

**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

BIANNUAL 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

NOPD is making significant progress toward complying with the Consent Decree and improving its services to the community. Below are selected highlights from the second half of 2016:

1. NOPD created and implemented a new data-driven management system entitled MAX (Management Analytics for Excellence) that is helping the Department implement and track reforms. MAX is available to the public through NOPDnews.com.

2. The Compliance Bureau's Audit and Review Unit is producing monthly compliance scorecards on a wide variety of Consent Decree topics such as body-worn and in-car camera usage, supervision, photographic line-ups, custodial interrogations, and crisis intervention forms. Leadership has used the audit results to improve performance on all topics. NOPD will expand its use of audits in 2017 to improve other operational areas.
3. NOPD launched its early intervention system, entitled Insight, to facilitate close and effective supervision. Insight provides supervisors with a comprehensive view of officer performance trends and prompts supervisors to act when an officer's activities exceed designated thresholds (for example, a high number of uses of force per arrest).
4. NOPD continues to implement EPIC (Ethical Policing is Courageous), its new peer intervention program, to help officers police each other and prevent misconduct. EPIC is garnering NOPD national attention and has been featured by *The New York Times*, *The Times-Picayune*, the International Association of Chiefs of Police, and the Police Executive Research Forum.
5. NOPD created a department-wide community policing and engagement plan to incorporate community policing principles throughout the Department's operations. In addition, NOPD conducted community engagement meetings with citizens from each district to create community policing plans tailored to each district's needs. The plans will be finalized and implemented in 2017.
6. The Department has now certified more than 20% of patrol officers in crisis intervention. These officers respond to mental health and other crisis scenes with the goal of de-escalating and securing safe outcomes for all involved parties.

7. NOPD continues to implement best-practice policies on domestic violence and sexual assault. The New Orleans Family Justice Center (NOFJC) and Sexual Trauma Awareness & Response (STAR) have recognized NOPD for its response to these traumatic incidents.
8. The Department continues to collaborate with the consent decree monitors to develop high quality training materials. The training academy established a ground-breaking partnership with the Innocence Project to train NOPD detectives on proper investigative techniques. In addition, NOPD hired a full-time legal instructor to support legal instruction throughout the training curriculum.
9. NOPD has demonstrated its commitment to transparency through publishing extensive data sets on calls for service; police reports; stops and searches; uses of force; misconduct investigations; body-worn camera metadata; and in-car camera metadata.
10. NOPD presented at a national Consent Decree conference on its approach to police reform and data-driven management. Since then, multiple departments have reached out to NOPD for additional guidance on implementing reforms.
11. Citizen satisfaction with NOPD rose from 48% in 2015 to 64% in 2016 according to the annual New Orleans Crime Coalition survey.

MAX (Management Analytics for Excellence) and Compliance Audits

NOPD has created and implemented a new data-driven management framework called MAX (Management Analytics for Excellence). 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.

While MAX is facilitating improvements across the Department's operations, it has proved particularly effective in facilitating compliance with Consent Decree requirements. The Compliance Bureau conducts monthly compliance audits and reports the results through MAX to communicate both proficient and deficient practices. Supervisors are then held accountable to improve their results for the next month's compliance audits. Since June, the Compliance Bureau's Audit and Review Unit has performed monthly reviews on supervision, custodial interrogation, photographic line-ups, body-worn cameras, in-car cameras, and crisis intervention forms. Through this iterative process, the Department has improved its compliance levels across the board, as evidenced below:

Category	Initial Score	November '16 Score	Increase
Body-Worn Camera	85%	99%	14%
In-Car Camera Calls For Service	74%	98%	24%
In-Car Camera Test Videos	27%	96%	69%
Photographic Line-Ups	88%	96%	8%
Custodial Interrogations	92%	95%	3%
Supervision - Paragraph 306	70%	96%	26%
Supervision - Technology	96%	100%	4%
Crisis Intervention Forms	43%	95%	52%

The Compliance Bureau plans to audit stops, searches, and arrests along with procedural justice, among other topics, in the first half of 2017.

Insight: NOPD's Early Intervention System

While MAX depicts unit and department level trends in performance, NOPD's new early intervention system, entitled Insight, tracks 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.

EPIC

NOPD recently created and implemented a comprehensive peer intervention program to help officers police each other and prevent misconduct. The program is entitled EPIC (Ethical Policing Is Courageous), and NOPD is working to infuse EPIC throughout its training curriculum. Over 60% of officers have received an eight-hour foundational EPIC training in 2016, and all officers will receive this training. EPIC training equips officers with the skills to intervene successfully in difficult situations, regardless of rank, to the benefit of themselves, other officers, and the community. In a *Times-Picayune* editorial, U.S. Attorney Kenneth Polite lauded NOPD for EPIC, explaining, "EPIC is more than a training module; it is a philosophy that will manifest itself throughout the NOPD's operations and interactions."¹

¹ "NOPD Officers Are Holding Each Other Accountable For Their Behavior". NOLA.com. Kenneth Polite., 2017. Web. 5 Mar. 2017.

EPIC is garnering national attention for its comprehensive peer intervention approach. *The Police Chief*, the official magazine of the International Association of Chiefs of Police (IACP), touted the department's EPIC program in an article entitled, "An EPIC Idea by NOPD: A New Model for Ethical Policing."² Likewise, *The New York Times* and the Police Executive Research Forum (PERF) have all covered the innovative program.

This attention has generated considerable interest amongst other law enforcement agencies. NOPD presented on EPIC at multiple conferences, including PERF's December 2016 conference on ICAT (Integrating Communications, Assessment, and Tactics). Over 400 officers from more than 150 law enforcement agencies police across the country and beyond attended this training and learned about ICAT and NOPD's EPIC program. In addition, many law enforcement agencies have contacted NOPD to learn more about the program and/or visit NOPD to see the EPIC program first hand.

Policies

NOPD continues to collaborate with DOJ and OCDM to institute best practice policies that incorporate all Consent Decree requirements. DOJ and OCDM approved 13 policies in the second half of 2016 and commented on numerous other policies that are nearing completion. The approved policies include: Chapter 1.9.1 Miranda Rights (revision); 13.35 Commendations and Awards; 34.2 Promotions and Promotion Committee; 35.1.9 Insight; 35.1.10 Early Intervention Unit; 41.3.10 Body-Worn Camera (revision); 41.6.1 Immigration Status (revision); 42.11 Custodial Interrogations; 52.2 Negotiated Settlement Agreements (revision); 55.1 Victim and Witness Assistance; 55.4 Limited English Proficiency Services (LEP); the Language Assistance

² "An EPIC Idea By NOPD: A New Model For Ethical Policing – Police Chief Magazine". Policechiefmagazine.org. 2017. Web. 5 Mar. 2017.

Plan; and Rule 5 - Restricted Activities. NOPD anticipates finalizing numerous policies in the first half of 2017.

Use of Force

The Department continues to monitor the implementation of a broad array of policies related to use of force at the end of last year. The main policy, Chapter 1.3, “Use of Force,” and 11 other subsidiary policies governing subjects such as vehicle pursuits and the use of canines and electrical weapons (Tasers) became effective on December 5, 2015. The Department continues to emphasize key tenets of those policies, such de-escalation, through day-to-day supervision, discipline, and training.

The Use of Force Review Board continues to meet monthly to review all serious uses of force and investigations by the Force Investigation Team. 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. Ultimately, the Board votes on whether the use of force in each case was justified or not.

FIT has taken a proactive stance toward training, both for team members and new NOPD recruits. Pursuant to Consent Decree ¶ 97(b), all FIT members have received 40 hours of FIT-specific training, including trainings on constitutional use of force in Baton Rouge, hosted by the State Police Training Academy. Three of the seven members of FIT have also gained certification in administering Computer Voice Stress Analysis tests. To aid in training new police recruits, FIT members attend academy classes and participate in “real-world” scenarios, to teach recruits best practices and tactics for use of force and de-escalation, as well as how to properly report force statements and witness statements. FIT also works with the training academy

indirectly by assisting the Training Video Approval Committee in selecting the body-worn camera and in-car camera videos that are shown to recruits as examples of proper and improper uses of force.

On the administrative side, FIT has worked with the Compliance Bureau and Consent Decree Monitors to clarify and document best practices and techniques in use of force, as well as reporting and investigations. Their Administrative Shooting Investigation template is in the final stages of approval by the OCDM. In addition, FIT has created a quick reference guide outlining proper handcuffing technique, as well as the responsibilities of officers and their supervisors following uses of force, specific to the level of force used.

Crisis Intervention Team

NOPD trained its fourth and fifth classes of CIT officers in the second half of 2016, bringing the total number of NOPD-trained CIT officers to 122 in compliance with the ¶ 115 requirement of training 20% of the patrol division. NOPD will continue to provide the 40-hour CIT certification class to additional officers in 2017 to increase the percentage of officers certified in CIT. The Department has also provided a CIT recertification training of eight hours to previous CIT graduates and will continue to do so for active CIT officers on an annual basis in compliance with ¶ 114.

NOPD provided foundational crisis intervention training to all officers through eight hours of in-service training in 2016 in compliance with ¶ 118. New police recruits continue to receive 16 hours of crisis intervention training in their introductory training. The Department has conducted crisis intervention trainings for call takers and dispatchers throughout the past six months and will continue to offer this training in the coming year in compliance with ¶ 119.

Stops, Searches, and Arrests and Bias-Free Policing

The Compliance Bureau drafted an audit framework to regularly monitor compliance with requirements pertaining to procedural justice, bias-free policing, and stops, searches. Beginning in 2017, NOPD will conduct monthly audits on these topics and distribute the results to the Department through MAX, which is available via NOPDnews.com. Similar audits have produced significant improvements in other areas, and NOPD will likewise use the audit results to aggressively address deficiencies and improve compliance with the Consent Decree.

Custodial Interrogations and Photographic Lineups

In response to the Monitor's findings on custodial interrogations and photographic lineups, the Audit and Review Unit is conducting monthly reviews to identify deficiencies, make recommendations, and track progress over time. The results demonstrate progress toward meeting the requirements of the Consent Decree. On the whole, NOPD is consistently demonstrating greater than 95% compliance with custodial interrogation requirements and greater than 95% with nearly all photographic line-up requirements based on these internal reviews.

Sexual Assault and Domestic Violence

The Office of the Consent Decree Monitor praised NOPD during a public hearing citing a "remarkable turnaround with respect to sexual assault and domestic violence investigations."³ Chief Mary Ann Viverette, the monitor overseeing reforms in the Special Victims Section (SVS), concluded her remarks by reiterating what was a clear theme of the hearing: "So in

³ Mins. Morgan, J. 2: August 18, 2016.

conclusion, we have seen improvement since I've been reviewing and monitoring over the last three years in both the sexual assault area and domestic violence. I can't say enough about the current leadership and the supervision in both units. They're committed, they're effective, and they deal with things seriously and quickly when I ask them to do so."⁴

The Department's approved policies on sexual assault and domestic violence continue to guide the Department's response to these crimes. The Department will implement Chapter 42.19, "Child Abuse" and the Child Abuse Unit Standard Operating Guidelines in the first half of 2017. The Department collaborated with local subject matter experts in these fields to create these policies and will continue to work with these experts to improve NOPD's response to these incidents.

The Special Victims Section is in the process of finalizing a training curriculum for new detectives created in collaboration with leaders of the Sexual Assault Response Team. While the Department has been working on establishing this curriculum, SVS detectives have continued to participate in available training, and the SVS Commander and partner agencies frequently host roll-call trainings on a variety of topics during weekly unit meetings.

SVS continues to utilize enhanced case tracking systems developed in collaboration with the Compliance Bureau to give supervisors and detectives a clearer picture of investigative progress. The trackers facilitate better supervision by providing overview statistics and indicating when supplemental reports are past due. The Compliance Bureau aims to incorporate these and other SVS tracking systems into MAX in 2017 to enhance the reporting options and accountability measurements available to leadership.

SVS maintains the documentation required by Consent Decree ¶¶ 206 and 207 regarding the usage of miscellaneous and unfounded designation for all relevant 2015 and 2016 incidents.

⁴ *Id.*

The Compliance Bureau will provide this documentation to OCDM in early 2017 to demonstrate compliance. The Sex Crimes Unit began participating in multidisciplinary team (“MDT”) meetings that convene relevant partners to discuss the progress of cases. in compliance with ¶ 114.

Local victim advocates have recognized NOPD’s commitment to domestic violence and sexual assault survivors. The New Orleans Family Justice Center (NOFJC) named Superintendent Harrison an NOFJC Champion for his leadership in improving the Department’s response to domestic violence and sexual assault. In addition, Sexual Trauma Awareness & Response (STAR) recognized Commander Doug Eckert, who oversees the Criminal Investigations Division that includes the Special Victims Section, as an agent of change for his leadership on reforming the NOPD’s response to sexual assault. NOPD will continue to deliver a victim-centered approach to these traumatic crimes.

Community Engagement

In the second half of 2016, NOPD bolstered its community policing and engagement efforts in many ways. NOPD drafted a community policing and engagement plan to serve as a manual for officers, as well as the community, to understand and execute community engagement and policing best practices. In tandem, the Department developed a new relationship-based policing course that will be taught to all officers to reinforce core principles of community policing. The relationship-based policing course will meet all requirements of Consent Decree ¶ 226.

In addition, NOPD hosted its first-ever community engagement night out series to discuss policing priorities and problem-solving strategies with citizens from each district. With this

input, each district is creating a community-policing plan tailored to the input from the district's citizens. Districts will share these plans with the community at NONPACC meetings, and NOPD will track implementation of each district's initiatives to address community concerns in MAX.

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 Consent Decree ¶ 227. These youth dialogues have been very successful, and NOPD's community policing and engagement plan proposes that all districts implement youth dialogues. NOPD continues to hold "coffee with cops" events 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 a private forums with youth and community leaders hosted by the New Orleans Pelicans. Community members can learn about these and other community policing and engagement efforts via NOPDNews.com or NOPD's social media accounts.

Lastly, NOPD graduated its first citizen's academy under Superintendent Harrison with 28 residents graduating. The eight-week program provides a closer look at the NOPD and the New Orleans criminal justice system. Through citizen academies, NOPD hopes to build stronger connections with members of the community.

NOPD believes its reforms and substantive community policing and engagement efforts have helped improve its relationship with the community. Citizen satisfaction with NOPD rose from 48% in 2015 to 64% in 2016 according to the annual New Orleans Crime Coalition survey. NOPD is committed to increasing its community policing and engagement efforts to continue to strengthen bonds with the community.

Recruitment

OCDM reviewed NOPD's hiring practices, with assistance from the Compliance Bureau, and identified areas for improvement in the hiring process. NOPD immediately drafted a corrective action plan to improve the process and, since then, has been working 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 instituted another level of review for all applicants, provided additional training to background investigators, revised hiring criteria, and initiated comprehensive efforts to implement its corrective action plan and improve the hiring process as a whole. NOPD will provide additional updates on reforms to the hiring process in the next biannual report.

Academy and In-Service Training

During the reporting period, the Academy completed the 2017 Training Needs Assessment, which included research, observations, and 15 focus groups conducted by the Curriculum Director. The Training Needs Assessment identified areas of need and informed the development of the 2017 Annual Master Training Plan (AMTP). The AMTP incorporated learning objectives and priorities based on these areas of need. The Training Advisory Committee (TAC) approved the AMTP in November 2016, and Superintendent of Police Michael S. Harrison added his approval in December 2016.

The Academy team will continue working to ensure all lesson plans are reviewed and updated to reflect the learning objectives identified in the AMTP. The lesson plan evaluation form has been revised to emphasize the inclusion of key reform principles throughout the training curriculum. These principles include peer intervention (EPIC), de-escalation and crisis

intervention, procedural justice, community policing, and constitutional policing. Lesson plans that have been reviewed and approved by the Curriculum Director are provided to OCDM for review.

The Academy continues to work with partners like the District Attorney's office and the Innocence Project to provide impactful training. The 2016 core in-service curriculum for all officers included a legal course taught by Naomi Jones of the District Attorney's office. In addition, 183 detectives participated in a course presented by the Innocence Project, which focused on the most common causes of wrongful convictions and how to avoid these pitfalls. The Academy recently hired a full-time legal instructor, Keith Sanchez, who is a licensed attorney in Louisiana with over fifteen years of law enforcement experience. Mr. Sanchez previously assisted in the training of New Orleans Police Department recruits and patrol officers with a focus on Fourth Amendment issues. Additionally, Mr. Sanchez worked as a senior trial attorney with the Orleans Parish District Attorney's Office, where he prosecuted hundreds of cases. Mr. Sanchez will ensure that all legal concepts, principles, and real-life applications are taught consistently across courses and that recruits and officers receive up-to-date legal information based on current case law.

The Academy continues to work toward full compliance with the Consent Decree, incorporating key reform principles throughout the curriculum and delivering training that is more clear, consistent, and impactful.

Officer Assistance and Support

The Officer Assistance Program (OAP) is providing mental health services to members and their families, training officers on mental health stressors in law enforcement, and

developing a peer support program. NOPD submitted three OAP policies for review in 2016 and anticipates final approval in 2017.

During this reporting period, 14 new officers and/or family members accessed OAP services. By the end of 2016, 121 officers and/or family members accessed the program and received in-house services and/or referrals to outside professionals for care. 11 cases have remained in continuous counseling services on an in-house basis through the program. OAP will continue 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

Chapter 34.2 - Promotions and Promotion Committee received approval from OCDM and DOJ and went into effect November 13, 2016. This policy guides the promotions process. NOPD has implemented a performance evaluation form that must be completed in addition to the standard Civil Service evaluation in order to capture additional information required by the Consent Decree. NOPD posted an online training to instruct supervisors on filling out the forms. The performance evaluations allow for evaluation of officers' community engagement responsibilities pursuant to Consent Decree ¶ 296.

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 will be published in 2017 and demonstrate that the Office of Police Secondary Employment

(OPSE) is making progress toward full compliance. Based on the preliminary findings of the audit, NOPD and OPSE are collaborating to address any noncompliant practices.

As of December 18, 2016, OPSE coordinates all permitted event details. NOPD's Special Events Section will continue to review permits, but OPSE will assign officers to details, compensate officers, and interact with the customers for these events.

Misconduct Complaint Intake, Investigation, and Adjudication

NOPD's Public Integrity Bureau continues to work toward full compliance with misconduct and force requirements. PIB continues to utilize and refine approved policies to guide its operations. In accordance with ¶ 424, PIB conducts weekly meetings with the City Attorney's office to ensure that discipline is distributed in a fair, legally defensible manner.

To promote effective and thorough misconduct investigations throughout the Department, PIB collaborated with the Training Academy to host trainings on intake of complaints. Additionally, PIB provided more specialized investigative training for those that conduct officer misconduct investigations. PIB also provided specialized trainings for new supervisors and commanders.

NOPD views mediation of citizen complaints as a powerful tool in NOPD's community engagement effort. NOPD successfully mediated 41 citizen complaints in 2016 and aims to increase the use of mediations in 2017. As often as possible, NOPD would like to resolve complaints through giving voice to both citizens and officers. During mediations, NOPD and citizens discuss ways to improve police-community interactions in the future.

Transparency and Oversight

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 continues to post on its website relevant Consent Decree reports and updated policy manuals. In addition, NOPD continues to meet with the United States Attorney Criminal Justice Coordination Group and Police Community Advisory Boards as required by §§ 430 and 431. Lastly, NOPD officers assigned to a district participated in community meetings as required by § 435.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that on this 19th day of April, 2017 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