



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

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**City of New Orleans**  
Public Hearing June 5, 2024

# Agenda

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- I. Bias-free data analyses
- II. Limited English Proficiency audits
- III. OCDDM on Mardi Gras Gun Arrests

# **Bias-free Data Analyses**

**Systemic Bias** - A tendency for the procedures and practices of particular institutions to operate in ways which result in certain social groups being advantaged or favored and others being disadvantaged or devalued.- Oxford Reference

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**Systemic Racism** - The oppression of a racial group to the advantage of another as perpetuated by inequity within interconnected systems (such as political, economic, and social systems)- Merriam-Webster.com

**Institutional Racism**- Policies and practices that exist throughout a whole society or organization that result in and support a continued unfair advantage to some people and unfair or harmful treatment of others based on race or ethnic group. - Wikipedia

- Examples of this outside of policing include:
  - Housing Discrimination
  - Healthcare Disparities
  - Educational Outcomes

# Purpose

*Why do bias-free data analyses?*

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- To ensure no NOPD activity is administered in a discriminatory manner

# Activities Covered

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- Decision to initiate a traffic stop
- Requiring people to exit their vehicles
- Pat Down Searches
- Uses of Force
- Handcuffing
- Response Times
- Misconduct
- Arrests for sex work offenses

# Methods

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- Developed with OCDDM and DOJ beginning in 2020
- Broad set of tests
- Disparity not bias



# Technical Assistance

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- 2021 vs 2022-2023 reports
- NOPD exploring academic partnerships



# Activities Covered

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- **Decision to initiate a traffic stop**
  - Requiring people to exit their vehicles
  - Pat Down Searches
  - Uses of Force
  - Handcuffing
  - Response Times
  - Misconduct
  - Arrests for sex work offenses

# Decision to initiate a traffic stop

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# Decision to initiate a traffic stop

*Why it is challenging?*

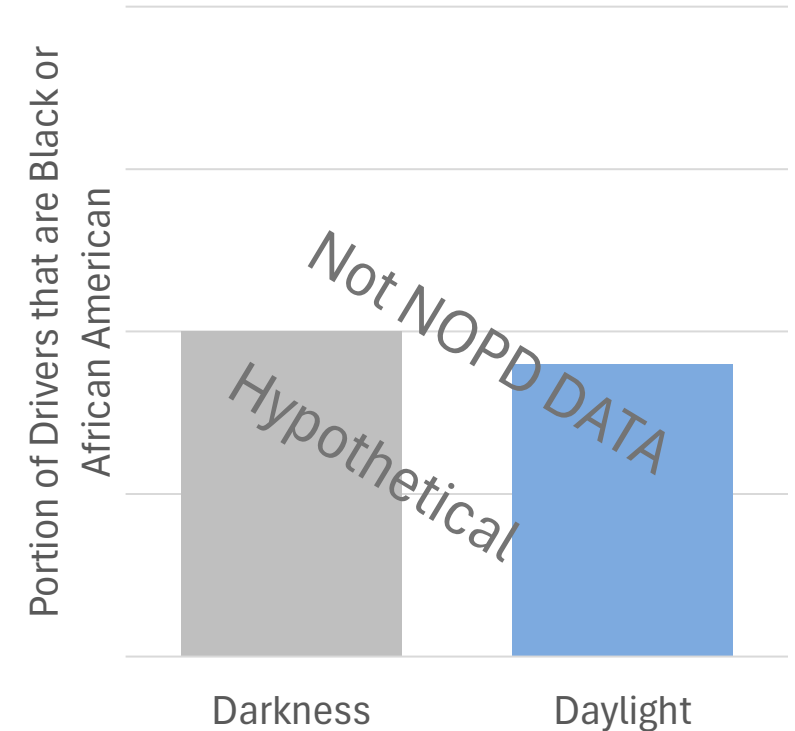
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- Comparison to census is apples to oranges
- Don't have data on who we didn't stop

# Decision to initiate a traffic stop

## *Veil of Darkness*

- Visibility makes it easier to profile
- Compare stops in daylight and darkness
  - Same time of day
- If the results show NOPD stopped minority drivers at a higher rate during daylight than in darkness, that would be a disparity



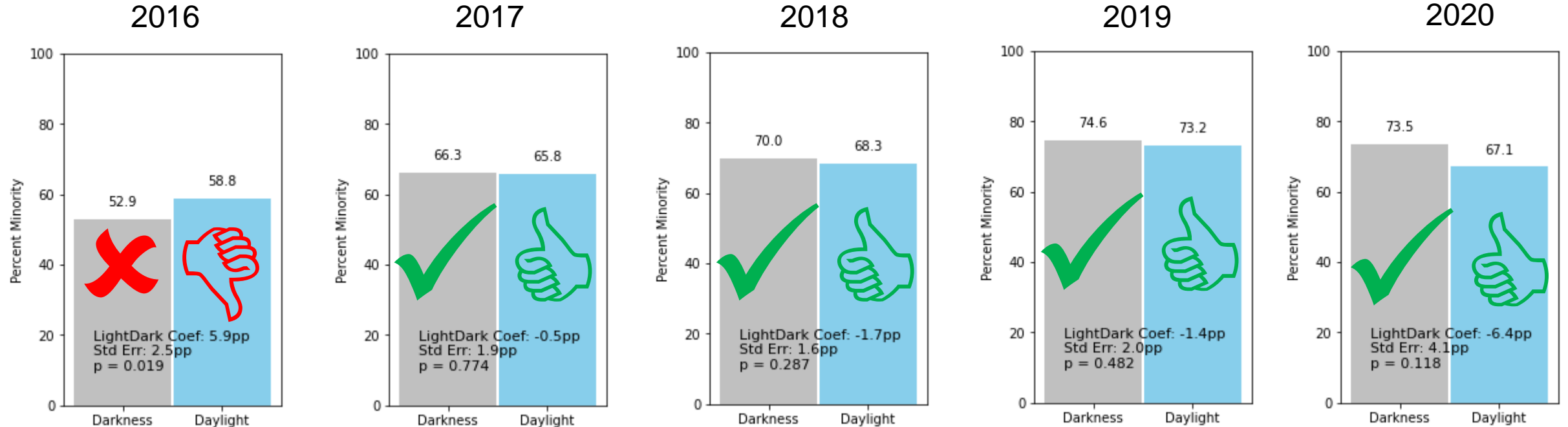
# Decision to initiate a traffic stop

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- 2016-2023
  - 1000 FICs in 2022, 900 in 2023
  - Minority drivers and Black or African American drivers
- Results show a disparity in 2016, but not in any other year 2017-23

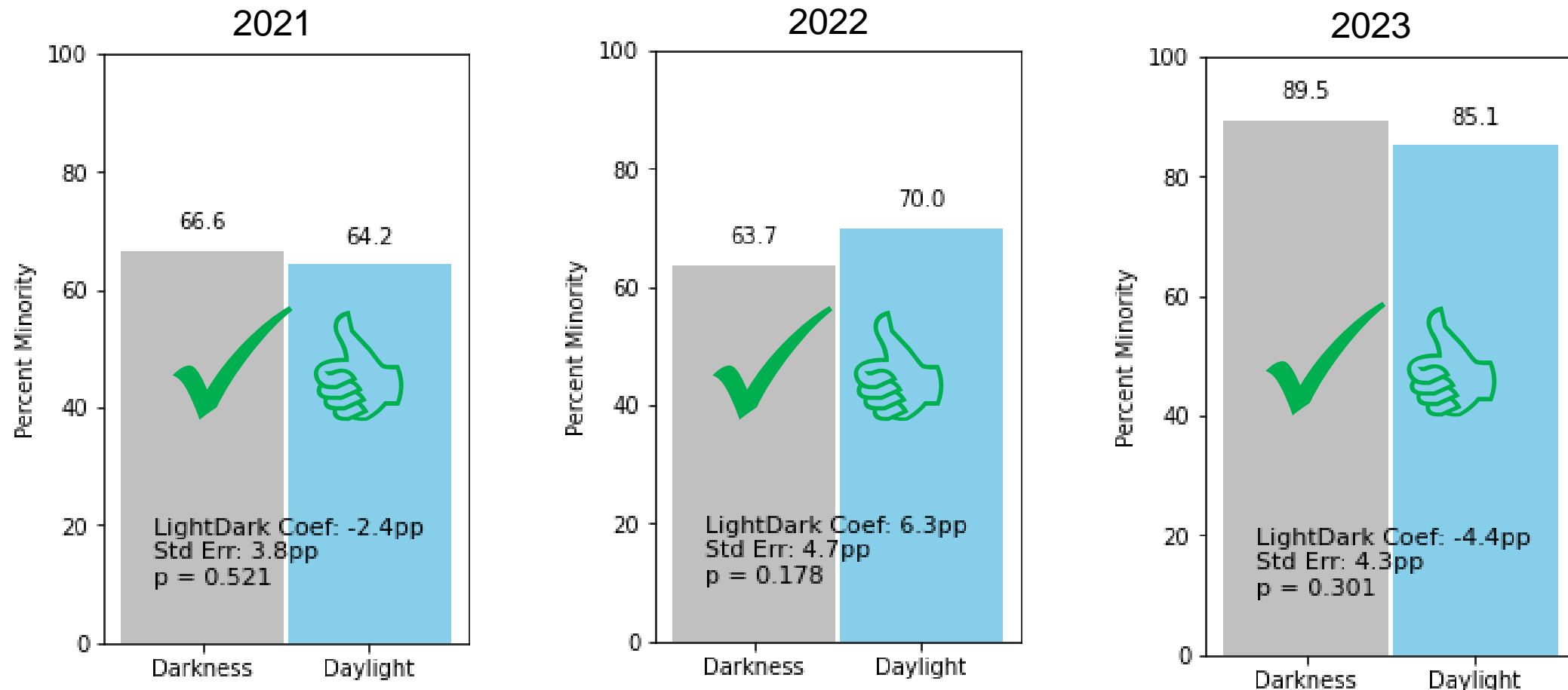
# Decision to initiate a traffic stop

*Examples of results from the veil of darkness test*



# Decision to initiate a traffic stop

*Examples of results from the veil of darkness test*



# Decision to initiate a traffic stop

*How did we do?*

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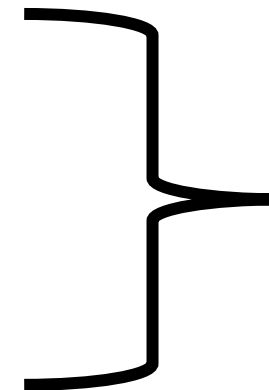
# Post stop enforcement analyses (hit rates)

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# Activities Covered

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- Decision to initiate a traffic stop
- **Requiring people to exit their vehicles**
- **Pat Down Searches**
- **Uses of Force**
- **Handcuffing**
- Response Times
- Misconduct
- Arrests for sex work offenses



Post stop  
enforcement  
analyses  
(hit rates)

# Post stop enforcement analyses (hit rates)

## *Overview*

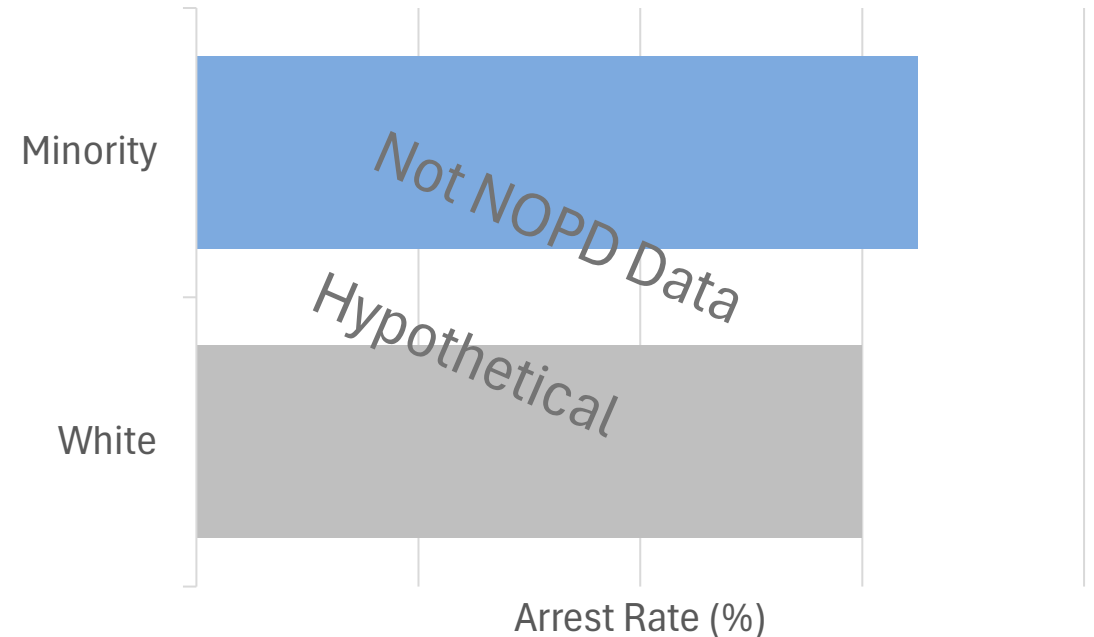
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- Not helpful to look at rates of an activity after a stop
- To look at an activity we look at what happens after the activity

# Post stop enforcement analyses (hit rates)

## Overview

- A lower rate of the outcome (evidence found or arrest made) after the activity is interpreted as officers exercising a lower threshold for the activity
- Comparison of rates
- White vs. All Minority, White vs. vs. Female



# Post stop enforcement analyses (hit rates)

## *Vehicle exits*

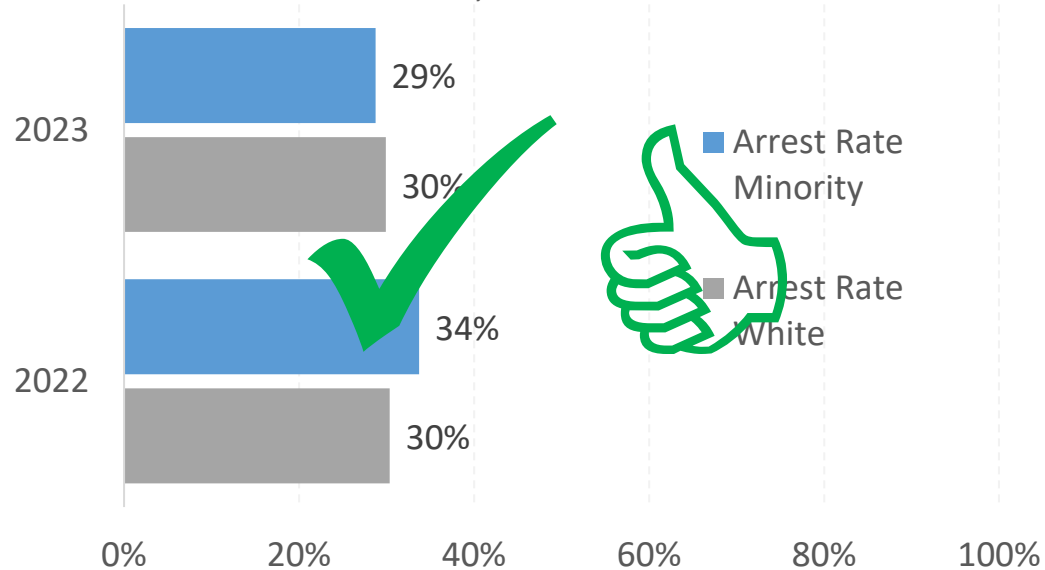
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- 2016-2023
  - ~940 FIC subjects in 2023
- Rate of arrest after vehicle exits indicative of the quality of the justifications for the vehicle exits
- Drivers, passengers, all occupants
- No disparity since 2021 for minority and Black or African American people
- Disparity for women in all years assessed

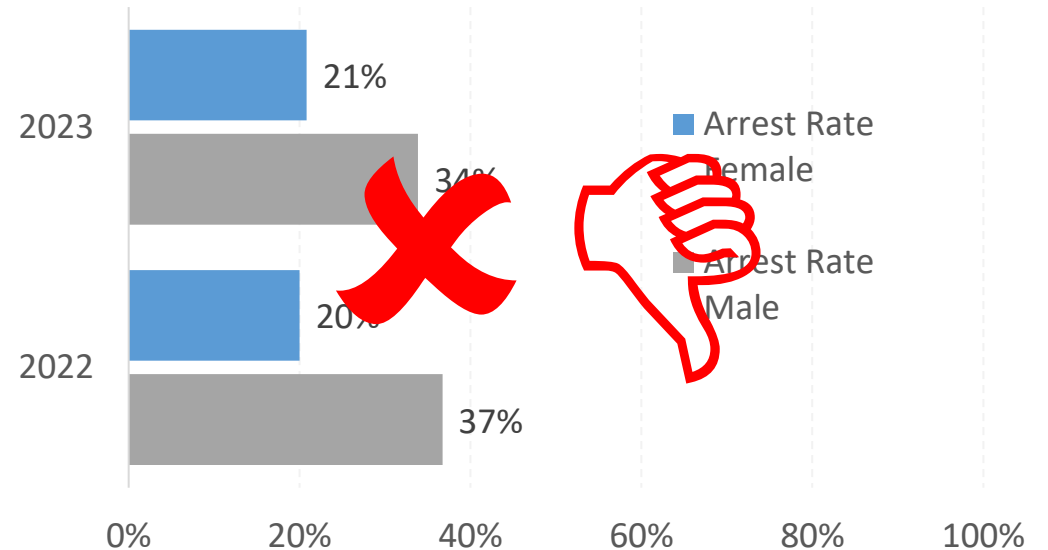
# Post stop enforcement analyses (hit rates)

## *Vehicle exits*

Comparison of arrest rates for white and minority DRIVERS who were required to exit a vehicle, 2022-2023



Comparison of arrest rates for male and female PASSENGERS who were required to exit a vehicle, 2022-2023



\*Chi-squared test determined rates not significantly different

# Vehicle Exits

*How did we do?*

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Race



Sex



# Post stop enforcement analyses (hit rates)

*Vehicle exits*

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- Corrective Action: Deep-dive



# Post stop enforcement analyses (hit rates)

## *Pat downs*

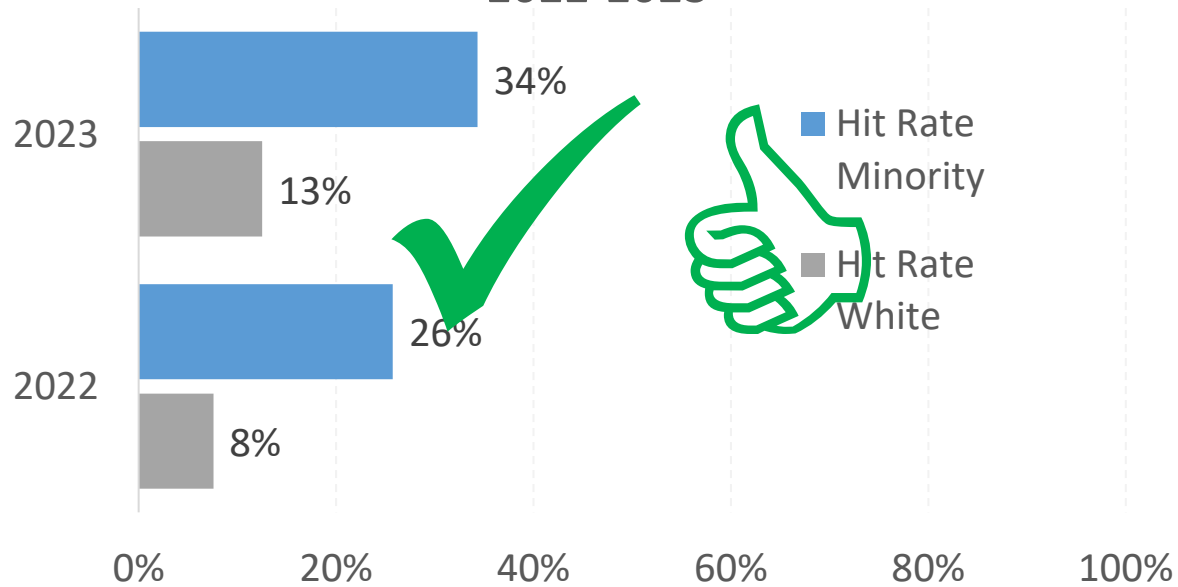
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- 2018-2023
  - ~1,100 FIC subjects in 2023
- Rate of finding evidence as a result of a pat down indicative of the quality of the reasons for the pat down
- Weapon found, any evidence found
- No disparity based on race/ethnicity
- Disparity for women in several years including 2022 and 2023

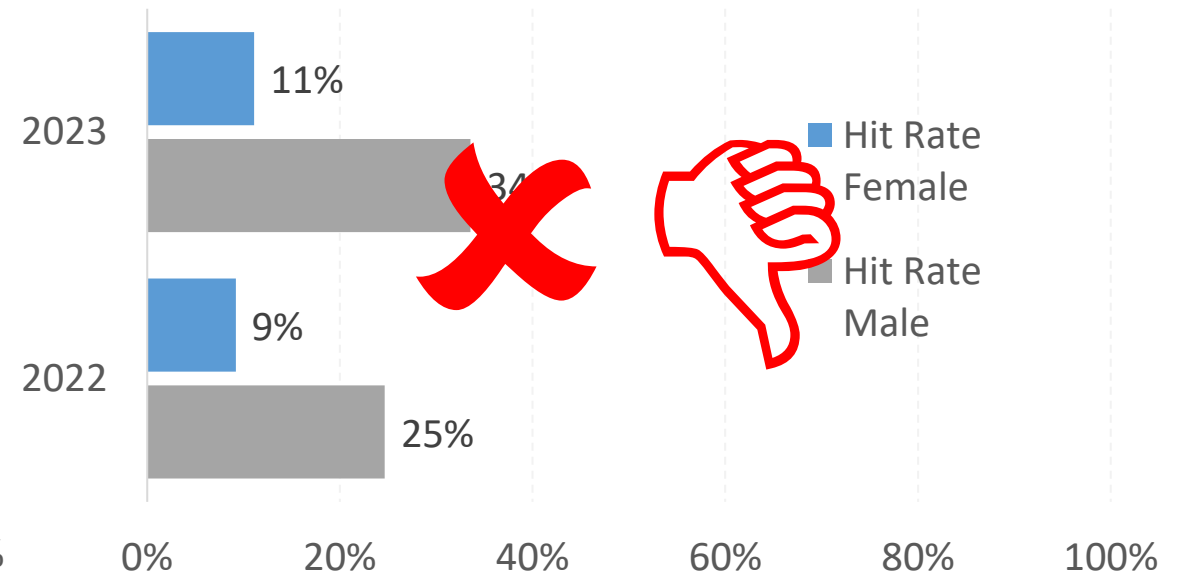
# Post stop enforcement analyses (hit rates)

## *Pat downs*

Comparison of rates of weapons being seized from subjects who received a pat down, 2022-2023



Comparison of rates of weapons being seized from subjects who received a pat down, 2022-2023



# Pat Downs

*How did we do?*

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Race



Sex



# Post stop enforcement analyses (hit rates)

*Pat downs*

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- Corrective Action: Deep-dive

# Post stop enforcement analyses (hit rates)

## *Uses of force*

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- Ch. 1.3.6 – Reporting Use of Force
- L1: Pointing a firearm, hand control, use of impact weapon for non-striking purposes
- L2: Taser, flash bangs, dog deployment with no contact
- L3: head strikes without weapons, impact weapon strikes, dog deployment with contact but no bite
- L4: lethal force, firearm discharges, force resulting in serious injury or hospitalization, neck holds, force resulting in loss of consciousness, dog bites, more than two tasers applications, any strike against a handcuffed person, vehicle pursuits resulting in serious injury, any use of specialized weapons

# Post stop enforcement analyses (hit rates)

## *Uses of force*

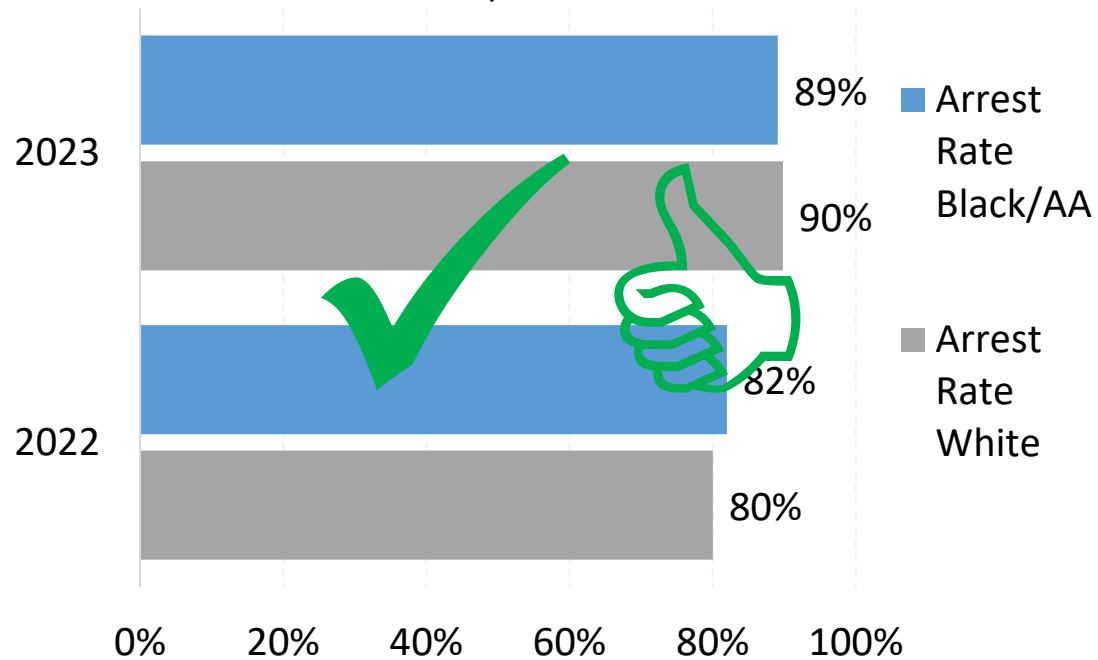
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- 2016-2023
  - ~580 force subjects in 2023
- Rate of arrest of subjects of force indicative of the quality of the justifications for using force
- No disparity based on race/ethnicity
- Disparity for women in 2016-2020 (marginal in 2022-2023)

# Post stop enforcement analyses (hit rates)

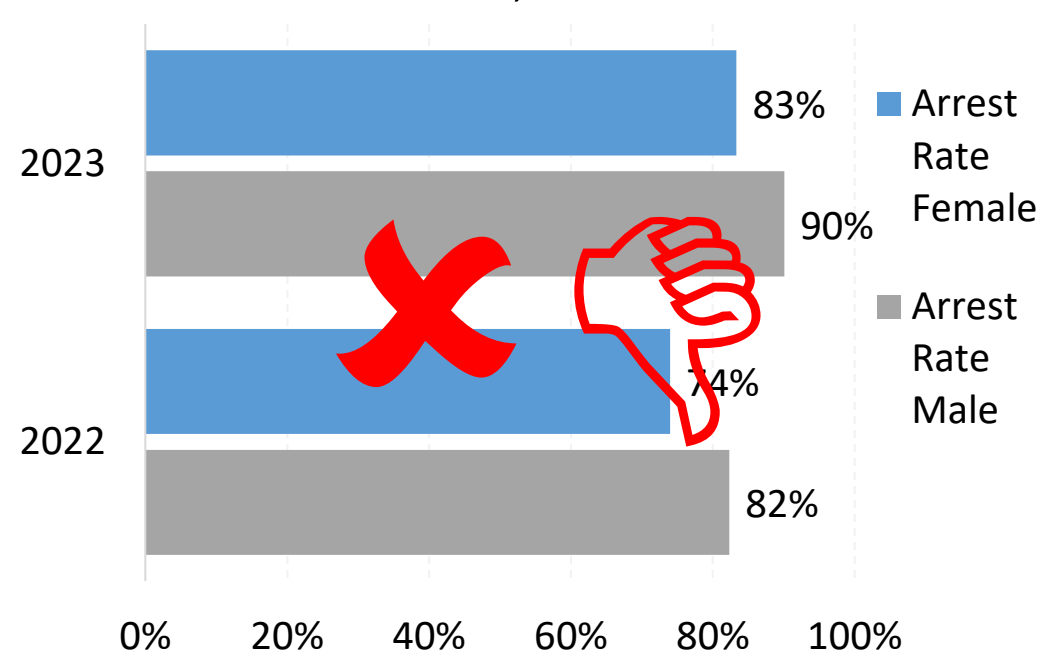
## *Uses of force*

Comparison of arrest rates following a use of force, 2022-2023



\*Chi-square test determined rates not significantly different

Comparison of arrest rates following a use of force, 2022-2023



\*Chi-square test determined rates significantly different when using a 90% threshold.

# Uses of Force

*How did we do?*

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Race



Sex





# Post stop enforcement analyses (hit rates)

*Uses of force*

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- No Additional Corrective Action
  - Does not factor NOPD force review process
  - No difference in rates of unreasonable force

# Post stop enforcement analyses (hit rates)

## *Firearm pointing*

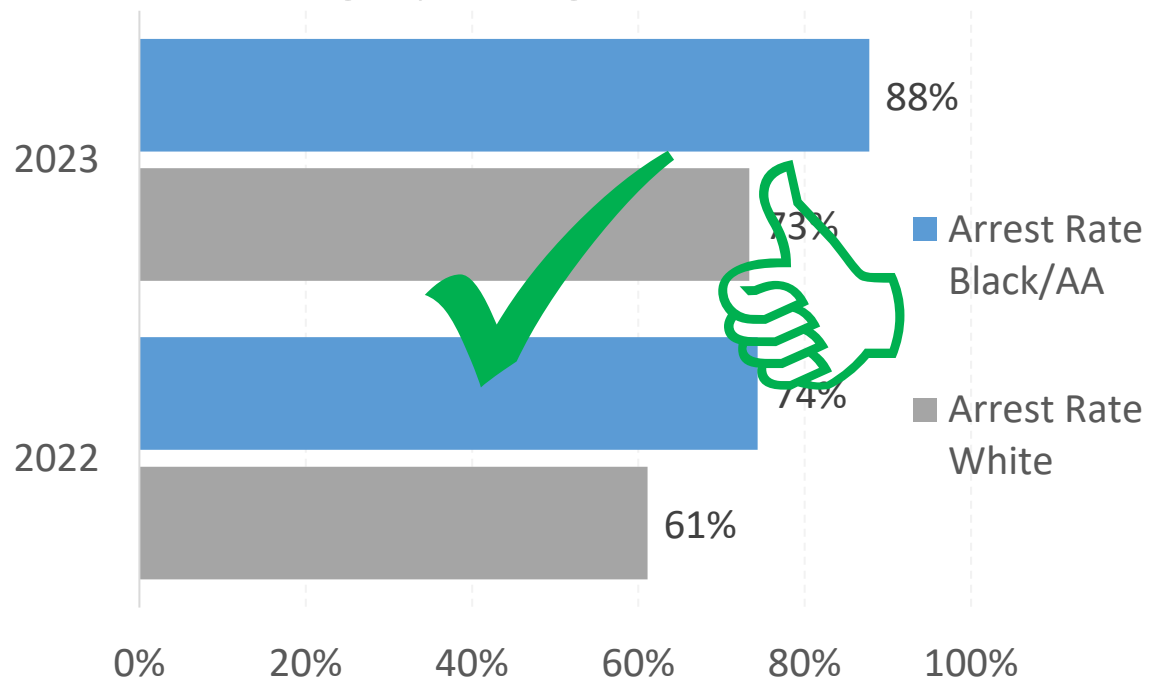
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- 2016-2023
  - ~290 subjects in 2023
- Rate of arrest of subjects of firearm pointings indicative of the quality of the justifications for the pointings
- No disparity based on race/ethnicity
- Disparity for women in 2016-2020 and 2022-2023

# Post stop enforcement analyses (hit rates)

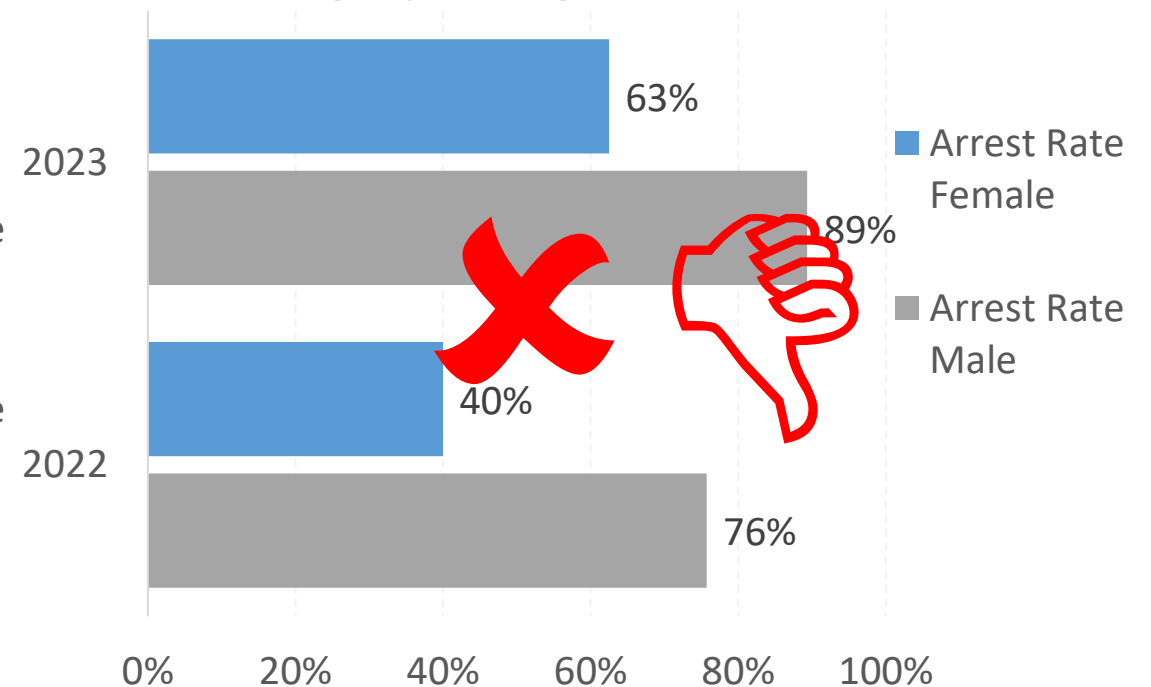
## *Firearm pointing*

Comparison of arrest rates following a gunpointing, 2022-2023



\*Fischer's Exact test determined rates not significantly different

Comparison of arrest rates following a gunpointing, 2022-2023



# Firearm Pointing

*How did we do?*

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Race



Sex



# Post stop enforcement analyses (hit rates)

*Firearm pointing*

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- No Additional Corrective Action
  - Does not factor NOPD force review process
  - No unreasonable gunpointing involving female subjects

# Post stop enforcement analyses (hit rates)

## *Handcuffing*

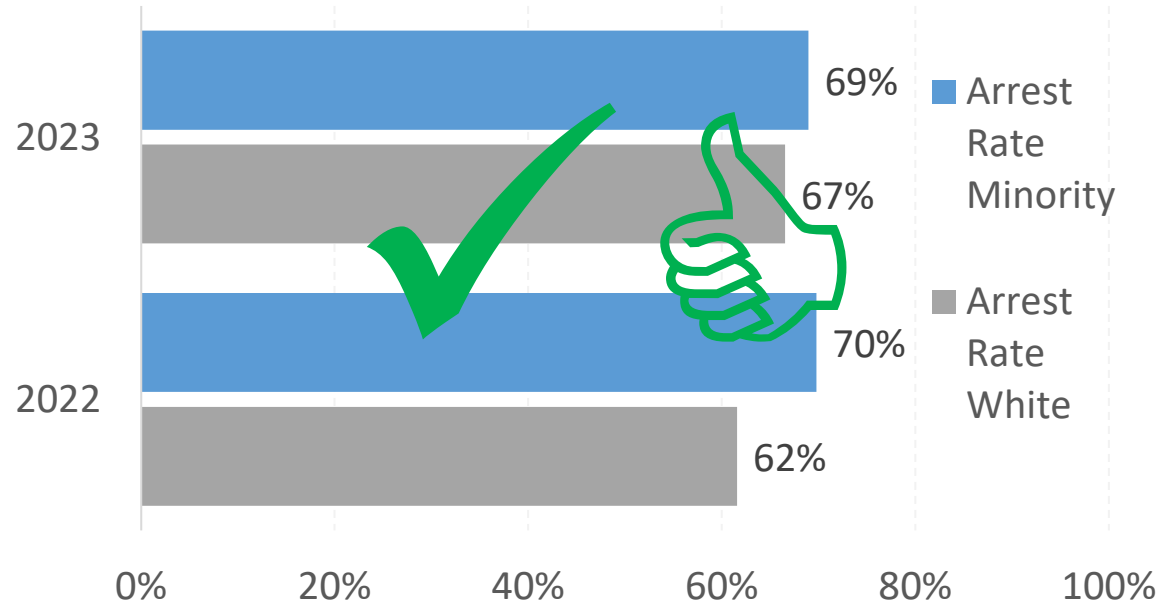
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- 2021-2023
  - ~3,200 FIC subjects in 2023
- Rate of arrest of handcuffed subjects indicative of the quality of the justifications for handcuffing
- No disparity

# Post stop enforcement analyses (hit rates)

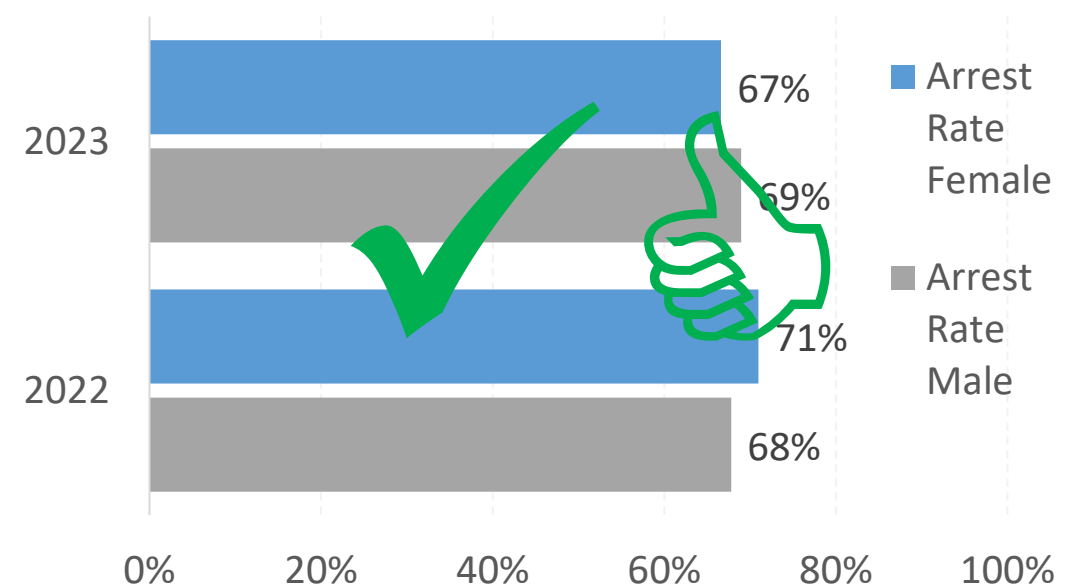
## Handcuffing

Comparison of arrest rates for white and minority people who were handcuffed, 2022-2023



\*Chi-squared test determined 2023 rates not significantly different

Comparison of arrest rates for male and female people who were handcuffed, 2022-2023




\*Chi-squared test determined rates not significantly different

# Handcuffing

*How did we do?*

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Race ✓ 

Sex ✓ 





# Activities Covered

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- Decision to initiate a traffic stop
- Requiring people to exit their vehicles
- Pat Down Searches
- Uses of Force
- Handcuffing
- **Response Times**
- Misconduct
- Arrests for sex work offenses

# Response Times

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- Compare response times by neighborhood
- Average response times continue to show disparity

## 2023 Median Response Times by Neighborhood Demographics

Call Priority	Neighborhood Categorization	Median Response Time (min)	Gap (min)	# of Calls
Code 2	More Black/AA	12	2	22,441
	Less Black/AA	10		6,553
Code 1	More Black/AA	88	42	36,119
	Less Black/AA	46		13,607

# Response Times

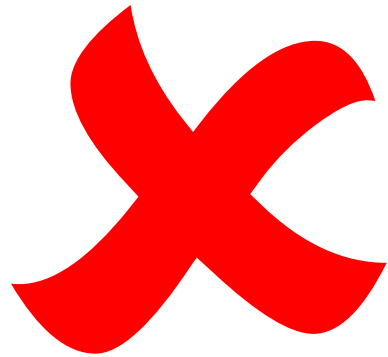
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- Designed analysis to factor geography, workload, and officer assignments
- Analysis shows disparity when factoring:
  - Time and day, type/nature of call, number of calls in neighborhood, geography of neighborhood, number of residents in the neighborhood
- Adjusting officer assignments could balance response times

# Response Times

*How did we do?*

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# Response Times

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- Corrective Action: New platoon in the 7<sup>th</sup> District

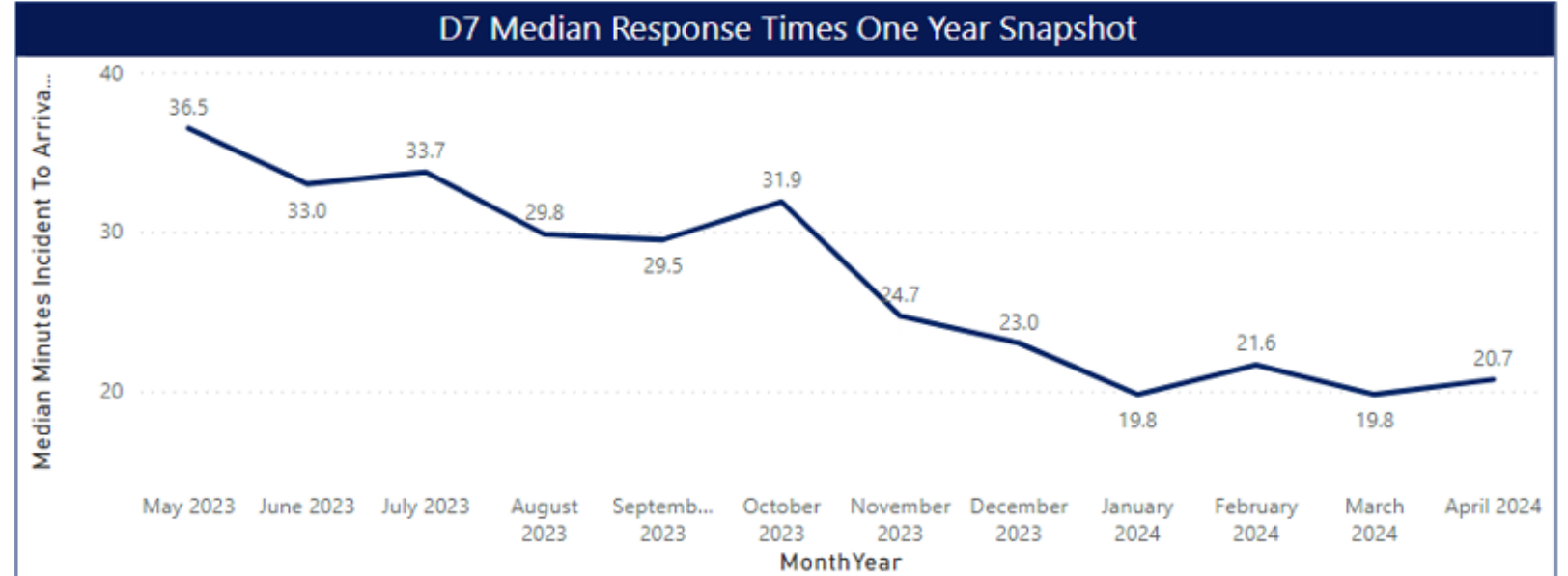
# D7 Powerwatch Pilot Impact Analysis

*Median response times and calls marked-up "gone on arrival" (GOA)*

D7 Median Response Times - January 7, 2024 - May 1, 2024		
Priority	No Power Watch	Power Watch Working
Emergency	13.4	12.5
Non Emergency	28.0	22.1

7th District GOA % of Total CFS by Power Watch Status	
Power Watch Status	GOA % of TOTAL
No Power Watch	21.73
Power Watch Working	13.39

D7 Median Response Times			
MonthYear	Emergency	Non Emergency	Total
May 2023	19.0	65.2	36.5
June 2023	19.7	57.8	33.0
July 2023	16.7	57.7	33.7
August 2023	17.1	52.2	29.8
September 2023	18.5	46.0	29.5
October 2023	16.8	46.3	31.9
November 2023	15.0	33.9	24.7
December 2023	14.2	29.7	23.0
January 2024	12.7	22.7	19.8
February 2024	13.4	24.6	21.6
March 2024	12.8	23.6	19.8
April 2024	12.4	23.9	20.7



# Activities Covered

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- Decision to initiate a traffic stop
- Requiring people to exit their vehicles
- Pat Down Searches
- Uses of Force
- Handcuffing
- Response Times
- **Misconduct**
- **Arrests for sex work offenses**

# Bias-free Data Analyses

## *Additional Activities Covered*

- Misconduct Investigations

- Complaints by the demographics of the accused and the complainants
- And by the source, disposition, and by timeliness

- Sex work offense arrests

- Check list audit

	2022	
	Source	
	External	Internal
<b>Race</b>		
Any White	78.8	20.2
Any Black/AA	81.4	16.2
Any Other	90.5	9.5
Majority White	77.9	20.8
Majority Black/AA	81.3	15.8

	2023	
	Source	
	External	Internal
<b>Race</b>		
Any White	82.6	16.8
Any Black/AA	72.3	25.8
Any Other	83.0	17.0
Majority White	81.8	17.3
Majority Black/AA	72.0	25.8



# Bias-free Data Analyses

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- Find reports at [nola.gov/nopd](http://nola.gov/nopd) > Consent Decree
- Send comments to [psab@nola.gov](mailto:psab@nola.gov)
- File misconduct complaints at:
  - [nola.gov/nopd](http://nola.gov/nopd) > Administration > Bureaus > Public Integrity Bureau
  - [nolaipm.gov](http://nolaipm.gov) > File A Complaint

# **OCDM & DOJ Comments**

# **Limited English Proficiency Audit Findings**



# Limited English Proficiency Services

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City of New Orleans

# Limited English Proficiency Bi-Annual Audit

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- Audit timeframes March 1st – August 31st and September 1st – Feb 28th/29th.
- The audit captures the amount of and means in which interpretations services are provided, the number of translated documents the department has on record, the effectiveness of the language assistance plan, policy, and services, the language population within New Orleans, training provided, certifications of NOPDAIs, recruitment, complaints, interviews, and interrogation procedures, inclusion of all communities and services, and the collaboration with other LEP organizations and verifies the recordation of all of the above.
- NOPD uses several data systems to collect the information needed to review the language assistance from NOPD.
- NOPD with DOJ and OCDM has agreed on a compliance metrics to produce a traditional score associated with this audit checklist.

# Traditional Compliance Score Equations

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## Data Information

- Data to consider
  - GOA, RTF, NAT, VOI, DUP
- Data to remove
  - VOI, DUP
- Total data used
  - GOA, RTF, NAT
- Final metrics
  - Two equations to document

## Final Equations

- Equation #1
  - ❖ Agreed on incidents recorded in CAD divided by compliant LEP services rendered.
- Equation #2
  - ❖ Incidents where NOPD interacted with LEP individuals and services were needed/provided divided by compliant LEP services rendered.

# Improvement Over Time – Audit Results

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March 1 – August 31, 2021

Compliance w/GOA - 31%

Compliance w/out GOA - 63%

# incidents - 92/294 (92/144)

March 1 – August 31, 2023

Compliance w/GOA - 52%

Compliance w/out GOA - 79%

# incidents - 211/402 (211/266)

# Custodial Interrogations and Interviews of LEP Individuals

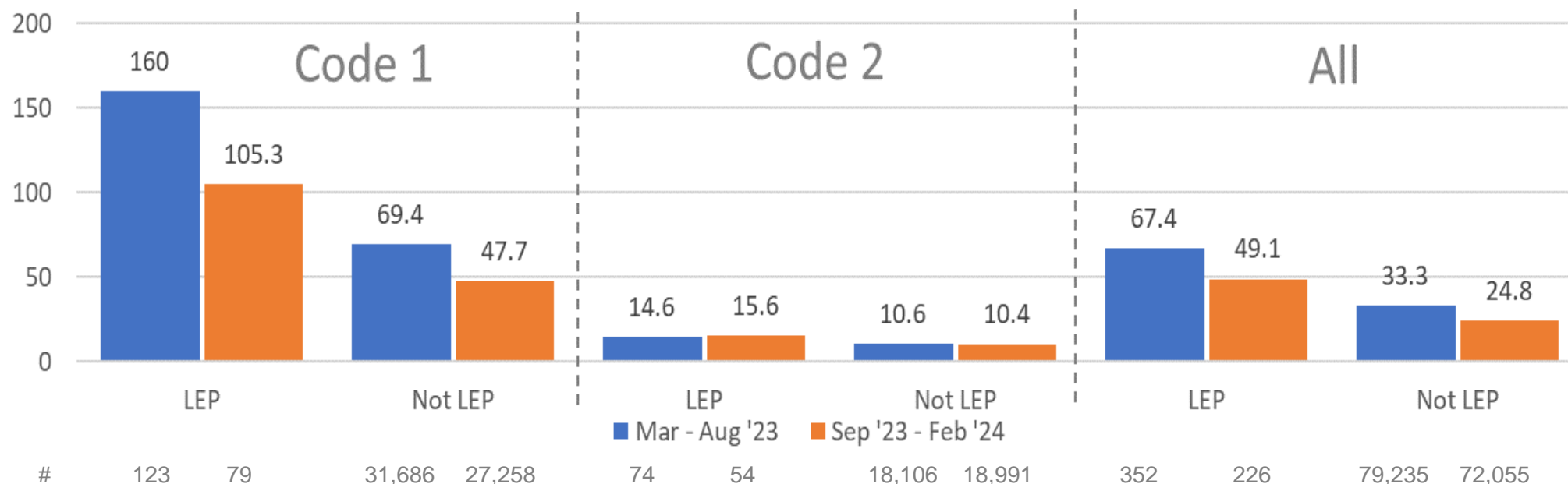
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- NOPD assess Custodial Interrogations of LEP individuals based on criteria regarding Miranda Warnings being provided in the suspect's primary language.
- The September 2023 audit sample of 63 incidents included three (3) cases of interpretations needed. In this area, the Department 100% complied for audit questions pertaining to LEP individuals.



# LEP Average Response Times

*Average LEP response times in minutes during the last two audit time periods.*



# VOIANCE Contract

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- NOPD began using VOIANCE to provide verbal and sign language interpretation services in 2021.
- The expansion of services has increased with the knowledge of services provided in trainings and by providing more cell phones to employees to gain access to the services.
- The VOIANCE contract is renewed on an annual basis.

# Distribution of VOIANCE Smart Phones

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- April 2021 – 20 smart phones distributed to Districts and SOD
- December 2022 – 100 smart phones distributed to District Detectives
- February 2024 – 88 smart phones distributed to District Platoon Supervisors
- **589 NOPD Total Department Smart Phones**
  - Currently educating all employees (including civilians) with smart phones how and when to connect to VOIANCE services.

# Areas of Consistency and Improvements

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- The Language Access Coordinator (LAC) continuously maintains records of all LEP calls for service and ensures services are provided accurately and how services were rendered.
- NOPD maintains the translation of documents and ensure the mandatory translated documents are up-to-date with any revisions, and publicly visible and available to all in need.
- NOPD ensures the training provided to its employees is based on policy and best practices.
- All LEP reports (annual reports and audits) are published online at [nola.gov/nopd](http://nola.gov/nopd) --}Consent Decree
- **AREAS OF IMPROVEMENT**
  - In the previous audit, NOPD documented incidents of unauthorized interpretations which included using a nearby individual to interpret, an employee who is not a certified interpreter, or an outside electronic interpretation measure PSAB and the LAC are recording these incidents and informing the officers and their supervisors of these unauthorized incidents while providing additional training through DTBs and Roll Call Trainings to prevent future unauthorized interpretations.
  - NOPD uses the LAC's regular review and this audit to identify its deficiencies and determine solutions for those areas.
  - The LAC is continuously informing current bilingual employees of the NOPDAI program to ensure adequate interpreters are available throughout the Department.

# Department Commitments to LEP Community

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- Continue to assess and monitor LEP calls and analyze the services provided to the individuals.
- Ensure NOPD is providing services based on policy and best practices to the community.
- Ensure training is updated for all employees.
- Maintain third-party contract for translation and interpretation services.
- Maintain documentation of improvement strategies.
- Continue collaboration with LEP individuals and organizations to receive feedback on NOPD services and discuss community needs.

# OCDM & DOJ Comments

# Mardi Gras Gun Stops

Special Report of the Consent  
Decree Monitoring Team  
5 June 2024



# Background

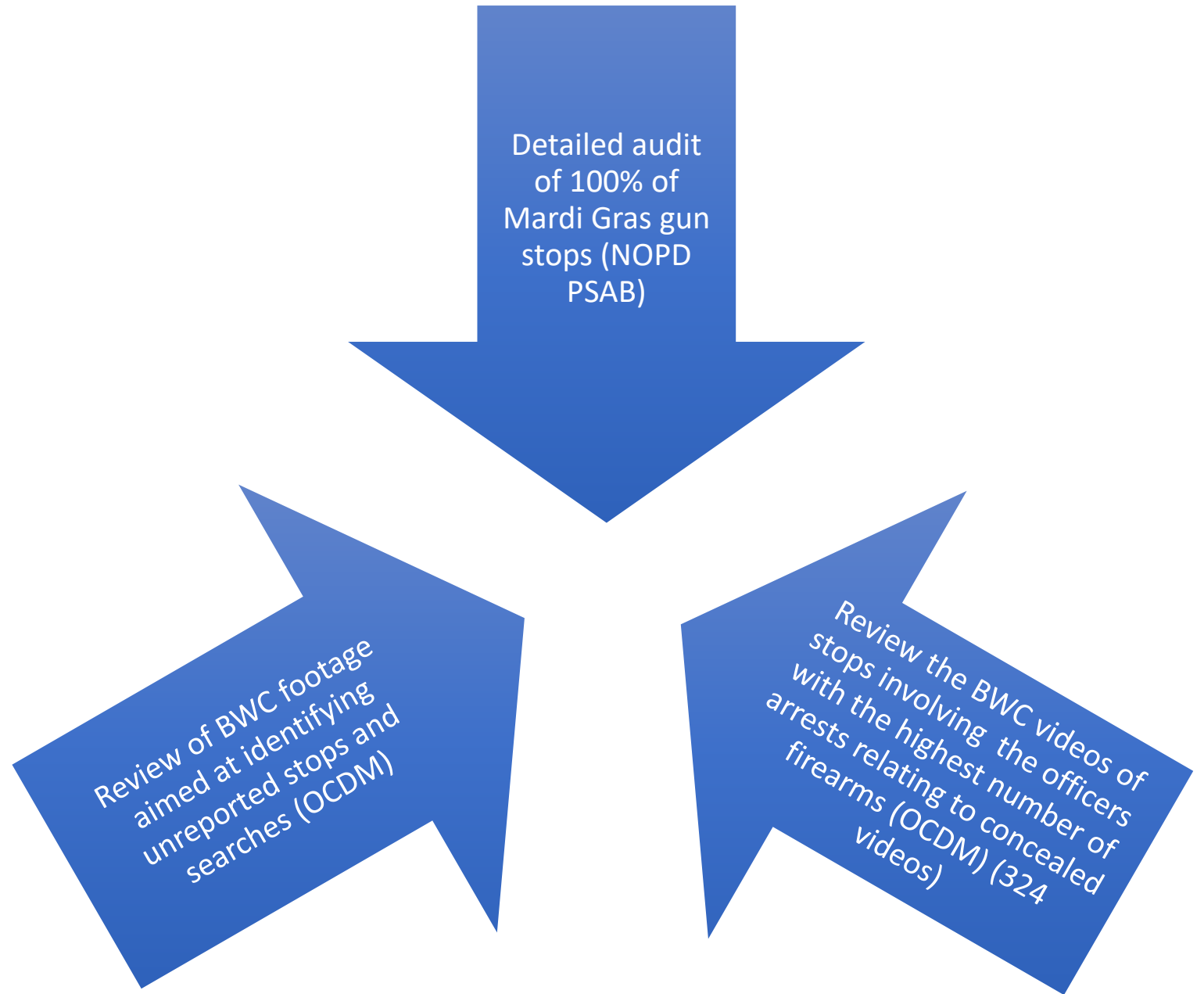
- NOPD acknowledged that 93.3% of Mardi Gras gun-related stops were of Black individuals
- Similar disparity existed in 2023
- NOPD, DOJ, and the Monitoring Team collaborated to examine the data to determine whether the disparity demonstrated bias



# Background

- The reviews focused on broad sets of data to look for institutional bias
  - Obviously, an individual officer may exhibit bias that is not reflected in a broad review of the data
  - Likewise, an individual member of the community may be the victim of bias that likewise is not reflected in a broad review of the data

# Three Reviews



# Definitions

## Disparity vs. Bias

**Disparity.** An observed difference in outcome by race regardless of cause.

**Bias.** A difference in treatment based on race, whether conscious or unconscious.

# Definitions

## Institutional Bias

- Structures, policies, training, processes, etc. that have the intended or unintended consequence of leading to biased policing

## Individual Bias

- A given officer's actions that exhibit bias against one or more members of the community based on race, ethnicity, etc.

# PSAB SSA Audit

# Methodology

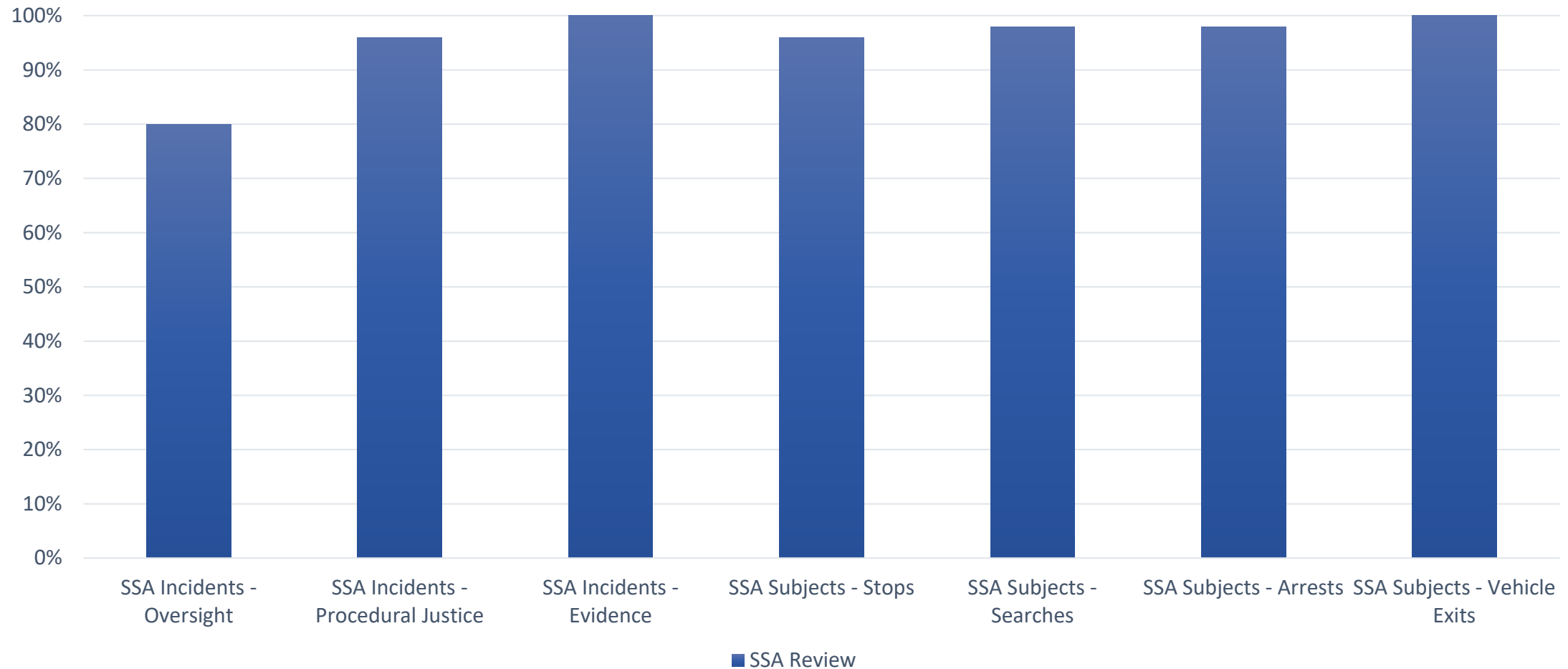
- PSAB applied 62-point audit protocol that measures Consent Decree and NOPD policy compliance to 100% of Mardi Gras gun-related stops
  - Protocol developed as part of the Consent Decree Stops, Search, and Arrest (SSA) compliance work
  - Protocol previously approved by DOJ and the Monitoring Team

# Findings

- PSAB found an overall 94% compliance rate
- The Monitoring Team conducted a spot check of PSAB's audit
  - Confirmed PSAB's findings
  - Found PSAB's audit to be credible and well executed
- Most non-compliance related to completion of FICs
  - Likely driven by Mardi Gras volume of activity
  - PSAB correctly recommended additional training

# Detailed Findings

## SSA Review of Mardi Gras Gun Stops





# Monitoring Team BWC Review

# Methodology

- Monitoring Team reviewed a high percentage of relevant BWC recordings
  - Review of 100% of BWC recordings (i.e., 324 videos) of the six officers with the highest numbers of arrests relating to concealed firearms
  - Review of 50% sample of the BWC recordings of the officers with the highest number of uncompleted FICs
- Review focused on whether the officers
  - Had articulable suspicion for the stop
  - Acted professionally
  - Adhered to NOPD policy
  - Were guided by the rules of procedural justice

# Assessment Limitations

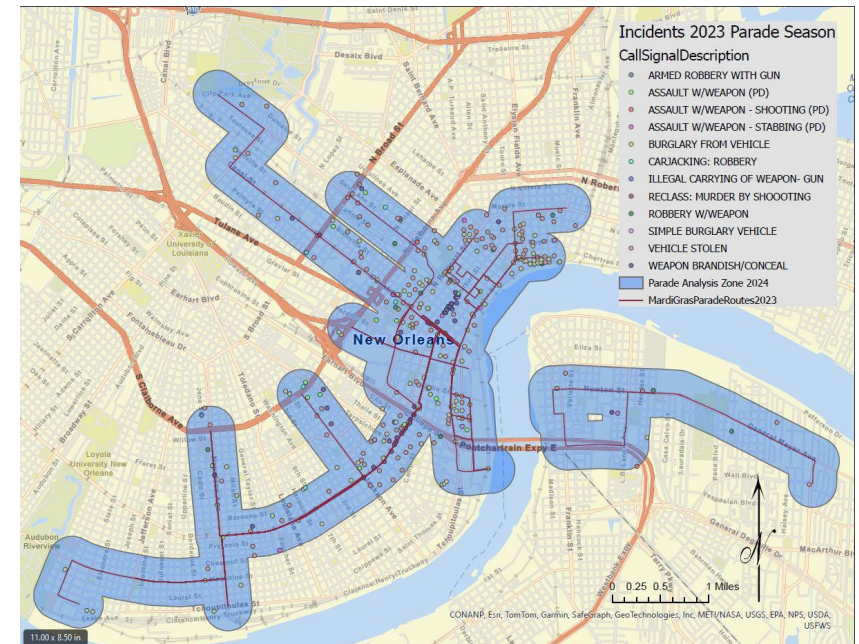
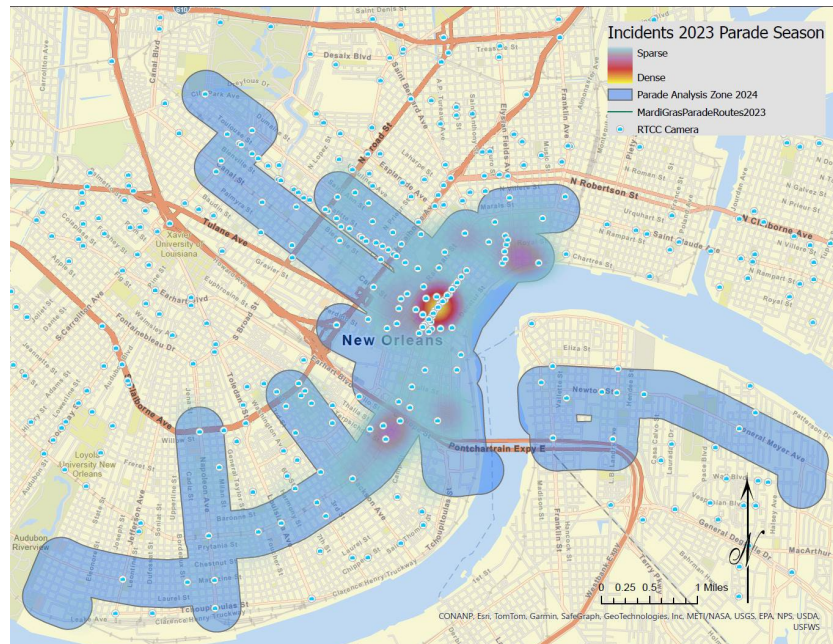
- “Hit-rate analysis”
  - An analysis that compares, for example, stops vs. recovery of guns for Black people to stops vs. recovery of guns for White people
  - There were too few Mardi Gras gun stops to be statistically significant
- Limited ability to evaluate officers’ initial decision to stop (or not to stop) an individual
- With these constraints, we focused on
  - BWC footage involving firearms stops to look for “red flags” of bias

# Findings

- Officers found a concealed firearm 68.4% of time they stopped individuals
  - 68.4% of Black individuals
  - 100% of Hispanic individuals
  - 60% of White individuals
- BWCs very often recorded officers articulating to other officers the basis for the stop (e.g., “gun shaped object in waistband”) before making the stop
- Monitoring Team did not observe obvious pretextual stops or stops driven by race or gender bias
- Monitoring Team did not observe disparate treatment in officers’ decision to arrest or release subjects after the initial stop

# Findings (continued)

- The Monitoring Team considered whether the disparity was the result of a biased deployment strategy, but that does not seem to be the case
- NOPD deployment correlates to crime data





# Monitoring Team Review Of Unreported Stops, Searches, Arrests

# Methodology

- NOPD compiled a list of officers who were on the scene for incidents where no FIC was completed
- Monitoring Team selected the four officers who appeared most frequently on that list
  - Identified 143 incidents for those four officers without a corresponding FIC or EPR
- Monitoring Team randomly selected 50% (i.e., 72) of the BWC videos associated with each officer
  - Reviewed those BWC videos in detail

# Findings

- We identified some unreported gun-related stops
  - We suspect these were driven by the volume of Mardi Gras activity
  - We directed PSAB to conduct further analysis and further training
- We did not observe Consent Decree or NOPD policy non-compliance or concerns with the unreported stops/searches
- We did not find that officers were attempting to hide bad stops or searches by not reporting them



# Conclusion

# Conclusion

- 93.3% of individuals stopped by NOPD officers on Mardi Gras for suspicion of carrying a concealed firearm were Black males
  - This is an obvious disparity
  - Determining whether this disparity results from officer bias is a complex question
- The Monitoring Team's review of the available data and BWC videos does not show that bias was the driver of the Mardi Gras gun stops
  - Our review did not reveal any stops that appeared to be driven by institutional or individual bias
  - We cannot definitively state that bias played no role in an individual officer's decision to stop a subject
- The reasons for the disparity is a question is worthy of continued exploration
- We commend the NOPD for conducting the analyses performed thus far and we will continue to monitor and evaluate.