

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	:	CIVIL ACTION NO.
		12-CV-01924
VERSUS	:	
		SECTION E
	:	JUDGE SUSIE MORGAN
CITY OF NEW ORLEANS	:	
	:	DIVISION 2
		MAGISTRATE WILKINSON

ANNUAL REPORT OF THE NEW ORLEANS POLICE DEPARTMENT

Pursuant to paragraph 469 of the Consent Decree entered in this matter, Defendant, the City of New Orleans (“City”), submits this status report to delineate the many steps taken by the New Orleans Police Department (“NOPD,” the “Department”) to implement the Consent Decree; to outline the City’s assessment of its progress; plans to correct any issues; and responses to any concerns that have been raised by the Office of the Consent Decree Monitor (“OCDM,” the “Monitor”).

Overview

In its 2017 Annual Report, the Office of the Consent Decree Monitor reported that “NOPD today is undeniably a better, stronger, more professional organization than it was” when the Consent Decree went into effect in 2013.¹ OCDM added, “NOPD has proven itself to be a respected, forward-thinking, reform-minded police agency to which other agencies now routinely come for guidance.”² The successful implementation of these reforms has led to a “significant

¹ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 5.

² Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree.” April 10, 2018. Page 5.

positive trend in community, officer, and detainee perception of the New Orleans Police Department” according to OCDM surveys.³ OCDM went on to state, “These positive trends illustrate the significant effort NOPD has dedicated to its reform efforts and to achieving the goals of the Consent Decree over the past three years.”⁴ NOPD aims to build upon this “impressive compliance progress”⁵ in 2018 as it strives toward full compliance with the Consent Decree. Below are selected highlights from 2017:

1. **Improved Satisfaction with NOPD:** The results from OCDM’s biennial survey of citizens, officers, and detainees were “very positive for the state and direction of the NOPD.”⁶ OCDM reported that “Respondents now have better perceptions of their most recent contact with the NOPD, are more satisfied with the NOPD, have more trust in the NOPD, and are more willing to cooperate with the NOPD.”⁷ 79% of responding officers strongly agreed or agreed with the Superintendent’s leadership of NOPD in the 2016 survey, a dramatic increase from 19% supporting the Superintendent’s leadership in the 2014 survey.

³ Office of the Consent Decree Monitor. “Special Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Reporting the Results of the Second Biennial Community Survey.” July 24, 2017. Page 9.

⁴ Office of the Consent Decree Monitor. “Special Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Reporting the Results of the Second Biennial Community Survey.” July 24, 2017. Page 10.

⁵ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 40.

⁶ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 26.

⁷ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 26.

2. **Policy Development:** OCDM noted in its annual report that “the Monitoring Team and the Department of Justice have reviewed, revised, and ultimately approved almost two hundred NOPD policies.”⁸
3. **Training:** During a November court hearing on the Training Academy, lead monitor Jonathan Aronie noted that he had observed “a tremendous improvement in nearly all aspects of the Academy over the past year.”⁹ NOPD unveiled a new training academy and collaborated with OCDM and DOJ on a comprehensive review of lesson plans and training materials to ensure high quality, consistent instruction. The Academy continues to embrace innovative initiatives to improve training such as its groundbreaking partnership with the Innocence Project New Orleans to educate detectives on investigative best-practices and avoiding wrongful convictions.
4. **Supervision:** OCDM reported that NOPD’s supervision made “significant progress in 2017.”¹⁰ NOPD’s new data-driven management framework called MAX (Management Analytics for Excellence, which is available on NOPDnews.com) facilitates close and effective supervision by providing timely performance metrics spanning a supervisor’s responsibilities. The Compliance Bureau reports the results of frequent, widespread audits through MAX and holds supervisors accountable for improving performance. Through this iterative, self-monitoring process, the Department has dramatically improved its performance and attracted attention from other departments looking to adopt its model of data-driven management. To educate other departments on this model,

⁸ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 9.

⁹ Office of the Consent Decree Monitor. “Opening Remarks of Lead Monitor Jonathan Aronie at 13th Public Court Hearing Regarding the NOPD Consent Decree.” November 16, 2017.

¹⁰ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 12.

NOPD co-authored a journal article with Judge Susie Morgan for *Police Quarterly* entitled “Police Reform Through Data-Driven Management” and presented on this topic to departments across the world at the International Association of Chiefs of Police annual conference. NOPD has provided in-depth guidance to departments from Baltimore, Chicago, the Virgin Islands, and other areas on how to effectively implement reforms. NOPD continues to improve its model of data-driven management to deliver additional performance gains.

5. **Use of Force:** “NOPD has made and continues to make significant progress in reducing excessive uses of force and in fully investigating potential improper uses of force,”¹¹ per OCDM. NOPD has implemented internal auditing of all uses of force to ensure thorough implementation of the use of force requirements.
6. **Crisis Intervention:** NOPD has trained 35% of patrol officers in the specialized 40-hour certification class, far exceeding the Consent Decree’s requirement to certify 20% of patrol officers in CIT. OCDM has noted that “officers and community members uniformly praise the CIT program.”¹²
7. **Recruitment and Hiring:** After OCDM identified deficiencies in the hiring process, as described in a critical January 2017 report, NOPD implemented a corrective action plan that produced “dramatic improvement in that area.”¹³

¹¹ Office of the Consent Decree Monitor. “Special Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree On NOPD Uses of Force.” May 5, 2017. Page 9.

¹² Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016.” June 19, 2017. Page 22.

¹³ Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016.” June 19, 2017. Page 2.

8. **Custodial Interrogations and Photographic Line-Ups:** NOPD has “vastly improved its custodial interrogation, photographic lineup” practices, according to OCDM.¹⁴
9. **Community Policing:** OCDM reports that NOPD has “made significant progress”¹⁵ toward becoming a true community policing department and that the community policing “mindset and culture shift are being reinforced appropriately through a variety of activities involving policy, training, practices, and transparency.”¹⁶
10. **Peer Intervention:** NOPD continues to implement EPIC (Ethical Policing is Courageous), its “first-in-the-nation department-wide peer intervention program,”¹⁷ to help officers prevent mistakes and misconduct. EPIC has garnered national attention, and NOPD presented on EPIC at the International Association of Chiefs of Police conference and hosted other departments for trainings on how to implement EPIC and benefit their departments and communities.
11. **Early Intervention System:** OCDM noted that “NOPD’s implementation of the Consent Decree-required early intervention system (EWS) called Insight has been impressive.”¹⁸ OCDM highlighted the promise of a fully-implemented early intervention system, stating, “When used properly by trained supervisors...Insight, without exaggeration, will save officer and civilian careers and lives.”¹⁹

¹⁴ Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016.” June 19, 2017. Page 2.

¹⁵ Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016.” June 19, 2017. Page 38.

¹⁶ Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016.” June 19, 2017. Page 35.

¹⁷ Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016.” June 19, 2017. Page 10.

¹⁸ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 35.

¹⁹ Office of the Consent Decree Monitor. “Opening Remarks of Lead Monitor Jonathan Aronie At 12th Public Court Hearing Re NOPD Consent Decree Presented to Judge Susie Morgan United States Federal District Court, New Orleans, Louisiana.” September 1, 2017.

12. **Misconduct Investigations:** Prior to 2017, OCDM had already observed “significant improvement” in the Public Integrity Bureau’s operations, and PIB built upon this momentum in 2017.²⁰ OCDM elaborated in its 2017 Annual Report, stating, “We found PIB to be in general compliance, although we noted deficiencies with respect to credibility assessments and timely-completion of investigations.”²¹
13. **Transparency:** In its 2017 Annual Report, OCDM declared that “NOPD is in compliance with the transparency and oversight provisions” of the Consent Decree as a result of the Department’s multitude of open policing data, critical incident video release policy, and other initiatives.²² NOPD’s transparency initiatives prompted The Sunlight Foundation to praise NOPD as “uncommon” and “ahead of the curve” in terms of transparency.²³ Data analytics website FiveThirtyEight called NOPD “arguably the queen of open police data.”²⁴
14. **Sustaining the Reforms:** NOPD collaborated with the City Council to create and implement city regulations that will help sustain reforms after the completion of the Consent Decree. The regulations, which were passed by the City Council, mandate the continuation of reforms involving “use of force, crisis intervention, sexual assault and domestic violence response, community policing, the training academy, body-worn

²⁰ Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the First & Second Quarters of 2016.” September 26, 2016. Page 76.

²¹ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 12.

²² Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 12.

²³ Becca James. “Opening Criminal Justice Data: What We Learned from Louisiana.” *Sunlight Foundation*, 26 Oct. 2016, sunlightfoundation.com/2015/04/01/opening-criminal-justice-data-what-we-learned-from-louisiana/.

²⁴ Jeff Asher. “Which Cities Share The Most Crime Data?” *FiveThirtyEight*, 28 Dec. 2015, fivethirtyeight.com/features/which-cities-share-the-most-crime-data/.

cameras, transparency, compliance, and audits.”²⁵ OCDM lauded this approach to “formalizing the City’s commitment to the Consent Decree’s core principles,” stating, “The adoption of this Regulation was a notable and praise-worthy achievement.”²⁶ OCDM added, “While such regulations can be revised by future leaders, they cannot be revised by a future NOPD superintendent alone, and they cannot be revised without official, public action.”²⁷

EPIC

NOPD’s “first-in-the-nation department-wide peer intervention program,”²⁸ EPIC (Ethical Policing Is Courageous), continues to garner national attention. Chuck Wexler, Executive Director of the Police Executive Research Forum, praised the program, stating “It’s going to save lives, and it’s going to save careers.”²⁹ OCDM summarized EPIC in its 2017 Annual Report:

“NOPD, working with experts, has created a ground-breaking officer support program called EPIC, which stands for Ethical Policing is Courageous. EPIC seeks to train and empower each of the Department’s more than 1100 officers, supervisors, and leadership personnel to effectively and safely intervene to prevent misconduct. EPIC is a form of officer assistance, not discipline, because its principles teach officers that intervention

²⁵ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 5.

²⁶ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 5.

²⁷ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 5.

²⁸ Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016.” June 19, 2017. Page 10.

²⁹ Jim Mustian. “Police Expert Lauds NOPD Reforms, Embrace of Consent Decree.” *The Advocate*, 11 Oct. 2016, www.theadvocate.com/new_orleans/news/crime_police/article_8a383d08-8fe4-11e6-848a-0bb3906d4bca.html.

and prevention can save officers' lives and careers, as well as protect the public. At its simplest, it gives officers tools and strategies to protect their fellow officers.”³⁰

NOPD has trained nearly the entire Department in the eight hour EPIC training and is working to infuse EPIC principles into a variety of training courses to continually reinforce EPIC as a core philosophy of NOPD's operations.

NOPD helped educate other departments about this important program through a variety of means in 2017. In May, NOPD hosted an EPIC training and roundtable in New Orleans that was attended by representatives from the Arlington Police Department (Texas), Memphis Police Department, San Francisco Police Department, U.S. Customs and Border Protection, the U.S. Department of Justice's Community Oriented Policing Services (COPS) office, and independent monitors overseeing the Newark Police Department's consent decree. The event included an introduction to EPIC and other NOPD innovations, an observation of an EPIC training course, and a roundtable discussion on the EPIC program.

The event was capped by a public court hearing about EPIC. Lead monitor Jonathan Aronie shared a presentation on the progress that has been made, Commander Nicholas Gernon testified about the practical benefits of implementing EPIC, and community advocates Mary Howell and Ted Quant spoke about EPIC's potential to positively impact police-community relations. At the hearing, Judge Morgan stated, “It's a credit to the New Orleans Police Department that they want to do things to make their department better as well as other departments better.”³¹ Community advocate Ted Quant added, “One measure of success cannot be measured: All the

³⁰ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 11.

³¹ Ramon Antonio Vargas. “Federal judge presiding over police reform pact praises NOPD for embracing ethical policing program.” *The New Orleans Advocate*. 18 May 2017.
<http://www.theadvocate.com/new_orleans/news/courts/article_fbea508a-3c1e-11e7-a84f-abb936262bb2 html>

headlines not written about an act of brutality or injustice because an EPIC officer intervenes to prevent it...For all the headlines not written, I have hope.”³²

NOPD also presented on EPIC to police departments from across the world at the International Association of Chiefs of Police annual conference in Philadelphia. Since then, other police departments have reached out to NOPD for additional support in incorporating EPIC into their operations. NOPD planned an EPIC conference for 2018 to help other departments adopt this innovative peer intervention program. In addition, NOPD created a new, public EPIC website, epic.nola.gov, to provide easy access to EPIC training materials for law enforcement agencies across the country and to provide an opportunity for officers to share examples of successful interventions. A dedicated email address, EPIC@nola.gov, has been set up to provide a centralized point of contact for EPIC inquiries.

Policies

NOPD continues to collaborate with DOJ and OCDM to institute best practice policies that incorporate all Consent Decree requirements. NOPD has submitted all policies for review, and all finalized policies are posted on nola.gov/nopd/policies. OCDM noted in its annual report that “the Monitoring Team and the Department of Justice have reviewed, revised, and ultimately approved almost two hundred NOPD policies.”³³ NOPD continues to review approved policies on an ongoing basis to make revisions as appropriate.

³² Lane, Emily. “In ‘EPIC’ effort, New Orleans police work to stop officer misconduct before it happens.” *New Orleans Times-Picayune*. 14 June 2017.

<http://www.nola.com/crime/index.ssf/2017/06/nopd_new_orleans_epic_police_p.html>

³³ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 9.

Use of Force

OCDM published a report on use of force in May 2017 and concluded, “NOPD has made and continues to make significant progress in reducing excessive uses of force and in fully investigating potential improper uses of force.”³⁴ Further, “NOPD continues to progress toward compliance with all Use of Force Consent Decree requirements,” per OCDM.³⁵ To achieve and sustain full compliance, NOPD initiated internal audits of all uses of force on a weekly basis to provide frequent, in-depth feedback to leadership on compliance with use of force requirements.³⁶ With the assistance of these regular audits, NOPD is sustaining high levels of compliance for most requirements. Through training, active management, and audits, NOPD believes it is addressing deficiencies noted previously by OCDM. NOPD posts audit results regularly in MAX, which is publicly available via NOPDnews.com.

As patrol officers and supervisors strive toward full compliance with the use of force requirements, specialized units such as the Force Investigation Team and the Canine Unit have dramatically improved since the inception of the Consent Decree. OCDM acknowledged in its annual report that “NOPD has demonstrated compliance with the requirement to establish a Force Investigation Team.”³⁷ In addition, “The NOPD canine unit was successfully transformed early in the Consent Decree process,” according to OCDM.³⁸ OCDM added, “These changes have had

³⁴ Special Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree On NOPD Uses of Force. Released May 5, 2017. Page 8.

³⁵ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 14.

³⁶ The Compliance Bureau reviews all Level 1-3 uses of force and Level 4 uses of force involving a controlled electrical weapon as defined by Chapter 1.3 – Use of Force. NOPD’s Force Investigation Team (FIT) conducts in-depth investigations of all Level 4 uses of force, and NOPD’s Use of Force Review Board reviews FIT’s investigations to determine whether the force was authorized by policy and/or presents other individual or departmental issues.

³⁷ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 15.

³⁸ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 9.

an impact. In 2017 there were no canine bites or off-leash deployments, reflecting the impact of a stricter policy, training on the policy, and close and effective supervision.”³⁹

Members of the Albuquerque Police Department and other police departments have observed NOPD’s Use of Force Review Board as a model for building or enhancing their own review boards. NOPD’s Use of Force Review Board continues to meet monthly to review all serious uses of force and investigations by the Force Investigation Team (FIT). The Board can then order additional investigation, if necessary; determine whether the use of force violated policy; refer a case for disciplinary action; direct supervisors to take other corrective action; and determine whether a case raises additional tactical, equipment, training, or policy concerns.

Crisis Intervention Team

NOPD’s crisis intervention training continues to help keep officers and citizens safe in difficult crisis situations. OCDM has noted that “officers and community members uniformly praise the CIT program.”⁴⁰ NOPD has trained 35% of patrol officers in the specialized 40-hour certification class, far exceeding the Consent Decree’s requirement to certify 20% of patrol officers in CIT. The Department provides eight hours of CIT training to CIT officers on an annual basis in compliance with ¶ 114.

New police recruits continue to receive 16 hours of crisis intervention training in their introductory training, and the Department provides in-service training to all officers annually. The Department will continue to conduct crisis intervention trainings for call takers and dispatchers with the Orleans Parish Communications District in compliance with ¶ 119.

³⁹ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 16.

⁴⁰ Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016.” June 19, 2017. Page 22.

Stops, Searches, and Arrests

In March 2017, NOPD's Audit and Review Unit began conducting monthly audits on stops, searches, and arrests and procedural justice. The Audit and Review Unit distributes the results to the Department through MAX, which is available to the public via NOPDnews.com. NOPD leadership uses these audits to identify noncompliant practices and improve performance.

Bias-Free Policing

OCDM reported that "NOPD has adopted policies and conducted trainings to implement the Consent Decree's bias-free policing requirements."⁴¹ OCDM noted multiple positive bias-free policing developments in 2017 Annual Report, including an "improvement in the public's overall perception of the NOPD"; "fewer complaints of biased police conduct"; "progress toward satisfying the Consent Decree's language assistance requirements"; and "working closely with Breakout and other LGBTQ advocates" to create an "LGBTQ policy that should prove to be a model for other departments."⁴² To monitor the implementation of bias-free policing principles, NOPD has incorporated elements of related policies into its ongoing audits of stops, searches, and arrests and procedural justice.

Custodial Interrogations and Photographic Lineups

NOPD has "vastly improved its custodial interrogation, photographic lineup" practices, according to OCDM reviews.⁴³ NOPD continues to demonstrate high levels of compliance with custodial interrogation and photographic line-up requirements in reviews conducted by both the Office of the Consent Decree Monitor and the NOPD's Audit and Review Unit. NOPD will

⁴¹ Office of the Consent Decree Monitor. "2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree." April 10, 2018. Page 10.

⁴² Office of the Consent Decree Monitor. "2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree." April 10, 2018. Page 21.

⁴³ Office of the Consent Decree Monitor. "Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016." June 19, 2017. Page 2.

continue to review adherence to these requirements on a regular basis to ensure sustained compliance.

Policing Free of Gender Bias

While OCDM has found “vast improvements in the patrol response”⁴⁴ to domestic violence, the Monitoring Team also identified deficient responses in a targeted audit. OCDM found that NOPD had failed to properly document some domestic incidents and provided a delayed response to some incidents. NOPD immediately drafted a corrective action plan and began implementing reforms to address these deficiencies. This corrective action plan included: the initiation of disciplinary investigations as appropriate; revising policies to provide additional clarity on the deficient areas identified in the audit; a comprehensive review of all domestic violence related policies to improve the response to domestic violence incidents; roll-call training on rectifying the deficiencies identified in the audit; continual internal auditing; prioritizing the dispatch of domestic violence calls; and trend analysis of NOPD’s response to domestic violence. NOPD is confident that this corrective action plan has brought improvements to the Department’s response to domestic violence. The reporting of domestic violence had already improved significantly in advance of OCDM’s report, and data indicate that reporting has improved further as a result of the corrective action plan in response to OCDM’s audit and report.

The Special Victims Section, which includes detectives investigating domestic violence and sexual assault, “continues to perform well,”⁴⁵ according to OCDM audits, after the

⁴⁴ Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016.” June 19, 2017. Page 33.

⁴⁵ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 10.

“remarkable turnaround”⁴⁶ in the Section’s investigation after a critical audit from the Office of Inspector General.

Community Policing and Engagement

OCDM states that NOPD has “made significant progress”⁴⁷ toward becoming a true community policing department and that the community policing “mindset and culture shift are being reinforced appropriately through a variety of activities involving policy, training, practices, and transparency.”⁴⁸

NOPD has implemented a wide array of initiatives to incorporate community policing throughout its operations. The Department created a community policing program based on input received through community meetings and surveys. Each district’s community-policing plan is presented to the public at monthly New Orleans Neighborhood Police Anti-Crime Council (NONPACC) meetings. The community policing programs in each district exhibit a collaborative problem-solving approach with residents, a requirement of ¶ 227. NOPD also tracks implementation of each district’s initiatives to address community concerns in MAX, a requirement of ¶¶ 228 and 229. The Department will continue to reach out to a broad cross-section of community stakeholders to reassess community priorities and continually update each district’s community policing program to reflect current community priorities.

The Department has also ramped up its youth engagement efforts. NOPD continues to conduct youth dialogues at various schools throughout the city where students and police meet to discuss methods to build relationships, a requirement of ¶ 227. In addition to the implementation

⁴⁶ Jonathan Bullington. “NOPD Sex Crimes Unit Shows ‘Remarkable Turnaround,’ Inspector General Says.” *NOLA.com*, NOLA.com, 22 June 2016, www.nola.com/crime/index.ssf/2016/06/nopd_sex_crimes_unit_shows_rem.html.

⁴⁷ Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016.” June 19, 2017. Page 38.

⁴⁸ Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016.” June 19, 2017. Page 35.

of many district-specific youth-police dialogues, the Department also formed a Youth Advisory Council. The Youth Advisory Council is a group of high school students who represent the city's young people in dialogue with NOPD about priorities, ideas, and important information. Another youth initiative is the Department's new Cadet Program. The Cadet Program is comprised of young individuals who are interested in pursuing a career in Law Enforcement and are between 17 and 20 years of age.

NOPD continues to hold community events such as "coffee with cops" in each district, where the community can enjoy a cup of coffee with an officer. NOPD continues to host or participate in a multitude of other community events, such as Night Out Against Crime events throughout the city, holiday gift giveaways at police districts, and many other community events. NOPD also hosted Consent Decree update meetings across the city where Department leaders discussed reforms with residents. Community members can learn about these and other community policing and engagement efforts via NOPDNews.com or NOPD's social media accounts.

NOPD is integrating community policing principles, such as procedural justice, into its police tactics, a requirement of ¶ 225. NOPD audits body-worn camera videos on a monthly basis to provide supervisors and officers feedback on their interactions with the community through the lens of procedural justice. NOPD will continue to focus on implementing community and problem-oriented policing principles to foster the Department's development into a model community policing department.

NOPD believes its reforms and substantive community policing and engagement efforts have helped build mutual respect and trusting relationships with the community, as indicated by improved citizen perception of NOPD evidenced in OCDM's biennial survey. Per OCDM, "the

feedback [from the survey] was very positive for the state and direction of the NOPD.”⁴⁹ In its 2017 Annual Report, OCDM summarized some of the positive findings from the biennial survey:⁵⁰

- (a) “Respondents now have better perceptions of their most recent contact with the NOPD, are more satisfied with the NOPD, have more trust in the NOPD, and are more willing to cooperate with the NOPD.”
- (b) “Respondents who interacted with NOPD felt they were more likely to be treated with dignity, respect, and politeness.”
- (c) “Respondents noted improvements in officer honesty, fairness, professionalism, and integrity.”
- (d) “Respondents felt that improvements in policing had been made in New Orleans, that the NOPD had become a better police department, and that the NOPD was less likely to use excessive force than two years ago.”
- (e) “Respondents were more likely to believe corruption in the NOPD is low and that past NOPD scandals did not reflect current practices.”

Aside from these very positive findings, NOPD is working to address lingering community concerns identified in OCDM’s survey through sustained and expanded community policing and engagement initiatives and internal auditing.

Recruitment

OCDM reviewed NOPD’s hiring practices, with assistance from NOPD’s Compliance Bureau, and identified deficiencies in the hiring process, including insufficient documentation of

⁴⁹ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 26.

⁵⁰ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 26.

the justification to hire candidates with possible disqualifiers. Immediately upon notification of these deficiencies, NOPD drafted a corrective action plan to improve the process and then worked continuously to reform the process. OCDM documented both the areas for improvement as well as NOPD's corrective action plan in a January 2017 report. Since then, NOPD has hired a dedicated recruitment director instituted another level of review for all applicants, provided additional training to background investigators, revised hiring criteria, and initiated other efforts to improve the hiring process as a whole. OCDM deemed the corrective action plan "smart" and "targeted"⁵¹ and later reported "dramatic improvement"⁵² in the recruit evaluation process.

Academy and In-Service Training

During a November court hearing on the Training Academy, lead monitor Jonathan Aronie noted that he had observed "tremendous improvement in nearly all aspects of the Academy over the past year."⁵³ Mr. Aronie attested that progress had been made in each of the major categories that comprise the Academy's learning environment: the curriculum, the personnel, the instruction, the facility, the processes, and the students. OCDM's 2017 Annual Report praised the NOPD's progress reforming the Academy as a "notable success in 2017."⁵⁴

The Academy's curriculum was the subject of intense focus from the Monitoring Team in 2017. Monitors reviewed lesson plans for recruit and in-service training and by the end of the year had approved more than 95% of lesson plans. The Monitoring Team also evaluated the personnel and their manner of instruction via regular classroom observations. Academy

⁵¹ Emily Lane. "After Scathing Report on NOPD's Hiring Practices, Author Says Fixes 'Smart, Targeted'." *NOLA.com*, NOLA.com, 8 Mar. 2017, www.nola.com/crime/index.ssf/2017/02/nopd_hiring_vetting_recruitmen.html.

⁵² Office of the Consent Decree. "Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the Third and Fourth Quarters of 2016 Released June 19, 2017." Page 2.

⁵³ Office of the Consent Decree Monitor. "Opening Remarks of Lead Monitor Jonathan Aronie at 13th Public Court Hearing Regarding the NOPD Consent Decree." November 16, 2017.

⁵⁴ Office of the Consent Decree Monitor. "2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree." April 10, 2018. Page 30.

leadership conducted its own observations in addition to yearly instructor evaluations, which were reviewed by the Monitoring Team. The lesson plan reviews checked for inclusion of key reform principles across the recruit and in-service curriculum, including elements of community policing, bias-free policing, and peer intervention. The Academy assigned a dedicated instructor to deliver a course devoted to the Department's peer intervention program, EPIC (Ethical Policing Is Courageous). In addition to delivering the course to all recruits, the instructor provided the training to officers across the Department, working toward the goal of training 100% of officers by Spring 2018.

The Academy's facility was vastly upgraded in its move to a newly renovated building with enhanced learning spaces, including a state-of-the-art computer lab and enlarged and improved spaces for tactical exercises. The facility provides more opportunities for instructors to utilize "smart" technology, incorporating interactive elements into their teaching. Academy staff have also worked to streamline processes and improve documentation of training and attendance.

Academy staff created an annual master training plan based on current training needs and provided recruit training, regular sessions of core in-service, supervisor in-service, and command staff in-service, along with specialized training for detectives, FTOs, CIT-certified officers, and others in specialized roles. The Academy continues to embrace innovative initiatives to improve training such as its groundbreaking partnership with the Innocence Project New Orleans to educate detectives on investigative best-practices and avoiding wrongful convictions.

In 2018, the Academy will continue striving to achieve full compliance with the Consent Decree. The Academy remains focused on ensuring all personnel receive top quality instruction in a collaborative and engaging learning environment and that the curriculum is tailored to meet officers' specific needs. Academy staff have been collaborating closely with the NOPD

Compliance Bureau and the Office of the Consent Decree Monitor to build upon 2017's success and continue improving NOPD's training.

Officer Assistance and Support

The Officer Assistance Program (OAP) continues to provide mental health services to NOPD members and their families and train officers on mental health stressors in law enforcement in compliance with Consent Decree requirements. OAP also facilitates NOPD's Crisis Intervention Training to provide expert training from a mental health and substance abuse perspective. OAP created Geaux Blue Day, an appreciation event for officers and their families, in 2016 and coordinated the second annual event in 2017 to significant fanfare. OAP will continue to find innovative ways to support officers and their families to provide these services and expand its reach across the Department to provide officers and their families with access to important well-being services.

Promotions and Performance Evaluations

NOPD has implemented a new quarterly performance evaluation system to assess officer performance on a quarterly basis in compliance with ¶ 299. This process will incorporate feedback from Insight, NOPD's early intervention system, in compliance with the early intervention requirements of the Consent Decree pertaining to performance evaluations. The Department has also implemented a new performance evaluation supervisory training course focused on how to effectively evaluate officer performance in compliance with ¶ 300. In 2018, NOPD will launch new tools to help supervisors continually document officer performance in support of close and effective supervision and thorough evaluations.

Supervision

NOPD's supervision, which is critical to the implementation of the overall reforms of the Consent Decree, made "significant progress in 2017," per OCDM.⁵⁵ NOPD has created and implemented a new data-driven management framework called MAX (Management Analytics for Excellence) to facilitate close and effective supervision. MAX incorporates performance metrics spanning the spectrum of a supervisor's responsibilities, including crime, clearance rates, response times, Consent Decree compliance, and many other topics. Supervisors use MAX to ensure their unit is performing as expected, and leadership holds supervisors accountable for improving their performance as evidenced in MAX. Department leaders and supervisors participate in weekly MAX meetings to discuss trends, recognize improvements, and troubleshoot deficiencies. The MAX dashboard is available to the public through NOPDnews.com.

MAX has proven particularly effective in facilitating compliance with Consent Decree requirements. The Compliance Bureau conducts frequent compliance audits on a wide variety of topics and reports the results through MAX to communicate both proficient and deficient practices to supervisors. Supervisors are then held accountable to improve their results for the next period's compliance audits. Through this iterative, self-monitoring process, the Department has improved its compliance levels across the board and attracted attention from other departments looking to adopt its model of data-driven management. To educate other departments on this model, NOPD co-authored a journal article with Judge Susie Morgan for *Police Quarterly* entitled "Police Reform Through Data-Driven Management" and presented on this topic to departments across the world at the International Association of Chiefs of Police annual conference.

⁵⁵ Office of the Consent Decree Monitor. "2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree." April 10, 2018. Page 12.

NOPD is also using a new early intervention system, entitled Insight, to track officer level trends to facilitate close and effective supervision. Beyond simply providing supervisors with an overview of officer trends, Insight prompts supervisors to intervene when officer activity exceeds certain predetermined thresholds, possibly signaling a problematic trend. For example, if an officer has a high rate of force per arrest, the supervisor selects an intervention appropriate to the officer's needs with the goal of improving future performance. In 2017, the Department improved Insight training by incorporating OCDM feedback and conducted frequent audits to determine supervisors' familiarity with the system. OCDM has highlighted the impact of a fully-implemented early intervention system, stating, "When used properly by trained supervisors...Insight, without exaggeration, will save officer and civilian careers and lives."⁵⁶ Importantly, OCDM stated that "NOPD's implementation of the Consent Decree-required early intervention system (EWS) called Insight has been impressive."⁵⁷ NOPD will continue to focus on thoroughly implementing Insight to realize its full potential for improving the performance of officers across the Department.

Secondary Employment

At the direction of OCDM, NOPD's Audit and Review Unit initiated an audit of compliance with the secondary employment paragraphs of the Consent Decree. The audit results were published in June 2017 and demonstrated that the Office of Police Secondary Employment (OPSE) and NOPD were making progress toward full compliance. NOPD and OPSE collaborated to address the practices for which the audit did not find full compliance.

⁵⁶ Office of the Consent Decree Monitor. "Opening Remarks of Lead Monitor Jonathan Aronie At 12th Public Court Hearing Re NOPD Consent Decree Presented to Judge Susie Morgan United States Federal District Court, New Orleans, Louisiana." September 1, 2017.

⁵⁷ Office of the Consent Decree Monitor. "2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree." April 10, 2018. Page 35.

OCDM provided a status report in its 2017 Annual Report, stating, “The Office of Secondary Employment (OPSE) continues to work well and is in compliance with virtually all applicable Consent Decree provisions.”⁵⁸ OCDM elaborated, “Some remaining paragraphs for which the City is still non-compliant are ones that have been rendered unnecessary or unfeasible because they were based on assumptions that no longer match OPSE’s current, approved operations. The parties, with the Monitor’s approval, have filed a motion with the court to eliminate or modify these provisions. Thus, as a practical matter OPSE is compliant.”⁵⁹

Misconduct Complaint Intake, Investigation, and Adjudication

Prior to 2017, OCDM had already observed “significant improvement” in the Public Integrity Bureau’s operations, and PIB built upon this momentum in 2017.⁶⁰ OCDM provided an updated progress report in its 2017 Annual Report, stating, “We found PIB to be in general compliance, although we noted deficiencies with respect to credibility assessments and timely-completion of investigations.”⁶¹ To address these deficiencies, PIB created a Quality Assurance and Quality Control Unit to monitor investigations and improve the quality of investigations further.

Citizen-initiated complaints decreased in 2017. This comes after a concerted effort to make the complaint process more transparent and available to citizens by producing complaint brochures, placards, and forms, which are available in English, Spanish, and Vietnamese in civic locations across the city. These resources have been made available at all NOPD District

⁵⁸ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 12.

⁵⁹ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 37.

⁶⁰ Office of the Consent Decree Monitor. “Report of the Consent Decree Monitor For the New Orleans Police Department Consent Decree Covering the First & Second Quarters of 2016.” September 26, 2016. Page 76.

⁶¹ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 12.

Stations, Headquarters, PIB, New Orleans City Hall, the Office of the Independent Police Monitor, and online. Comprehensive disciplinary data will be provided in a forthcoming 2017 annual report.

Finally, PIB and the Compliance Bureau collaborated with OCDM and DOJ to create a more efficient disciplinary process focused on improving future officer performance. In short, PIB can now efficiently close complaints with conclusive body-worn camera footage; the disciplinary matrix now progresses more effectively based on the severity and frequency of the offense; and PIB and supervisors now have more discretion to handle minor violations through non-disciplinary means, such as training or counseling, which are more focused on improving officer performance than regular discipline. The revised disciplinary procedures should alleviate officer fears that simple, minor mistakes will amount to serious discipline. These and related adjustments have improved the disciplinary system, and NOPD will continue to collaborate with OCDM and DOJ to implement identified enhancements to the disciplinary process.

Transparency and Oversight

In its 2017 Annual Report, OCDM declared that “NOPD is in compliance with the transparency and oversight provisions” of the Consent Decree.⁶² NOPD has emerged as a leader in open policing data, releasing extensive data sets on calls for service, police reports, stops and searches, uses of force, misconduct, body-worn camera metadata, and in-car camera metadata. NOPD was one of the first departments to create a policy for releasing video footage of critical incidents, and the Department continues to release footage in a transparent manner to foster trust with the community. NOPD continues to post on its website relevant Consent Decree reports and updated policies for public viewing. These transparent initiatives prompted The Sunlight

⁶² Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 12.

Foundation to praise NOPD as “uncommon” and “ahead of the curve” in terms of transparency.⁶³ Data analytics website FiveThirtyEight called NOPD “arguably the queen of open police data.”⁶⁴ NOPD will continue these leading transparency and accountability initiatives to build trust with the community.

Sustaining the Reforms

NOPD worked with the City, OCDM, and DOJ to create City regulations to help institutionalize these reforms beyond the completion of the Consent Decree. City Council formally introduced these regulations, and they went into effect on December 29, 2017. The regulations mandate the continuation of reforms involving “use of force, crisis intervention, sexual assault and domestic violence response, community policing, the training academy, body-worn cameras, transparency, compliance, and audits.”⁶⁵ OCDM lauded this approach to “formalizing the City’s commitment to the Consent Decree’s core principles,” stating, “The adoption of this Regulation was a notable and praise-worthy achievement.”⁶⁶ OCDM added, “While such regulations can be revised by future leaders, they cannot be revised by a future NOPD superintendent alone, and they cannot be revised without official, public action.”⁶⁷ The regulations are available on NOPD’s website at Nola.gov/NOPD/NOPD-Consent-Decree.

Respectfully submitted,
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⁶³ Becca James. “Opening Criminal Justice Data: What We Learned from Louisiana.” *Sunlight Foundation*, 26 Oct. 2016, sunlightfoundation.com/2015/04/01/opening-criminal-justice-data-what-we-learned-from-louisiana/.

⁶⁴ Jeff Asher. “Which Cities Share The Most Crime Data?” *FiveThirtyEight*, 28 Dec. 2015, fivethirtyeight.com/features/which-cities-share-the-most-crime-data/.

⁶⁵ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 5.

⁶⁶ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 5.

⁶⁷ Office of the Consent Decree Monitor. “2017 Annual Report of the Consent Decree Monitor for the New Orleans Police Department Consent Decree.” April 10, 2018. Page 5.

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CERTIFICATE OF SERVICE

I do hereby certify that on this 3rd of May, 2018 a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent by operation of the court's electronic filing system. I also certify that a copy of the foregoing will be sent to all non-CM/ECF participants by United States Mail, properly addressed and postage pre-paid.

/s/ Rebecca H. Dietz
Rebecca H. Dietz