

Bias-Free Policing Annual Report - 2018

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 Rule 2 – Moral Conduct, in paragraph #4 has a strong provision against discrimination and the current base 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 and updated/revised on 4/15/2018.

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 throughout the Department’s Operations Manual 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 and Chapter 1.9 - Arrests, 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, to make the same prohibition applicable to Terry Stops, i.e. the brief detention of a person based on reasonable suspicion. Chapter 61.15.1 – Vehicle Checkpoints requires that the department “shall periodically assess the data collected during checkpoints to ensure that checkpoints are not being deployed in a manner that discriminates on the basis of protected categories, such as race (see Chapter 41.13 – Bias Free Policing), and that chosen locations are supported by objective data. If NOPD discovers that checkpoints are having a disparate impact, NOPD shall assess whether alternative strategies resulting in less disparate impact could achieve the same aims.” Implementation of these policies began 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 constantly reviewed, followed, and that there is proper training, supervision and accountability.

Training

In 2018, the NOPD Training Academy continued to provide 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 recruit class on Preparing Field Interview Cards emphasized the importance of clearly and thoroughly articulating the reasons and justification for conducting a suspicious person stop and inquiry in order to avoid the appearance of bias-based decision-making.

During annual in-service training, officers received four hours of training in Proactive Policing and Community Trust. The course addressed police and citizen stops, focusing on the balance of sustaining officer proactivity and community trust. Additional discussion centered upon the legal aspects of using race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity in police decision making. Officers also received information on preventing gender bias and sustaining partnerships with the LGBTQ+ community. Throughout the year, the tenets of bias-free policing were consistently reinforced via quarterly roll call trainings.

Community Engagement

NOPD works to ensure bias-free policing practices are part of every encounter Department members have with the public. The department is dedicated to building trust and legitimacy between the Department and the community, and also internally between Department administration and its officers. In 2018, the NOPD participated in more than 200 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 2018, see the 2018 Community Engagement Annual Report, found at <https://www.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 table demonstrates, no allegation of discrimination or bias was sustained between 2015 and 2018.

Table 1: Misconduct Complaints by Disposition and Year

Disposition	2015	2016	2017	2018
Sustained	0	0	0	0
Pending (under investigation)	0	0	0	0
Exonerated	5	8	0	1
Not sustained	4	5	2	4
No formal investigation merited	0	0	1	0
Unfounded	23	16	25	21
DI-2	0	0	1	0
Cancelled	1	0	0	0
Total	33	29	29	26

The number of discrimination and bias-based allegations over the past four years has been relatively consistent. Over the same time period 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."

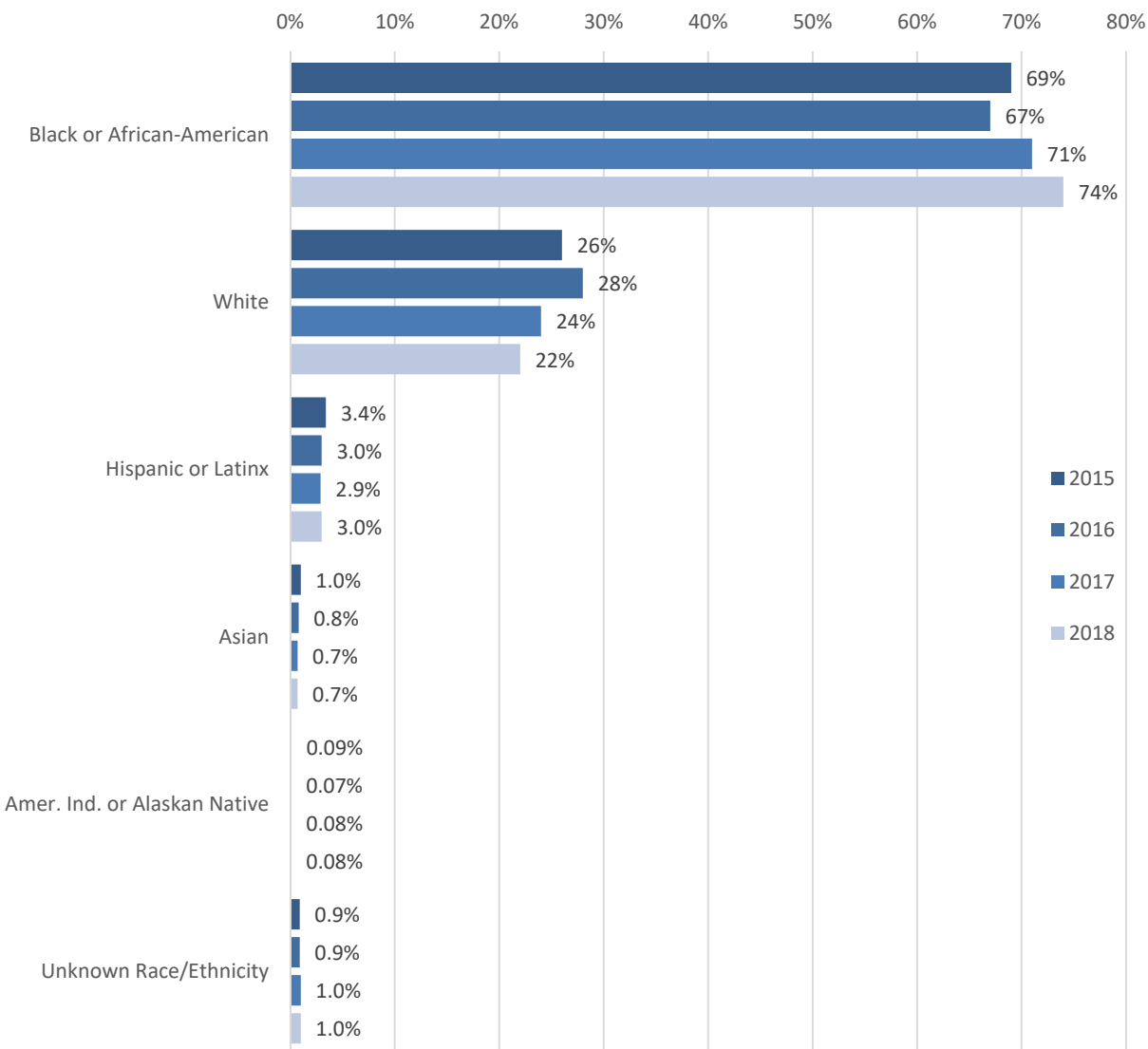
PIB investigates allegations of criminal misconduct against NOPD officers and civilian employees, and PIB shares the investigation of violations of administrative regulations with first-line supervisors. In order to hold first-line supervisors accountable and ensure their involvement in complaints against 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

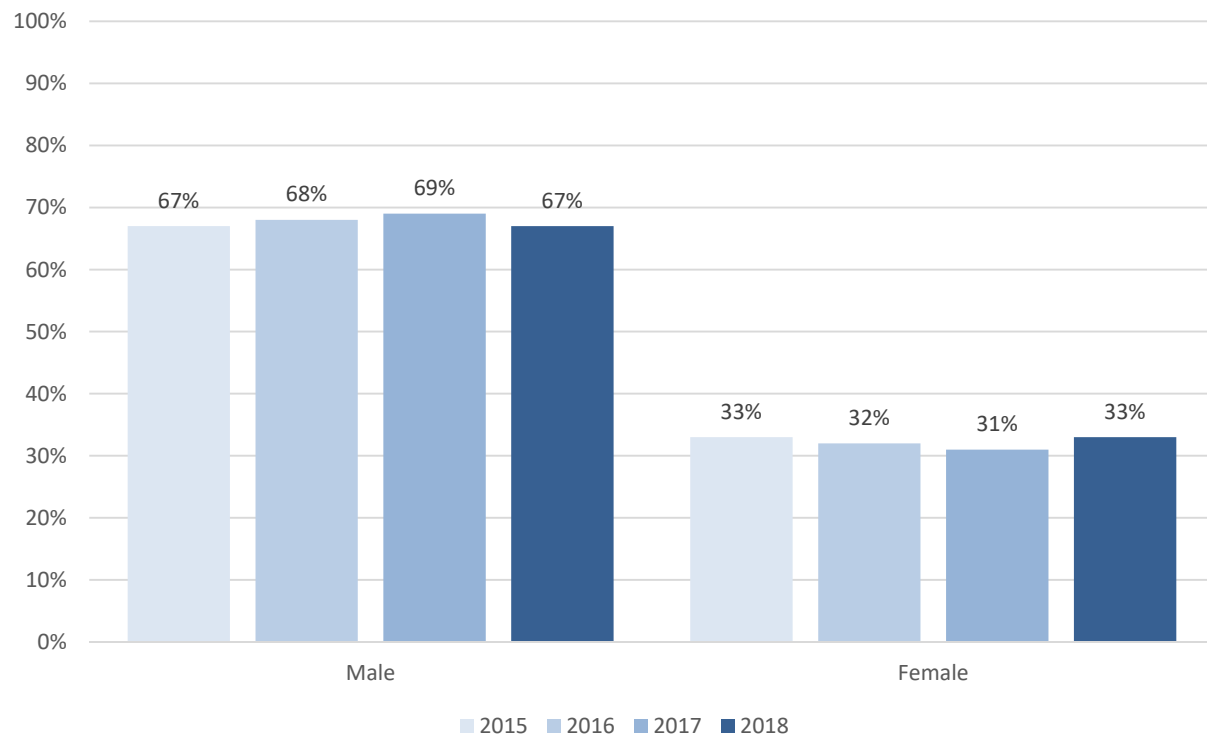
The distribution of stops across races/ethnicities in 2018 closely resembled the statistics of the previous year. Black or African-American individuals represented 74% of all FICs, a slight increase from 71% in 2017; white individuals represented 22% of all FICs, a slight decrease from 24% in 2017; and stops of Hispanic or Latinx, Asian, and American Indian or Alaskan Native individuals showed no change, remaining at 3%, 1% and <1%, respectively in 2015 through 2018.

Figure 1: Stops in New Orleans by race/ethnicity of the subject, 2015-18



The distribution of stops by gender has also experienced little change between 2015 and 2018. The percentage of males stopped decreased slightly between 2017 and 2018, while the rate for females increased slightly.

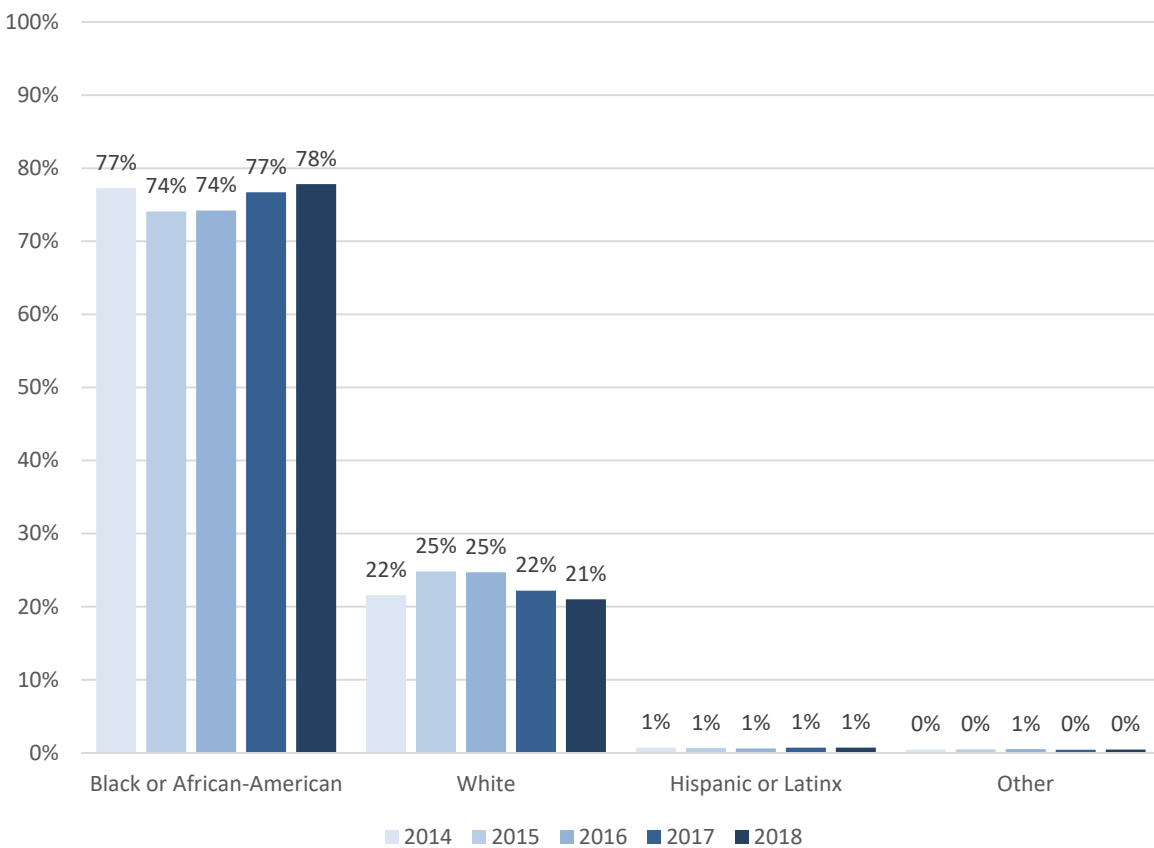
Figure 2 - Stops in New Orleans by gender of the subject, 2015-2018



For a more detailed analysis of stops, see the Stop and Search Annual Report found at nola.gov/nopd/nopd-consent-decree.

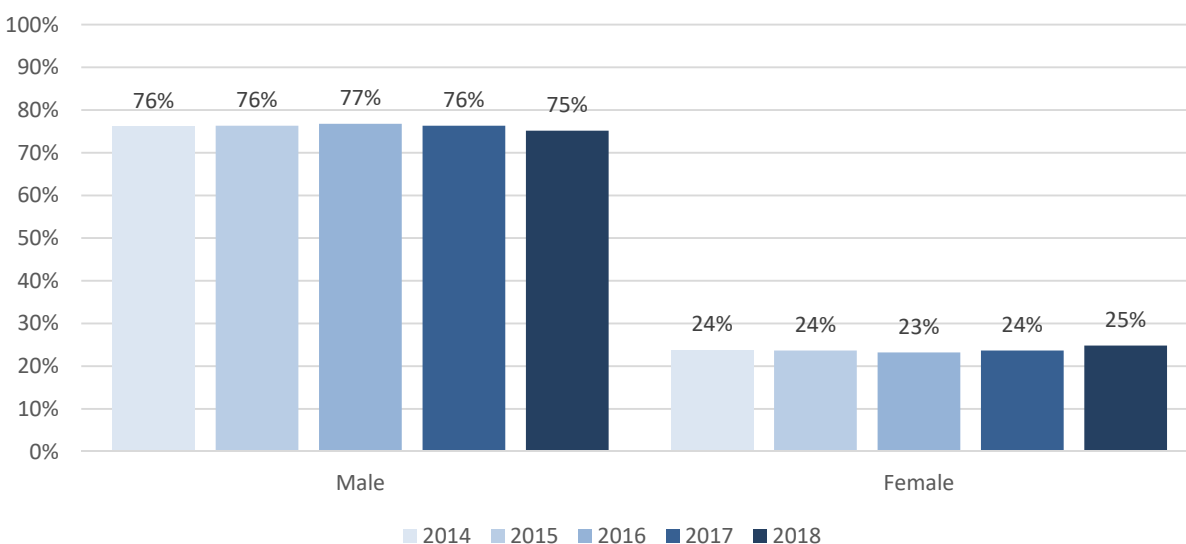
Arrest data shows a slight increase in arrests of black or African-American individuals over the past two years, and a slight decrease in arrests of white individuals. Of all the people arrested by NOPD between 2014 and 2018, 76% were black or African-American; 23% were white; 1% were Hispanic or Latinx; and less than 1% were Asian, American Indian or Alaskan Native, or of unknown race/ethnicity.

Figure 3: Arrests in New Orleans by race/ethnicity of the subject, 2014-2018



The following figure illustrates the percentages of male and female subjects arrested by NOPD between 2014 and 2018. With respect to sex, the demographics of arrested subjects saw little change over the past five years. Of all the persons arrested by NOPD between 2014 and 2018, 24% were female while the other 76% were male.

Figure 4: Arrests in New Orleans by sex of the subject, 2014-2018



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. One cannot infer implicit or explicit biases among NOPD personnel from data presented in this report.

To learn more about the NOPD's stop, search, and arrest activities, see the Stop and Search Annual Report found at nola.gov/nopd/nopd-consent-decree.

Uses of Force

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 technique 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 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 2018 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 2 shows in 2018 there were 441 reported incidents in which NOPD Officers used force, which is a significant decrease from the 603 force incidents reported in 2017. The percentage of arrests that involved force also decreased between 2017 and 2018 from 4.1% to 3.3 percent.

Table 2: Percentage of Arrests that Involve Use of Force

	2016	2017	2018
Arrests	13,116	14,547	13,430
Force incidents	589	603	441
Percentage of arrests that involve force	4.5%	4.1%	3.3%

In 2018, NOPD reported using 1,123 types of force, a significant decrease from 1,572 in 2017. The decrease from 749 in 2017 to 517 in 2018 in the type of force classified as Firearm Exhibited/Pointed accounts for 52% of the overall decrease.

Table 3: Types of Force Used, 2016-2018

	2016	2017	2018
Firearm Discharge ¹	5	3	0
Firearm Exhibited/Pointed	760	749	517
CEW Discharged ¹	52	70	56
CEW Exhibited/Pointed ²	114	126	20
Baton	3	2	4
Hands	316	250	249
Feet	0	0	0
Takedown	175	287	205
Strike	4	6	12
Canine Deployments ³	47	21	16
Escort Techniques	49	36	19
Defense Techniques	1	8	8
Other ⁴	37	8	17
Total	1,563	1,572	1,123

1-Accidental discharges not included

2-In 2018, NOPD stopped requiring officers to report when they point their CEW at a subject.

3- While nine incidents involving canines resulted in bites in 2016, no bites were reported in 2017 or 2018.

4-Other includes uses of force not otherwise categorized.

Table 4 shows, most uses of force in 2018 occurred while officers were making an arrest, or during situations in which an arrest became necessary.

Table 4: Type of Force by Arrest, 2015-2018

	2016		2017		2018	
	Arrested	Not Arrested	Arrested	Not Arrested	Arrested	Not Arrested
Firearm Discharge	0	5	4	3	0	0
Firearm Exhibited/Pointed	526	234	622	127	445	72
CEW Discharged	34	18	56	14	40	16
CEW Exhibited/Pointed	76	38	100	26	17	3
Baton	2	1	1	1	4	0
Hands	225	91	200	50	212	37
Takedown	129	46	242	45	163	42
Strike	4	0	6	1	11	1
Canine Deployment	45	2	21	1	16	0
Escort Techniques	42	7	21	15	14	5
Defense Techniques	1	0	8	0	8	0
Other	21	3	4	4	13	4
Total	1,105	445	1,285	287	943	180

Use of Force Demographics

Below are three tables listing the number of uses of force by the age, gender, and race/ethnicity of those with whom NOPD used force in 2016-2018.

Table 5: Uses of Force by Age

	Under 10*	10-17	18-27	28-37	38-47	48-57	58+	Not-specified
2016	38	189	608	408	149	90	30	58
2017	29	151	629	415	161	68	47	74
2018	29	157	415	281	121	53	20	47

*The under 10 data has data entry inaccuracies, including the age of zero 28 times in 2016, 23 times in 2017, and 25 times in 2018.

The data show each year there are more incidents of force against individuals between the ages of 18 and 27 (37% of the 1,123 total uses of force in 2018) than any other age group. Individuals between the ages of 28 and 37 were the second most common age group to have force used against them (25% in 2018).

Table 6 shows each year there are more incidents of force against males than females. In 2018, 960 of 1,123 uses of force were against male subjects (about 85%), while 152 (14%) uses of force were against women.

Table 6: Uses of Force by Sex

	Male	Female	Not specified
2016	1,316	234	20
2017	1,361	201	12
2018	960	152	11

Table 7: Uses of Force by Race/Ethnicity

	Black or African-American	White	Hispanic or Latinx	Other
2016	1,319	184	34	33
2017	1,292	221	30	31
2018	949	133	21	20

The majority of force used by the NOPD in 2018 was with black or African-American individuals (949 of 1,123 total uses of force in 2018). Table 7 shows over the three year period force with black or African-American individuals tends to make up between 82 and 85 percent of all force incidents, while force with white individuals was a distant second place, accounting for between 12 and 14 percent. It is also worth noting that black or African-American individuals made up 74% of all stops, and 78% of arrests made by NOPD in 2018. This data is further explored in the 2018 Stop and Search Annual Report and the 2018 Use of Force Annual Report, both of which can be found at nola.gov/nopd/nopd-consent-decree.