

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

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

**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”).

**Introduction**

This report is the City’s fourth biannual Status Report, covering the period from July 1, 2015, to December 31, 2015. The Department continues to strive toward complete compliance with the Consent Decree at a time when its personnel levels remain critically low. NOPD’s staffing has dropped from about 1,525 officers in 2010 to about 1,150 presently, a decrease of 24 percent in five years. At the same time, NOPD operates under a Consent Decree that is “broader in scope and more detailed than any other consent decree” issued by the Department of Justice.<sup>1</sup> Attempting to implement the Consent Decree’s extensive reforms, while at the same time

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<sup>1</sup> “Civil Rights Investigations of Local Police: Lessons Learned,” Police Executive Research Forum, July 2013.

attempting to address a severe staffing shortage, is a challenge with which any organization would struggle. Nevertheless, the Department recently achieved a string of significant successes and continues to make steady progress.

It is important to put the Department's progress toward compliance in the proper context. This month marks the close of the third year that the Department has been under the Consent Decree, which was approved in January 2013. However, the NOPD's efforts at achieving the reforms mandated by the Consent Decree did not become fully operational until more than a year later. This lag occurred in part because the Department lacked organizational infrastructure such as the Compliance Bureau, which was formed in December 2013 and became fully staffed by July 2014. Since that time, the pace of Consent Decree compliance has accelerated steadily.

During the past six months, the Department has developed and rolled out a Crisis Intervention Team (CIT) program, trained two classes of CIT officers, and held its first graduation on September 17. The 49 officers who completed the CIT program have been trained specifically to handle emergencies involving individuals in crisis that may be related to mental illness or substance abuse. The CIT program will improve the NOPD's response to incidents involving those individuals. The NOPD also has established its Officer Assistance and Support program, which will provide counseling and other resources to officers and their families for job-related stresses.

The Department recently completed the staffing of its Audit and Review Unit in the Compliance Bureau, hiring a complement of four auditors who will perform random inspections and directed audits to identify deficiencies and improve compliance with the Consent Decree throughout the Department. In September, NOPD obtained more than \$3 million in federal grants, including approximately \$1.875 million over three years through the COPS Hiring

Program, \$1 million from the Department of Justice, and \$237,000 through the Bureau of Justice Assistance's Body-Worn Camera (BWC) Pilot Implementation Program, which will be used to hire more officers, improve the process of testing sexual assault kits, and purchase more BWCs.

NOPD's recruitment continues to grow, and police recruit applications nearly doubled this year; the Department is reviewing applications more quickly as it improves and streamlines its hiring process. On September 2, the 29 recruits of Class 172 graduated, and the 33 recruits of Class 173 started their training in June at the UNO Lindy C. Boggs International Conference Center. Class 174's 32 recruits began training in October.

The previous six months also produced critical reminders of the perils that police face in everyday law enforcement. Officer Vernell Brown Jr. died July 17 after a vehicle struck him on U.S. 90 while he walked beside a guardrail to investigate an accident. The fatal crash came less than a month after Officer Daryle Holloway was fatally shot by a suspect he had been transporting to prison. More recently, a gunman targeted Commander Derek Frick on October 25, shooting him while he was driving, off-duty, in an unmarked police vehicle. These three incidents demonstrate the dangers that officers encounter as they protect the public's safety. As it strives toward full compliance with the Consent Decree, the NOPD remains committed to that mission, embracing reforms that ensure the safety of its officers and the public as well as creating an efficient, transparent, and responsive Department.

### **Audit and Review Unit**

The NOPD has staffed an internal performance Audit and Review Unit responsible for conducting law enforcement performance audits to assess compliance with the Consent Decree and to make recommendations that address noncompliant practices. The Audit and Review Unit will be essential not only in demonstrating compliance, but also in providing the Department

with information necessary to the execution of Consent Decree reforms. The unit consists of civilians with expertise in data analysis, scientific methods, and law enforcement.

In late September, the Department brought in law enforcement performance auditors from the Los Angeles Police Department (LAPD). The LAPD created the first internal police performance audit unit in response to that city's Consent Decree, and it is now seen as a leader in internal law enforcement performance auditing, particularly with a focus on Consent Decree compliance. The LAPD sent its auditors to New Orleans to train NOPD's auditors, as well as other members of the Department and other law enforcement agencies, such as the Orleans Parish Sheriff's Office and the Jefferson Parish Sheriff's Office. The four-day training offered by the LAPD provided comprehensive instruction on how to conduct a law enforcement performance audit, including the creation of audit objectives and an audit work plan, tools and techniques to collect accurate and complete data, and ultimately the final audit report with recommendations as necessary.

Following the training, the Department completed its build-out of the Audit and Review Unit, including the creation of office space, development of an audit unit policy and internal guidelines, standardization of processes and procedures for executing audits, and the completion of practice audits. In early 2016, the Department plans to initiate formal audits. In addition to audits, the unit also provides smaller data assessments to provide the Department with management tools such as its body worn camera reviews, as will be discussed below.

### **Policies**

NOPD's policy drafting and revision process continues to improve. Once NOPD submits draft policies for review by the Consent Decree Monitor (OCDM) and the Department of Justice (DOJ), the Department then waits for feedback and response before those policies can be

implemented. This stage alone typically takes a number of months. Once feedback is provided, each individual policy may go through multiple rounds of revisions, depending on the comments and suggestions provided by OCDM and DOJ. The Department continues to work with OCDM and DOJ to improve the efficiency of this process, but some delays are necessary to ensure the quality of NOPD's policies and procedures.

A group of 14 interrelated regulations classified under the Use of Force Section of the Consent Decree were implemented in December following approval by OCDM and DOJ. The rollout of these policies included briefings conducted for the Department's command staff, PowerPoint presentations developed and made available on the Department's shared site for use by supervisors and trainers, and Daily Training Bulletins (DTB) conducted on the major changes.

Along with the revision and approval of regulations under the Consent Decree, related Department forms and Standard Operating Guidelines also have been submitted, reviewed and approved to ensure internal consistency, compliance with "best practices" and fulfillment of Consent Decree requirements.

Several regulations in the area of stops, searches and arrests have been approved by the OCDM, but will be released only when the entire section of regulations in this area has been approved. These regulations, like the Use of Force regulations, are interrelated and may be affected by changes to later chapters. Accordingly, all regulations in the area of stop, searches and arrests will be released together to prevent internal conflicts and inconsistencies. Completion of policy drafting and revisions of this section of regulations is anticipated by mid-2016.

## **Body-Worn Cameras and In-Car Cameras**

Although the Consent Decree does not contain any references to body-worn cameras, the NOPD voluntarily chose to implement the new technology well before the national initiative to use body-worn cameras in law enforcement. This technology assists police officers while making the Department more transparent and improving supervision. The Department has had in-car cameras for several years, and the Consent Decree mandates their continued use and maintenance. Integration of this technology presents practical and technical issues that the Department aggressively continues to address. The Department has overhauled its in-car camera system through the installation of new servers in each District that send their data nightly to a main server node at Headquarters. The new technology has enabled the Department to drastically improve its use of the car-camera system. The Department's Audit and Review Unit is beginning to conduct reviews to track the level of compliance and ensure supervisors have the tools necessary to ensure their personnel are using the system appropriately.

In addition, the Superintendent has implemented a pilot program to assign body-worn cameras to front-line supervisors in patrol or general assignment units in each District on a trial basis. Their continued deployment depends on the availability of cameras to ensure that front-line officers have cameras first. The Department was awarded funding from the DOJ to purchase body-worn cameras for supervisors, which should help ensure that the pilot program is successful. In addition, body-worn camera use has substantially increased since May 2015, when the Department began conducting random reviews to provide management with a critical tool in monitoring body-worn camera use. The reviews demonstrate that officers took a video as required by policy 96 percent of the time in August, and that rate grew to 99 percent in November, demonstrating thorough and consistent use. The Department also has completed

installation of integration software to incorporate call-for-service data that have greatly facilitated labelling/tagging, storage, and access of recorded videos.

### **Use of Force**

The regulations encompassing the section of the Consent Decree under Use of Force were approved by the OCDM and DOJ and took effect on December 6, 2015. These policies are interrelated and have been released in small groups for training purposes, but all became effective on the same date. Substantive, meaningful changes have been made in this body of regulations to clearly reflect respect for life and safety while employing the minimal use of force within clearly delineated prohibitions.

With the help of DOJ and the OCDM, an identified change was made to the new chapter on Conducted Electrical Weapons (CEWs) after its initial approval. This revision process slightly delayed the release of the section but produced a better regulation that reflected a new threshold guideline for use of a CEW which all parties have agreed better defines when a CEW may be used.

### **Crisis Intervention Team**

As highlighted by the OCDM in its recent quarterly report, NOPD has made substantial progress implementing a Crisis Intervention Team program. NOPD has conducted two 40-hour CIT classes and graduated 49 officers from the CIT program, which focuses on de-escalating events involving individuals in crisis. The 40-hour training program includes presentations from local experts on mental illness, crisis intervention techniques, and other topics as well as site visits to local mental health facilities. In addition, CIT trainees participate in a variety of crisis role-play scenarios to hone their skills. NOPD will host multiple CIT classes in 2016 and is on pace to train 20 percent of patrol officers by August 2016 in accordance with Paragraph 115 of

the Consent Decree. In addition, NOPD will provide 8 hours of foundational crisis intervention training to all officers in 2016. NOPD also will begin training dispatchers in CIT. In preparation for this new training, NOPD attended a dispatcher training class in Monroe on December 15.

With the help of the CIT Planning Committee, composed of community mental health experts and relevant partners, NOPD submitted its crisis intervention policy to OCDM and the Department of Justice. The parties are in the “revision” stage of the policy drafting process, and it is expected that a final version of the CIT policy will be adopted soon.

The new CIT program has garnered positive reviews from officers and citizens alike. A local health clinic employee recently commented via text message, “We've had 2 crises this week involving NOPD and the staff [members] have all come back saying how positive their experiences were. Really the past few months our experiences with officers responding to a mental health crisis have not only been positive but it almost seems like a different police force ... They've been pleasant, patient, professional and one could easily mistake any one of them for a social worker!” NOPD looks to build upon the program’s momentum in 2016.

### **Custodial Interrogations and Photographic Lineups**

As noted by the OCDM in its recent quarterly report, the Department has made considerable progress regarding custodial interrogations and photographic lineups. The Department has installed new equipment to record all custodial interrogations in accordance with the Consent Decree. In addition, the Department has continued to conduct inspections of its logbooks to ensure they are filled out completely, accurately, and in accordance with regulations and the Consent Decree. According to the OCDM’s recent report, “as of July 2015, nearly every district and unit had reached substantial compliance. And some units are at 100% compliance.”



## **Bias-Free Policing**

NOPD has drafted several policies aimed at ensuring bias-free policing, including chapters that address discriminatory and bias-based profiling, the immigration status of individuals during interactions with police officers, and hate crimes. These policies expand the Department's mission to prevent profiling as well as bias- and hate-based crimes, and to provide police services to the public equitably and respectfully, without regard to race, national origin, ancestry, ethnic background, gender, sexual orientation, or other similar characteristics. These policies have been submitted to the OCDM and DOJ, and approval is anticipated early next year. However, the Department does not intend to forestall the equitable provision of police services until these policies are finally approved. In the NOPD's view, these policies will further emphasize and elucidate the manner in which those services are already provided.

Additionally, the Academy hosted the Bias Free Policing Train the Trainer and Command Staff training presented by Dr. Lorie Fridell. The training will be delivered to all personnel in 2016.

## **Sexual Assault and Domestic Violence**

NOPD continues to make substantial progress toward compliance with the sexual assault requirements in the Consent Decree. NOPD worked closely with Mayor Mitch Landrieu's Sexual Violence Response Advisory Committee to develop a sexual assault policy for the Department, as well as detailed guidelines for the Sex Crimes Unit. The OCDM and DOJ approved both of these policies. The sexual assault policy went into effect November 15, 2015, and the Sex Crimes Unit policy will go into effect January 3, 2016. The implementation of these community-driven, best-practice policies is a significant step forward for the Department.

The Department has taken numerous other actions to improve its response to sexual assault. The Sex Crimes Unit relocated to the Family Justice Center to better coordinate with that organization and improve access to its victim services. Further, the Special Victims Section has hired three social workers to help victims respond to the trauma of sexual assaults. NOPD has also hired two civilian investigators, with another in the hiring process, to assist detectives with investigations. In addition, NOPD received a \$1 million grant from the Department of Justice to test sexual assault kits. These developments, in conjunction with victim-centered policies, will enhance NOPD's response to sexual assaults.

Special Victims Section leaders are actively monitoring coding and classifications of cases by reviewing weekly reports of any sexual assault cases changed to a non-sexual assault signal or marked unfounded. Supervisors are utilizing a new case tracking system to closely track the status and progress of investigations and improve oversight of the overall caseload.

NOPD continues to meet regularly with the Sexual Assault Response Team, a group of community advocates formed to improve interagency response to sexual assault, in compliance with Paragraph 210 of the Consent Decree. The Sexual Violence Response Advisory Committee successfully advocated for a change in Louisiana law to allow civilians in the Sexual Assault Response Team to review open cases with NOPD. This development will allow NOPD to have regularly scheduled multidisciplinary team meetings with relevant partners and fully comply with Paragraph 211 of the Consent Decree.

The Domestic Violence Unit continues to work closely with the Family Justice Center, where it is also located, to provide a victim-centered response to domestic violence incidents. The Domestic Violence Unit has implemented a checklist to ensure thorough investigations and case files. The domestic violence policy implemented in April has led to more thorough

investigations and reports on domestic violence cases. To further improve the data collection for domestic violence cases, NOPD added domestic violence-specific fields to the electronic reporting system. Additionally, Department members received intensive training regarding domestic violence and sexual assault policies. In 2016, refresher training on both of these topics is scheduled.

### **Community Engagement**

NOPD participated in a number of events for the National Night Out Against Crime on October 13. NOPD continues to meet regularly with community groups and work with citizens to address quality of life complaints. Noraann Winsbush of the Mayor's Neighborhood Engagement Office conducted training with Academy recruit classes regarding Community Engagement and Police Community Advisory Boards. NOPD will soon begin publishing quarterly reports on [www.nola.gov](http://www.nola.gov) documenting its community engagement efforts by district. A summary report for 2015 community engagement, as well as the district reports for the fourth quarter, will be posted in the first quarter of 2016. NOPD will continue this reporting in 2016.

### **Recruitment**

In the second half of 2015, NOPD has continued to ramp up its recruitment efforts. To build upon Class 172, which began training in January, NOPD launched Class 173 in June and Class 174 in October. The Department plans to begin training Class 175 at the end of December, following the graduation of Class 174. These classes are notable for the significant diversity of experiences and backgrounds among the hired recruits. For instance, Class 174 is 44 percent female and includes recruits from more than a dozen states. The class also includes two recruits with master's degrees and another twelve with bachelor's degrees. Seven recruits in the class have military experience.

In order to reduce processing times, NOPD introduced a number of reforms to the hiring process in the second half of 2015. Most importantly, NOPD has worked with Civil Service to provide walk-in testing. This allows applicants to take their Civil Service examinations any weekday, rather than waiting to be scheduled into a testing appointment. Prior to this change, applicants were waiting an average of 60 days to take these tests after submitting an application. NOPD has also significantly expanded its background investigation unit. The unit has expanded from five investigators at the start of 2015 to a total full-time staff of eight investigators. Additionally, the Superintendent has assigned eight additional investigators to the unit for the month of December, bringing the total number of investigators in the unit to sixteen.

NOPD also has hired two civilian recruiters to expand its recruitment campaign and engaged a private firm to help the Department recruit additional applicants. Previously, all recruitment activities were conducted by officers assigned to the background investigation unit. This impacted their ability to quickly complete background investigations. Having a dedicated civilian recruitment staff has enabled NOPD to focus its efforts on attending military transition events and college job fairs, while freeing up time for investigators to concentrate on their background investigations.

Finally, NOPD also continues to run a robust online advertising campaign and is running Spanish-language radio ads as well as Vietnamese-language print media. As a result of these efforts, NOPD surpassed its 2014 application total by mid-year and is on pace to surpass 4,500 applications in 2015.

### **Academy and In-Service Training**

The Academy has made great strides in developing and updating its curriculum for recruits and officers. These courses focus on implementing not only Consent Decree

requirements, but also address the specific training needs of the NOPD according to newly developed and approved policies, such as Use of Force, Stop, Search and Arrest, and Negotiated Settlements, based upon a thorough assessment of the training curriculum. This assessment included taking into account recruits', officers' and various city and community groups' input regarding identified training needs. These identified needs also included evaluating the following sources: trends in misconduct complaints; trends in use of force reports; a summary of reports for accidents and analysis of officer safety issues; legislative changes and court decisions; Department and City policy changes; research reflecting the latest in law enforcement trends; and the President's Task Force on 21<sup>st</sup> Century Policing (May 2015).

To further enhance the curriculum, NOPD has been working with the OCDM and DOJ to implement additional online training, with assistance from the DOJ's Community Oriented Policing Services (COPS) and from the Virginia Center for Policing Innovation (VCPI) – a leader in delivering the highest quality law enforcement training nationwide. These VCPI on-line courses are geared toward officers and include multiple topics within the realm of community policing.

Additionally, in early January 2016, to streamline and electronically track and store all policies and training, NOPD is implementing an electronic tracking and storage documentation software system, PowerDMS. This system will alert NOPD personnel as to required training, track the progression and completion of that training, and generate reports that will document the completion (or non-completion) of training by members of the Department. After successfully completing PowerDMS training, each user will provide an "electronic signature" which alerts the system that the user has completed training. This information will be collected electronically in the user's personnel jacket, and further serves as a "feeder system" into the Early Warning

System. The training data collected by the Early Warning System via Power DMS will then be integrated into the user's complete Employee Summary Report, as will discussed further.

In an effort to continue the Training Academy's progression as not only a training facility but as an academic institution, NOPD staff have undergone training from California's law enforcement agency oversight authority, California POST, which is considered one of the best training facilities in the country. California POST's staff offered the following training: core substance of entry level training; model field training program; law enforcement professionalism; course certification; compliance review; and maintaining POST certification. This training has been incorporated into the updated Academy training at all levels – Recruits, Officers, Supervisors, and Command-level officers.

During the California POST training, NOPD personnel procured two very helpful instructor evaluation assessment instruments. These assessment instruments are currently being reviewed with the Federal Monitor who oversees Academy operations, in an effort to improve the Academy's instructor evaluation processes.

Further, the Academy has hosted multiple "best case practices" trainings for its personnel at all levels by a renowned expert in the field of bias-free policing, Dr. Lorie Fridell. Dr. Fridell's trainings were developed specifically for NOPD and focus on fair and impartial policing techniques.

Finally, the Academy completed a comprehensive training needs assessment that was utilized to develop a draft of the 2016 Annual Master Training Plan. The draft Training Plan has been submitted to the Office of the Consent Decree Monitor for review.

## **Officer Assistance and Support**

The Department has established and fully staffed its Officer Assistance and Support Unit. Throughout the reporting period, the Unit has been delivering services to many members of the Department through the various tragedies and traumatic events that occurred since July 1, including Officer Holloway's death; Officer Brown's death and Commander Frick's shooting. In particular, employees are using the confidential counseling services. Moreover, the Officer Assistance and Support Unit is incorporating the currently available officer support services, and how to access these services, into the annual officer in-service training. In 2016, the Unit anticipates full deployment of a comprehensive program that provides mental health services to members and their families, training on mental health stressors in law enforcement, and a peer support program.

## **Promotions**

During this reporting period, the NOPD promoted 32 members to key supervisory roles. These new supervisors are joining front-line supervisors in the field to increase the close and effective supervision of District patrol operations. In total, the Department promoted 10 officers to the rank of sergeant and 22 sergeants to the rank of lieutenant.

Before reporting to their new assignments, the new supervisors attended focused management training. All new sergeants began 80 hours of training that covered, among other areas of responsibility, officer performance management and evaluation; de-escalating conflict; investigating use of force; building community partnerships/community policing; and body-worn cameras. The newly appointed sergeants received an additional 40 hours of misconduct and complaint intake and investigation training. Some of the newly promoted lieutenants who have already completed extensive supervisor training took a shorter, 16-hour training course that

included delegation of supervisory tasks; monitoring performance; calls for service; and workload management. Supervisors also completed a 120-hour, high-level management training course, the International Association of Chiefs of Police (IACP) Leadership in Police Organizations program. The Department currently is working with OCDM to determine the status of compliance with the promotions section of the Consent Decree and to determine whether any modifications to the protocol are necessary.

### **Supervision**

As mentioned in the previous Status Report, the Department understands the critical role of supervisors in achieving reform. For that reason, the Department has continued a variety of initiatives to provide the necessary support and infrastructure to ensure quality supervision. The Department has completed a workload assessment of supervisors and has already begun optimizing their time. First and foremost, the promotion of additional supervisors is critical to ensuring that the workload of supervisors is evenly distributed, and that there are enough supervisors in place to provide close and effective supervision. The promotion of additional supervisors facilitated the transition of some tasks from sergeants to lieutenants, such as random reviews of body-worn camera videos to incorporate into the ongoing evaluation of patrol officer performance. In addition, front-line supervisors no longer complete some of the scheduling and human resource-related tasks that took time away from their essential tasks; instead, desk officers are responsible for completing this work.

The Department has also modified its chapter titled “Negotiated Settlement Agreements” to reduce the time and number of formal disciplinary investigations of alleged violations in which an officer did not activate a body-worn camera. The Department is continuing to investigate other means to relieve some of the burdens associated with conducting formal



disciplinary investigations to ensure that the process is as efficient as possible. To that extent, with the release of the new Use of Force policies, the Department released an online reporting tool called “Blue Team” that will not only improve data quality through the use of data validation, but will also greatly facilitate the process through the use of technology. Blue Team is a Web-based system that will replace the paper reporting system used for reporting uses of force. Data entered via Blue Team is routed through chain of command for review.

Finally, the Department continues to conduct inspections of logbooks, Daily Activity Reports, and other tracking documents. The NOPD sent the administrative member of each NOPD unit to the aforementioned September audit training. The audit training contributed to the development of infrastructure to support administrative members in carrying out their responsibilities. Specifically, the training helps administrative members ensure close and effective supervision, such as proper use of body-worn and in-car cameras; complete and accurate use of logbooks; consistent and documented redirection and support; and other relevant tasks.

### **Early Warning System**

Considerable progress has been made on the Early Warning System. The NOPD is continually working to find new ways to better support its officers, provide supervisors with more effective management tools, and increase overall Department effectiveness. As part of that mission, a team within NOPD has been working over the past year to develop the Early Warning System, which is now known formally as *Insight*. *Insight* will streamline and integrate nine of NOPD’s existing information technology systems into a single, customized, next-generation police support system that will allow officers secure online access to their own personnel jackets.

This access will allow officers to easily retrieve their records, and it will provide greater transparency through an Employee Summary Report.

As a support system, *Insight* aims to promote chain of command communication and intervention by assisting supervisors and Department management to be more effective with officer assessments so that they may offer assistance and intervention where needed. The system is intended to be an instrument to help retain and develop talented personnel; it is not designed to be a disciplinary tool. *Insight*'s roll-out plan is on schedule (in fact, some components are ahead of schedule) and testing of the system pilot is underway. *Insight* is scheduled for full release in November 2016, with anticipated early releases of key features, such as the aforementioned personnel jacket.

### **Secondary Employment**

The Office of Police Secondary Employment (OPSE) remains compliant with the majority of the Consent Decree's requirements and is working toward compliance with outstanding requirements. In the second half of 2015, OPSE incorporated traffic details into its operations. In the first half of 2016, OPSE will take over detail assignment and supervision for other special event details currently not under its control, such as second lines and certain details requiring specialized skills. Once this is completed, OPSE will oversee assignment of all details. In compliance with paragraph 349, OPSE released its annual report, which covers the time period of September 2014 – August 2015, detailing its accomplishments and future plans.

### **Misconduct Complaint Intake, Investigation, and Adjudication**

During the past six months, the Public Integrity Bureau (“PIB”) has implemented several reforms aimed at achieving compliance with the Consent Decree and improving procedures

relevant to processing misconduct complaints. PIB has revised or drafted several forms in part to demonstrate and document Consent Decree compliance. In July, for example, PIB drafted and implemented a new Transmittal Form that documents the required timeline for every misconduct complaint reported to it. The form lists the dates of stages in the process, from the date NOPD became aware of the allegation through completion of the investigation. In August, PIB promulgated a revised Universal Complaint Form, making misconduct complaint-reporting more comprehensive and user-friendly.

PIB personnel also undertook significant instruction, training and consultation to improve policies and internal protocols. On July 8-10, PIB Chief Arlinda Westbrook, PIB Commander Gwen Nolan, and Compliance Bureau Commander John Thomas visited the Pittsburgh Police Department's Office of Municipal Investigations to review its misconduct complaint process, as recommended by the OCDM. The NOPD command staff learned how the Pittsburgh Police Department addressed its Consent Decree, consulted with civilian investigators, and received training on issues such as credibility determinations.

During the week of August 3, PIB staff conducted a 40-hour training session at the Academy for supervisors on misconduct complaint investigations. A second training session for additional supervisors was held during the week of October 19. Recently hired PIB civilian intake specialists also attended this training. PIB personnel created PowerPoint presentations and lesson plans on data case management and recently implemented policies for this training session. During the week of September 28, PIB and Compliance staff attended a weeklong training session at the Training Academy on law enforcement auditing led by the Los Angeles Police Department's Internal Audits and Inspections Division.

Several new PIB-related policies have been implemented or drafted during the previous six months, including the aforementioned chapter titled “Complaint Investigation,” which became effective in July. Drafts of additional chapters were submitted for review to OCDM and the Department of Justice in September, including draft chapters addressing misconduct complaint investigator responsibilities, how misconduct is to be adjudicated, and a matrix of disciplinary penalties. The approval and implementation of these policies will complete a comprehensive revision of NOPD’s disciplinary policies.

Every complaint of retaliation lodged in 2014 has been reviewed and analyzed to inform a new proposed chapter titled “Workplace Discrimination, Harassment, and Retaliation,” which was drafted recently. A new chapter on negotiated settlement agreements was submitted for review in late October and has been approved and implemented, following a slight revision to the existing policy to allow for negotiated settlements of body-worn camera violations. The negotiated settlement policy has been a strong addition to NOPD’s disciplinary protocols; PIB has successfully completed 10 negotiated settlements of rank-initiated misconduct complaints during the past six months.

In support of these new policies, PIB command staff created a checklist for investigators to ensure complete investigations. After drafting the checklist, Commander Nolan met with other commanders in August and solicited feedback, revising the checklist to make it easier to use. PIB staff also provided brief training to commanders and DIU lieutenants on credibility assessments at the end of September.

In March, Compliance Bureau managers provided training on complaint investigations to all PIB staff. A Webinar was then created in June to train Department-wide personnel on the chapter, and viewing was mandatory for all officers. Along with daily training bulletins, the

Webinar emphasized policy changes, as well as Department-wide responsibilities with respect to complaint intake and investigation.

Five civilians have been hired to work in PIB to assist with administrative duties, after approval was obtained from the Civil Service Commission for the creation of the positions. Four of the civilians were hired to assist with complaint intake and processing; the fifth civilian assists the Force Investigation Team. PIB is currently reviewing its staffing, compiling a list of job duties and performance reviews for each position. Also, the disciplinary history of each PIB employee has been reviewed for Consent Decree compliance.

PIB staff members have distributed and posted placards, brochures, and forms designed to inform the community about the process of filing a misconduct complaint with NOPD. The Department obtained Vietnamese and Spanish translations of these documents in October, and they have been distributed to all NOPD District Stations. In October, the Compliance Bureau and PIB completed a PowerPoint slide show aimed at improving community awareness of the complaint process. The slide show will be used in public presentations to civic groups and other organizations, and it will be posted online.

PIB command staff members also have been reviewing administrative investigations to assess whether additional counseling, corrective measures or training is needed; as well as assessing the need for revisions to policies, strategies, tactics or training. Finally, PIB and the Compliance Bureau are revising PIB's internal directives. These initiatives will further PIB's goal of achieving compliance with the "Misconduct Complaint Intake, Investigation, and Adjudication" section of the Consent Decree. For example, the chapter addressing misconduct complaint investigator responsibilities contains key provisions dealing with credibility determinations and training, policy, and tactical assessments. Although training on these

provisions of misconduct investigations has begun, approval and implementation of this policy will ensure their comprehensive application. Additionally, a revised Formal Investigation Report format and investigator's checklist will be released when the policy is made effective.

### **Transparency and Oversight**

To meet the transparency requirements of the Consent Decree, NOPD continues to make relevant Consent Decree reports and updated policy manuals publicly available on its website. In addition, NOPD continues to meet with the United States Attorney Criminal Justice Coordination Group and Police Community Advisory Boards as required by the Consent Decree. NOPD officers assigned to a district have been participating in community meetings as required by the Consent Decree, and compliance with this requirement will be assessed.

Respectfully submitted,

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New Orleans*

**CERTIFICATE OF SERVICE**

I do hereby certify that on this 6th of January, 2016 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