



Consent Decree Status Update

Office of the Consent Decree Monitor
Public Meeting
October 29, 2024

Agenda

- Introduction
- How We Monitor And Measure
- Summary Observations
- Conclusion
- Public Questions and Comments



Introduction

Why Are We Here Today?

On 9/27/24, the Parties filed a Joint Motion to enter the Sustainment Period and a proposed “Sustainment Plan”



The same day, the Court announced how it would evaluate the Joint Motion



The Monitor held public meetings on Oct. 8, Oct. 22, and Oct. 28



Today is the next step in the public comment process



Purpose of Public Meeting

We are here to share information and facts to better inform the community in advance of the forthcoming District Court Fairness Hearing. It is not our purpose to argue for or against the Joint Motion. The Joint Motion will be evaluated and ruled on by Judge Morgan alone.

Purpose Of The Consent Decree



- To promote the development of new policies, training, and practices throughout the Department
- To fundamentally change the way NOPD polices throughout the New Orleans Community.
- To ensure “that police services are delivered to the people of New Orleans in a manner that complies with the Constitution and laws of the United States.”



How We Monitor And Measure

Our Team



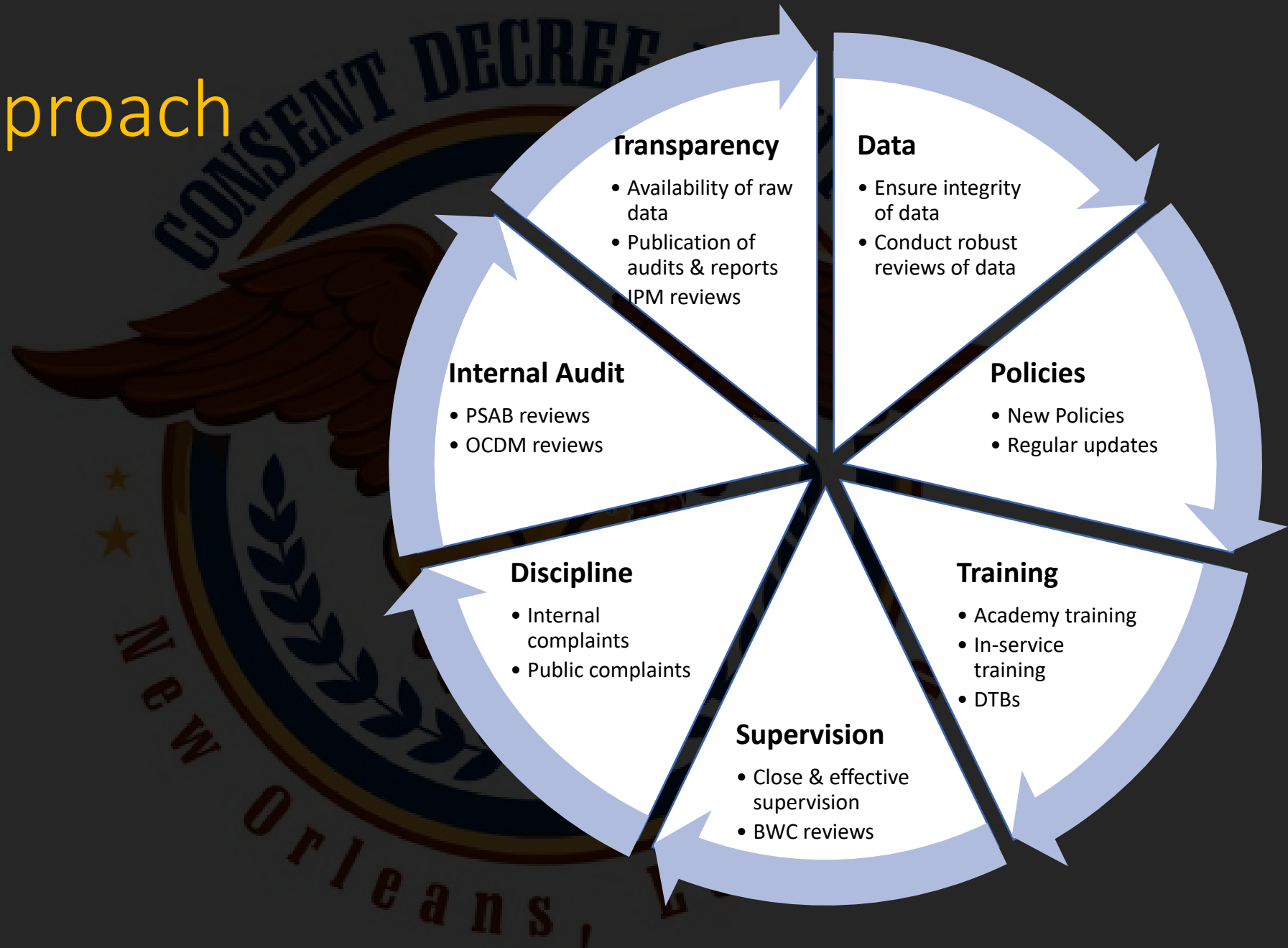
Lead Monitors
Jonathan Aronie & David Douglass

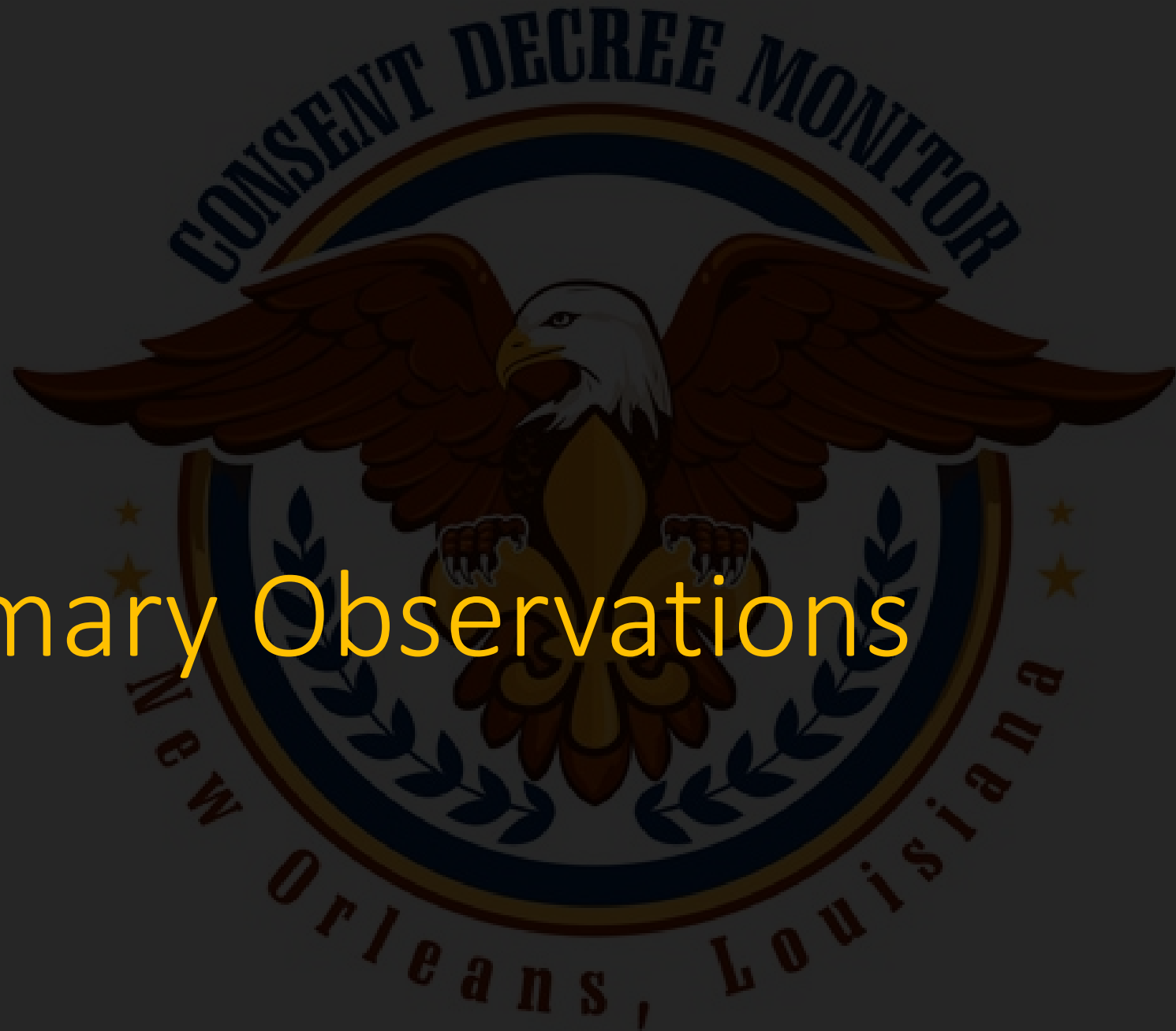


Monitoring Team

Chiefs Bowman, Viverette, Brown, McNeilly, Epperson; DC Murphy; Dr. Geoff Alpert; Dr. Ashley Burns

Our Approach





Summary Observations

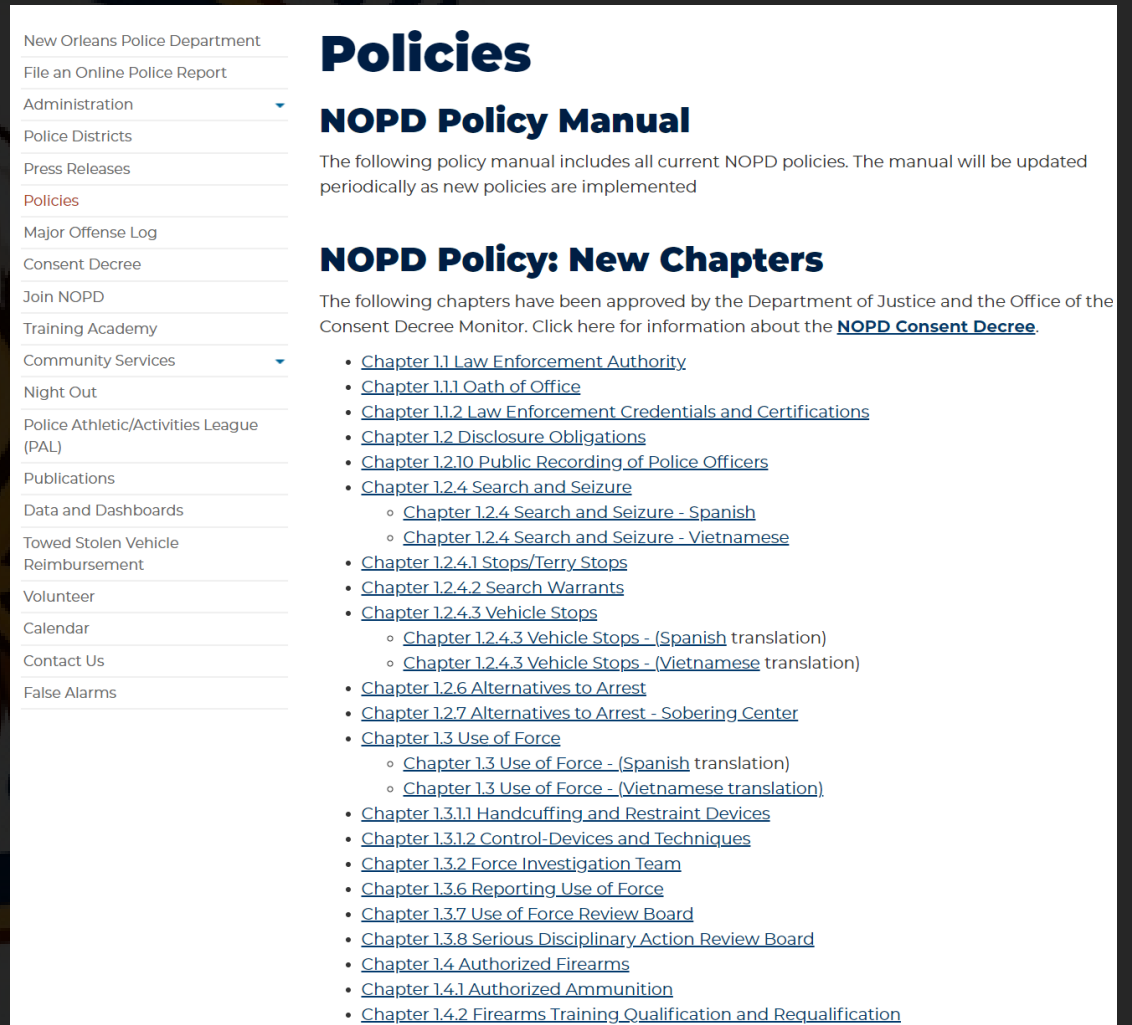
Policies & Training

Observations

- All required policies and training in place
- New drafting/review process in place
- Process provides for regular policy and training updates
- Some policies and training require additional modification based on lessons learned

OCDM and DOJ Policy Reviews/Approvals

- Over 140 policy documents and SOPs
- All policies publicly available on NOPD's website:
 - <https://nola.gov/nopd/policies/>



The screenshot displays the New Orleans Police Department website. On the left is a navigation menu with items such as 'File an Online Police Report', 'Administration', 'Police Districts', 'Press Releases', 'Policies', 'Major Offense Log', 'Consent Decree', 'Join NOPD', 'Training Academy', 'Community Services', 'Night Out', 'Police Athletic/Activities League (PAL)', 'Publications', 'Data and Dashboards', 'Towed Stolen Vehicle Reimbursement', 'Volunteer', 'Calendar', 'Contact Us', and 'False Alarms'. The 'Policies' link is highlighted in red. The main content area features the heading 'Policies' and a sub-heading 'NOPD Policy Manual'. Below this, a paragraph states that the manual includes all current NOPD policies and will be updated periodically. A section titled 'NOPD Policy: New Chapters' lists various policy chapters, including Law Enforcement Authority, Oath of Office, Law Enforcement Credentials and Certifications, Disclosure Obligations, Public Recording of Police Officers, Search and Seizure (with Spanish and Vietnamese translations), Stops/Terry Stops, Search Warrants, Vehicle Stops (with Spanish and Vietnamese translations), Alternatives to Arrest, Sobering Center, Use of Force (with Spanish and Vietnamese translations), Handcuffing and Restraint Devices, Control-Devices and Techniques, Force Investigation Team, Reporting Use of Force, Use of Force Review Board, Serious Disciplinary Action Review Board, Authorized Firearms, Authorized Ammunition, and Firearms Training Qualification and Requalification.

NOPD Policy Update Calendar

- NOPD regularly reviews and updates its policies
- The Policy Review Schedule is available on NOPD's website:
 - <https://nola.gov/nopd/policies/>

Policies for Public Review

The NOPD welcomes ~~Public comment on current and draft~~ public comment on current and draft policies. Find a list of policies up for review on a monthly basis here: [Annual Policy Review Schedule](#)

There are Currently No Draft Policies for public review:

Please email any comments or concerns to policyandplanning@nola.gov

Stops, Searches & Arrests

Observations

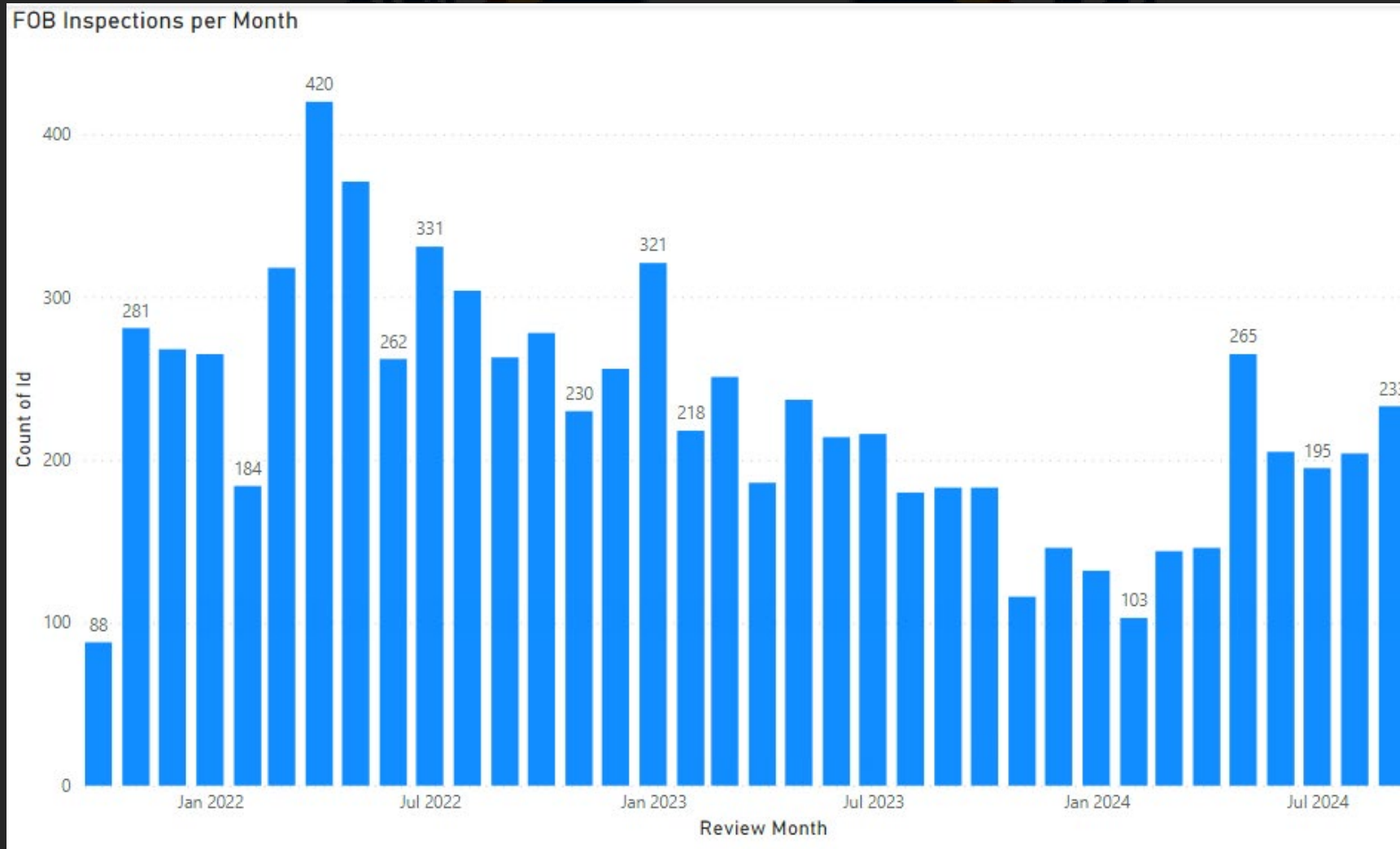
- FOB inspection process in place
- Robust audit tool developed
- Recent audits show significant improvement and room to improve further

DOJ Memorandum In Support Of Joint Motion

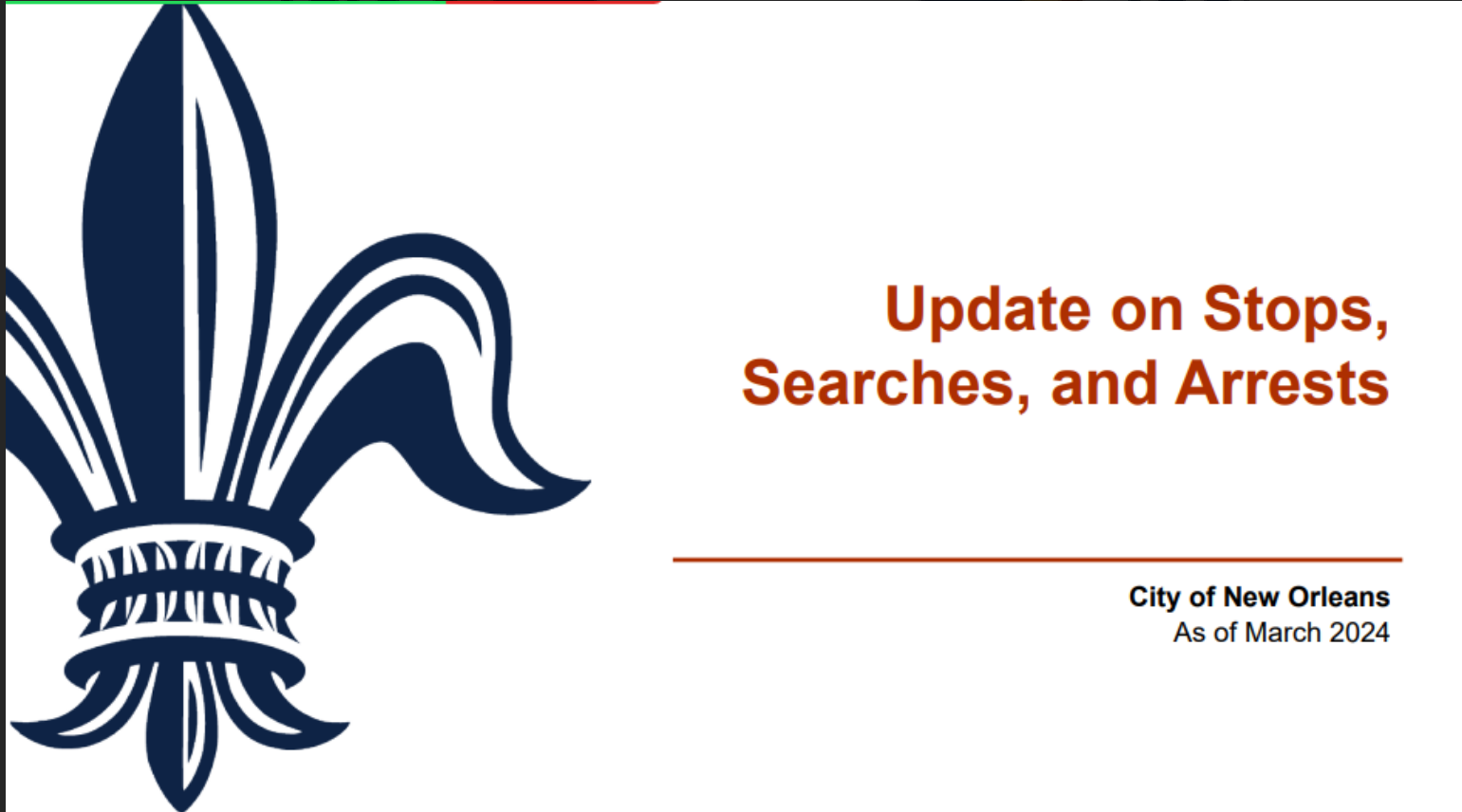
- “Recent audits of SSA practices illustrate overall improvements. For instance, NOPD’s 2023 SSA audit—which used a comprehensive protocol approved by the Monitor and DOJ—showed substantial improvement with the Decree’s SSA provisions and found an overall 95.4% rate of compliance with the SSA section of the Decree. More specifically, the audit showed that 93% of pat-downs were justified, Miranda warnings were properly given in 97% of incidents reviewed, and officers documented the legal basis for their searches in 95% of incidents reviewed. The Monitor’s subsequent spot-check audit verified NOPD’s audit scores.”

<https://www.laed.uscourts.gov/sites/default/files/nopdconsent/MEMO.pdf>

FOB SSA Inspection Process



NOPD March 2024 52-Slide Court Presentation



Available at

<https://nopdconsent.azurewebsites.net/Media/Default/NOPD%20Documents/Update%20on%20Stops,%20Searches,%20and%20Arrests%203.20.2024.pdf>

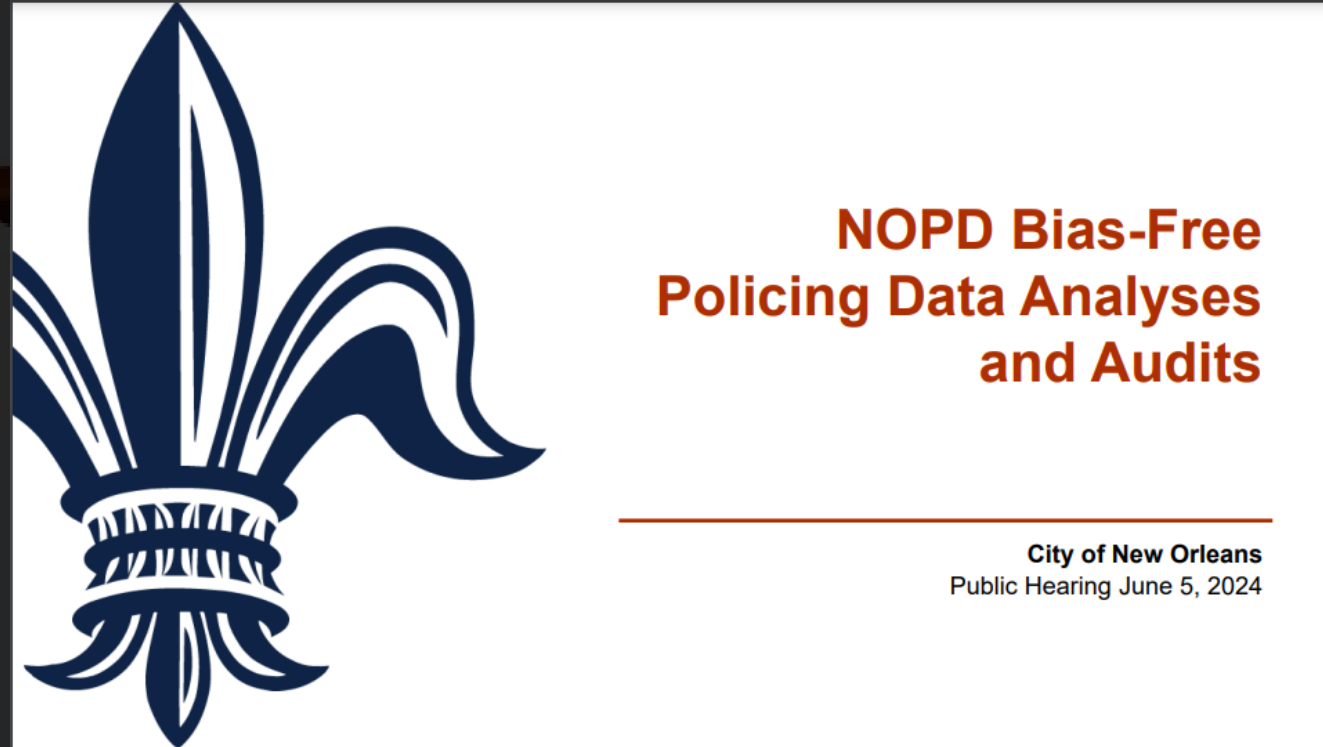
Bias Free



Observations

- New policies, procedures, and training implemented
- New audit tool developed with DOJ expert
- NOPD has progressed substantially toward compliance
- Two court hearings with extensive data focused on bias free policing (May and June 2024)

NOPD June 2024 82-Slide Court Presentation



The slide features the NOPD logo on the left, which is a blue fleur-de-lis with a white outline. To the right of the logo, the title "NOPD Bias-Free Policing Data Analyses and Audits" is written in a bold, dark red font. Below the title, a thin horizontal line is followed by the text "City of New Orleans" and "Public Hearing June 5, 2024" in a smaller, black font.

**NOPD Bias-Free
Policing Data Analyses
and Audits**

City of New Orleans
Public Hearing June 5, 2024

Available at <https://www.laed.uscourts.gov/case-information/mdl-mass-class-action/nopdconsent>

Policing Free of Gender Bias

Observations

- OCDDM reviews continue to show high levels of compliance in SA/DV investigations
- OCDDM and NOPD recognize need for further improvements in certain areas
- The need for additional personnel continues to be a key factor

A Number Of Recent Reports Have Focused On Gender Bias Issues

- Monitoring Team
 - OCDM 7/7/2023 Special Report
 - OCDM 10/27/23 Special Report
 - OCDM 3/19/24 Annual Report
- NOPD
 - NOPD 2/24 Domestic Violence Unit Audit Report
 - NOPD 4/24 DV Patrol Audit Report
 - NOPD 5/24 Sex Crimes Audit Report
 - NOPD 7/24 Domestic Violence Unit Audit Report

SA/DV Staffing

- Sex Crimes Manpower
 - 2 Sergeants (down 1 sergeant)
 - 6 Detectives (down 4 detectives)
- Child Abuse Manpower
 - 3 Sergeants
 - 8 Detectives (down 4 detectives)
- Domestic Violence Manpower
 - 1 Sergeant
 - 1 Detective (down 3 detectives)
- Civilian Investigators/Trainees
 - 16 of 25 Hired
- Social Workers
 - 1 Social Worker Supervisor
 - 9 Social Workers/Advocates
 - Loss of three social workers within the past two years to other units/jobs

Supervision

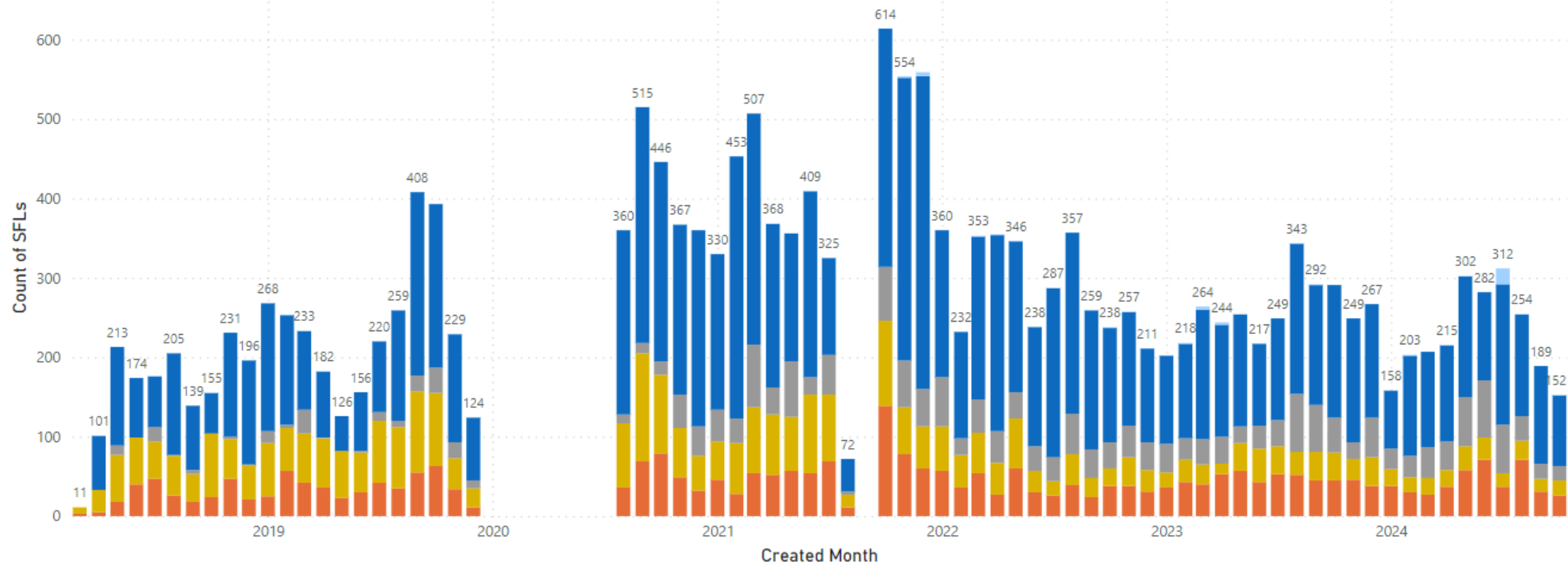
Observations

- Supervision audits (NOPD PSAB and OCDM) are positive
- Use of Insight continues to improve
- Renewed focus on Serious Discipline Review Boards needed
- Continuous improvement in Performance Evaluations is key
- Effective promotions process is key

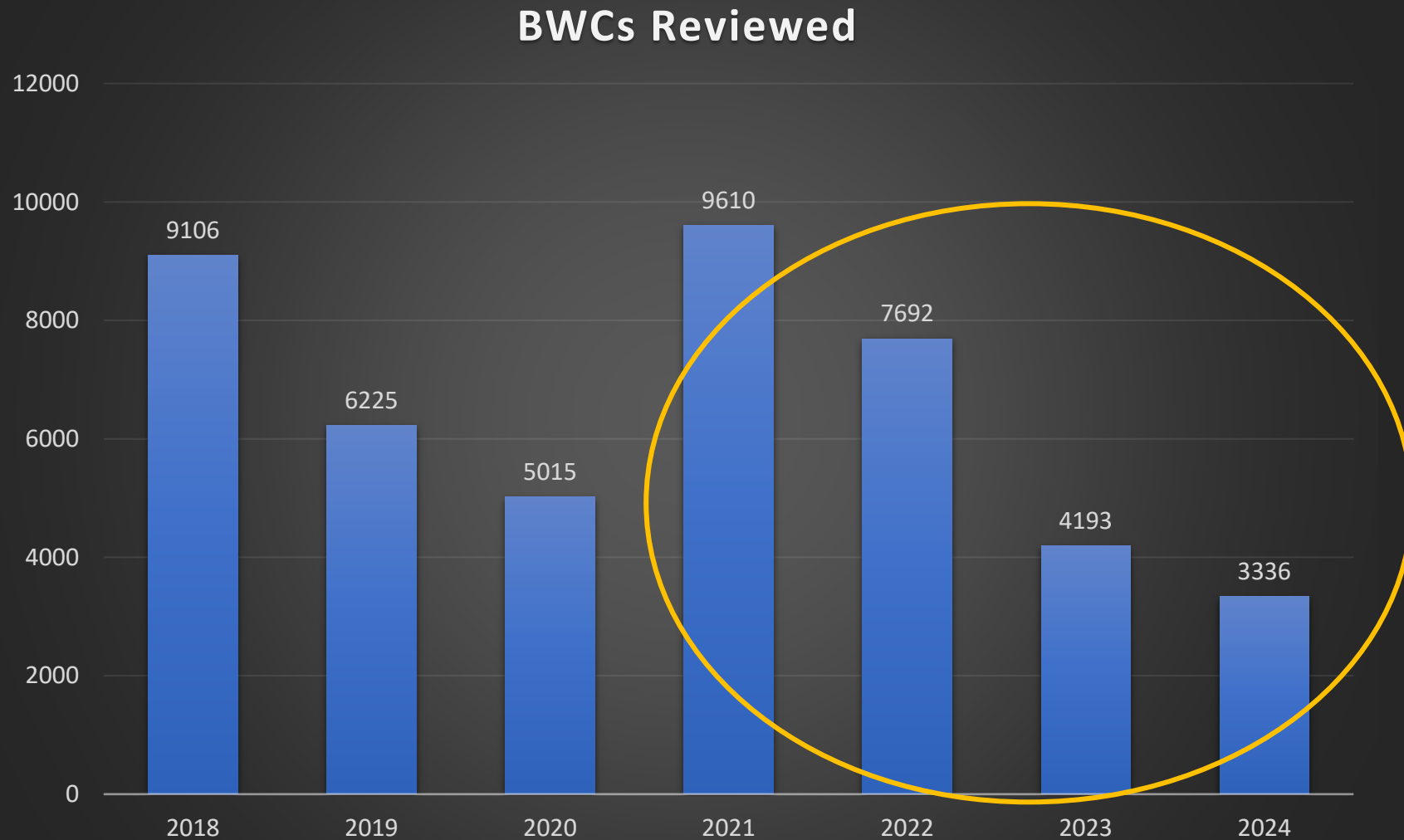
SFL Use Over Time

Count of SFLs by Created Month and Action Type

Action Type ● Counseling ● Redirection ● Note ● Employee Recognition ● Assistance



Random BWC Reviews By Year (Logged)



Increase in FOB inspection reviews has led to an expected decrease in random BWC reviews.

Community Engagement

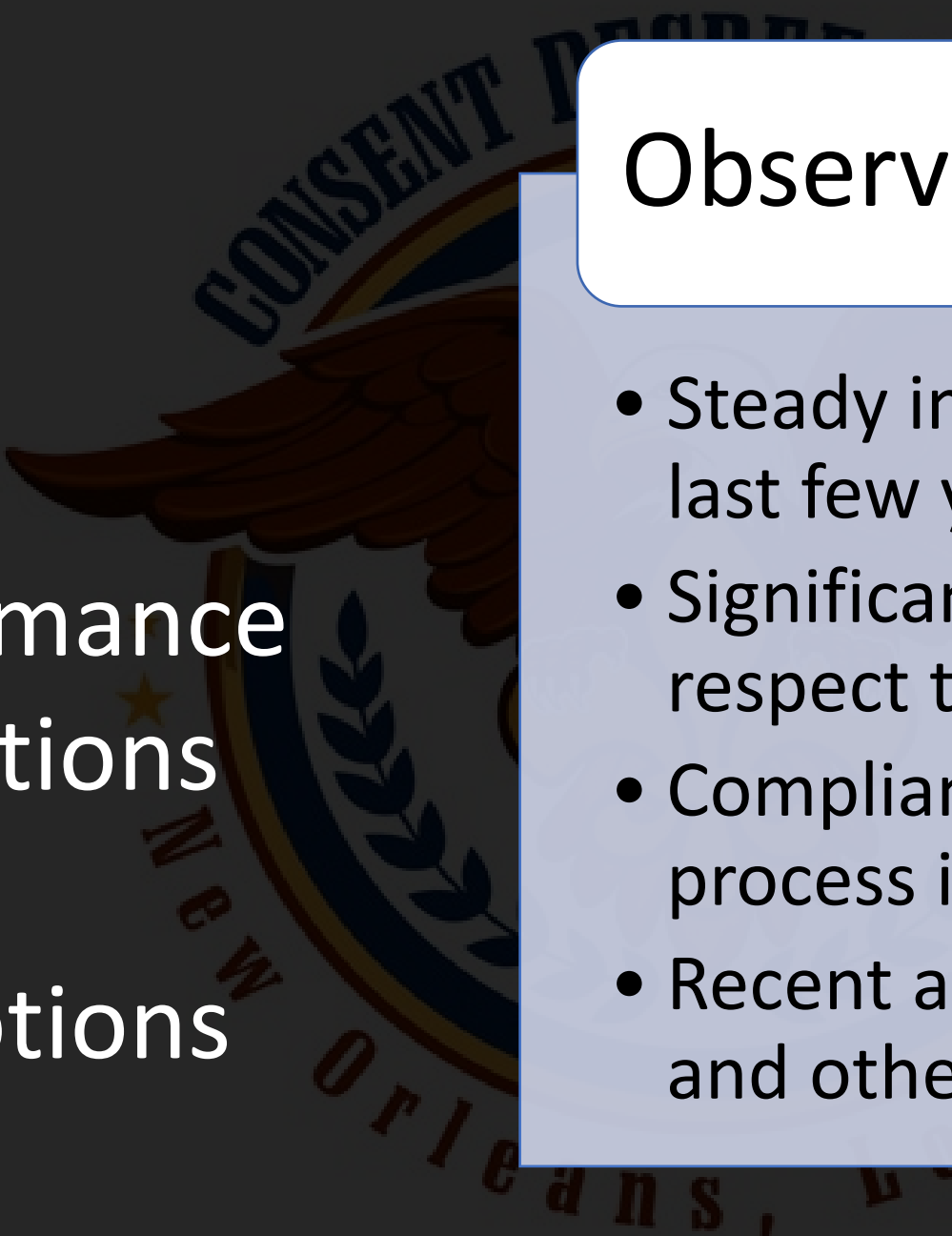
Observations

- New community policing signal usage, forms, and plans
- Community liaison officer
- Geo-deployment
- New PCAB structure in process
- Lack of NOPD personnel continues to impact community engagement

Academy & In-Service

Current Status

- Professional staff
- Professional facilities
- Adult-teaching techniques
- Internal evaluations require further improvement
- Record keeping requires further improvement
- Loss of Academic Director

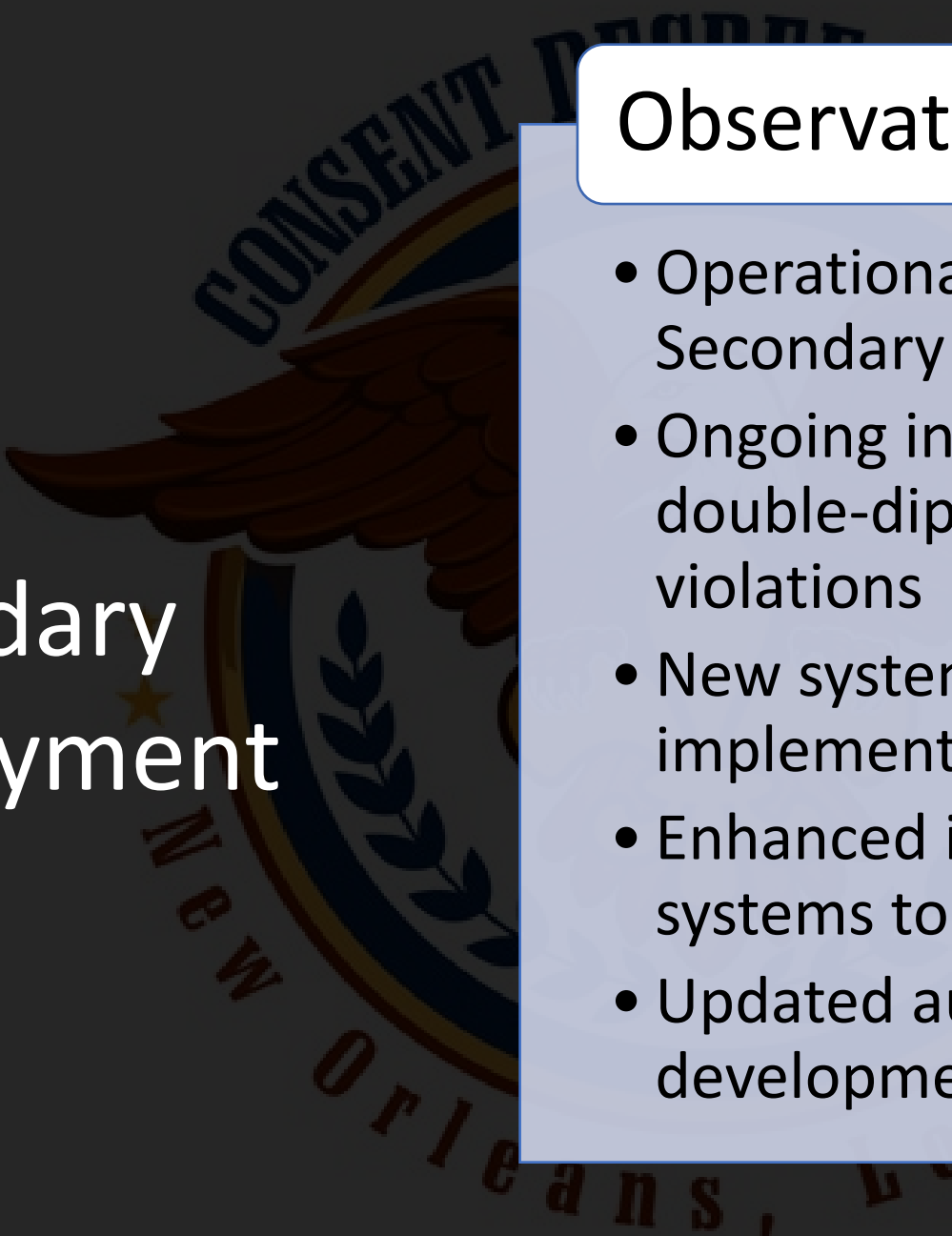
The background of the slide features a large, semi-transparent seal of the New Orleans Police Department. The seal includes an eagle with wings spread, a laurel wreath, and the text 'NEW ORLEANS, LA' and 'CONSENT DEPARTMENT'.

Performance Evaluations & Promotions

Observations

- Steady improvement over last few years
- Significant progress with respect to evaluations
- Compliant promotions process implemented
- Recent allegations of bias and other improprieties

Secondary Employment



Observations

- Operational Office of Police Secondary Employment
- Ongoing investigations into double-dipping, hours, and other violations
- New systems and controls implemented
- Enhanced integration of payroll systems to be implemented
- Updated audit protocol in development

Misconduct

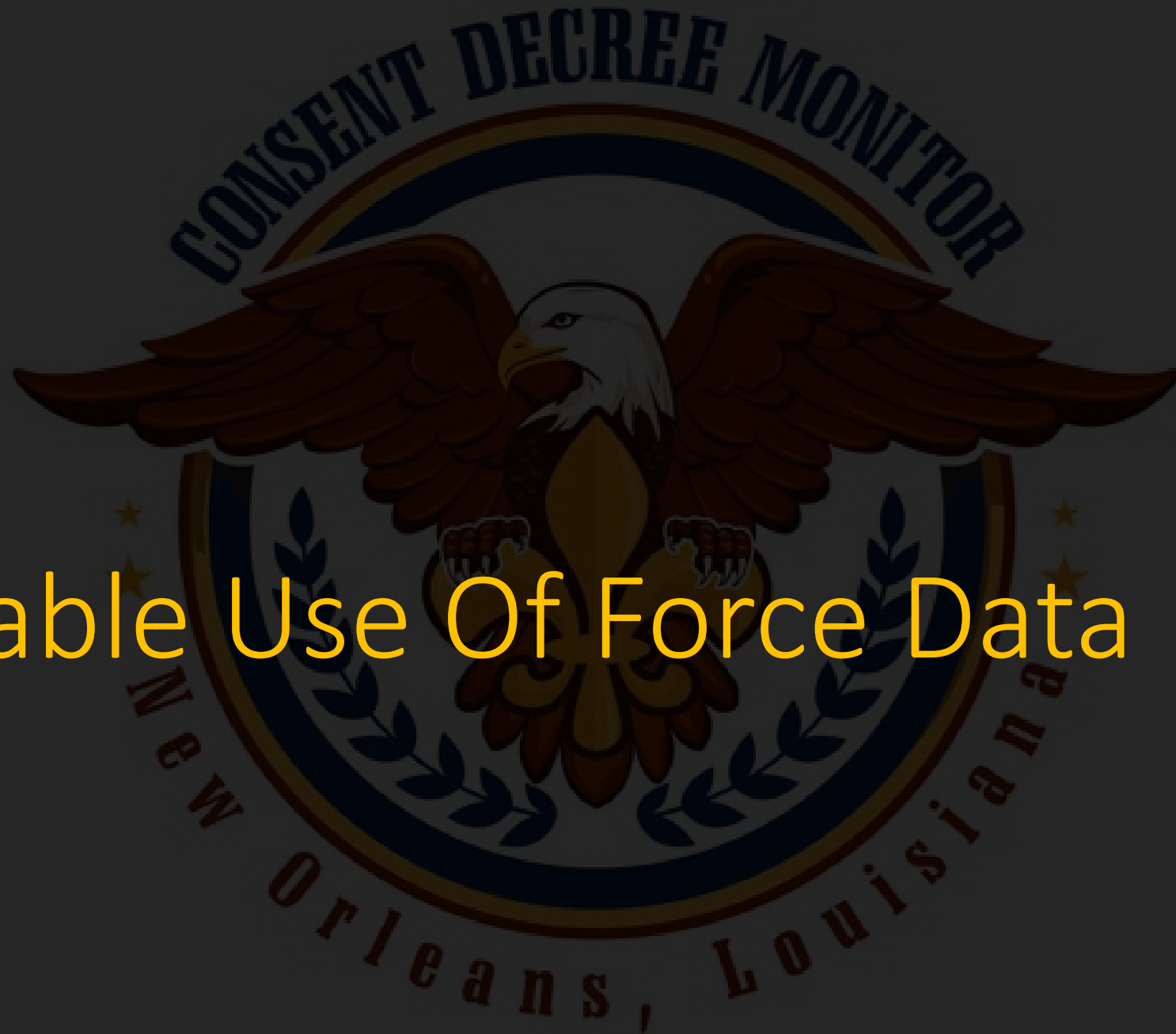
Observations

- Significant non-compliance led to extensive remedial measures plan
- Extensive remedial measures now in place
- New enhanced audit protocols in place
- Proposed Sustainment Plan incorporates ongoing PIB obligations
- Ongoing concerns regarding City Hall non-cooperation

Use of Force

Observations

- Improved policies and training
- All levels of force reviewed at multiple levels
- PSAB audits
- Data reveal no pattern / practice of unconstitutional conduct
- Certain disparities are being evaluated
- Some areas require continued improvement as reflected in PSAB and OCDM audits

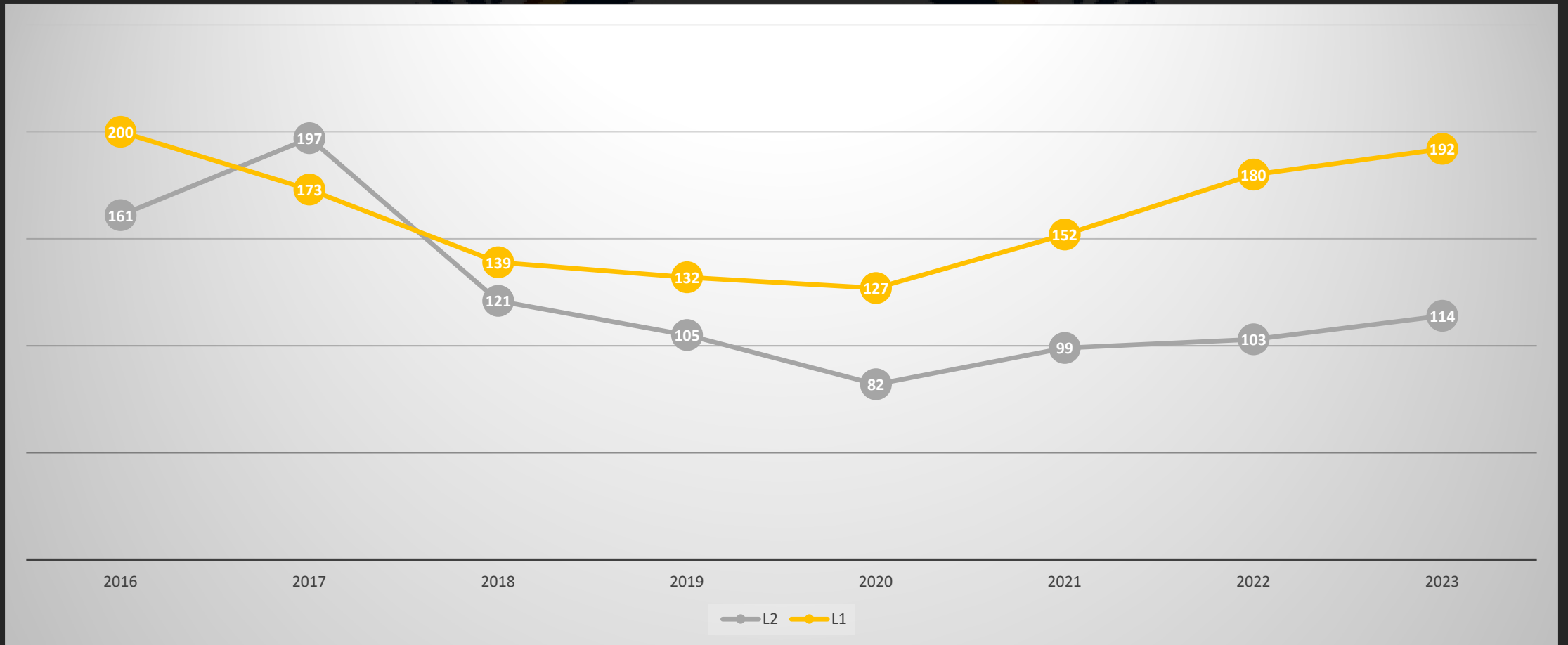


Available Use Of Force Data

How NOPD and OCDDM Test The Integrity Of UOF Data

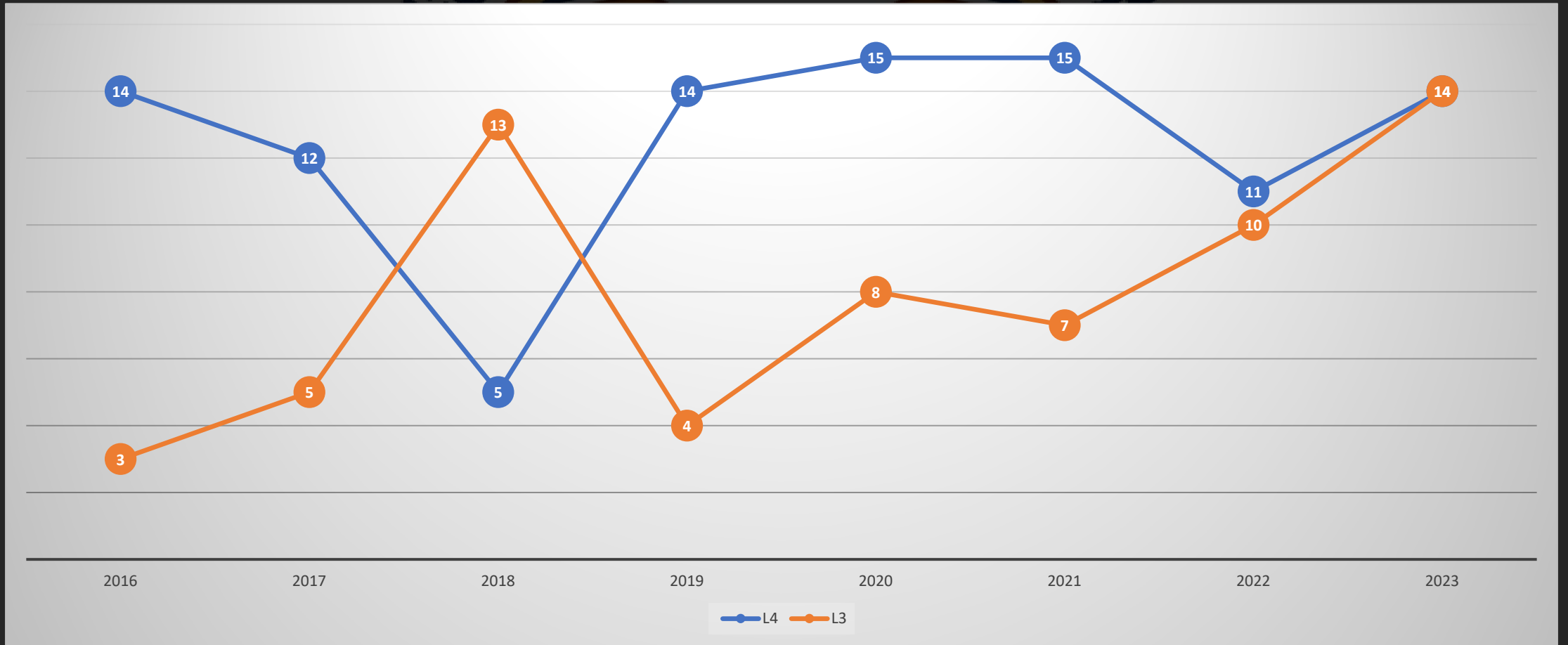
- Compare UOF reports to BWCs
- Compare arrest reports to UOF reports
- Give special attention to
 - Reports where an officer is injured
 - Reports of resisting arrest
 - Reports of injuries in custody
 - Reports of suspect injured
- Review BWCs for unreported uses of force

Total Use of Force By Level By Year (L1/L2)



NOPD data (excluding pointings)

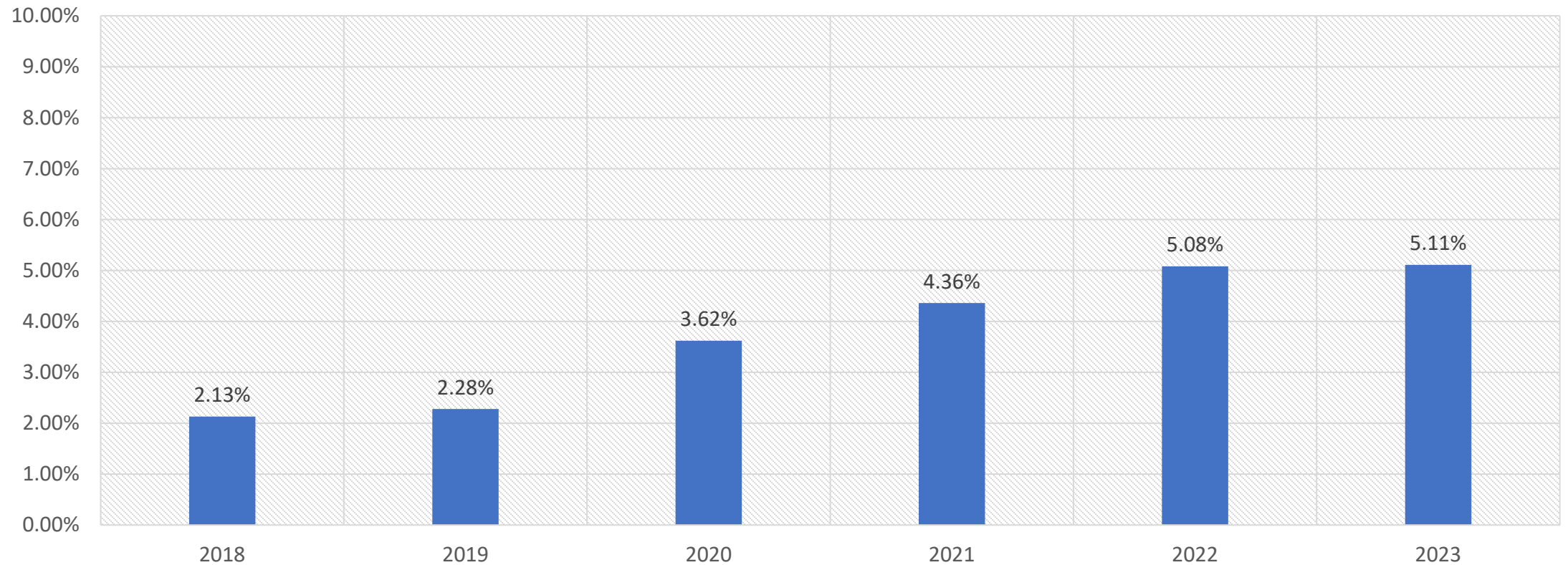
Total Use of Force By Level By Year (L3/L4)



NOPD data (excluding pointings)

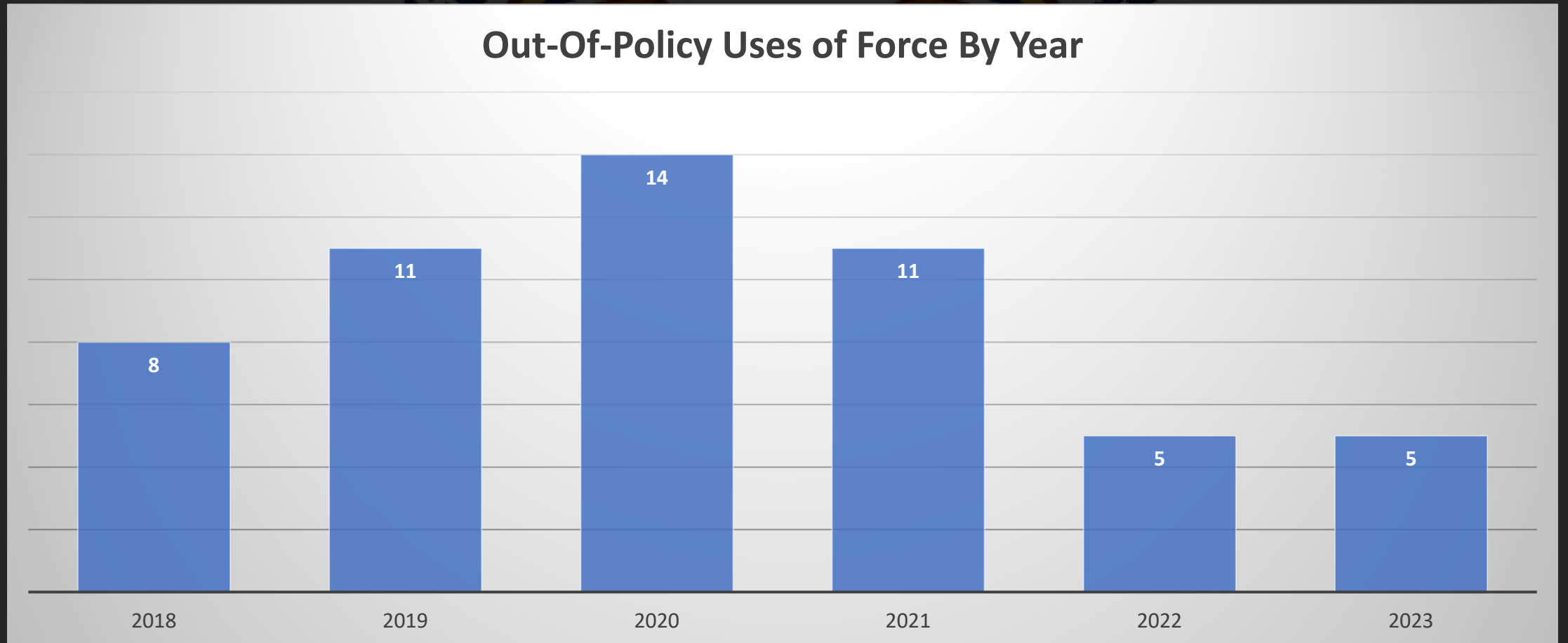
% Use of Force / Arrest

% UOF / Arrest



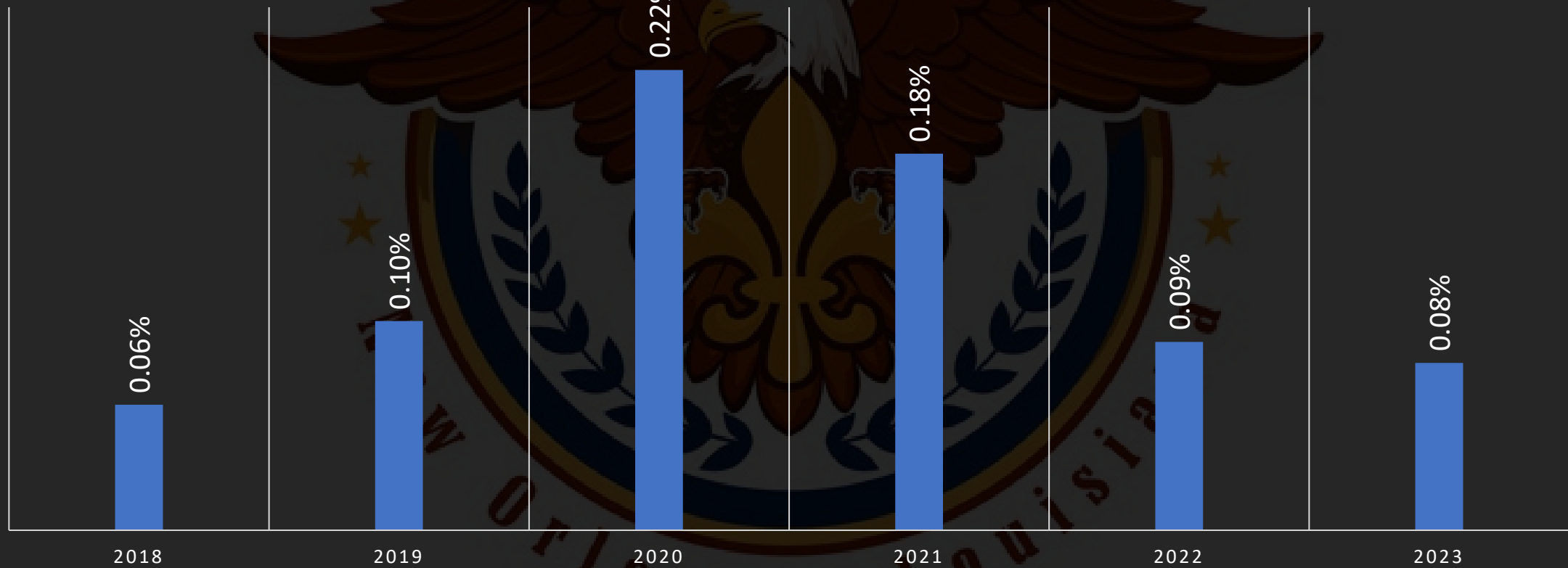
NOPD data (excluding pointings)

Out-Of-Policy Force By Year



% Out-Of-Policy UOF / Arrests

% OUT-OF-POLICY UOF / ARREST



Police Shootings – Armed vs. Unarmed

Year	Police Shootings*	Armed	Unarmed
2015	8	7	1
2016	2	2	0
2017	3	3	0
2018	0	0	0
2019	7	7	0
2020	6	5	1
2021	4	3	1
2022	3	3	0
2023	2	1	1

* Number does not include unintentional firearm discharges, warning shots, or firearm discharges at animals.

NOPD data

UOF Fatalities

NOPD data

Year	UOF Fatalities
2015	4
2016	0
2017	1
2018	0
2019	6*
2020	0
2021	0
2022	0
2023	0

Washington Post data

<u>Year</u>	<u>No. Fatal NOPD Shootings</u>
2015	4
2016	0
2017	1
2018	0
2019	3
2020	0
2021	0
2022	1

- 2019 Note: Three fatalities resulted from police shootings; three fatalities resulted from the vehicle pursuit that ended with the pursued vehicle crashing into the Unity One salon.

Demographic Data

Subjects of Force by sex and race 2023					Percentages				
	African American	White	Hispanic	Other		African American	White	Hispanic	Other
Male	457	39	8	10	Male	76%	6%	1%	2%
Female	64	9	2	1	Female	11%	1%	0%	0%
Not Specified	1	0	0	14	Not Specified	0%	0%	0%	2%

Subjects of Force by sex and race 2022					Percentages				
	African American	White	Hispanic	Other		African American	White	Hispanic	Other
Male	379	51	8	15	Male	71%	10%	1%	3%
Female	57	15	1	1	Female	11%	3%	0%	0%
Not Specified	0	0	0	7	Not Specified	0%	0%	0%	1%

NOPD data (including pointings).

The Monitoring Team Drills Down Into Specific Use Of Force Areas

- Use of Force Review Boards
 - Our reviews identified some UFRB backsliding prior to 2024
 - More recent reviews show a return to a meaningful process
- K9
 - Strong policies in place
 - Strong training in place
- Vehicle Pursuits
 - Strong policies in place
 - Our reviews identified a pattern of misconduct in 2020 that prompted a deep dive by the OCDM
 - More recent reviews show a high level of compliance by officers and supervisors
 - 100% PSAB review

Drivers Of Use Of Force Improvements

- New policies
- Enhanced training
- Highly trained FIT investigators
- Wide adoption of Body Worn Cameras
- Implementation of best practice EPIC/ABLE active bystandership program
- Early Warning System (Insight)
- Meaningful review of ALL uses of force
- Meaningful Use of Force Review Board process
- CIT program
- Improved Officer Health & Wellness programs
- Robust PSAB audit process



Conclusion

Summary

- The Department has made great progress since 2013
- The current NOPD leadership team deserves significant recognition for restoring a meaningful partnership with DOJ and the Monitoring Team
- The number of subsections not yet in full and effective compliance is small



Questions & Comments