

2017 Bias-Free Policing Annual Report

Within 365 days of the Effective Date, and at least annually thereafter, NOPD agrees to assess all NOPD programs, initiatives, and activities to ensure that no program, initiative, or activity is applied or administered in a manner that discriminates against individuals on the basis of race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity. As part of its assessment, NOPD agrees to specifically include an assessment of misconduct complaints involving discrimination, use of force, motor vehicle and pedestrian stops, and arrests, including the selection or rejection of particular geographic deployment tactics or strategies based upon stereotype or bias. NOPD shall base its assessment of programs, initiatives, and activities on accurate, complete, and reliable data, including data contained in the EWS, stop and detention data, use of force analyses, crime trend analysis in relation to population demographics, enforcement practices based on community concerns, operations plans, and after-action reports. NOPD agrees to make this assessment publicly available. [Consent Decree ¶188]

The purpose of this report is to “assess all NOPD programs, initiatives, and activities to ensure that [they are not] administered in a manner that discriminates against individuals on the basis of race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity.” This report references assessments contained in other annual reports with a specific focus on bias-free policing. For example, the Stop and Search annual report contains extensive analysis of stop and search data, and the Misconduct annual report contains analysis of public and rank initiated complaints.

Relevant Policies

The NOPD’s current policy on bias-free policing was updated and made effective July 10, 2016. The policy prohibits discriminatory and bias-based policing, including using factors such as race, ethnicity, religion, gender identity, sexual orientation, age, or disability as the sole basis for law enforcement action. However, the policy permits officers to consider some of these traits in combination with other aspects of a physical description, such as height and weight, when pursuing the suspected perpetrator of a crime. For example, the Department’s policy forbids racial profiling, or pulling over drivers on the basis of race alone. However, an officer searching for the perpetrator of an auto theft described by a witness as a “short, white, female teenager” could pull over a driver who fits that description. In that case, the legitimate consideration of a person’s race is not a violation of Department policy.

NOPD created a separate policy for LGBTQ (Lesbian, Gay, Bisexual, Transgender, and Questioning) persons to emphasize bias-free policing procedures when dealing with the LGBTQ community. The new policy regarding police interactions involving LGBTQ persons, Chapter 41.13.1, was implemented on March 12, 2017.

The Department has also created a policy that prohibits discrimination, harassment, and retaliation in the workplace and community, Chapter 26.3, implemented May 7, 2017. This policy operates in tandem with recently approved disciplinary policies, including Chapter 26.2: Adjudication of Misconduct and Chapter 26.2.1: Disciplinary Matrix and Penalty Schedule. The Disciplinary Matrix forbids discrimination and categorizes it as an offense that can lead to dismissal. The Disciplinary Matrix also states that penalties shall be imposed “objectively, without favoritism or bias in any form. Similar penalties shall be imposed for similar violations, depending on the aggravating or mitigating circumstances of each case.”

Additional policies contain prohibitions against discrimination in the performance of law-enforcement duties. For example, the Department’s approved Search and Seizure policy, Chapter 1.2.4, provides that officers “shall not use race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity in exercising discretion to conduct a warrantless search or to seek a search warrant . . . except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.” The same verbiage is used in Chapter 1.2.4.1: Stops/Terry Stops, to make the same prohibition applicable to *Terry* Stops, i.e. the brief detention of a person based on reasonable suspicion. These policies, which were implemented during the second half of 2016, make clear that discrimination is unacceptable in stops, searches, arrests, and other police duties. While the appropriate policies are in place, it is important to make sure they are being followed, and that there is proper training, supervision and accountability.

Training

In 2017, the NOPD Training Academy provided recruits with eight hours of dedicated training in Bias-Free Policing. The course introduced the concept of implicit bias and demonstrated how implicit biases can impact the perception and behavior of officers. The training incorporated interactive exercises to allow recruits to gain first-hand experience learning how implicit bias works and how it can impact their own actions. Additionally, the Education & Training Division now analyzes all training classes to identify opportunities to incorporate lessons on ethical decision-making, bias-free policing, and de-escalation of force. This ensures that these key principles were, and will continue to be, incorporated into all training where appropriate.

During annual in-service training, officers of all ranks, including supervisors and command staff, received four hours of Bias-Free Policing training. This course expanded upon previous subject matter in Fair and Impartial Policing by identifying the impact of bias in the decision to use force. The training emphasized de-escalation and the importance of interpersonal communication skills, including employing the technique of using words as an alternative to force. The course also covered the prevention of unconstitutional policing and the legal ramifications of bias based on race, ethnicity, gender, national origin, religion, sexual orientation, and/or gender identity. The tenets of bias-free policing were consistently reinforced throughout the year via quarterly roll call trainings.

To learn more about the NOPD's training efforts, you can read the 2017 Training Annual Report at <https://nola.gov/nopd/nopd-consent-decree/>.

Community Engagement

NOPD works to ensure bias-free policing practices are part of every encounter Department members have with the public. One type of positive police interaction is through community outreach and engagement. In 2017, the NOPD participated in more than 77 community partnerships and events. NOPD partnership participants include city agencies, civic groups, youth engagement and mentorship groups, and neighborhood associations, among others. The purpose of NOPD partnerships are to engage with the community and youth and to problem-solve with the community to address crime and quality of life issues.

Throughout the year, the NOPD participated in multiple events in each of the City's eight districts, in an effort to reach out to every citizen that wanted to interact with our officers. The events were broad reaching, from community forums and anti-crime rallies to toy and candy drives during the holidays. To learn more about the NOPD's community engagement activities in 2017, see the 2017 Community Engagement Annual Report, found at <https://nola.gov/nopd/nopd-consent-decree/>.

Misconduct Complaints

Misconduct complaints involving discrimination are investigated and assessed according to Chapter 41.13 – Bias Free Policing and other related policies such as Chapter 41.13.1 – Interactions with LGBTQ Persons. As the following tables demonstrate, only one allegation of discrimination was sustained between 2014 and 2017, although a few remain under investigation.

Table 1: Discrimination and Biased-Based Allegations, by Disposition

	2014	2015	2016	2017
Sustained	0	0	1	0
Pending (under investigation)	1	0	2	0
Exonerated	4	4	7	1
Not sustained	13	5	5	10
No formal investigation merited	1	0	1	1
Unfounded	17	33	39	29
DI-2	0	0	0	1
Cancelled	0	1	0	0
Total	36	43	55	42

After three years of increases in the number of discrimination and bias-based allegations, 2017 saw a significant drop (down to 42, from 55 the previous year). During the same time, NOPD has made a concerted effort toward transparency and public awareness of the processes to file complaints of NOPD misconduct, as well as how to submit commendations for outstanding examples of police work. Placards, brochures and forms detailing the complaint and commendation process have been made available to each District Station, NOPD Headquarters, City Hall, the office of the Independent Police Monitor, and New Orleans' public libraries. This information has been transcribed in English, Spanish and Vietnamese to provide all New Orleans residents and visitors a way to address the NOPD regarding positive and/or negative experiences.

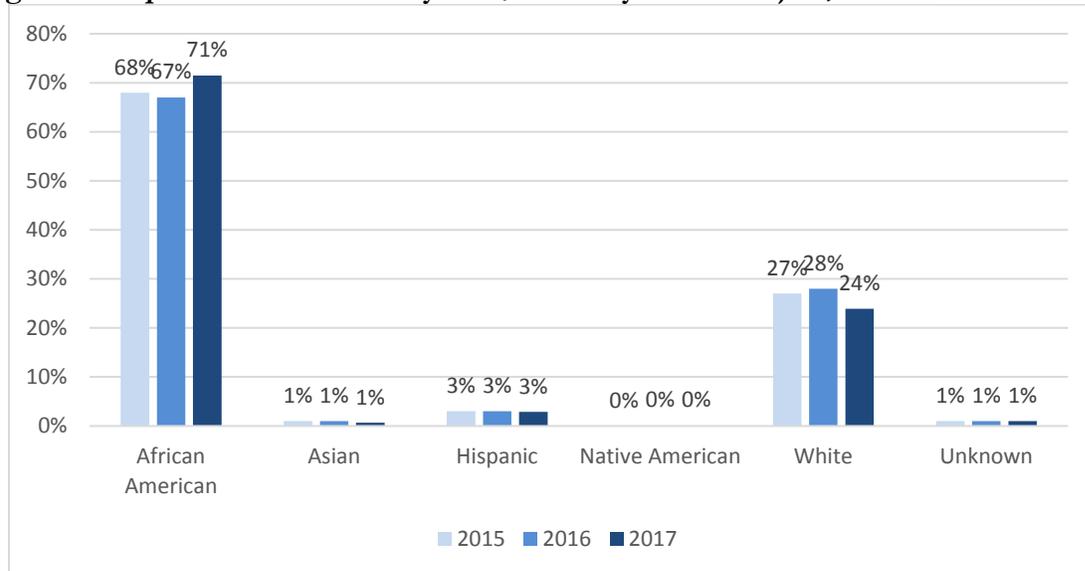
It is also worth noting that the majority of allegations of discrimination and bias-based policing receive a final disposition of "Unfounded." According to NOPD policy, the Unfounded disposition is used in cases in which "the investigation determines, by a preponderance of the evidence, that the alleged misconduct did not occur or did not involve the subject employee."

PIB investigates allegations of criminal misconduct against NOPD officers and civilian employees, and PIB shares the investigation of violations of administrative regulations are shared with first-line supervisors. In order to hold first-line supervisors accountable and ensure their involvement in complaints against their subordinates, many administrative complaints are forwarded to division commanders through their bureau chiefs for investigation. These investigations are reviewed through that bureau's chain of command, then ultimately by PIB and Superintendent of Police Michael Harrison. To learn more about the NOPD's misconduct complaint process, or the nature of NOPD complaint in previous years, you can find the complaint data and annual reports at <https://nola.gov/nopd/nopd-consent-decree/>.

Stops and Arrests

The distribution of stops across races/ethnicities in 2017 closely resembled the statistics of the previous year. African-American individuals represented 71% of all FICs, compared to 67% in 2016; white individuals represented 24% of all FICs, a slight decrease from their 28% in 2016; and stops of Hispanic, Asian and Native American individuals showed no change, remaining at 3%, 1% and <1%, respectively in 2015 through 2017.

Figure 1: Stops in New Orleans by race/ethnicity of the subject, 2015-17



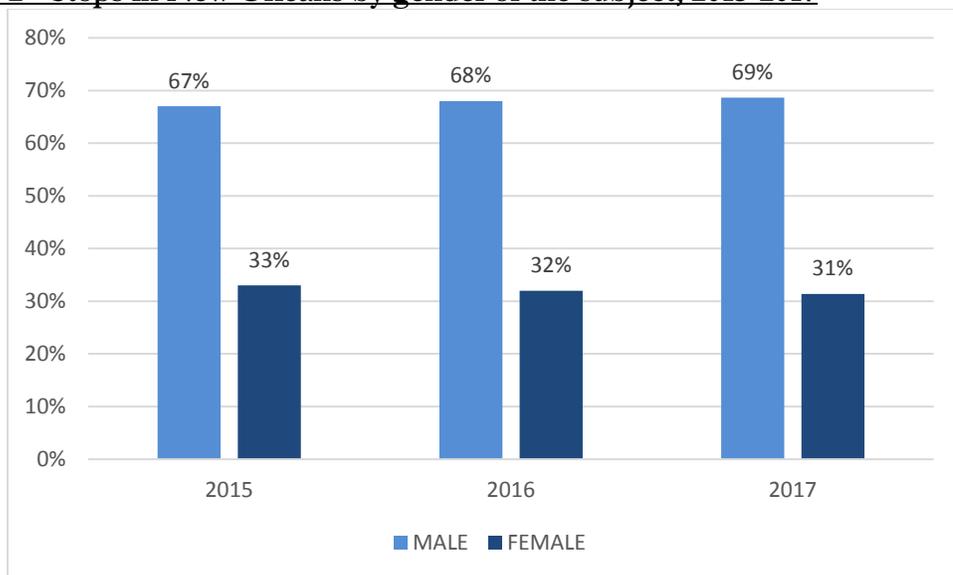
African-American persons represent approximately 59% of New Orleans' total population; white persons represent 31% of the total population; Hispanic persons represent 5% of the total population; Asian persons represent 3% of the total population; and Native Americans represent 0.1% of the total population.¹

While it is widely believed that the resident population should be the appropriate comparison, comparing against only the resident population ignores tourists, commuters, and other factors. This is particularly relevant to New Orleans, given that many of the people who work in the city reside elsewhere, and millions of tourists visit every year. For a more detailed analysis of stops, see the Stop and Search Annual Report, which includes the figure shown below.

The distribution of stops by gender has not changed significantly between 2015 and 2017. The percentage of males stopped has grown by one percentage point each of the last two years, while the rate for females has seen a similar decrease.

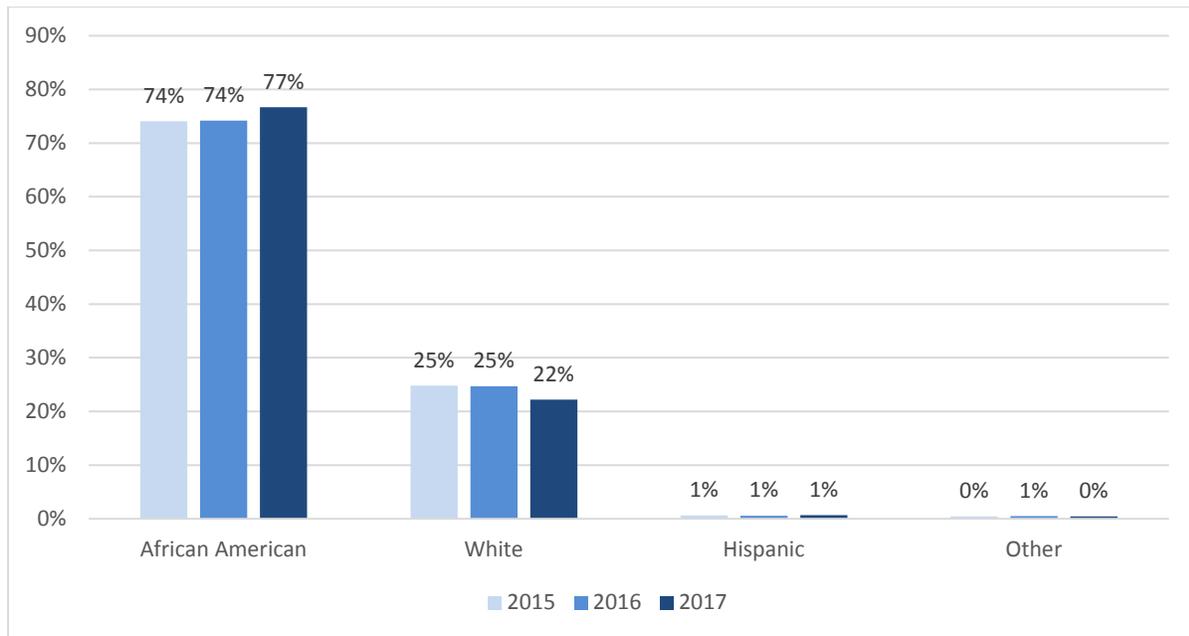
¹ U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates.

Figure 2 - Stops in New Orleans by gender of the subject, 2015-2017



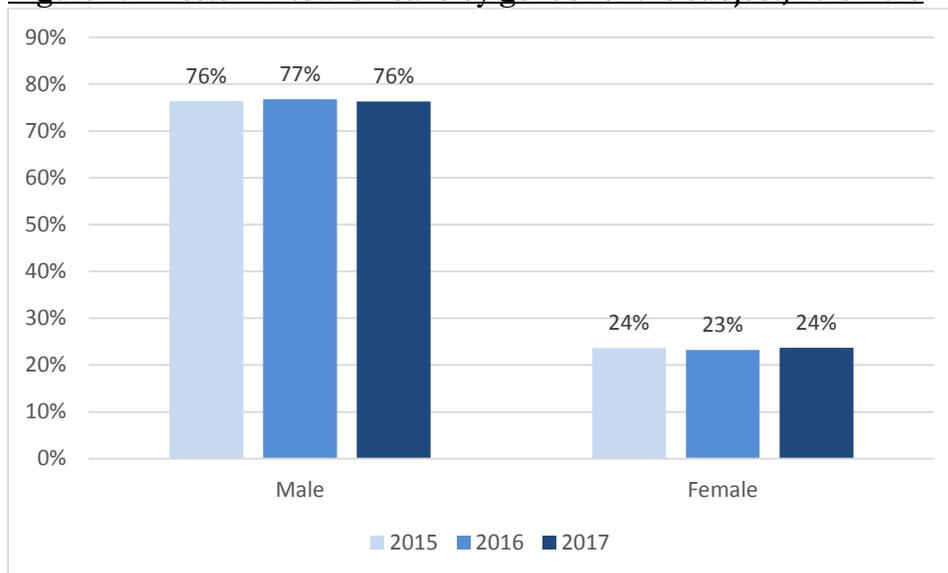
Analysis of arrest data similarly shows consistent results over the last three years, with a slight increase among African Americans arrested in 2017. Of all the persons arrested by NOPD between 2015 and 2017, approximately 75% were African-American; about 24% were white; 1% were Hispanic; and less than 1% were Asian, Native American or of unknown race/ethnicity.

Figure 3: Arrests in New Orleans by race/ethnicity of the subject, 2015-2017



Similarly, the following table illustrates the percentages of male and female subjects arrested by NOPD between 2015 and 2017. With respect to gender, the demographics have shifted one percentage point over the course of three years. Of all the persons arrested by NOPD between 2015 and 2017, about 24% were female while the other 76% percent were male.

Figure 2: Arrests in New Orleans by gender of the subject, 2015-2017



These data may be used as points of reference but do not provide enough information to draw statistically valid conclusions regarding bias or lack thereof. As previously mentioned in this section of the report (pg. 7), one cannot compare the overall percentage of individuals stopped or arrestees of any particular race/ethnicity to the overall demographics of New Orleans residents to determine the presence (or absence) of bias, as it would not take into account the City's large yearly presence of commuters and tourists. Neither can one infer a shift in implicit or explicit biases among NOPD personnel from the slight changes found in the 2015-17 data presented above. To learn more about the NOPD's stop, search and arrest activities, see the Stop and Search Annual Report found at <https://nola.gov/nopd/nopd-consent-decree/>.

Uses of Force

In 2017, there were 603 reported incidents in which NOPD Officers used force which is a significant decrease from the 711 force incidents reported in 2015. It is worth noting that individual force incidents can include multiple officers, using multiple types of force. For example, consider if six members of the Violent Offender Warrant Squad (VOWS) are deployed to apprehend a suspect, during which time all of the officers have their weapons exhibited/pointed, and one of them has to use a takedown techniques to subdue the suspect(s). In the previously mentioned scenario, there would be a single force tracking number (FTN) given to document the incident; however, there would be 7 individual uses of force, one count for each weapon pointed and another for the takedown. During any force incident involving NOPD officers, each type of force used is recorded, along with identifying information for each of the officers that used force.

The data found in the Department's 2017 Use of Force report has an in-depth review of all force incidents for the last three years, including each type of force used. Table 4 also shows that in 2016, most uses of force occurred while officers were making an arrest, or during situations in which an arrest became necessary.

Table 2: Percentage of Arrests that Involve Use of Force

	2015	2016	2017
Arrests	16,348	13,114	14,546
Force incidents	711*	589*	603
Percentage of arrests that involve force	4.3%	4.5%	4.1%

*In 2015, NOPD began documenting the number of times firearms were pointed without discharge as Level 1 uses of force.

Table 3: Types of Force Used, 2014-2017

	2015	2016	2017
Firearm Discharge ¹	12	5	3
Firearm Exhibited/Pointed ²	367	760	749
CEW Discharged ¹	94	52	70
CEW Exhibited/Pointed	78	114	126
Baton	1	3	2
Hands	316	316	250
Feet	8	0	0
Takedown	154	175	287
Strike	0	4	6
Canine Deployments ³	42	47	21
Escort Techniques ²		49	36
Defense Techniques ²		1	8
Other ⁴	0	37	8
Total	1,791	1,563	1,572

1-Accidental discharges not included

2-Force types not tracked in previous years. In 2015, NOPD began documenting the number of times firearms were pointed without discharge as Level 1 uses of force.

3- While nine incidents involving canines resulted in bites in 2016, no bites were reported in 2017.

4-Other includes Uses of Force not otherwise categorized.

Table 4: Type of Force by Arrest, 2015-2017

	2015		2016		2017	
	Arrested	Not Arrested	Arrested	Not Arrested	Arrested	Not Arrested
Firearm Discharge ¹	7	10	0	5	4	3
Firearm Exhibited /Pointed	407	382	526	234	622	127
CEW Discharged ¹	50	49	34	18	56	14
CEW Exhibited/Pointed	75	51	76	38	100	26
Baton	0	4	2	1	1	1
Hands	270	222	225	91	200	50
Takedown	131	60	129	46	242	45
Strike	2	0	4	0	6	1
Canine Deployment	33	10	45	2	21	1
Escort Techniques	20	15	42	7	21	15
Defense Techniques	3	0	1	0	8	0
Other	5	5	21	3	4	4
Total	1,003	788	1,105	445	1,285	287

1 – Firearm discharges listed in the table above include accidental discharges, as well as the destruction of animals in the line of duty.

Use of Force Demographics

Below are three tables listing the number of uses of force by the age, gender and race/ethnicity of those that the force was used against in 2015, 2016, and 2017.

Table 5: Uses of Force during Arrest, by Age

	Under 10 ²	11-17	18-27	28-37	38-47	48-57	58+	Not-specified
2015	5	104	441	231	124	51	19	28
2016	10	189	602	401	143	90	30	98
2017	21	129	521	352	128	58	32	44

The data available indicate that force is most often used against individuals between the ages of 18 and 27 (33% of 1,572 total uses of force in 2017). The second most likely age range to have forced used against them were those between 28 and 37 (22%). The demographic trends among age groups has been somewhat consistent over the last three years.

Table 6: Uses of Force by Gender

	Male	Female	Not specified
2015	1,458	277	56
2016	1,309	221	33
2017	1,361	199	12

In each year listed below, men were far more likely to have force used against them by the NOPD. In the last three years, 83% of more of the force used by NOPD was against male subjects.

² The Under 10 data has inaccuracies due to erroneous entries of age zero into the database.

Table 7: Uses of Force Used by Race/Ethnicity

	African American	White	Hispanic	Other
2015	1,491	212	17	71
2016	1,309	175	34	45
2017	1,290	223	30	29

The majority of force used by the NOPD is against African American/Black individuals (1,290 of 1,572 total uses of force in 2017). Over the three year period shown in Table 7, force against African Americans tend to make up between 82 and 84 percent of all force incidents, while force against white individuals was a distant second place, accounting for between 11 and 14 percent over the same time frame. It is also worth noting that African American individuals made up 71% of all stops, and 77% of arrests conducted by NOPD in 2017. This data is further explored in the 2017 Stop and Search Annual Report and the 2017 Use of Force Annual Report, both of which can be found at <https://nola.gov/nopd/nopd-consent-decree/>.