

**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”).

Introduction

This report is the City’s fifth biannual Status Report, covering the period from January 1, 2016, to July 1, 2016. Halfway through 2016 NOPD has made progress implementing a number of key Consent Decree reforms, including:

- Enacting and cementing reforms in the Special Victims Section, leading to what the New Orleans Inspector General recently called a “remarkable turnaround;”
- Establishing an Audit and Review Unit to help NOPD and OCDM track progress towards complying with many areas of the Consent Decree;

- Creating an Authorized Interpreters program with officers certified in Spanish language interpretation;
- Putting into effect new misconduct and disciplinary policies that create a new framework for ensuring that the Department and its officers are both held accountable and judged fairly; and
- Proactively engaging with community mental health partners and leading a multi-agency effort to create a better system for dealing with mental health crises.

The Department is committed to making sustained progress toward compliance with the Consent Decree, while also increasing its staffing from critically low levels. NOPD continues to aggressively recruit new officers, and over the last year recruitment of new officers has outpaced officer attrition for the first time in five years. In the first half of 2016, NOPD has continued to build on this progress as Recruit Class 173 completed field training, Class 174 graduated from the Academy, and Class 176 began Academy training. The Department has plans to launch Class 177 in July. Building the Department's strength in numbers and attracting more applicants is a key component to addressing many of the challenges that NOPD continues to face, including cutting response times and driving down crime rates.

In addition to seeking the best and brightest new officers from throughout the country, the NOPD recently made staffing changes at the Academy to improve the quality of the instruction that recruits receive. A civilian Academy administrator was hired to guide curriculum development, instructor evaluation, and other academic elements of the Academy. New commissioned leadership was also installed, with the former Commander of the Fifth District, Christopher Goodly, taking over as Commander at the Training Academy and Lt. Hudson Cutno

as Training Coordinator and Range Commander. Additionally, Academy training continues to be conducted on the University of New Orleans campus in excellent training facilities.

To improve police services and better utilize existing staffing resources, Superintendent of Police Michael Harrison announced a restructuring effort in early January that began to take effect after Mardi Gras. The plan included consolidating staff positions, reassigning district duties, reassigning staff from non-district assignments such as headquarters and the Motorcycle Unit, and redesigning the Quality of Life Program. Based on a staffing analysis performed in 2015, Superintendent Harrison ordered a redeployment to achieve the goal of adding up to 94 officers in a patrol function, resulting in a more visible police force and a surge in neighborhood patrols.

While restructuring to improve its responses to citizen calls for service, the Department has forged ahead with other new initiatives that have improved police relationships with the community. The NOPD now has a team of nine authorized Spanish interpreters working throughout the Department. When interpreters are not available or they need to speak to a citizen in a language other than Spanish, officers also have access to electronic devices that can connect officers at any time with interpreters who speak more than 180 languages. New recruits are now trained in interacting with Spanish-speaking residents, and the NOPD is actively recruiting Spanish-speaking officers. Similar efforts are underway to establish Vietnamese-speaking officers and services directed to the Vietnamese community.

Audit and Review Unit

The Audit and Review Unit, a new unit within the Compliance Bureau, established a foundation for its operations, laid the groundwork for auditing numerous areas, and performed numerous reviews of Consent Decree topics. The Unit helped to draft Chapter 11.4.1, "Audit

and Reviews” and the Audit and Review Unit Standard Operating Guidelines to govern its operations. These policies were approved by the OCDM and the Department of Justice (“DOJ”) in June. In advance of the approval of these policies, the Audit and Review Unit began drafting audit and review work plans covering numerous areas of the Consent Decree including supervision, custodial interrogations, photographic line-ups, and secondary employment. The OCDM and DOJ recently approved an audit work plan for reviewing the operations of the Office of Secondary Employment. A comprehensive audit is underway.

Starting in June, the Unit began performing monthly reviews of supervision, custodial interrogation, photographic line-ups, body-worn cameras, and in-car cameras. Using the data collected in these reviews, the Unit generates a scorecard that identifies areas requiring improvement. The Unit will monitor improvement in subsequent reviews. The goal of this review process is to enhance accountability and transparency within the Department regarding Consent Decree compliance. To facilitate the compliance process, the Audit and Review Unit, with assistance from other members of the Compliance Bureau, created compliance guides for supervision, custodial interrogations, and photographic line-ups.

The Compliance Bureau partnered with OCDM to develop methodologies for conducting the outcome assessments called for in Consent Decree ¶ 448. The methodologies have been approved by OCDM, and the Audit and Review Unit is gathering the data and performing the necessary analysis for the outcome measures. Completed reports on the outcome measures will be submitted to OCDM for review.

Policies

Nine policies submitted by NOPD to DOJ and OCDM were approved during the past six months (the “reporting period”), including Chapter 1.9, “Arrests”; Chapter 41.26, “Crisis

Transportation Service”; Chapter 41.25, “Crisis Intervention”; Chapter 26.2, “Adjudication of Misconduct”; Chapter 26.2.1, “Disciplinary Matrix/Penalty Schedule”; Chapter 41.13, “Bias-Free Policing”; Chapter 41.3.2, “Body Worn Camera Inadvertent Misuse and Nonuse”; Chapter 41.6.1, “Immigration Status”; and Chapter 52.1.2, “Misconduct Complaint Investigator Responsibilities.” Revisions of two more policies were approved: Chapter 1.2.4, “Search and Seizure” and Chapter 1.2.4.1, “Stops/*Terry* Stops.”

At the request of Judge Morgan, the Compliance Bureau is in the process of converting all the Department’s existing policies from their present format to the format used by the Commission on Accreditation for Law Enforcement, i.e. the “chapter” format. Once this process is complete, new and old policies will be ordered and indexed together in one manual that will be available to the public online. All those documents are currently available online, but the newly approved policies have been posted separately; the new manual will place all policies in one location.

Use of Force

The Department implemented 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 as the concept of de-escalation, through day-to-day supervision, discipline, and training. In addition, the Department added another level of oversight for all serious incidents involving force when it began to convene its Use of Force Review Board, a command-level body whose composition and function are dictated by the recently implemented policy of the same name.

The Use of Force Review Board has three voting members, including the deputy superintendents of the Field Operations Bureau, the Public Integrity Bureau, and the Investigations and Support Bureau. The Commander of the Education and Training Division, and the Deputy Superintendent of the Compliance Bureau serve as non-voting members. The Board reviews all serious uses of force and investigations by the Force Investigation Team, whose members present cases to Board members during meetings. 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. The Board has met four times since January 1, 2016, and it has reviewed 11 cases. Members of OCDM lauded the initiative at a May 19 public hearing, complimenting the “open, self-critical analysis” they witnessed during a Jan. 22 meeting of the Board.

Crisis Intervention Team

Two new NOPD policies—Chapter 41.25, “Crisis Intervention,” and Chapter 41.26, “Crisis Transportation Service”—went into effect on March 13 after receiving approval from DOJ and OCDM. The Department drafted these policies in collaboration with the CIT Planning Committee, which is composed of community experts. The implementation of these policies represents another significant step forward for NOPD’s CIT program, building upon the establishment of the 40-hour CIT certification training in August 2015.

Chapter 41.25, “Crisis Intervention,” mandates that officers responding to a crisis call submit an electronic Crisis Intervention Form detailing the circumstances and outcome of the call. The Department will publish midyear aggregate data compiled from Crisis Intervention

Forms on its website in compliance with Consent Decree ¶ 113. In addition, NOPD has utilized this data to identify individuals who have been involved in multiple crisis encounters with NOPD, and NOPD has formed a Mental Health Review Board with partner agencies to develop solutions to assist these individuals in obtaining appropriate care solutions. Through the use of the Crisis Intervention Form data, the Department has enhanced the Planning Committee's ability to serve as a "problem-solving forum" as called for in ¶ 120.

NOPD trained its third class of CIT officers from May 23 to May 27, bringing the total number of NOPD-trained CIT officers to 69. NOPD anticipates hosting at least two trainings in the second half of 2016 to improve NOPD's ability to respond with specially trained officers and to comply with the ¶ 115 requirement of training 20% of the patrol division. The Department has already provided a CIT recertification training of eight hours to previous CIT graduates and will continue to do so for all active CIT officers on an annual basis in compliance with ¶ 114.

NOPD is providing eight hours of crisis intervention in-service training for all officers in 2016 in compliance with ¶ 118. New police recruits continue to receive 16 hours of crisis intervention training in their introductory training. The Department conducted its first crisis intervention trainings for call takers and dispatchers in June and will offer additional communications trainings throughout the year in compliance with ¶ 119.

NOPD's CIT program has been gaining recognition from community partners for the valuable role it plays in the community's response to mental health and substance abuse issues. The Department has provided crisis intervention trainings to outside agencies including Probation and Parole, and the New Orleans Family Justice Center. NOPD's CIT coordinators have presented at the annual members meeting for National Alliance on Mental Illness ("NAMI") New Orleans, a statewide NAMI conference, and a Metropolitan Human Services

District regional council meeting, and the development of NOPD's CIT program was highlighted in a quarterly newsletter from NAMI New Orleans. Additionally, the NOPD CIT coordination team frequently receives requests from officers and partner agencies to facilitate with incidents and address ongoing problems.

While CIT officers play a critical role in the community's response to mental health and substance abuse issues, the Department understands that systemic issues beyond the Department's immediate control need to be addressed in order to produce a better system for individuals in crisis in New Orleans. To that end, NOPD has partnered with the New Orleans Health Department and the Vera Institute of Justice to apply for grant funding to establish a pre-arrest diversion program, which would connect individuals in crisis to necessary services and divert the individuals from the criminal justice system when appropriate. NOPD is simultaneously working with the Metropolitan Human Services District to establish a crisis stabilization unit where officers could bring individuals in crisis to receive care, diverting them from the criminal justice system when appropriate. These efforts, in tandem with the aforementioned Mental Health Review Board, demonstrate NOPD's proactivity in improving the overall community response to mental-health and substance-abuse issues.

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. Initial results demonstrate progress meeting the requirements of the Consent Decree, and the Department is optimistic that full compliance can be achieved in the second half of the year.

Bias-Free Policing

In the area of bias-free policing, the Department made great strides during the reporting period with the approval of its “Bias-Free Policing” and “Immigration Status” policies, and the official designation of nine Department-authorized Spanish interpreters, both of which are required by the Consent Decree. The Department’s “Bias-Free Policing” policy makes clear that the Department prohibits the inappropriate reliance on characteristics such as race, color, ethnicity, national origin, ancestry, creed, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, and housing status in making law-enforcement decisions. Bias-based policing, which includes discriminatory policing or “profiling,” is considered misconduct.

The NOPD’s “Immigration Status” policy became effective on February 28, 2016, after extended negotiations among the parties. This policy has been widely misunderstood as preventing cooperation between the City and the federal government on immigration issues. To the contrary, the City has cooperated and continues to cooperate with federal authorities including Immigrations and Customs Enforcement under limited circumstances. The policy simply makes it clear that the New Orleans Police Department does not enforce civil immigration laws. The Department always has detained individuals with outstanding criminal warrants, regardless of immigration status, and will continue to do so. The City believes this approach is constitutional, consistent with best practices, and will foster a better bond of trust between the City’s police officers and the communities they serve.

On February 27, 2016, the Civil Service Department administered an oral bilingual proficiency exam in collaboration with Dr. Lisbeth Philip, a Loyola University professor who is academic director of the Center for Latin American Studies and Caribbean Studies’ Translation and Interpreting Program. Ten NOPD employees took the exam, and nine passed, including a

lieutenant, a sergeant, six officers, and a civilian intake specialist at the Public Integrity Bureau. Because the Department does not have an approved policy for Limited English Proficient Services—a draft policy is currently under review by OCDM and DOJ—the Field Operations Bureau promulgated a directive that currently governs the deployment and assignment of authorized interpreters. In addition to establishing its authorized interpreters, the Department renewed a contract with the manufacturer of a mobile interpretation device known as ELSA (Enabling Language Service Anywhere), making the devices available at all eight police districts. Although NOPD authorized interpreters can be available during their regular shifts, the ELSA devices can be accessed at any time of day or night. The devices connect officers to interpreters who can speak more than 180 languages, improving communication and interactions between officers and foreign-language speakers. The Department will continue to build its team of bilingual officers, and NOPD anticipates offering another Spanish exam during this year, with a Vietnamese exam to follow once a sufficient number of candidates are identified.

Sexual Assault and Domestic Violence

Following up on its report in 2014, the Office of the Inspector General (“OIG”) conducted an audit of NOPD’s sexual assault investigations and classifications for the period of October 1, 2015 to December 31, 2015. The OIG stated in its June audit report that the Department “resolved all of the previous findings in the 2014 audit.” According to the audit report, 100% of cases included proper documentation, demonstrated supervisory review, and were classified correctly according to Louisiana Revised Statutes. Of the 154 calls included in the audit, “63 were initially reported as a miscellaneous offense and were reclassified (upgraded) to an aggravated rape, simple rape, or oral sexual battery. In addition, no allegations of rape were reclassified (downgraded) to a miscellaneous offense.” The Department is pleased with the

recognition of the positive changes in the Special Victims Section and is committed to sustaining these reforms and further improving its response to sexual assaults.

To get to this point, the Department has undertaken numerous reform efforts to improve the Special Victims Section (“SVS”), which is composed of the Sex Crimes Unit, Child Abuse Unit, and Domestic Violence Unit. The Department has made significant progress creating and implementing policies pertaining to domestic violence and sexual assault. Chapter 42.4, “Domestic Violence,” and the Domestic Violence Unit Standard Operating Guidelines were implemented on April 5, 2015. The Department implemented Chapter 42.2, “Sexual Assault,” on November 15, 2015 to provide detailed guidelines for patrol’s response to sexual assaults. The Sex Crimes Unit Standard Operating Guidelines went into effect on January 3, 2016 and govern the operations and procedures of the Sex Crimes Unit, which handles adult sexual assault investigations. The Department submitted Chapter 42.19, “Child Abuse,” and the Child Abuse Unit Standard Operating Guidelines for review in March. 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 Commander has been collaborating with leaders of the Sexual Assault Response Team to create a detective training curriculum that thoroughly educates new detectives in conducting investigations and complies with the requirements of Consent Decree ¶ 204. 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, including issues noted in OCDM’s most recent quarterly report, during weekly COMSTAT meetings. The Department

plans to participate in a train-the-trainer program in the near future to augment its ability to train detectives on how to conduct effective, thorough investigations.

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. With the additional data available in the current case tracking system, SVS is in the process of overhauling its COMSTAT meetings to improve their efficacy.

SVS has sustained its improvements in sexual assault kit tracking and expects to test about 350 untested kits through a recent grant award. The grant also funded the hiring of a social worker to communicate with survivors of sexual assaults to discuss the testing of these kits. In addition, the grant paid for the hiring of a liaison to coordinate evidence testing with SVS and the Louisiana State Police DNA crime lab. The Department continues to focus on following up on Combined DNA Index System (“CODIS”) hits resulting from DNA testing, and NOPD is collaborating with the Louisiana State Police to follow up on all outstanding CODIS hits.

SVS maintains the documentation required by Consent Decree ¶ 206 for all 2015 and 2016 incidents that were originally classified as a sexual assault but were later changed to a miscellaneous classification (Signal 21). Unfounded sexual assaults are not classified under a miscellaneous classification.

The Sex Crimes Unit began participating in multidisciplinary team (“MDT”) meetings that convene relevant partners to discuss the progress of cases. These MDT meetings are modeled after the Child Abuse Unit’s MDT meetings and will allow the Sex Crimes Unit to improve its investigations and comply with Consent Decree ¶ 114.

The Domestic Violence Unit has implemented a case file documentation checklist to ensure that domestic violence investigations conducted by the unit include the necessary documentation. To prevent any domestic violence calls from going unaddressed, the Alternative Police Response Unit, which takes police reports over the telephone for incidents that do not require an immediate response to the scene, began contacting complainants from domestic violence calls that were classified as “gone on arrival,” meaning the responding officers were unable to locate the complainant. The follow-up from the Alternative Police Response Unit helps to ensure that NOPD follows up on all complainants seeking help from the Department regarding domestic violence incidents.

The Department is actively working to increase the staffing of the Special Victims Section to decrease caseloads. The Department recently transferred a new detective to each of the Sex Crimes, Child Abuse, and Domestic Violence units, and one Sex Crimes detective promoted to sergeant now supervises sexual assault investigations. SVS also has hired three civilian investigators to assist with investigations as well as three social workers to facilitate survivors in their recovery from these traumatic incidents. Through increased staffing and growing reforms, NOPD is committed to continually improving its response to sexual assault and domestic violence.

Community Engagement

In the first quarter of 2016, NOPD restructured the Department to enhance public safety by deploying more officers to street patrols in an effort to decrease response times to calls for service. The deployed officers previously were not required to answer call for service due to their job functions. Among the officers deployed to patrol platoons were the Community Coordinating sergeants and the Quality of Life (“QOL”) officers. To ensure that all QOL issues and important

community engagement initiatives are still being addressed, the Department is attempting to implement initiatives to ensure that officers will be available to commit time to community engagement and community policing activities.

The goal of the redeployment is to decrease response times, while retaining the integrity of the community engagement program. Rather than concentrating quality of life issues in a single officer for each District, every officer must now be a quality of life officer. Informal guidance on the proper handling of QOL matters is available to officers on the Department's intranet. Citizens can still report QOL issues either through newly created District e-mail addresses or through the Department's non-emergency line. Officers have been dispatched on more than 500 quality of life calls in the first three months of this program.

Recruits are also now participating in community engagement events during training at the Academy. A community engagement summary report for 2015 has been posted in the first quarter of this year, and a quarterly report for the first quarter of 2016 has been posted on the Department's website on the Consent Decree and Policing Data pages.

Recruitment

NOPD has continued to ramp up its recruitment efforts. Class 174 graduated in May 2016. This class is notable for the significant diversity of experiences and backgrounds among the hired recruits. Twelve of the twenty-eight recruits who graduated from this class are female, making it one of the most gender-diverse classes in recent NOPD history. Additionally, eleven states besides Louisiana are represented by members of this class, and the class includes recruits born in Jamaica and Mexico.

On May 2, 2016, Class 176 started training with the largest class held since the Department launched its "Get Behind The Badge" campaign in 2013. This class builds upon the

diversity of recent NOPD classes. Recruits from a total of 15 states are represented in this class, and 14 of the recruits have served in the United States Armed Forces. The class also includes four experienced lateral officers who are leaving police departments in Alabama, South Carolina, Ohio, and North Dakota to join the NOPD.

Two new initiatives under the “Get Behind The Badge” campaign include an NOPD partnership with Dillard University to encourage recent Dillard graduates to join the Department, and another partnership between NOPD and McDonald’s that will significantly expand the Department’s recruitment campaign efforts locally. Recruitment advertisements will begin appearing on tray liners inside 18 McDonald’s restaurants in the Greater New Orleans area. Officers recently filled four local McDonald’s restaurants on a Saturday morning—June 4—to meet with members of the community in an outreach program called “Coffee with Cops.” The initiative, which is expected to recur monthly, serves as a community policing effort as well as a recruiting tool.

Academy and In-Service Training

In January 2016, Deputy Superintendent John Thomas was appointed to the Management Services Bureau, which includes oversight of the Training Academy. Recently, Commander Christopher Goodly also was assigned to lead the Academy, in addition to Lieutenant Hudson Cutno, Ph.D., who serves as the Academy’s Training Liaison. In June 2016, Dr. Deidre Magee was appointed as the Academy’s Academic Director. Dr. Magee is charged with enhancing the academic rigor of all courses by instituting problem-based learning and adult learning theories. She also will develop instruments to assess and analyze survey data regarding the retention of student learning, provide feedback to Academy instructors and students based upon her analyses of that data, and provide on-going professional development, in addition to other academic-

related duties. Within the next 6 months, the Academy also plans to hire a legal instructor, who will provide legal updates and coordinate the legal instruction team to keep all recruits and officers aware of the latest case law that pertains to their daily job tasks, in addition to incorporating all NOPD policies.

In January 2016, the Academy also instituted the 2016 Annual Master Training Plan (“AMTP”). The 2016 AMTP provides guidance, lays out the structure of the Academy’s expectations of all recruits and officers, and includes all courses that are scheduled for the year, including Consent Decree mandated courses. Although a handful of 2016’s Consent Decree mandated courses are delivered online, moving into 2017, all Consent Decree courses will be taught in the classroom or field. The 2016 AMTP includes not only Consent Decree-required training paragraphs, but also training on newly revised Chapters, such as Use of Force, Use of Force Review Board, Force Investigation Team, Reporting Use of Force, Control Devices and Technology, and Handcuffing and Restraint Devices, in addition to many other important policies. The Academy is currently in the process of developing the 2017 AMTP. To that end, new focus group questions have been developed that will quantitatively and qualitatively assess all Departmental personnel views of both gaps and strengths in the courses offered by the Academy. The data gathered through these focus groups should provide the necessary information to develop the Training Needs Assessment, which will guide the development of the 2017 AMTP.

Further, the Academy has developed a close working relationship with the District Attorney’s Office and the City Attorney’s Office as both entities have offered their legal training services at the Academy. Their involvement ensures that key training, such as evidence collection and courtroom testimony, improves the acceptance and prosecution of cases brought

to the District Attorney's Office and the City Attorney's Office. This involvement has proven particularly beneficial in new detective trainings, the first of which was held between May 23 and 27, 2016. During this training, the District Attorney's Office reported that BWC training and usage has increased the acceptance and successful prosecution of cases. Additionally, BWC usage has proven to greatly reduce officer misconduct complaints, as unwarranted complaints may be expediently addressed via review of the camera footage.

Lastly, EPIC training was developed specifically for the Department and incorporated into the Academy's training curriculum in spring 2016. EPIC, or Ethical Policing Is Courageous, is an innovative peer-intervention program that is designed to improve the way that officers address and rectify potential mistakes, policy violations, and misconduct of fellow officers. EPIC empowers and supports officers in playing a meaningful role in "policing" one another. Training and implementation of this important program will result in timely interventions among officers, thus benefitting both the general public and the Department.

Overall, the Academy continues to progress in implementing Consent Decree training paragraphs. In the selection of Academy leadership, instructors, and in updated courses—in addition to developing new courses—the Department continues to demonstrate its commitment to improving the quality of its academic programming.

Officer Assistance and Support

The Department has met its goal set forth in the last biannual report. The Officer Assistance Program ("OAP") is fully implemented, providing mental health services to members and their families, training on mental health stressors in law enforcement, and a peer support program. OAP staff members now have an independent facility, not located within or proximate to any NOPD site, to provide their services in a confidential setting.

The OAP has made significant progress in the first half of 2016. Two policies have been drafted governing the program and are awaiting approval. The OAP provides weekly training at the Academy that each officer receives, and the OAP issues a “Mental Matters” newspaper to highlight upcoming activities within the program. The latest Mental Matters newsletter was published February 23, 2016, and is distributed via e-mail to officers. The newsletter offers educational information on mental health and contains a phone contact if a family member or officer needs help addressing any mental health needs.

During this reporting period, 11 officers, and/or family members have accessed the OAP Office. To date, 81 officers have accessed the program and received in-house services and/or referrals to outside professionals/agencies for effective care. Of these, 16 cases have remained in continuous counseling services, on an in-house basis through the program. This includes officers as well as family and significant other members.

An anonymous mental health assessment form is pending internal review. Once approved, it will be disseminated to all employees for voluntarily completion. This tool will give the OAP office a baseline of the mental health status of NOPD officers. Over time this new tool will allow for program development and intervention as needed to maximize the effectiveness of NOPD officers.

Promotions

During this reporting period, NOPD promoted 26 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 17 officers to the rank of sergeant and nine sergeants to the rank of lieutenant.

NOPD has implemented a performance evaluation form that must be completed in addition to the Civil Service evaluation. NOPD posted an online training in the form of a webinar to instruct supervisors on filling out the forms. The performance evaluations now provide evaluation of officers' community engagement responsibilities pursuant to Consent Decree ¶ 296.

The "Promotions and Promotion Committee" draft policy has not been finalized yet but lists community engagement and policing principles in the promotional eligibility section. The following factors are used by the Promotion Committee to assess a candidate's promotion eligibility:

- (a) Effective use of community-policing strategies;
- (b) Number of sustained and non-sustained complaints;
- (c) Number and circumstances of uses of force, including any found to be out of policy and use of force complaints;
- (d) Disciplinary history;
- (e) Problem-solving skills;
- (f) Interpersonal skills;
- (g) Education;
- (h) Specialized training;
- (i) Support for departmental integrity measures;
- (j) Attendance record for the past two years, including leave balances;
and
- (k) Annual performance evaluations for the previous two years.

Supervision

The Department's recent promotions aim to decrease the supervisory workload per supervisor, addressing an issue OCDM noted in its last quarterly report. These promotions are in addition to the 22 lieutenants and 10 sergeants promoted in 2015 during the Department's initial efforts to balance supervisor-to-subordinate ratios.

These new supervisors already have participated in multiple trainings preparing them to perform their critical duties. All new supervisors participated in Leadership in Police

Organization training, a professional management program developed by the International Association of Chiefs of Police, which emphasizes the systematic development of leaders at all levels of an organization. NOPD has now provided this top-notch leadership training to 290 of its members, representing more than 30,000 hours of intensive supervisor training devoted to this program alone. These new leaders also undergo 40 hours of instruction related to use of force reporting and misconduct policies conducted by the Public Integrity Bureau. In addition, these supervisors are required to participate in two separate tracks of training designed specifically for new supervisors. New sergeants are provided with 40 hours of instruction, and new lieutenants attend a 16-hour training program. All of this training is in addition to the annual, 40 hour in-service training program that all supervisors are required to attend.

NOPD is implementing numerous tools to facilitate supervisory effectiveness and efficiency. The Department's early intervention system, known as Insight, is set to be implemented on schedule in the fall, providing supervisors additional tools for closely and effectively monitoring the activities of officers. Additionally, the Department has nearly finalized the development of a Supervisor Feedback Log that will electronically track redirection and counseling of officers on deficient practices, as well as document support of officers in the form of commendations for superior performance or supervisor counseling. The Supervisor Feedback Log will centralize and standardize documentation of close and effective supervision and facilitate compliance with elements of Consent Decree ¶ 306. The Department has implemented and is working toward implementing other enhanced supervisory tools and is committed to providing supervisors with the necessary tools to supervise closely, effectively, and efficiently.

In conjunction with these efforts to improve supervisory tools, the Department is striving to eliminate inefficient supervisory burdens. The Department has convened a lieutenant workload reduction working group, modeled after a successful work group focused on resolving patrol officer inefficiencies, to identify and resolve inefficiencies and issues that lieutenants face. The Department will continue to convene its members to identify problems and produce solutions to remedy those problems.

Body-worn camera (“BWC”) utilization remains very high, with a 99% utilization rate in an April 20 review. The Commander of the Compliance Bureau gave a presentation at the National Body Worn Camera Conference to help inform the development of BWC programs at agencies across the country. Although the utilization rates for in-car cameras are not as high, a monthly compliance check of in-car camera use has begun, with the goal of increasing in-car camera utilization to rates comparable with BWC usage..

Secondary Employment

The Office of Police Secondary Employment is working toward full compliance. In the first half of 2016, the Office of Secondary Employment (“OPSE”) incorporated special event details into its operations, specifically focused on the assignment and supervision of officers during special events in the City, such as second lines and certain details requiring specialized skills. NOPD’s Special Events Section will continue to plan some events, but OPSE will assign officers to details, compensate officers, and interact with the customers.

OPSE and NOPD have partnered to share more data with the goal of achieving compliance. OPSE now receives from NOPD officer transfer lists containing any new recruits and transfers so that OPSE can track the locations of all officers, and also so that OPSE can track

which officers are recruits and which officers have been promoted, to remain compliant with Consent Decree ¶ 358.

POST certified commissioned members who completed Field Training Officer training, but have not obtained permanent status of Civil Service “Police Officer I,” may work secondary employment if supervised by a ranking officer at the grade of sergeant or above. New officers who have not yet attained one year of service are generally without permanent status for the first several months after their promotion to Police Officer I.

OPSE and NOPD also partnered to create an electronic OPSE authorization form to comply with Consent Decree ¶ 356. NOPD and the Coordinating Office are establishing a standard form by which NOPD employees can register to work secondary employment assignments. The electronic form can be accessed by officers through the Department’s intranet. The new form allows for a more efficient mechanism to track and share data concerning secondary detail authorization. OPSE now receives suspension letters from PIB to comply with Consent Decree ¶ 356.

When determining whether an NOPD employee qualifies for authorization to work secondary employment, NOPD and the Coordinating Office evaluate factors that include the applicant’s disciplinary record, complaint history, and work performance history. NOPD has also drafted an audit work plan to audit OPSE; the work plan was approved in June and the audit is now under way.

Misconduct Complaint Intake, Investigation, and Adjudication

The Department’s disciplinary procedures were improved in May with the implementation of four crucial policies related to misconduct. The following policies became effective on May 15: Chapter 26.2, “Adjudication of Misconduct”; Chapter 26.2.1, “Disciplinary

Matrix/Penalty Schedule”; Chapter 41.3.2, “Body Worn Camera Inadvertent Misuse and Nonuse”; and Chapter 52.1.2, “Misconduct Complaint Investigator Responsibilities.” The first two policies are the most significant because, paired together, they govern the process by which NOPD disciplines employees for violations of law or policy, and they determine the appropriate punishment for those violations. The Disciplinary Matrix and Penalty Schedule meets the Consent Decree’s requirements of establishing a presumptive range for each type of rule violation, increasing the presumptive penalty for subsequent violations, and requiring that any deviation from the presumptive penalty must be justified in writing by aggravating or mitigating factors. The new policy provides greater predictability and consistency, so that the appropriate penalty for any given offense is readily available to accused employees and the supervisors who must mete out discipline for sustained violations.

The Adjudication of Misconduct policy, which is a companion to the Disciplinary Matrix and Penalty Schedule, governs the bifurcated process of determining the disposition of an alleged violation (i.e., whether it will be sustained) and the imposition of a penalty. This adjudication procedure occurs through a Predisposition Conference and a Pre-Disciplinary Hearing. During the Predisposition Conference, an accused employee can present evidence relevant to his or her defense and dispute the charges lodged against him or her. If a charge is sustained, meaning that a hearing officer determines by a preponderance of the evidence that the alleged misconduct occurred, then the matter proceeds to a Pre-Disciplinary Hearing. At that hearing, a hearing officer considers the presumptive penalty and penalty range dictated by the Disciplinary Matrix and Penalty Schedule. Based on any mitigating or aggravating factors presented, the hearing officer then recommends a penalty, which can become final only after the Superintendent of

Police approves it. The approval and implementation of these two policies will ensure that the Department's discipline is fair and consistent.

The other two disciplinary policies implemented recently deal with misconduct complaint investigation and redirection, an alternative to discipline for minor infractions. As its title suggests, Misconduct Complaint Investigator Responsibilities dictates specific requirements for misconduct investigators, such as recording interviews with complainants, canvassing for witnesses, obtaining evidence, and making credibility assessments in a final investigative report. Body Worn Camera Inadvertent Misuse and Nonuse allows supervisors to correct the behavior of officers who unintentionally fail to comply with Department policy on body-worn cameras ("BWCs"). In other words, if an officer attempts to activate his/her camera timely but fails to activate it, he or she may be eligible for redirection (a form of counseling). This option is available only for inadvertent, minor violations. Circumstances involving a public complaint of misconduct, allegations of criminal behavior, or any other alleged policy violation are ineligible for redirection. The policy provides the Department with a broad range of responses to potential violations—including support, redirection, counseling, and punishment—to ensure employee infractions are corrected and employees are disciplined appropriately.

During the reporting period, the Public Integrity Bureau has gained a significant number of new staff. Although one officer resigned from the Force Investigation Team, three sergeants were added to the team over the past six months. Another officer departed the PIB's Special Investigations Section, but the Bureau gained two command-level officers, including a captain in March and a lieutenant in April. Bolstering the Bureau's ranks strengthens the Department's commitment to misconduct complaint intake, investigation, and adjudication, as well as its investigation and oversight of use of force incidents.

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.

NOPD has also held for the first time, semi-annual community meetings in accordance with transparency requirements. The meetings were publicized via the Public Information Office. The meetings were scheduled in locations that were easily accessible to public transportation and child care centers. The Deputy Chief of Compliance presented the community with information regarding the Consent Decree requirements, policy changes, pertinent reports, and issues involving public trust and constitutional policing.

Respectfully submitted,

/s/ Rebecca H. Dietz
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CERTIFICATE OF SERVICE

I do hereby certify that on this 27th of July, 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