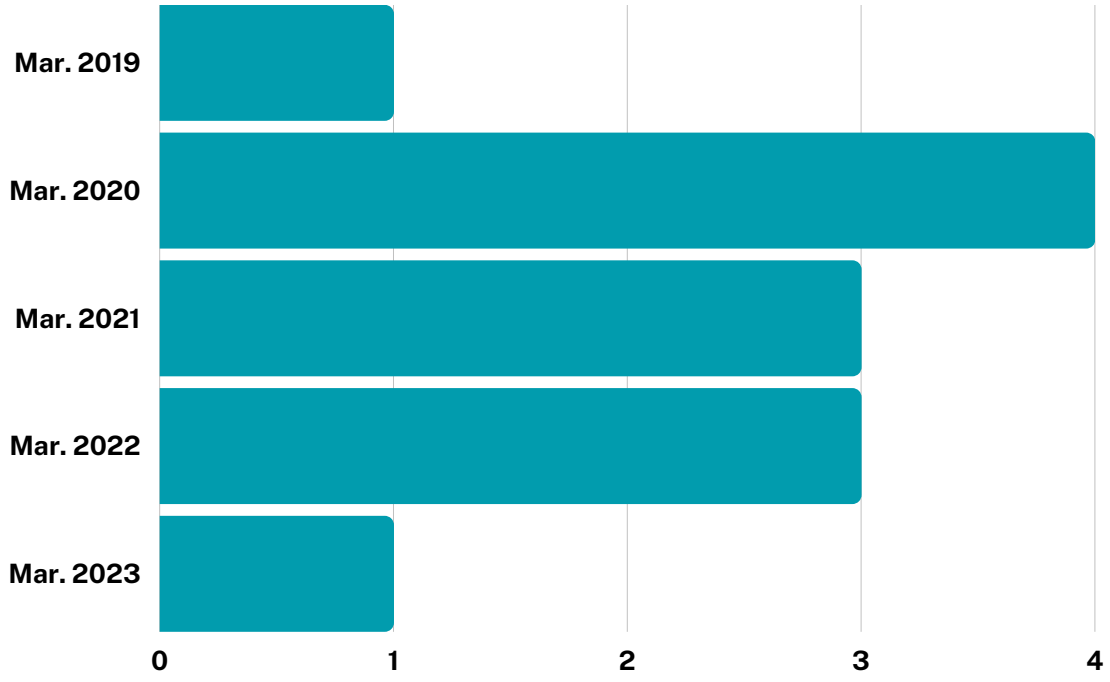
1

UFRB Cases Heard in this month

6

Total UFRB Cases Heard in 2023

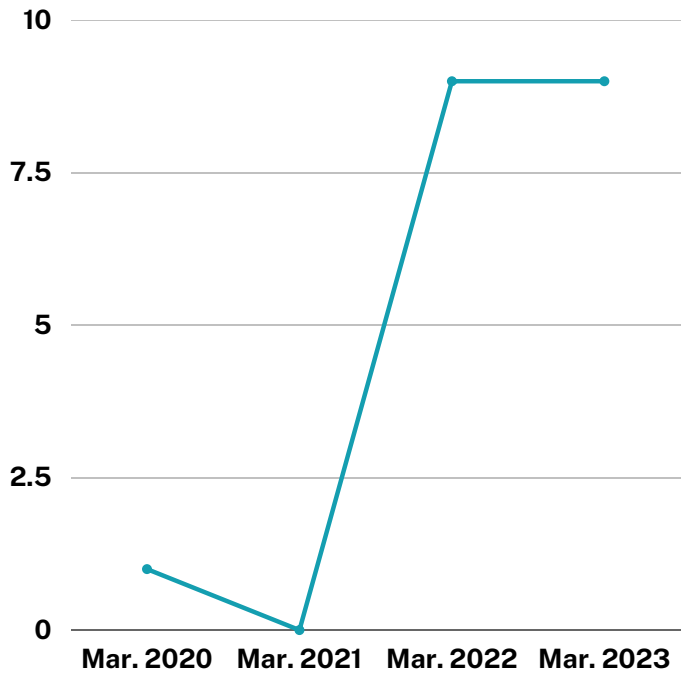
Use of Force Review Board Cases Heard



COMMUNITY ENGAGEMENT

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, meeting with police associations, and conduct public outreach meetings and engagement activities. In this section of the Monthly Report, the OIPM explains the community outreach and public events that the OIPM coordinated or participated in the last month.

Outreach - March 2020, 2021, 2022, 2023



Outreach Events

9

Total Outreach Events this Month

IPM, Stella Cziment, is pictured above discussing police activity that took place during St. Joseph's Night

- **WDSU interview pertaining to Perlita St. Shooting Misconduct Investigation**
- **Consent Decree Public Meeting held virtually**
- **2 hour Virtual Mediation Training**
- **Mediator Community Building Meet and Greet in Gentilly**
- **Presented at NOPD Citizens Academy**
- **Monitored police presence and interactions at St. Joseph's Night**
- **WDSU interview about Rodney Vicknair Sentencing**
- **FOX 8 interview about Rodney Vicknair Sentencing**
- **NOLA.com interview about Rodney Vicknair Sentencing**

DPM, Bonycle Sokunbi, is picture above presenting at NOPD's Citizens Academy

COMMUNITY-POLICE MEDIATION

Relevant Definitions

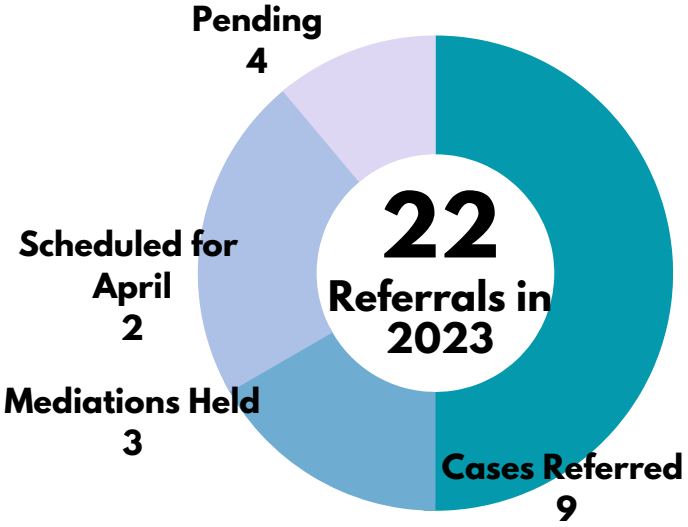
Mediation
A mediation process helps parties develop a mutual understanding of a conflict. Mediation may help the parties identify disputed issues, facilitate communication, provide an opportunity to improve community relationships, and generate options that may help the parties reach a mutually acceptable resolution.

Mediator
The role of the mediator is to be a neutral and trained third party who listens, clarifies, and facilitates conversation. Mediators are non-judgmental and do not give advice, take sides, or decide who is right or wrong. Mediators do not influence or pressure participants to come to an agreement. Mediators are trained and recruited by the OIPM.

Consent
All parties must voluntarily agree to participate in mediation and give consent. The consent process involves communication between the participant and the Mediation Director or program staff about the mediation process, what to expect, and clarification of any questions. Consent forms are signed in advance of confirming the mediation session.

Voluntary
All participants engage in mediation at their own free will. They can end the process at any time and will not be forced to do anything or say anything they do not want to. No one is forced to agree to anything they do not want to.

Mediation Numbers for March 2023



What is Mediation?

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

The Public Integrity Bureau (PIB) of the NOPD determines which complaints are referred to the Mediation Program. The types of complaints that are most often referred to mediation are those that allege lack of professionalism, neglect of duty, or discourtesy. Complaints such as unauthorized use of force, unlawful search, and criminal allegations are ineligible for mediation and continue through the formal complaint investigation process by the PIB.

Non-judgmental

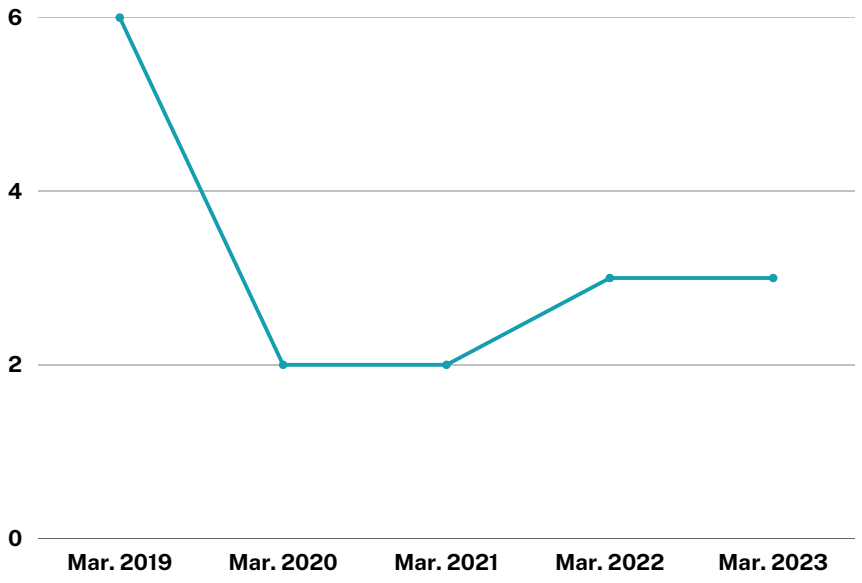
Confidential

Voluntary

Mediation is:

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

Mediations Held in March 2019, 2020, 2021, 2022, 2023



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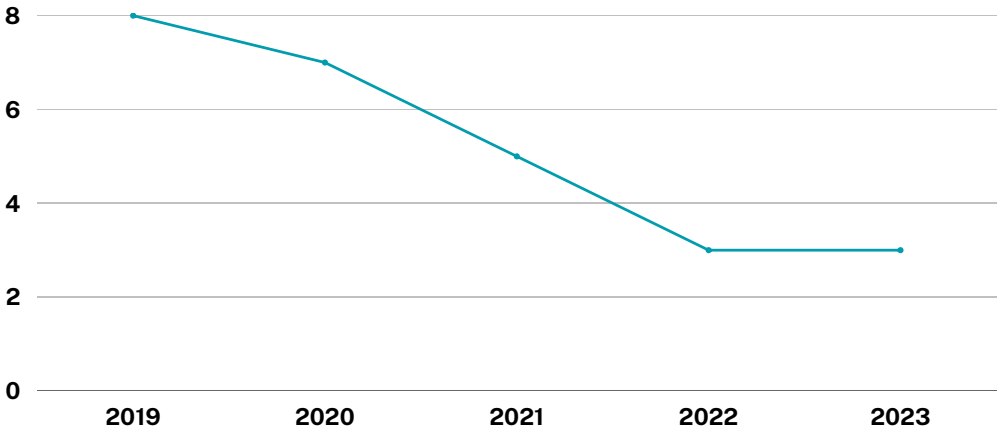
Total Mediations Held this month

Mediations Held YTD In 2019, 2020, 2021, 2022, 2023



CONSENT DECREE & OVERSIGHT BACKGROUND

The OIPM is providing the following information in our monthly reports as a way to keep our partners and the public informed of the role of oversight, the policing history that led to the creation of the Consent Decree, and the differences between different types of oversight.

The OIPM wants to use every opportunity available to share valuable information and historical context to our work so everyone working towards the goal of accountability, transparency, and police oversight can be equipped, informed, and engaged.

Over the year, the OIPM may add to this section additional resources and information that we assess as helpful and empowering.

LEGAL JURISDICTION; OBLIGATIONS OF THE OIPM OFFICE AND STAFF

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, perimeters, 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.

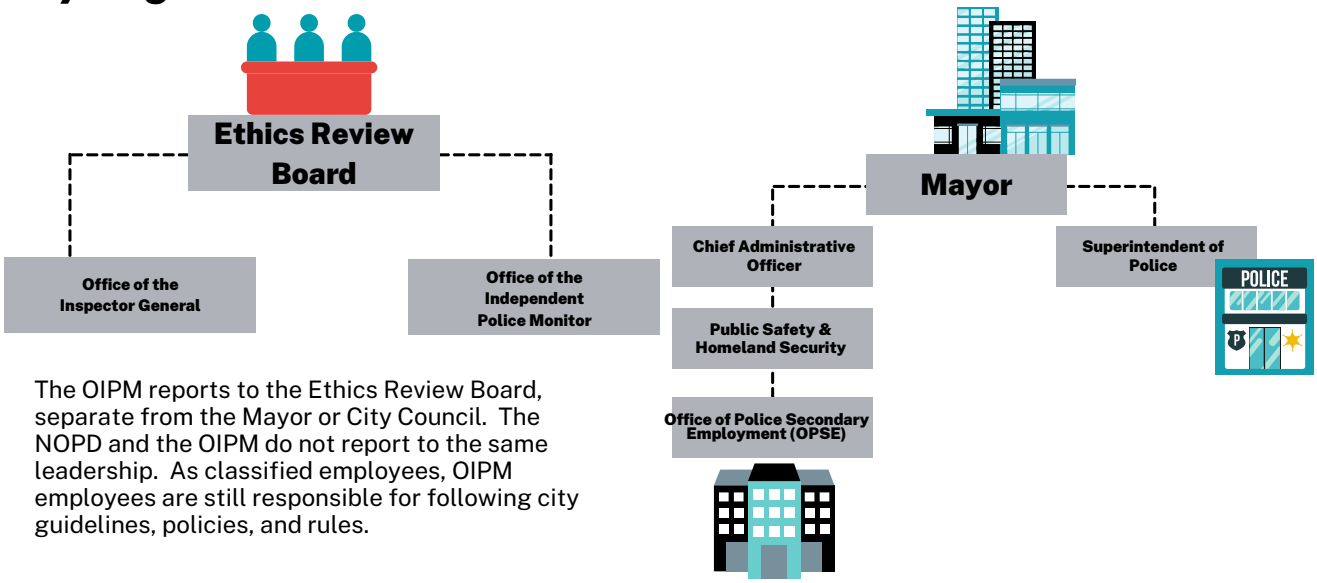
Louisiana Revised Stat. § 33:2339: Detail or Secondary Employment; City of New Orleans
This statute was created in 2013 and gives legal abilities and subpoena power for the OIPM to investigate allegations of misconduct in the secondary employment system operated by the Office of Police Secondary Employment. 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.

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.

Ordinance 29130: Sharing of Data
Ordinance 29130 requires that our office (along with other public safety agencies) provide data monthly to 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.

City Organizational Structure - Truncated



The OIPM reports to the Ethics Review Board, separate from the Mayor or City Council. The NOPD and the OIPM do not report to the same leadership. As classified employees, OIPM employees are still responsible for following city guidelines, policies, and rules.

OVERSIGHT MODELS

Different Reasons Why There is Oversight / Monitors

Court Ordered
Court ordered monitors through litigation brought by the US Dept. of Justice to end "patterns and practices" of unconstitutional policing under federal law.

Consent Decree Monitors
Monitors that are the result of federal Consent Decrees.

Oversight Agencies
Oversight agency like civilian oversight that is responsible for review, auditing, or investigation.

New Orleans has both of these types of oversight

Models of Civilian Oversight

Review-Focused Model
Review-Focused models tend to utilize volunteer boards and commissions.

- Review-focused models assess the quality of finalized investigations conducted by an internal affairs division or the police department
- Conduct reviews of the agency's policies, procedures and disciplinary proceedings.
- Hold public forums, hear appeals, or make recommendations for investigations regarding allegations of misconduct

OIPM reviews the quality of finalized investigations conducted by the Public Integrity Bureau (which is the internal affairs of the NOPD)

Investigative-Focused Model
Investigative-focused models will employ professionally trained staff

- Investigative-Focused Conduct independent misconduct investigations
- Operate as an intake site for complaints.
- These models may: mediate complaints, analyze policies and practices issue recommendations to the police and public.

OIPM is a complaint intake site and OIPM has investigatory power over the secondary employment office.

Review-Focused Model

- Auditor / Monitor-Focused Assess systemic reform efforts.
- Review processes, evaluate policies, practices, and training. Based on those assessments, this oversight model will identify patterns and make recommendations Share findings with the public.
- These oversight agencies may participate in investigations.

OIPM assesses systemic efforts and will evaluate and review policies, practices and training then provide recommendations to NOPD.

Hybrid Civilian Oversight Model
Hybrid Civilian Oversight Hybrid civilian oversight means there is one office serving functions from different models or multiple agencies in one jurisdiction which may be different models (like an advisory civilian board and the investigatory OIG).

OIPM is a hybrid oversight agency because it has elements of all the different types of oversight models. Additionally, New Orleans has hybrid civilian oversight since we have multiple oversight agencies serving different functions.

13 Principles of Effective Oversight

The National Association for Civilian Oversight of Law Enforcement (NACOLE) identifies these 13 principles as necessary for effective oversight. The OIPM adopted these principles:

- Independence
- Clearly defined and adequate jurisdiction and authority
- Unfettered access to records and facilities
- Access to law enforcement executives and internal affairs staff
- Full cooperation
- Sustained stakeholder support
- Adequate funding and operational resources
- Public reporting and transparency
- Policy patterns in practice analysis
- Community outreach
- Community involvement
- Confidentiality, anonymity, and protection from retaliation
- Procedural justice and legitimacy

BRIEF HISTORICAL HIGHLIGHTS OF THE CONSENT DECREE; POLICING IN NEW ORLEANS

1980

Fatal shooting of an officer

1981

Grand Jury chooses not to indict 14 NOPD officers over the Algiers 7

1990

Adolph Archie dies in NOPD custody which spurns local and federal investigations.

City Council creates the Office of Municipal Investigations to investigate allegations of misconduct in city government - including the NOPD.

1994

Officer Len Davis orders the killing of Kim Marie Groves because Groves filed a complaint on Officer Davis based on him pistol whipping a teenager.

1995

Officer Antoinette Frank committed a deadly armed robbery killing two members of a family and one officer.

1996

Officer Davis is found guilty of murder of Kim Groves.

That same year, the Department of Justice starts investigating the practices and civil rights violations of the NOPD.

2001

Fatal shooting of unarmed Erik Daniels by the NOPD.

In the fall, Mayor Marc Morial convened the Police Civilian Review Task Force.

2002

Among a series of recommendations, the task force calls for the creation of an Independent Police Monitor.

2003

City Council unanimously pledges support for the creation of the Office of the Independent Police Monitor.

2004

Department of Justice Civil Rights Division completes its 8 year investigation of NOPD.

During the summer of 2004, several deadly police-civilian encounters.

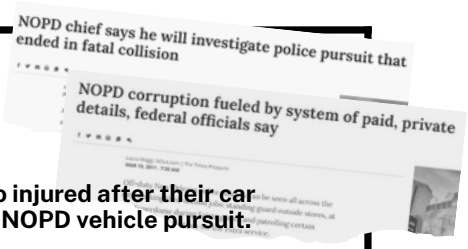
2005

August 2005, Hurricane Katrina hits and the levees break.

In September, 2005, NOPD officers kill James Brissette and Ronald Madison, injuring four others, on the Danziger Bridge and conduct a cover up.

2006

City Council passed an ordinance creating the Office of the Inspector General and some of the functions that later would make up the Office of the Independent Police Monitor.



One woman dies and two injured after their car was struck because of a NOPD vehicle pursuit.

2009

First Independent Police Monitor is hired and the OIPM begins under the OIG.

2011

The Department of Justice Civil Rights Division releases a report on the NOPD stating there are "patterns of misconduct that violate the Constitution and federal law" in March 2011. The private detail system labeled the "aorta of corruption."

2012

July 2012, the City of New Orleans entered into the Consent Decree with the Department of Justice.

2013

The Consent Decree starts January 2013.

2015

Officer Daryle Holloway is killed while transporting an arrested subject to jail.

UNDERSTANDING THE CONSENT DECREE AND HISTORY

New Orleans entered a formal consent decree in January, 2013. This Consent Decree process started in the years prior with the investigation of the patterns and practices of the NOPD by the Department of Justice's Civil Rights Division. In order to understand the necessity of the Consent Decree and the reforms required within it, it's important to understand the historical context of the city and the NOPD's problematic behavior within the community.

The NOPD had a long history of misconduct, violence, discriminatory practices, and corruption stemming back decades. In the 1980s was the beginning of a community effort to organize civilian based oversight of the NOPD. This effort resulted in multiple initiatives from the Office of Municipal Investigations to the Police Civilian Review Task Force to eventually the creation of the Office of the Inspector General to the Office of the Independent Police Monitor.

While these local efforts were evolving, simultaneously, the federal government was conducting ongoing investigations of the NOPD, the must recent ending in March 2011. Ultimately, the Department of Justice found that the patterns and practices of the NOPD violated the Constitution and federal law. The report identified systemic deficiencies in multiple operational and substantive areas including policy, supervision, training, discipline, accountability - all of which "led to unconstitutional discrimination, uses of force, stops, searches, and arrests." The findings of the Department of Justice may have surprised the country, but the community of New Orleans was already well aware of the violent and unchecked behavior of the NOPD and the culture of obstructionism and discrimination that existed within the department.

This shared history of policing is briefly overviewed on the next page and the OIPM included examples of the dynamics of the NOPD and the crimes committed that directly impacted the safety of the community and public trust in the police department.

The OIPM strives to acknowledge and remember those in the community who both fought for oversight and were impacted by the pain caused by the NOPD. This is why a tenant of the work completed by civilian oversight is to amplify the voice of the community. It is in that memory that the OIPM works and stays vigilant monitoring the policing occurring today because a possible backslide from compliance, depending on the severity, could result in a return to a pattern and practices of policing that was corrupt, violent, and unconstitutional.

The goal of the Consent Decree is for the reforms to be so deeply enmeshed into the operations, policies, systems, and culture of the police department that to dismantle those reforms would be easily catchable and not only cause alarm in the community but also be virtually impossible because of the changed culture and expectations within supervision and the police department.

The position of the OIPM is that New Orleans must own our history with the police. Our history informs our fears. This is why there is a fear of history repeating itself. In New Orleans there is a real concern of "backsliding" and a return of the "old NOPD." Our neighbors, friends, coworkers, and loved ones may have experienced injustices at the hands of the NOPD. In our recent history as a city, filing a misconduct complaint about the police could have ended with retaliation or violence, walking in an unfamiliar neighborhood may have resulted in intrusive and illegal searches, arrests were conducted with force, officers could be bought, and supervisors turned a blind eye to a culture of corruption, discrimination, and violence.

For this reason, the OIPM is sensitive of allegations or noncompliance in areas that touch on these historical problems and shared fears that may exist in our community. The OIPM will not sweep these fears under a rug, but instead ensure that these allegations are immediately prioritized and addressed:

Criminal activity or associations
Corruption
Violence
Use of Force
Receiving payouts
Field strip searches
Targeting of young African American boys
Supervisors failing to take misconduct allegations
Unauthorized pursuits
Cover-up of wrong doing and manipulation of misconduct investigations
Discriminatory practices

LOCAL & FEDERAL OVERSIGHT IN NEW ORLEANS

There are two types of monitors in New Orleans. There are three reasons why a city may have oversight or monitoring:

- Court ordered monitors through litigation brought by the US Dept. of Justice to end "patterns and practices" of unconstitutional policing under federal law.
- Monitors that are the result of federal Consent Decrees.
- Oversight agency like civilian oversight that is responsible for review, auditing, or investigation.

New Orleans has monitors for two of these reasons. There are monitors that a result of a federal consent decree and civilian oversight that is responsible for auditing, review, and / or investigation. The two offices have different responsibilities, were created through different mechanisms, and have different jurisdiction - all of which is described below.

Timeline of Oversight

Below is the timeline of oversight in New Orleans. While the Office of the Independent Police Monitor is rather new, the concept of oversight and accountability for officers and public employees has existed in New Orleans since 1981. The OIPM was created in 2008 and became independent in 2015, two years after the Consent Decree was entered into by the City of New Orleans.

1981

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

JUNE 2008 — **OIPM officially created**

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

The first IPM was appointed in 2009.

Susan Hutson was hired in 2010.

NOVEMBER 2010

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

2012 - 2013 — **This is when OCDM was created**

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

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.

SUMMER 2021

The NOPD is nearly full compliance with the Federal Consent Decree, which will end active federal oversight. Now, the OIPM is working with the OCDM and the NOPD to reimagine our role and responsibilities.

Differences Between OCDM and OIPM

Office of the Independent Police Monitor (OIPM)

- **Created by City Council and receives jurisdiction and responsibilities from Ordinance.**
- **Everyone in the office is a city employee.**
- **On the ground and community based work - complaint intake site, runs the Community-Police Mediation Program,**
- **On scene monitoring including Use of Force and disciplinary proceedings.**
- **Provides recommendations and assessments based on reviews of finalized NOPD investigations and policies.**
- **Monitors investigations in real time and provides real time recommendations that become exhibits in NOPD investigations.**
- **Analyzes data and builds tools that will benefit the community and increase transparency.**
- **Funded through .16% of the general fund**

Office of the Consent Decree Monitor (OCDM)

- **Appointed created by the Consent Decree and receives jurisdiction and responsibilities from the Consent Decree.**
- **Law firm bid on the city contract to monitor the compliance with the Consent Decree. Predominantly monitors from out of state. No one is employed by the city.**
- **NOPD needs present all policy rewrites and practice changes to OCDM for approval.**
- **OCDM worked with the Dept. of Justice to finalize all recommendations then presents to Judge Morgan for final sign off.**
- **OCDM conducted audits to determine NOPD compliance with the changes.**
- **Only focuses on matters identified in the Consent Decree.**
- **Monitors are paid through a contract that was entered into with the city as a necessity of the Consent Decree (Section O: Selection and Compensation of the Monitor)**

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