2021 Bias-Free Policing Annual Report

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

Summary

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 but 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 but does not necessarily present the data analysis from the perspective of "bias".

The evaluation of bias in policing is difficult as statistics cannot show the subjective, or even unconscious, bias that may play a role in the decision making of an officer. Every interaction between an officer and a citizen is unique. Effective police work to prevent and solve crimes requires that officers make decisions based on those unique facts and where appropriate, form a reasonable suspicion to stop a person or probable cause to make an arrest. The Bias Free audit is intended to look for objective statistical indicia of bias in the conduct of officers. While there is no definitive test for determining the actual bias of an officer, the data can be useful in helping the department identify trends over time that may need to be addressed through training, policy changes, or other corrective action. Indeed, when officers see the global impact of certain decisions they make, it can help them identify unconscious bias or practices that lead to bias. Moreover, it is important for users of this data to understand that identifying and addressing specific officer misconduct is *not* the purpose of the audit. That role is undertaken by the multiple audits focused on objective misconduct, including but not limited to: the Stop, Search and Arrest audit, the Use of Force audit, the Custodial Interrogations audit, and the Supervision audit.

NOPD audits are conducted according to protocols adopted by NOPD after DOJ and Consent Decree Monitor (OCDM) approval. In the case of the bias-free audit, DOJ provided technical

assistance. NOPD, DOJ, and OCDM established a bias-free auditing working group in the fall of 2020 and approved an initial iteration of a bias free audit protocol in May 2021. Upon reviewing the results of the audit conducted pursuant to this protocol, the group determined that the methodology needed further refinement. The new methodology was finalized in February 2022 and included a combination of data analyses and "checklist audits" designed to identify disparities by comparing rates of outcomes between demographic segments. This methodology was also created with technical assistance from the DOJ.¹ It is important to note that there is no historical baseline for these audits, and no nationally accepted audit process for assessing bias department-wide in policing. And although NOPD's current methodology can conclusively identify disparities, it cannot conclusively identify the causes of the disparities, which may or may not include biased police officers or deployment strategies.

The results of the 2021 bias-free audit were positive on the whole, showing many programs with no disparities, though there were a few notable exceptions.² The results are summarized in the Bias-Free Audit section of this report and the technical report is available in Appendix B. Parts of the audit were conducted by DOJ. The data used by DOJ was provided by NOPD from its internal data collection sources. NOPD and OCDM's responses to the disparities identified are also summarized below in the Bias-Free Audit section.

NOPD is committed to bias-free policing and will continue to implement and improve programs such as: implicit bias training, psychological evaluations, close and effective supervision, allegationdriven misconduct complaints, ethical policing is courageous (EPIC), performance auditing, frequent reminders of the bias-free policy, transparency, and disparity data analysis.

Contents

Summary	. 1
Relevant Policies	. 4
Training	. 5
2021 Bias-Free Policing In-Service Training	. 5
2021 Bias-Free Policing Recruit Training	. 6
Community Engagement	. 6
Psychological Evaluations of Police Officer Candidates	. 7
Bias-free Audit	. 8

¹ The Department of Justice retained Dr. Matthew Ross, a national expert in the area of empirically testing for racial and ethnic disparities, to help refine the initial iteration of the bias free methodology and conduct many of the bias free assessments explained below.

 $^{^2}$ There were constraints in NOPD's data that limited the types of analyses that could be conducted, such as the ability to link a specific search to a specific type of evidence seized and the ability to link calls for service data to specific demographic groups. The working group took these limitations into consideration when designing the methodology and identified a series of widely-accepted assessments used to identify disparate treatment based on the data available to NOPD.

Analysis of Traffic Stops	
Vehicle Exits	
Pat Downs	
Uses of Force	
Firearms Pointings	
Handcuffings	
Misconduct Complaints	
Response Times	
Sex Work Offense Arrests	
Conclusion	
Appendices	
Appendix A: Additional information for misconduct complaints, stops and arrest force	ts, and uses of 16
Misconduct Complaints	
Table 1: Allegations of Bias by Disposition and Year	
Stops and Arrests	
Ethnicity of FIC Subjects	
Sex of FIC Subjects	
Arrests	
Uses of Force	
Use of Force Demographics	
Appendix B: 2021 Bias-Free Audit by DOJ, NOPD, and OCDM	
1. Analysis of Traffic Stops	
2. Analyses of Post-Stop Enforcement	
2.a. Vehicle Exits	
2.b. Pat Downs	
2.c. Use of Force, Firearm Pointings, Handcuffings, and Shootings	
3. Misconduct Complaints	
4. Response Times	
Appendix	

Relevant Policies

The NOPD's Rule 2 – Moral Conduct, in paragraph #4 and the New Orleans Chief Administrative Office Policy Memorandum No. 83 (R) Section II (c) have a strong provision against discrimination and the current base NOPD policy on bias-free policing (Ch. 41.13) 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 factors in combination with other aspects of a physical description, such as height and weight, when pursuing a person suspected of a crime. For example, the Department's policy prohibits racial profiling, or stopping drivers of a vehicle on the basis of race alone. However, an officer searching for a person suspected of an auto theft described by a witness as a "short, white, female teenager" could stop a vehicle whose driver fits that description. In that case, the legitimate consideration of a person's apparent race, provided by a witness, is not a violation of Department policy.

NOPD created a separate policy for interactions with LGBTQ (Lesbian, Gay, Bisexual, Transgender, and Questioning) persons direct effective bias-free policing procedures when dealing with the LGBTQ community. The policy regarding police interactions involving LGBTQ persons, Chapter 41.13.1, was implemented on March 12, 2017 and was updated on April 15, 2018.

The Department also created a policy that prohibits discrimination, harassment, and retaliation in the workplace, 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 prohibits 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 polices began during the second half of 2016, and 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. This is being done through annual review of all policies, the analysis of community complaints relating to bias, performance auditing, and the annual review of training lesson plans.

Training

2021 Bias-Free Policing In-Service Training

In 2021, NOPD's Academy and its training programs were significantly impacted by the worldwide pandemic of COVID-19. The effects of social distancing mandates and the rigorous demand at the first responder level diminished the opportunity to deliver a newly designed in-service curriculum to officers and supervisors. Breaking away from a traditional lecture approach, the 2021 Core and Supervisor In-Service programs were revamped into a "problem-based learning" (PBL) and "scenario based practical exercise" strategy. With classroom restrictions preventing PBL group activities however, the curriculum was deferred to 2022 and replaced with an amended 2021 In-Service schedule which included a combination of Louisiana Police Officer Standards and Training (POST) Council online modules, e-learning modules developed by NOPD's Academy, reduced class size tactical training sessions, and a special supervisor session.

A significant number of the intended 2021 PBL activities featured bias-free policing and procedural justice, although these courses could not be presented, they are part of the 2022 curriculum. In the abbreviated curriculum, the following POST on-line modules included some of these required elements:

- LA POST Council E-Learning Module: Making the Arrest Decision 2021; Communicating with the Deaf or Hard of Hearing 2021; Communication Techniques for Working with Older Adults 2021
- NOPD E-Learning Module: Ethical Policing Is Courageous (EPIC) and Officer Safety

Additionally, the Academy delivered a special 2-day classroom training session exclusively for all Sergeants and Lieutenants that focused on "Close and Effective Supervision". The sessions began in June 2021 when the COVID-19 classroom restrictions were reduced and covered the supervision of bias-free policing. The sessions included the following courses: Productive Roll Call Sessions; Essential Supervision; Oversight of Stops, Searches, and Arrests; and Establishing Standards for FIC Documentation. For a summary of the training covering stops, searches, and arrests, which has implications for biasfree policing, see the 2021 Stop and Search annual report, available at nola.gov/nopd/nopdconsent-decree.

2021 Bias-Free Policing Recruit Training

Recruit training experienced some impact due to the City's phased recovery from COVID19 restrictions, however the number of classes completed remained on target. Recruit courses have adapted with City health guidelines and are divided into bi-weekly squad rotations to achieve social distancing classroom allowances when necessary.

- Bias Policing Recognition (6 Hours): This course introduced the fundamental principles that policing based on bias can be unsafe, ineffective. and unjust. The course demonstrated that it is necessary that police officers understand how their own implicit biases can impact their perception, decisions, and actions.
- Fair and Impartial Policing (5 Hours): This course introduced the concept of implicit bias and demonstrated how implicit biases can impact the perception and behavior of officers. The training featured a series of interactive exercises that allowed officers to experience how implicit bias works and how it can impact their own actions.
- LGBTQ Awareness Training (3 Hours): This course discussed terms used in the LGBTQ community and identified positive police interactions. The training proposed methods of cooperation and community impact and how the Department and the LGBTQ community can make the City a safer, more accepting place to live.
- The Cultural Gumbo of New Orleans (4 Hours): This course identified the distinct cultural differences in the New Orleans neighborhoods and community make-up of the city. The training also exposed recruits to some of the most common street language. Instruction is enhanced by presentations from Cultural leaders from the community.
- Diversity in the Community (2 Hours): This course aided the recruit in understanding and identifying unique factors when communicating with minority citizens.

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, establishing quality relationships, and legitimacy between the Department and the community, including but not limited to, the LGBTQ+ and Limited English Proficiency (LEP) communities. In 2021, the NOPD was able to resume participation and hosting community events with the modifications of the Coivd-19 restrictions and guidelines. NOPD partnership participants include city agencies, civic groups, youth engagement and mentorship groups, Faith-based organizations, and neighborhood associations, among others. NOPD partnerships engage with the community and youth and problem-solve with the community, local businesses, and community stakeholders to address crime, quality of life issues, and collaborate to implement problem-solving strategies in the communities.

Throughout the year, the NOPD participated in multiple events in each of the City's eight police districts, in an effort to reach out to every citizen that wanted to interact with our officers. The events were broad reaching, including Community Forums and Anti-crime Rallies, Hurricane Relief

Efforts, Toy and Candy Drives during the holidays, the celebration of LGBTQ+ Month and Awareness, and Youth Basketball Games with Officers to name a few. The Department utilizes its specialty officers including Community Liaison Officers, LGBTQ+ Liaisons, the Language Access Coordinator, School Resource Officers, and Police Activity League Officer to ensure the inclusivity in its programs and efforts to achieve the goal of Police Reform and Constitutional Policing.

In 2021, the Department's Community Engagement Section revised and updated its forms, policies, manuals, Police District Community Policing Plans and created new documents to enhance the NOPD Community Policing and Engagement philosophy. To learn more about the NOPD's community engagement activities in 2021 and the revised and/or newly created documents, see the 2021 Community Engagement Annual Report, found at https://www.nola.gov/nopd/nopd-consent-decree/.

Psychological Evaluations of Police Officer Candidates

NOPD has a process for psychologically evaluating all candidates for commissioned positions. The psychological evaluation is one of the final evaluations and is administered to candidates who successfully pass all assessments, the background investigation, are approved by the Recruitment and Applicant Investigation Administrator, and have been made an offer of conditional employment. The evaluation is administered by contracted third parties and follows national standards for police officer psychological screening.

The contracted psychologist reviews each applicant's background investigation packet, which includes, but is not limited to, investigation data about the applicant's legal, employment, military, traffic, and geographic history. Also included in the background investigation packet are the results from the computer voice stress analysis (CVSA) testing. The psychologist also reviews any other documents provided by the New Orleans Police Department (e.g., documents from the public integrity bureau), Civil Service (e.g., previous psychological reports) or the background investigation unit. Each applicant is administered computerized psychologist may also conduct interviews with background investigators and/or prior NOPD supervisors, if applicable, in order to glean more information about a candidate, or to corroborate candidates' statements. Information is never disclosed to collateral interviewees. The psychologist may also request records from previous mental health professionals, including military mental health records.

The psychologist's screening methods assess social biases, among many traits that may predict the applicant's ability to perform law enforcement duties in an acceptable manner. Screenings include questions that directly ask about biases towards other genders (including individuals identifying as transgender, gender non-binary, and gender fluid), ethnicities, backgrounds, religious beliefs, sexuality (including homosexuality). Questions include, but are not limited to: "Have you ever made jokes about homosexuals or women in the workplace?" "How do you feel about people who are gay or transgender?" "How would you feel if your police partner was homosexual or transgender?" Follow up questions are asked when warranted. In 2021, 7 out of 54 applicants did not pass the psychological evaluation screening process and were therefore not hired.

Bias-free Audit

NOPD began working with the DOJ and OCDM in 2020 to develop a bias-free audit methodology and finalized that protocol in February 2022. It is important to note that the group did not have the benefit of a guide or SOPs from other departments to aid in the design of the audit. The methodology takes a holistic approach to evaluating bias throughout the Department's activities and covered the following areas:³

- 1. Analysis of Traffic Stops
- 2. Analyses of Post-Stop Enforcement
 - a. Vehicle Exits
 - b. Pat Downs
 - c. Use of Force
 - d. Firearm Pointings
 - e. Handcuffings
- 3. Misconduct Complaints
- 4. Response Times
- 5. Sex Worker Offense Arrests

The group completed the report in May 2022. See <u>Appendix B</u> for the full report. The methodology analyzes aggregate data or large datasets to allow for statistical comparisons. It is not meant to negate or minimize any individual's personal experience with NOPD. A summary of the results and the plans to attempt to address any disparities identified are below. It is important to note that a disparity in the data does not conclusively mean bias exists but NOPD is committed to further investigating disparities identified by data analyses and implementing programs in attempt to resolve them.

Analysis of Traffic Stops

NOPD officers use Field Interview Cards (FICs) to document self-initiated stops and other law enforcement actions. In 2021, 71% of the people documented on FICs were black or African-American. At first glance, this frequency appears to show a disparity in who NOPD officers decided to stop and aligns with a commonly expressed notion that officers are more likely to target black motorists. It is important, however, to contextualize the demographic data in FICs with the general

³ The methodology did not include a review of checkpoints because NOPD conducted six in 2021 and the group determined there to be insufficient data for an analysis.

population in New Orleans. According to Census data, African Americans made up 59% of the population in the New Orleans area in 2020.⁴ And although the portion of stops of Black or African-American individuals appears high, experts believe measures of resident population (i.e. census data) should not be used as a sole method of benchmarking the population at risk of being stopped. This is partly due to concerns that the census undercounts minorities, pedestrian and vehicular populations include a greater percentage of minorities than indicated by the census, a large portion of drivers are not residents, and officers are more likely to be in minority neighborhoods because a disproportionate number of calls for service come from predominantly black neighborhoods.⁵ Indeed, in 2021, officers indicated 63% of subjects documented on FICs lived in New Orleans and 65% of calls for service came from majority black neighborhoods in New Orleans. Given these data limitations, the working group decided to conduct more statistically sophisticated analyses to probe potential disparities that may exist in the Department's stops, searches, and arrests practices.

The analysis of traffic stops in the 2021 bias-free audit used the "Veil of Darkness" method which compares the demographics of motorists that officers stop during daylight to darkness. The Veil of Darkness is a recognized method for analyzing the decision to stop motorists. The method narrows stops to what is called the inter-twilight window which includes similar times of the day that are in darkness some parts of the year and in light at other times because of time changes and the changing tilt of the earth. These times range from 5-9pm in New Orleans. The method assumes officers who are biased towards minorities are more likely to stop minority motorists during daylight, when the race/ethnicity of the motorist can presumably be observed, than in darkness when it presumably cannot. And the method assumes that within the inter-twilight window the only difference between stops in daylight and darkness is the ability of the officer to observe motorist race prior to making a stop. The method uses regression analysis with several controls.⁶ The analysis included over 2,000 stops in 2021 and found no distinguishable difference between stops of minority⁷ motorists during daylight and darkness and thus found no evidence of disparate treatment of minorities by NOPD officers with regard to the decision to stop a motorist. The analysis looked at each year from 2016-

⁴ The Data Center, <u>Who Lives in New Orleans and Metro Parishes Now?</u> | <u>The Data Center (datacenterresearch.org)</u>, July 2021, New Orleans

⁵ Analysis Group. 2005. Proposed Pedestrian and Motor Vehicle Stop Data Analyses Methodology Report. Los Angeles; Grogger and Ridgeway. 2006. Testing for Racial Profiling in Traffic Stops From Behind a Veil of Darkness. Journal of American Statistical Association, September 2006, Vol 101, No. 475 via The Rand Corporation; Haberman et al. 2020. Developing an Analytical Framework for Assessing Bias-Free Policing in the City of Cincinnati, Preliminary Report. University of Cincinnati. Ch 5 Traffic Stop Analysis, External Benchmark Census Data, P40; Police Strategies LLC. 2021. Demographic Disparity Analysis of Law Enforcement Data from the Spokane Police Department. Appendix C, The Problem with Population, P270.

⁶ For example, to account for the fact that certain types of violations might be correlated with lighting conditions and race (vis-à-vis income), the report included a robustness test that restricted the sample to moving violations. To account for the fact that the minority share of the driving population might vary seasonally, the report conducted a robustness test focused on changes that could be associated with daylight savings time.

⁷ For purposes of this report, minority or minorities refer to individuals that are not White non-Hispanic.

2021 and found that 2016 was the only year where minorities were more likely to be stopped during daylight. Additional statistics regarding stops are available in <u>Appendix A</u>.

Vehicle Exits

The analysis of vehicle exits included incidents of occupants being required to exit vehicles and compared occupants of different demographics by calculating the rate they were arrested. The analysis used Field Interview Card (FIC) data from 2021 and included over 2,000 occupants of vehicles. The analysis assumes that if NOPD officers are biased, they would require minority occupants to exit their vehicles for reasons that are more minor (less likely to result in arrest), or even for no reason at all, at a higher rate than non-minority occupants and thus minority occupants who are required to exit their vehicle would have a lower rate of arrest than non-minorities. The analysis found that minority drivers who were required to exit the vehicle were less likely to be arrested than non-minority drivers. The difference in arrest rates was about 7% and shows a meaningful disparity. The analysis did not find a difference in the arrest rate for minority passengers who were required to exit the vehicle. The analysis also looked at 2016-2020 and found a similar disparity for 2018 and 2019 as that found in 2021, but did not find a similar disparity for 2016, 2017, or 2020.

In order to explore the results of this disparity, NOPD and OCDM reviewed a random sample of stops for minor violations (non-moving, non-criminal) involving black passengers who were required to exit the vehicle and were not arrested. The random sample included 50 such incidents from 2021 and 50 from 2016. The review involved reading the Field Interview Cards and watching body worn camera video. The review found that 86% of the time there was a legitimate reason for the passenger to be required to exit the vehicle and 14% of the time the review did not find a legitimate reason. Legitimate reasons include but are not limited to: the driver had a suspended license and is no longer allowed to continue driving, the officer(s) decided to conduct a valid vehicle search, the driver was arrested and so the passenger was required to exit in order to switch to the driver's seat. In all three examples the driver or passenger or both were required to exit the vehicle for legitimate reasons and were not arrested.

Although the lack of policy adherence may not be the sole cause of the disparity, the working group agreed the first step to addressing the disparity should be to improve compliance with NOPD's policies governing vehicle exits. To improve policy adherence, NOPD is committed to:

- Providing additional training on policies 1.2.4.1-Stops/Terry Stops p16 B and 41.12-Field Interview Cards p12 F
 - 1.2.4.1 p16 B requires officers to have additional articulable justification for ordering a motorist to exit a vehicle unless it is justified by the articulable reasons for the original stop
 - 41.12 p12 F requires officers to write the justification for requiring someone to exit a vehicle in the narrative section of the Field Interview Card.

- Ensuring NOPD Academy training covers requirements for vehicle exits
- Modifying the FIC form to prompt officers to explain the justification for requiring the person to exit the vehicle
- Auditing justifications for vehicle exits during Stops, Searches, and Arrests audits and taking corrective action to address any audit findings of non-compliance

NOPD plans to complete another run of the analysis for vehicle exits every 6-months and assess whether the disparity is growing or decreasing and to assess the extent to which policy adherence has an impact on the disparity. If the disparity persists, NOPD will conduct additional, tailored randomized reviews and will consider what additional steps are required to address the disparity.

Pat Downs

The analysis of pat down, or frisk searches, included the over 1,300 incidents of people receiving pat down searches, as documented on FICs in 2021. The analysis calculated the rates incidents involving a pat down also involved officers seizing evidence for people of different demographics. The premise of the analysis is that biased officers are more likely to conduct a pat down on a minority with less or no evidence of the person being armed and dangerous than on a non-minority. Thus, lower rates of evidence being seized during incidents involving pat downs would indicate a disparity. The analysis found a lower rate of evidence being seized during pat down incidents for non-minorities. The difference in rates was 9%. The analysis did not determine this difference to be a disparity as it does not indicate disparate treatment against minorities. The analysis also reviewed 2018-2020 and found a similar trend with lower rates (4-8% lower) of evidence being seized during pat down incidents for non-minorities. The analysis did not review 2016 or 2017 because the FIC form was modified in early 2018 to track pat down data.

There were some data limitations that precluded NOPD from being able to link the specific item seized as a result of a specific search. The working group recommended that NOPD collect data in a way that identifies distinct searches (i.e. identify each type of search that was part of an incident) and what was seized as a result of what search. For example, the data would identify whether the pat down led to a weapon seized or led to the plain feel of contraband. NOPD is exploring modifications to the FIC to track the results of each search.

Uses of Force

The analysis of uses of force included the 481 subjects of force in 2021 and data on whether the subject of force was arrested.⁸ The analysis calculated the rates of arrest following uses of force for people of different demographics. The analysis assumes subjects of law enforcement generally do not offer physical resistance unless they are going to be arrested. And so lower rates of arrest for minority subjects of force will indicate officers have a lower threshold for using force on minorities

⁸ The data used for this analysis mistakenly included 21 subjects from use of force reports that were used to document incidents where force was used against an officer and no force was used against the subject. The group does not think this mistaken inclusion of data had an impact on the conclusion for this analysis.

and thus indicate biased policing. The analysis found no statistical difference between the arrest rates for minority and non-minority subjects of force. The analysis also reviewed 2016-2020 and had the same findings. Additionally, every use of force is investigated and assessed for reasonableness. In 2021 there was no difference in the rates of unjustified use of force for white and non-white subjects.⁹ See the 2021 Use of Force Annual Report for more information. NOPD's annual reports can be found at: nola.gov/nopd/nopd-consent-decree. Additional statistics regarding uses of force are available in <u>Appendix A</u>.

Firearms Pointings

The firearms pointings analysis included a sub-set of use of force incidents from 2021 that involved an officer pointing their firearm at someone. It's important to note that every use of force is reviewed and subject to randomized internal audits, the results of which are available in the Department's Use of Force Annual Reports and Audits located at nola.gov/nopd/nopd-consentdecree. Similar to the analyses described above, the analysis of firearm pointings calculated the rate of arrest following firearm pointings for people of different demographics. The analysis assumes a lower arrest rate for minority subjects of firearm pointings would indicate officers have a lower threshold for pointing a firearm at minorities and would therefore indicate a disparity. The analysis found minority subjects of firearm pointings were less likely to be arrested. The difference was 18 percent (roughly equating to 30 minority subjects or 5 non-minority subjects). The analysis found the disparity to exist in 2021 but not in 2016-2020. In order to further analyze this disparity, NOPD reviewed the results of the corresponding use of force investigations to identify how many of the pointings were deemed to be justified. In 2021, there were 182 use of force incidents where NOPD pointed a firearm at an individual. Of those 182, 2 were deemed to include unjustified force through NOPD's use of force review process. Both incidents involved one black subject and both incidents involved the same officer who was terminated by NOPD in November 2021.

Handcuffings

The handcuffing analysis included the 3,500+ handcuffings in 2021 and compared the rate of arrest for people of different demographics. The premise of the analysis is that an un-biased police department will arrest minority people they handcuff at a similar rate to non-minority people they handcuff. Being a data analysis, it cannot factor the circumstances surrounding handcuffing or whether handcuffed subjects committed arrestable offenses. The analysis found no difference between the rate of arrest of handcuffed minorities and non-minorities. The analysis did not review any prior years because the FIC form was modified in early 2021 to track handcuffing data.

Misconduct Complaints

The analysis of misconduct complaint investigations looked at the source (internal or external), disposition (positive or negative), and timeliness of complaints and compared rates for officers of different demographics and complainants of different demographics. A negative disposition means

⁹ The rate of unjustified force for white subjects was 1.7% (1/60) and 2.8% (11/400) for non-white subjects. A Chisquared test finds no difference between these rates (p = 0.623).

the complaint investigation determined misconduct occurred. For the purpose of the analysis a complaint investigation was considered timely if it was completed within 120 days.

In 2021, misconduct complaints for which the majority of accused officers were black resulted in a negative disposition at a higher rate than for complaints for which the majority of accused officers were white. The difference in rates was approximately 5%. Further, complaint investigations were more likely to be completed on time when the majority of accused officers were white than when the majority of accused officers were black. The difference was approximately 9%. NOPD will continue to monitor the timeliness of misconduct investigations to determine whether corrective action is needed. Complaints for which the majority of accused officers were black were more likely to come from internal sources than complaints for which the majority of accused officers were white, by a difference of about 6%.

With regard to outcomes of complaints and the demographics of the complainants, complaints from black complainants were more likely to result in a negative disposition than complaints from white complainants, by about 4 percent. And were more likely to be timely, by about 5 percent. We also note that there were far fewer complaints that received a negative disposition and a much larger proportion of those complaints were resolved in a timely manner in 2021 when compared to 2016. The Quality Assurance Unit of NOPD's Public Integrity Bureau conducted an audit of 40 misconduct investigations from April-June 2021. The audit found 100% of the resolutions to be based upon the preponderance of the evidence. OCDM reviewed the audit and concurred with the findings. Additional statistics regarding misconduct complaints are available in <u>Appendix A</u>.

Response Times

The analysis compared average (median) response times in 2021 for neighborhoods with a majority (>60%) of black or African American residents and compared them to neighborhoods with less than a majority (<40%) of black or African American residents. The analysis found that emergency and non-emergency response times were on average slower in majority black neighborhoods. Emergency responses were about 2 minutes slower and non-emergency responses were about 44 minutes slower. It is important to note the analysis found the volume of calls in majority black neighborhoods is much higher than non-majority black neighborhoods. There were about 4 times as many emergency calls and 3 times as many non-emergency calls in majority black neighborhoods than in non-majority ones in 2021. The analysis shows that the gap in average response times decreased by 2 percentage points for emergency calls and 6 percentage points for non-emergency calls from 2020 to 2021. The report included in Appendix A recommends additional analysis that factors officer assignments and geographic size of neighborhoods. NOPD is committed to conducting the additional analysis in 2022. It is important to note that in 2021 NOPD implemented a deployment strategy called geographic deployment. The strategy was designed in partnership with the DOJ and the consent decree monitors. The strategy assigns officers to geographic sectors based on workload. NOPD is committed to further investigating this apparent disparity in response times and to reevaluating its officer deployment strategy.

Sex Work Offense Arrests

NOPD's methodology also includes a review of arrests related to sex work. It requires all sex work offense arrests to be audited using a checklist. The general purpose of the audit is to assess whether such arrests are conducted in a respectful and fair manner. The table below includes the specific audit criteria and the results. NOPD reviewed the four incidents, which involved five arrests for sex work offenses, in 2021. The audit involved reviewing video and reports and completing checklists for each incident and person arrested. The table below includes the audit criteria and the results:

Field Text	Number Compliant	Number Assessed	Number NA	Compliance Rate
Was the arrest report accurate?	1	1	3	100%
Is the language used in the arrest report professional and within policy?	3	4	0	75%
Did the officer treat all parties, regardless of their involvement, with respect and in a professional manner?	1	1	3	100%
If reasonably possible, does video show the officer verbally identify him/herself as soon as practical?	1	1	3	100%
If multiple suspects participated in the commission of a felony or misdemeanor, were all of them arrested?	1	1	3	100%
If multiple suspects who participated in the commission of a felony or misdemeanor were arrested, were they all similarly charged?	1	1	3	100%
Did the officer enforce the law evenly against all sex work offenders involved in this incident?	3	3	1	100%
Did the officer rely on the mere presence or possession of condoms to any degree as the sole basis for RS or PC to believe this suspect committed a sex work offense?	5	5	0	100%
Was this subject a victim or a witness who was arrested for a crime related to his/her own self-defense?	1	1	4	100%
Was this subject arrested or cited for engaging in (1) sex-work; or (2) sex-work related offenses due to his or her reporting of a violent offense?	4	4	1	100%

Field Text	Number	Number	Number	Compliance
	Compliant	Assessed	NA	Rate
Was this subject arrested or cited for a non-violent misdemeanor (including drug offenses) because this subject reported a violent offense?	3	3	2	100%

The audit found substantial compliance. It found full compliance for ten of the eleven audit criteria. One audit criterium regarding the language used in the police report found three of the four reports to be compliant. The one non-compliant report included language referring to people suspected of committing sex work offenses as prostitutes. To address the issue NOPD's Academy is working to incorporate corresponding language sensitivity training.

Additionally, NOPD's Professional Standards and Accountability bureau conducts audits of domestic violence, child abuse, and sex crimes investigations. The audits assess the thoroughness of the investigations, their timeliness, and whether the conclusions are appropriate based on the evidence. The audit reports are posted to nola.gov/nopd/nopd-consent-decree once sensitive information has been removed. The 2021 audits found substantial compliance and recommended no corrective action.

Conclusion

NOPD remains committed to bias-free policing, creating a culture of inclusivity, accountability and providing services in a professional, nondiscriminatory, fair, and equitable manner in all police practices.

This report documents the bias-free-related policies, trainings, community engagement, police applicant vetting, and the bias-free audit NOPD conducted in 2021. The bias-free audit found the majority of the results to be positive and identified few areas of improvement. For example, the audit found no disparities in the decision to stop, pat down searches, uses of force, and handcuffing. These positive results reflect NOPD's dedication to bias-free policing, the programs and policies covered in this report, and other innovative NOPD programs such as: Ethical Policing is Courageous/Active Bystandership for Law Enforcement (EPIC/ABLE), close and effective supervision, allegation-based misconduct investigations, and internal auditing; with a level a granularity that exceeds other law enforcement agencies.

The Department affirms its commitment to maintaining transparency and recognizing that continued reforms must be internally driven. That is why on an annual basis, NOPD is committed to reviewing, adapting, and executing its bias-free programs and reporting the details to the public as part of its robust accountability systems.

Appendices

Appendix A: Additional information for misconduct complaints, stops and arrests, and uses of force

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. A complaint is any allegation of misconduct committed by any NOPD employee that is reported by any person, including any NOPD employee. Table 1 below shows one allegation of discrimination or bias was sustained between 2015 and 2021. The employee resigned while under investigation.

Disposition	2015	2016	2017	2018	2019	2020	2021
Sustained	0	0	0	0	0	1	0
Pending (under investigation)	0	0	0	0	0	0	0
Exonerated	5	8	0	1	1	0	0
Not sustained	4	5	2	4	3	3	3
No formal investigation merited	0	1	1	0	0	0	0
Unfounded	23	16	25	21	12	8	7
DI-2 (Counseling)	0	0	1	0	0	0	0
Cancelled	1	0	0	0	1	2	0
Total	33	30	29	26	17	14	10

Table 1: Allegations of Bias by Disposition and Year

*For definitions of allegation dispositions, see Chapter 26.2: Adjudication of Misconduct, available at <u>nola.gov/nopd/policies</u>.

The number of discrimination and bias-based allegations over the past seven years has seen a gradual decline from 33 in 2015 to 10 in 2021. 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 contact 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." The disposition "Not sustained" means the investigator or hearing officer was unable to determine, by a preponderance of the evidence, whether alleged misconduct occurred.

Stops and Arrests

Ethnicity of FIC Subjects

Figure 1 (see next page) gives the distribution of stops across races/ethnicities for 2015-2021. The distribution of stops across races/ethnicities in 2021 resembled the statistics of previous years. Black or African-American individuals represented 71% of all subjects documented on FICs, the same as 2020 (71%). White (non-Hispanic) individuals represented 25% of all subjects documented on FICs, up from 23% in 2020. FICs documenting Hispanic or Latinx, Asian, and American Indian and Alaskan Native individuals showed little to no change, remaining at about 3%, 1%, and <1%, respectively in 2015 through 2021. Instances of officers documenting people on FICs with unknown race ethnicity increased from consistently about 1% from 2015-2020 to 2.8% in 2021. Although the portion of stops of Black or African-American individuals appears high, as stated earlier, experts believe measures of resident population (i.e. census data) should not be used as a sole method of benchmarking the population at risk of being stopped. This is partly due to concerns that the census undercounts minorities, pedestrian and vehicular populations include a greater percentage of minorities than indicated by the census, a large portion of drivers are not residents, and officers are more likely to be in minority neighborhoods because a disproportionate number of calls for service come from minority neighborhoods.10 In 2021, Officers indicated 63% of subjects documented on FICs lived in New Orleans. And in 2021, 65% of calls for service came from majority black neighborhoods in New Orleans.

¹⁰ Analysis Group. 2005. Proposed Pedestrian and Motor Vehicle Stop Data Analyses Methodology Report. Los Angeles; Grogger and Ridgeway. 2006. Testing for Racial Profiling in Traffic Stops From Behind a Veil of Darkness. Journal of American Statistical Association, September 2006, Vol 101, No. 475 via The Rand Corporation; Haberman et al. 2020. Developing an Analytical Framework for Assessing Bias-Free Policing in the City of Cincinnati, Preliminary Report. University of Cincinnati. Ch 5 Traffic Stop Analysis, External Benchmark Census Data, P40; Police Strategies LLC. 2021. Demographic Disparity Analysis of Law Enforcement Data from the Spokane Police Department. Appendix C, The Problem with Population, P270.



Figure 1 – FIC Subjects in New Orleans by race/ethnicity of the subject, 2015-2021

Sex of FIC Subjects

As shown in Figure 2 (see next page), in 2021, males represented 66% of all subjects documented on FICs, a slight decrease from 69% in 2020. Females represented 34% of all subjects documented on FICs, a slight increase from 31% in 2020.



Figure 2 - Stops in New Orleans by sex of the subject, 2015-2021

Arrests

Arrest data shows the proportion of arrests for each race/ethnicity has remained relatively constant over the past six years. Of all the people arrested by NOPD between 2016 and 2021, 77% were black or African American; 22% 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, 2016-2021

The following figure illustrates the percentages of male and female subjects arrested by NOPD between 2016 and 2021. With respect to sex, the demographics of arrested subjects saw little change over the six-year period. Of all the persons arrested by NOPD between 2016 and 2021, 24% were female while the other 76% were male.



Figure 4: Arrests in New Orleans by sex of the subject, 2016-2021

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 <u>nola.gov/nopd/nopd-consent-decree</u>.

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 this scenario, there would be a single force tracking number (FTN) created 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 2021 Use of Force report has an in-depth review of all force incidents for the last four years, including each type of force used.

Table 2 shows in 2021 there were 395 reported incidents in which NOPD Officers used force, which is a significant decrease from the 604 force incidents reported in 2017. The percentage of arrests that involved force increased from 3.3% in 2019 to 6.0% in 2021. It is important to note that arrests in 2021 were much lower than in pre-pandemic times. For example, arrests in 2021 (6,606) were down 43% from 2019 (11,511).

	2016	2017	2018	2019	2020	2021
Arrests	13,034	14,517	13,505	11,511	6,762	6,606
Force incidents	584	604	441	380	348	395
Percent of arrests that involve force	4.5%	4.2%	3.3%	3.3%	5.1%	6.0%

Table 2: Percentage of Arrests that Involve Use of Force

In 2021, NOPD reported using 810 types of force, a significant decrease from 1,133 in 2017, but an increase from the 694 in 2020.

	2016	2017	2018	2019	2020	2021
Firearm Discharge ¹	6	3	2	20	13	8
Firearm Exhibited/Pointed	444	444	304	258	243	258
CEW Discharged ¹	48	46	52	50	48	31
CEW Exhibited/Pointed ²	103	105	20	7	1	2
Baton	2	2	4	2	3	5
Hands	280	239	223	156	149	234
Takedown ³	155	220	186	200	152	198
Strike	3	4	12	3	10	8
Canine Deployments ⁴	25	17	13	7	17	15
Escort Techniques	40	31	18	8	30	25
Defense Techniques	1	7	8	3	4	3
Other ⁵	29	15	14	17	24	23
Total	1,136	1,133	856	731	694	810

Table 3: Types of Force Used, 2016-2021

1-Accidental discharges not included

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

3-In 2018 the Department revised the takedown definition in Chapter 1.3 (NOPD policies are available at nola.gov/nopd/policies).

4- While four incidents involving canines resulted in bites in 2016, no bites were reported in 2017 through 2019.5-Other includes uses of force not otherwise categorized.

Table 4 (see next page) shows force types used during incidents that involved at least one arrest compared to incidents that involved no arrest. A majority (64%, 522/810) of the uses of force in 2021 occurred while officers were making an arrest, or during situations in which an arrest became necessary.

[Table 4 is on the next page]

	20	16	20	17	20	18	20	19	20	20	20	21
	@*	No @	a	No @								
Firearm Discharge	1	5	2	1	0	2	9	11	1	12	3	5
Firearm Exhibited/ Pointed	316	128	366	78	254	50	206	52	169	74	174	84
CEW Discharged	32	16	37	9	36	16	35	15	31	17	23	8
CEW Exhibited/ Pointed	65	38	84	21	17	3	6	1	1	0	2	0
Baton	1	1	1	1	4	0	2	0	2	1	2	3
Hands	193	87	197	42	187	36	113	43	96	53	145	89
Takedown	116	39	182	38	145	41	164	36	111	41	125	73
Strike	3	0	4	0	11	1	3	0	8	2	3	5
Canine Deployments	24	1	17	0	13	0	7	0	16	1	14	1
Escort Techniques	33	7	20	11	13	5	4	4	21	9	18	7
Defense Techniques	1	0	7	0	8	0	2	1	3	1	2	1
Other	26	3	10	5	10	4	8	9	16	8	11	12
Total	810	325	927	206	698	158	559	172	475	219	522	288

Table 4: Force Types Used during Incidents Involving an Arrest, 2016-2021

*@ = Arrest

Use of Force Demographics

Below are three tables listing the number of subjects of force by age, sex, and race/ethnicity for each from 2016 to 2021.

Table 5: Age of Subjects of Force

	<= 10	11-17	18-27	28-37	38-47	48-57	58+	Not Specified
2016	4	91	256	202	77	51	21	53
2017	5	64	306	192	77	42	23	45
2018	2	76	186	140	64	30	12	39
2019	1	51	134	120	75	22	18	38
2020	0	49	112	110	60	22	11	38
2021	3	44	143	119	60	25	10	52

Table 5 shows in 2021, 143 incidents of force involved individuals between the age of 18 and 27, which is more than the other age groups. Individuals between the ages of 28 and 37 were the next highest with 119 incidents of force.

Table 6 shows more incidents of force involve male than female subjects. In 2021, 388 (85%) of the 455 subjects of force were male, while 63 (14%) subjects of force were women.

	Male	Female	Not Specified
2016	627	113	15
2017	648	101	5
2018	470	75	4
2019	388	70	1
2020	340	56	6
2021	388	63	4

Table 6: Sex of Subjects of Force

Table 7: Race/Ethnicity of Subjects of Force

	African American	White	Hispanic	Other
2016	617	99	15	24
2017	621	95	20	18
2018	447	75	15	12
2019	381	54	10	14
2020	328	53	10	11
2021	378	60	9	9

The data above shows force was used against 378 Black/African American, 60 White, and 9 Hispanic/Latinx individuals in 2021. It is also worth noting that black or African American individuals made up 69% of all stops, and 79% of arrests made by NOPD in 2021. This data is further explored in the 2021 Stop and Search Annual Report and the 2021 Use of Force Annual Report, both of which can be found at nola.gov/nopd/nopd-consent-decree.

Appendix B: 2021 Bias-Free Audit by DOJ, NOPD, and OCDM

2021 Bias-Free Policing Annual Report¹¹

Author: Matthew B. Ross, PhD¹² Data: New Orleans PD, 2016-21

1. Analysis of Traffic Stops

Evaluating racial and ethnic disparities in the decision by police to stop a motor vehicle is complicated by the lack of an appropriate counterfactual, i.e. a benchmark to compare the demographic composition of traffic stops against. To overcome this challenge, Grogger and Ridgeway (2006) propose a test which compares the likelihood a traffic stop is made of a minority motorist during daylight relative to darkness (see also Ridgeway 2009; Horace and Rohlin 2019; Kalinowski et al. 2018, 2020a, 2020b). The authors demonstrate that, under a certain set of conditions, a change in the odds of a stopped motorist being a minority from daylight to darkness is equivalent to a change in the odds a minority motorist is stopped. If we were to assume that the only thing changing between daylight and darkness is the ability of police officers to detect race prior to making a traffic stop, an increase in the likelihood a minority motorist is stopped during daylight is indicative of discrimination. To account for the fact that enforcement activity and the driving population are likely to change from day to night, the test focuses on a fixed window of the day when the timing of sunset varies throughout the year. Further, researchers typically apply regression analysis to hold constant things like time of day, day of week, and geographic location.¹³ In recent years, the so-called "Veil of Darkness" test has become the gold standard for evaluating disparities in the decision by police to make a motor vehicle stop (Ross et al. 2021).

Using the universe of 17,015 field interview contacts (FICs) associated with traffic stops made by the New Orleans Police Department (NOPD) in 2021, a solar visibility test was used to assess disparities in the decision to stop a motorist. First, the data was subset to 2,763 traffic stops having occurred within a window of the day when the timing of sunset varies throughout the year, i.e. the "inter-twilight" window occurring in New Orleans between the earliest sunset occurring at approximately 5:00PM and the latest end to civil twilight at approximately 9:00PM.¹⁴ The main analysis further restricts the sample to 2,119 stops not involving a specific set of infractions (i.e. cellphone, seatbelt, or inoperative lighting) due to the fact that their enforcement is likely

¹¹ Future bias free annual reports will also include the results of an LGBTQ+ audit. There were data limitations in 2021 that counseled in favor of excluding this analysis in this 2021 annual report.

¹² Matthew B. Ross, PhD is an Associate Professor appointed to the School of Public Policy & Urban Affairs and the Department of Economics at Northeastern University. Dr. Ross is considered a national expert in the area of empirically testing for racial and ethnic disparities. He has authored a total of ten statewide studies on police discrimination for the states of Connecticut and Rhode Island. Having been featured in a special issue of Criminology & Public Policy adopted by the states of Oregon and California, his holistic approach to testing for disparities is widely considered to be best practice. His scholarly research has appeared in leading peer-reviewed journals like Nature, the Journal of Human Resources, Criminology & Public Policy, and the Industrial & Labor Relations Review. Dr. Ross designed and conducted the assessments in this report based on the data available and provided to him by NOPD.

¹³ A limitation of this approach becomes apparent when one considers a comparison of the driving population at 5:00 PM in the summer when it is light outside relative to 5:00 PM in the winter when it is dark. To address endogeneity associated with seasonal changes in the driving population, researchers often focus on a fixed number of days directly before/after the spring/fall daylight savings time change. Here, we will address this potential concern by implementing a robustness test using regression discontinuity design following Kalinowski et al. (2020a).
¹⁴ Visibility conditions were estimated using NOAA's implementation of Meeus' sunset time calculation as well as each traffic stop's associated

¹⁴ Visibility conditions were estimated using NOAA's implementation of Meeus' sunset time calculation as well as each traffic stop's associated time, date, and the lat/lon of city centroid for New Orleans.

correlated with visibility and potentially race.¹⁵ Using only observations within this narrow window of the day and excluding the problematic set of infractions, a linear probability model was estimated by regressing an indicator for whether a traffic stop involved a minority motorist on an indicator for whether it also occurred in daylight.¹⁶ Critically, this linear regression also controlled for 15-minute increments of time, day of the week, and categorical variables for district by zone.¹⁷

Figure 1 contains a graphical presentation of the results from applying the solar visibility test to the NOPD data for 2021. Panel (a) documents the annual estimates of the likelihood a Black/AA motorist was stopped in daylight vs. darkness. Panel (b) documents the likelihood for all minority motorists.¹⁸ The baseline comparison group in both panels consists of traffic stops made of White non-Hispanic motorists. The vertical axis denotes the predicted probability that a traffic stop involved a minority motorist. The navy-colored bar represents the probability of a stop involving a minority being made in darkness while the orange-colored bar represents daylight. The annotation in the center of the bar documents the magnitude and statistical significance of the change in the predicted probability a minority motorist is stopped in daylight relative to darkness. As shown below in panel (a), Black/AA motorists were 4 percentage points less likely to represented in the traffic stop data during daylight relative to darkness. The coefficient estimate was statistically indistinguishable from zero at conventional confidence levels. As shown in panel (b), minority motorists in the aggregate were 5.2 percentage points less likely to be represented in the traffic stop data during daylight and this estimate was again statistically indistinguishable from zero at conventional confidence levels. The typical interpretation of these results is that NOPD is not engaged in disparate treatment of minorities in their decision to stop a minority motorist within the inter-twilight window.

Figure 1. Estimated Probability of a Minority Motorists being Stopped for a Moving Violation in Daylight and Darkness in 2021

¹⁵ This sample restriction is relaxed in the results presented in the appendix.

¹⁶ Note the following: (1) a total of 5,017 stops occurring during civil twilight are dropped from the main analysis but included in the robustness test involving a regression discontinuity design; (2) the baseline comparison group was always 8,325 stops made of White non-Hispanic motorists for both the analysis of 26,138 stops made of Black/AA motorists as well as 28,074 stops made of all minority category; (3) Kalinowski et al. (2020a) the application of a linear probability is appropriate given the theoretical derivations in Grogger and Ridgeway (2006).

¹⁷ The baseline model $race_i = \alpha + \lambda \, daylight_i + \beta_1 tod_i + \beta_2 dow_i + \beta_3 loc_i$ is estimated using ordinary least squares regression where $race_i$ is a binary variable equal to one if a stop *i* involved a minority and equal to zero if a stop involved a non-Hispanic White motorist. The regression includes a vector tod_i representing the time of day, dow_i representing the day of the week, and loc_i representing district by zone. The key explanatory variable $daylight_i$ is a binary variable equal to one if a stop occurred when it was light outside and zero if it occurred in darkness. The coefficient estimate λ represents the change in the likelihood a stop involves a minority individual in daylight relative to darkness. To account for potential seasonality, the appendix contains a set of results applying a regression discontinuity design within a 28-day bandwidth before/after the spring and fall daylight savings time change.

 $^{^{18}}$ As of 2020, the racial breakdown of the population in New Orleans is as follows: Black or African American: 59.2%, White non-Hispanic: 30.7%, Hispanic: 5.5%, Asian: 2.9%. Given this breakdown, New Orleans is majority-black. For purposes of this report, minority or minorities refer to individuals that is not White non-Hispanic.



Panel b: All Minority

Notes: The results for panels (a) and (b) are estimated on a sample of 2,004 and 2,119 traffic stops made of White non-Hispanic and Black/AA or all minority motorists during the inter-twilight. The bars and estimated change were obtained by plotting the estimated probabilities at the mean of the control variables using a linear probability model regressing an indicator for race on an indicator for daylight as well as controls for time of day, day of week, and district by zone. The unit of observation is an occupant and observations are weighted by the inverse number of occupants per traffic stops. Each regression was estimated using data only for the respective year labled on the horizontal axis. The standard errors used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value were clustered at the district by zone level.

Appendix Figures A.1- A.3 contain a series of robustness tests on the main findings for all years between 2016 and 2021. In particular, Figure A.1 reports the results of applying the solar visibility test on only moving violations by year. Figure A.2 reports the results of applying the solar visibility test on all violations by year. Figure A.3 reports the results from applying a regression discontinuity variant of the solar visibility test on moving violations by year. Across all of these additional estimates, 2016 is the only year where minority motorists appear more likely to appear in the traffic stop data during daylight (see Figure A.2 and A.3).

2. Analyses of Post-Stop Enforcement

The challenge of analyzing post-stop enforcement (i.e. search, force, or vehicle exits) for evidence of racial or ethnic disparities is that alternative's approach, which condition on observables, may

suffer from the well-known "infra-marginality problem." Put simply, disparities in post-stop outcomes might exist due to differences in the distribution of stopped motorists in terms of things observed by police on the scene and not easily observed by analysts using the FIC data. These differences are likely to persist even when the researcher controls for a rich set of observable characteristics. As such, scholars and practitioners have focused on hit-rate style tests following Knowles et al. (2001) as opposed to a conditioning on observables approach (see also Dharmapala & Ross 2003; Antonovics & Knight 2004; and Anwar & Fang 2006).¹⁹ Hit-rate tests are motivated by Becker's (1971) model of discrimination where police bias is conceptualized as an officer facing a lower internal cost of engaging in discretionary post-stop enforcement against a minority relative to a non-minority in terms of things like search, force, or vehicle exits. In the absence of disparate treatment and in a world where the police make discretionary post-stop enforcement decisions on the basis of reasonable suspicion or a credible threat, the costs of engaging in enforcement for different groups should be equal. Thus, one should expect the empirical probability of a search yielding contraband to be equal across racial/ethnic groups even when the guilt rates across these groups differs. Put differently, unbiased police officers may engage in discretionary post-stop enforcement against minorities more often than non-minorities but only if and proportional to their higher likelihood of guilt. If minorities face a disproportionate rate of post-stop enforcement relative to their guilt rate, it is indicative that police face a lower cost for engaging in these activities and are biased against them.²⁰

2.a. Vehicle Exits

In this subsection, we assess whether occupants of different racial/ethnic and gender groups who are asked to exit their vehicle following a traffic stop are differentially likely to be arrested. The aim of this analysis is to assess whether NOPD applies a lower threshold for asking a minority occupants to exit their vehicle relative to non-minority occupants. Although a more direct test of disparity would examine differences across racial/ethnic groups in the likelihood of a vehicle exit following a traffic stop as opposed to the likelihood of an arrest following a vehicle exit, there are well-known shortcomings to direct tests of differences in post-stop outcomes. In particular, specific types of traffic infractions may be correlated with other characteristics as well as race/ethnicity. If these other characteristics are also correlated with legitimate reasons for asking an occupant to exit their vehicle, it is impossible to disentangle (using the direct post-stop test) whether NOPD applies a differential threshold for asking minority occupants to exit their vehicle from underlying differences in the composition of who is involved in a traffic stop. In the interest of transparency and with the aforementioned cautionary note, Appendix Table A.4 presents the conditional likelihood of a traffic stop to result in a vehicle exit. As shown in that table, Non-Hispanic White motorists are less likely to be asked to exit their vehicle relative to minority occupants and female motorists are less likely to be asked to exit relative to males.

¹⁹ Simoiu et al. (2017) also propose a threshold-style test that has the benefit of alleviating potential concerns of inframarginality in the hit-rate style tests but at the cost expense of adding significant complexity. In an effort to propose parsimonious solutions, I have limited my discussion to hit-rate tests but would not be opposed to a threshold test.

²⁰ Note that hit-rate style tests are typically used with searches where the "hit" is contraband being found and is not a discretionary decision on the part of officers. In this analysis, arrest is used as a proxy for contraband being found in searches and for the true guilt rate in vehicle exits and use of force. Imagining that there is also disparate treatment towards minority motorists in terms of the likelihood of arrest and that arrests overstate the true guilt rate, we might imagine that a hit-rate style test would be potentially biased against finding discrimination even when it exists. Given the limitations of the NOPD data, using arrest as a proxy for guilt is all that is currently possible in the current analysis.

To address the shortcomings of the direct test, we instead condition the sample on those who are asked to exit their vehicle and examine the likelihood of arrest. Even though we do not have granular data on NOPD's decision making process leading up to a vehicle exit, we can infer that some threshold was reached such that the officer felt it necessary. In the absence of discrimination, we would expect NOPD to apply a uniform threshold for asking an occupant to exit their vehicle on the basis of reasonable suspicion or a credible threat. See NOPD Operations Manual Ch. 1.2.4.1 ¶ 16 (b). Thus, we should expect the likelihood of an arrest to be equal across different racial/ethnic groups who are asked to exit their vehicle. If NOPD applies a lower threshold for asking minority occupants to exit their vehicle, we would expect the likelihood of a vehicle exit leading to arrest to be lower for minority relative to non-minority occupants. Put differently, unbiased police officers may ask minority occupants to exit their vehicle more frequently than their non-minority counterparts but only proportional to their higher likelihood of guilt which we proxy for by using arrest. A potential limitation of using arrest as a proxy for guilt is the possibility that arrests themselves are potentially discretionary and another vector of bias (see for example, West 2018). If historically marginalized groups face a disproportionately higher likelihood of being arrested (due to adverse treatment) the impact on this test would be that it would be less likely to detect disparity.

Figure 2 contains the results of a hypothesis test asking whether minority and non-minority occupants asked to exit their vehicle during a traffic stop are differentially likely to ultimately be arrested by NOPD. The analysis was conducted using the universe of 2,074 occupants who were involved in a traffic stop and asked by NOPD to exit their vehicle in 2021. Panel (a) documents the likelihood a Black/AA occupant (maroon-colored bar) was arrested after being asked by NOPD to exit their vehicle while panel (b) documents the likelihood for all minority occupants (greencolored bar). The baseline comparison group in both panels (a) and (b) consists of White non-Hispanic occupants (gold-colored bar). Panel (c) reports the likelihood for male (blue-colored bar) relative to female (orange-colored bar) occupants. The vertical axis denotes the predicted probability that a vehicle exit resulted in an arrest. The annotation in the center of the bar documents the magnitude and statistical significance of the difference in the likelihood a vehicle exit resulted in an arrest for minority or female occupants relative to non-Hispanic White or male occupants. As shown below in panel (a), the estimated difference in the probability a vehicle exit leads to an arrest was -6 percentage points for Black/AA occupants relative to non-Hispanic White occupants. Similarly, the estimated difference shown in panel (b) was -6.2 percentage points for all minority occupants relative to non-Hispanic White occupants. The estimated difference between minority and non-minority vehicle exits leading to an arrest in both panels had a confidence level exceeding 95 percent. In panel (c), the estimated difference in the probability a female asked to exit her vehicle was ultimately arrested was -6 percentage points relative to males. The disparities observed in Figure 2 are consistent with NOPD applying a differentially lower threshold for asking minority and female occupants to exit their vehicle relative to their counterparts which is disproportionate to their likelihood of ultimately being arrested. NOPD should investigate the cause of this disparity and determine what, if any, corrective action should be taken.



Figure 2: Likelihood of a Vehicle Exit to Result in an Arrest for Any Occupant in 2021

Panel c: Gender

Notes: The results for panels (a), (b), and (c) are estimated on a sample of 2,074 vehicle exits involving any occupant and for any reason in 2021. The numbers underlying the figure were obtained by estimating a linear probability model regressing of an indicator for race or gender on an indicator for a physical arrest. Eicker–Huber–White standard errors were used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value.

Figure 3 follows the same layout as Figure 2 but contains the results of a hypothesis test asking whether minority and non-minority occupants asked to exit their vehicle during a traffic stop are differentially likely to ultimately be arrested by NOPD. The analysis was conducted using the universe of 2,074 vehicle exits occuring in 2021 of which 137 were asked of the driver for DUI/DWI and 407 were asked of the passenger for any reason. The first set of bars in panels (a) and (b) focuses on the subset of vehicle exits involving only the driver and having a narrative indicative of a DUI/DWI investigation.²¹ Panel (c) reports the likelihood for male relative to female occupants. The motivation for this test is that, by restricting the sample to DUI/DWI investigations, we are focusing on an otherwise equal set of circumstances when an occupant might be asked to exit their vehicle for a field sobriety test. If the likelihood of an occupant to be arrested after being asked to exit their vehicle for field sobriety test were lower, it suggests that the threshold for applying a field sobriety test were also lower for that group, i.e. indicating potential discrimination. Although there is a fairly large disparity of -7.5 and -4.2 percentage points for Black/AA and all minority occupants, the estimates were estimated with a low degree of confidence and statistically

²¹ Since NOPD does not directly document whether a DUI/DWI investigation occurred, we identify vehicle exits where the narrative includes one of the following keywords: DWI, driving while intoxicated, DUI, driving while under the influence, OUI, operating under the influence, field sobriety, sobriety test, intoxilyzer, nystagmus, BAC, blood alcohol level, blood alcohol content, breathalyzer, drunk, drinking, inebriated. The value added in terms of accuracy and precision was tested by reviewing body cam footage of a sample of incidents for these as well as a number of other keywords.

indistinguishable from zero. The second set of bars in panels (a) and (b) focuses on the subset of vehicle exits involving a driver but for any reason, i.e. inclusive of but not limited to DUI/DWI. The estimated disparity was -6.9 and -7.1 percentage points for Black/AA occupants and all minorities, respectively. Both estimates had a confidence level exceeding 95 percent. The third set of bars in panels (a) and (b) focused on the subset of vehicle exits involving a passenger and based on any reason. The estimated differences were 0.5 and 0.3 percentage points for Black/AA occupants and all minorities, respectively. Both estimates were statistically indistinguishable from zero. Panel (c) reports that female passengers asked to exit their vehicle were -11.5 percentage points less likely to be arrested. The overarching finding from Figure 3 is that the disparities observed in Figure 2 are largely driven by minority drivers being disproportionately asked to exit their vehicle for reasons inclusive of but not limited to DUI/DWI investigations. In contrast, the disparity observed in Figure 2 for female occupants is likely driven primarily by passengers being asked to exit their vehicle.





Notes: The results for panels (a), (b), and (c) are estimated on a sample of 2,074 vehicle exits occuring in 2021 of which 137 were asked of the driver for DUI/DWI and 407 were asked of the passenger for any reason. The numbers underlying the figure were obtained by estimating a linear probability model regressing of an indicator for race or gender on an indicator for a physical arrest. Eicker–Huber–White standard errors were used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value.

Appendix Figure A.9 contains a timeseries analysis conducted for all years between 2016 and 2021. In particular, Figure A.9 replicates the analysis from Figure 2 for each of the six years of data provided by NOPD. Prior to 2018, minority motorists asked to exit their vehicle were more likely to be arrested by NOPD which is inconsistent with disparate treatment against minorities.

After 2017 and with the exception of 2020, minority motorists asked to exit their vehicle were less likely to be arrested by NOPD which is consistent with disparate treatment against minorities.

Another observation we make is the overall low rate of arrest for individuals who are asked to exit their vehicle. While we certainly are not promoting unnecessary arrests, the low rate of arrest after vehicle exits raises the question of the purpose of and reasons for officers asking occupants to exit the vehicle. NOPD should further analyze this trend to see if any corrective action should be taken.

2.b. Pat Downs

In this subsection, we assess whether individuals of different racial/ethnic and gender groups who are pat down by NOPD are differentially likely to have evidence seized. The aim of this analysis is to assess whether NOPD applies a lower threshold for searching a minority occupant relative to a non-minority occupant. Although a more direct test of disparity would examine differences across racial/ethnic groups in the likelihood of a pat down as opposed to the likelihood of an arrest following a pat down, there are well-known shortcomings to direct tests of differences in post-stop outcomes. In particular, specific types of traffic infractions may be correlated with other characteristics as well as race/ethnicity. If these other characteristics are also correlated with legitimate reasons for searching an occupant, it is impossible to disentangle (using the direct post-stop test) whether NOPD applies a differential threshold for patting down minority individuals from underlying differences in the composition of who is involved in a traffic stop. In the interest of transparency and with the aforementioned cautionary note, Appendix Table A.6 presents the conditional likelihood of a traffic stop to result in a pat down. As shown in that table, Non-Hispanic White individuals are less likely to be searched relative to minority individuals and female individuals are less likely to be searched relative to males.

Figure 4 contains the results of a hypothesis test asking whether minority and non-minority individuals involved in a pat down are differentially likely to have any type of evidence seized by NOPD in 2021. The analysis was conducted using the universe of 1,315 individuals who were subjected to a pat down by NOPD in 2021. Panel (a) documents the likelihood of contraband being found as a result of a Black/AA individual (maroon-colored bar) being pat down. Panel (b) documents the likelihood of contraband being found as a result of any minority individual (greencolored bar) being pat down. The baseline comparison group in both panels consists of White non-Hispanic individuals (gold-colored bar). Panel (c) reports the likelihood for male (blue-colored bar) relative to female (orange-colored bar) individuals. The vertical axis denotes the predicted probability that a pat down resulted in any type of contraband being found. The annotation in the center of each bar documents the magnitude and statistical significance of the difference in the likelihood a pat down resulted in evidence being seized for minority or female individuals relative to non-Hispanic White or male individuals. As shown below in panel (a), Black/AA individuals were 9 percentage points more likely to have contraband seized as a result of a pat down relative to their non-minority peers. Panel (b) reports that all minority individuals were 8.8 percentage points more likely to have contraband seized as a result of a pat down relative to their non-minority peers. Panel (c) reports that female individuals who were pat down were -12.4 percentage points less likely to have any evidence seized. The confidence level of both sets of estimates exceeded 99 percent. The overarching finding from Figure 4 is that NOPD appeared to exercise a lower threshold for searching non-minority relative to a minority individual which is inconsistent with disparate treatment in the decision to search a minority.



Figure 4. Likelihood of a Pat Down to Result in Any Evidence Seized in 2021

Panel c: Gender

Notes: The results for panels (a), (b), and (c) are estimated on the universe of 1,315 individuals who were subjected to a pat down by NOPD in 2021. The bars and estimated change were obtained by plotting the estimated probabilities obtained by estimating a linear probability model regressing an indicator for race or gender on an indicator of whether copntraband was found. Each regression was estimated using data only for the respective year labled on the horizontal axis. Eicker–Huber–White standard errors were used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value.

Figure 5 follows the same layout as Figure 4 but contains the results of a hypothesis test asking whether minority and non-minority individuals involved in a pat down are differentially likely to have a weapon seized by NOPD in 2021. The analysis was conducted using the universe of 1,315 individuals who were subjected to a pat down by NOPD in 2021. As shown below in panel (a), Black/AA individuals were 7.5 percentage points more likely to have a weapon seized following a pat down relative to their non-minority peers. Similarly, in panel (b), all minority individuals were 7.2 percentage points more likely to have a weapon seized following a pat down relative to their non-minority peers. Panel (c) reports that female individuals who were pat down were -6.7 percentage points less likely to have a weapon seized. The confidence level of both sets of estimates exceeded 99 percent. The overarching finding from Figure 5 is again that NOPD appeared to exercise a lower threshold for patting down a non-minority relative to a minority individual which is inconsistent with disparate treatment in the decision to pat down a minority.



Figure 5. Likelihood of a Pat Down to Result in a Weapon Seized in 2021

Notes: The results for panels (a), (b), and (c) are estimated on the universe of 1,315 individuals who were subjected to a pat down by NOPD in 2021. The bars and estimated change were obtained by plotting the estimated probabilities obtained by estimating a linear probability model regressing an indicator for race or gender on an indicator for a physical arrest. Each regression was estimated using data only for the respective year labled on the horizontal axis. Eicker–Huber–White standard errors were used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value.

Appendix Figures A.9 and A.10 contain a timeseries analysis conducted for all years between 2018 and 2021. In particular, Figure A.9 replicates the analysis from Figure 4 for each of the four years of data provided by NOPD. In all of the years analyzed, minority individuals who were subjected to a pat down were more likely to have evidence seized relative to their non-minority counterparts. These results would typically be interpreted as showing no evidence of disparate treatment against minority individuals in the decision to conduct a search. Figure A.10 replicates the analysis from Figure 5 for each of the four years and similarly finds evidence that is typically interpreted as showing no evidence of disparate treatment against minority individuals in the decision to conduct a pat down.

We note that historically, NOPD has not collected sufficiently detailed data to distinguish between searches conducted as an incident to arrest and arrests made as a result of a search. Ideally, we would focus this analysis on discretionary (i.e. pat downs (including plain feel)) searches and drop procedural (i.e. inventory and incident to arrest) searches. Going forward, we recommend that NOPD collect data in a way that identifies distinct searches (i.e. identify each type of search that was part of an incident) and what was seized as a result of what search. For example, the data would identify whether the pat down led to a weapon seized or led to the plain feel of contraband.

2.c. Use of Force, Firearm Pointings, Handcuffings, and Shootings

Figure 6 contains the results of a hypothesis test asking whether minority and non-minority individuals who are subject to force by NOPD are differentially likely to ultimately be arrested. One potential limitation of this test is that it will be biased against finding adverse treatment if arrests are used to justify use of force and this occurs differentially by race/ethnicity. The analysis was conducted using the universe of 481 use of force incidents recorded by NOPD in 2021. Panel (a) documents the likelihood of an arrest following a force incident involving a Black/AA individual (maroon-colored bar). Panel (b) documents the likelihood of an arrest following a force incident involving a minority individual (green-colored bar). Panel (c) reports the likelihood for male (blue-colored bar) relative to female (orange-colored bar) individuals. The baseline comparison group in both panels consists of White non-Hispanic individuals (gold-colored bar). The vertical axis denotes the predicted probability that a force incident leads to an arrest. The annotation in the center of each bar documents the magnitude and statistical significance of the difference in the likelihood a force incident leading to an arrest for minority or female individuals relative to non-Hispanic White or male individuals. As shown below in panel (a), Black/AA individuals were 2.7 percentage points less likely to be arrested following a force incident relative to their non-minority peers. Panel (b) reports that all minority individuals were 4.2 percentage points less likely to be arrested following a force incident relative to the non-minority peers. Panel (c) reports that female individuals are -3.9 percentage points less likely to be arrested following a force incident. Although negative point estimates are typically considered to be suggestive of disparate treatment towards minorities, these particular estimates are statistically indistinguishable from zero at conventional levels.



Figure 6. Likelihood of Use of Force to Result in an Arrest in 2021

Panel c: Gender

Notes: The results for panels (a), (b), and (c) are estimated on the universe of 481 use of force incidents recorded by NOPD in 2021. The bars and estimated change were obtained by plotting the estimated probabilities obtained by estimating a linear probability model regressing an indicator for race or gender on an indicator for a physical arrest. Each regression was estimated using data only for the respective year labled on the horizontal axis. Eicker–Huber–White standard errors were used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value.

Figure 7 follows the same layout as Figure 6 but contains the results of a hypothesis test asking whether minority and non-minority individuals who have a firearm pointed at them by NOPD are differentially likely to ultimately be arrested. The analysis was conducted using the universe of 204 use of force incidents where NOPD pointed a firearm at an individual in 2021. As shown below in panel (a), Black/AA individuals were 17.5 percentage points less likely to be arrested after having a firearm pointed at them relative to their non-minority peers. Similarly, in panel (b), all minority individuals were 18.4 percentage points less likely to be arrested after having a firearm pointed at them relative to their non-minority peers. Similarly, in panel (b), all minority individuals were 18.4 percentage points less likely to be arrested after having a firearm pointed at them relative to their non-minority peers. Panel (c) reports that female individuals were approximately just as likely to be arrested following a firearm pointing as their male counterparts. The confidence level of both sets of estimates approached or exceeded 95 percent. The conventional interpretation of the results presented in Figure 7 is that NOPD exercises a lower threshold for pointing a firearm at a minority individual which is consistent with disparate treatment in the decision to point a weapon.



Figure 7. Likelihood of a Firearm Pointing to Result in an Arrest in 2021



Panel c: Gender

Notes: The results for panels (a), (b), and (c) are estimated on the universe of 204 use of force incidents where NOPD pointed a firearm at an individual in 2021. The bars and estimated change were obtained by plotting the estimated probabilities obtained by estimating a linear probability model regressing an indicator for race or gender on an indicator for a physical arrest. Each regression was estimated using data only for the respective year labled on the horizontal axis. Eicker–Huber–White standard errors were used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value.

Figure 8 follows the same layout as Figures 6 and 7 but contains the results of a hypothesis test asking whether minority and non-minority individuals who are handcuffed by NOPD are differentially likely to ultimately be arrested. The analysis was conducted using the universe of 3,478 handcuffing incidents recorded by NOPD in 2021. As shown below in panel (a), Black/AA individuals were 3.1 percentage points more likely to be arrested after being handcuffed relative to their non-minority peers. Similarly, in panel (b), all minority individuals were 2.9 percentage points more likely to be arrested after being handcuffed. Panel (c) reports that female individuals who were handcuffed 3.3 percentage points more likely to be arrested. These point estimates were both statistically indistinguishable from zero and inconsistent with discrimination against minority individuals.



Figure 8. Likelihood of a Handcuffing to Result in an Arrest in 2021



Notes: The results for panels (a), (b), and (c) are estimated on the universe of 3,478 handcuffing incidents recorded by NOPD in 2021. The bars and estimated change were obtained by plotting the estimated probabilities obtained by estimating a linear probability model regressing an indicator for race or gender on an indicator for a physical arrest. Each regression was estimated using data only for the respective year labled on the horizontal axis. Eicker–Huber–White standard errors were used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value.

Appendix Figures A.9 and A.10 contain a timeseries analysis conducted for all years between 2016 and 2021. In particular, Figure A.9 replicates the analysis from Figure 6 for each of the six years of data provided by NOPD. In all of the years analyzed, the results would typically be interpreted as showing little evidence of disparity against minorities in the decision to use force. Figure A.10 replicates the analysis from Figure 7 for each of the six years of data provided by NOPD. In all of the years of data provided by NOPD. In all of the six years of data provided by NOPD. In all of the six years of data provided by NOPD. In all of the six years of data provided by NOPD. In all of the years analyzed with the exception of 2021, the evidence would typically be interpreted as

showing little evidence of disparity against minorities in the decision to point a firearm at an individual.

3. Misconduct Complaints

Table 1 presents the demographic breakdown of complaints by officer race and gender. In reading this table, one should look down the columns (except for the total column). If the numbers are roughly equal, then little disparity exists. If one number is larger than the others in the column, then that demographic group is more likely to receive that type of complaint, disposition, or timely/non-timely response. Since multiple officers can be involved in a single complaint, the demographic categories are split to account for whether any officer from a demographic group was present during the incident (e.g., "Any White") and whether the majority of officers involved in an incident were from a demographic group (e.g., "Majority White"). Notably, complaints involving any or a majority of White officers are more likely to receive a positive disposition and to be resolved in a timely manner relative to any or majority Black/AA . Any and majority Black/AA complaints were more likely to come from an internal source. Appendix Table A.1 presents an equivalent breakdown of misconduct complaints for 2016. Relative to 2016, it is worth noting that in 2021 there were far fewer complaints that received a negative disposition and a much larger proportion of those complaints were resolved in a timely manner.

	Source		Disp	osition	Time	Total ²³	
	Externa	Interna	Positiv	Negative	Timel	Non-	
	1	1	e	24	У	Timely	Ν
Race							
Any White	76.2	23.0	80.2	19.8	73.0	24.6	126
Any Black	69.9	29.4	77.2	22.8	66.2	30.1	136
Any Other	86.4	12.7	87.3	12.7	88.2	10.9	110
Majority White	75.3	23.7	82.8	17.2	73.1	24.7	93
Majority Black	67.0	32.1	77.4	22.6	64.2	32.1	106
Majority Other	88.3	10.6	92.6	7.4	91.5	8.5	94
No Majority	80.0	20.0	74.3	25.7	82.9	17.1	35
Gender							
No Female	75.4	23.5	82.6	17.4	76.5	21.6	264
Any Female	85.0	15.0	83.3	16.7	75.0	23.3	60
Majority Female	86.1	13.9	83.3	16.7	86.1	13.9	36

Table 1. Misconduct	Complaints	in 2021 by	Officer De	emographics
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²² Less than or equal to 120 considered timely.

²³ Total applies to source and timeliness only. For disposition, the total number will be only those incidents that have a disposition.

²⁴ Negative dispositions include: sustained, mediation, resigned under investigation, negotiated settlements, dismissed, counseling, and redirection.

Years of							
Experience							
0-5 Only	80.0	20.0	84.7	15.3	74.1	25.9	85
6-10 Only	72.7	27.3	81.8	18.2	45.5	54.5	11
11-15 Only	59.5	40.5	59.5	40.5	61.9	33.3	42
16-20 Only	66.7	33.3	81.0	19.0	66.7	28.6	21
21+ Only	69.4	25.0	86.1	13.9	75.0	25.0	36
Combination	74.4	25.6	72.1	27.9	65.1	27.9	43

Table 2 limits the analysis to only external complaints in order to assess how the complainant's race and gender might impact the disposition and timeliness of the resolution.²⁵ According to the analysis below, Black/AA and other minority individuals were more likely to have their complaint end in a negative disposition relative to White individuals. Black/AA individuals also received more timely resolution of their complaint. Females who filed complaints were more likely to receive a negative disposition and the matter was less likely to be resolved in a timely manner. Appendix Table A.2 presents an equivalent breakdown of misconduct complaints for 2016. Relative to 2016, it is worth noting that in 2021 there were far fewer complaints that received a negative disposition and a much larger proportion of those complaints were resolved in a timely manner. However, the differences in terms of the resolution and timeliness of complaints across complainant demographic groups are similar in magnitude.

	Dispo	osition	Timeliness		
				Non-	
	Positive	Negative	Timely	Timely	_
	%	%	%	%	Ν
Race					
All White	94.6	5.4	83.8	16.2	37
All Black	90.3	9.7	89.0	11.0	155
All Other	92.5	7.5	77.4	22.6	53
Combination	100.0	0.0	100.0	0.0	4
Gender					
All Male	93.5	6.5	91.4	8.6	93
All Female	89.1	10.9	86.6	13.4	119
Combination	100.0	0.0	0.0	100.0	1

Table 2. External Misconduct Complaints in 2021 by Complainant Demographics

²⁵ In examining complainant race and gender, it is important to note that only one individual is recorded for each incident, so the distinction between "any" and "majority" is not necessary. Additionally, the sample sizes for these analyses are much smaller than the sample sizes for the above table for two reasons: first, the analyses are limited to only external complaints (a subset of the previous table) and second, NOPD does not always record the race and gender of the individual involved in the complaint.

4. Response Times

Table 3 compares median response time for calls for service that occurred in 2021 in neighborhoods with more/less Black/AA residents. We define more (less) Black/AA neighborhoods as those having a residential population with more than 60 percent (less than 40 percent) Black/AA residents. We differentiate between response times for calls that the dispatcher classifies as Code 1 (normal response) and Code 2 (emergency response). As seen below, there was an approximate 2-minute (20 percent) gap in response times for Code 2 calls but a nearly 44-minute gap in response times (56 percent) gap in response times for Code 1 calls. In general, the data suggests that NOPD was slower to respond to both emergency and non-emergency calls for service in 2021 that occurred in majority Black/AA neighborhoods. Appendix Table A.3 presents an equivalent breakdown of response times for 2020. Relative to 2020, it is worth noting that in 2021 the gap in response times decreased in relative terms by 2 percentage points for emergency calls and 6 percentage points for non-emergency calls.

Table 5. Wedian Response Times in 2021 by Neighborhood Demographics						
	Neighborhood	Response Time				
Call Priority	Categorization	(min)	Gap	# of Calls		
	More					
C 1 2	Black/AA	10	10 2004 (2/10)			
Code 2	Less		20% (2/10)			
	Black/AA	8		6,863		
Code 1	More					
	Black/AA	79	56%	46,022		
	Less		(44/79)			
	Black/AA	35		14,041		

 Table 3. Median Response Times in 2021 by Neighborhood Demographics

Appendix





Panel b: All Minority

Notes: The results for panels are estimated on a sample of traffic stops made of White non-Hispanic and Black/AA or all minority motorists during the inter-twilight. The bars and estimated change were obtained by plotting the estimated probabilities at the mean of the control variables using a linear probability model regressing an indicator for race on an indicator for daylight as well as controls for time of day, day of week, and district by zone. The unit of observation is an occupant and observations are weighted by the inverse number of individuals per traffic stops. Each regression was estimated using data only for the respective year labled on the horizontal axis. The standard errors used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value were clustered at the district by zone level.



Figure A.2. Estimated Probability of a Minority Motorists being Stopped for Any Violation in Daylight and Darkness by Year

Panel b: All Minority

Notes: The results for panels are estimated on a sample of traffic stops made of White non-Hispanic and Black/AA or all minority motorists during the inter-twilight. The bars and estimated change were obtained by plotting the estimated probabilities at the mean of the control variables using a linear probability model regressing an indicator for race on an indicator for daylight as well as controls for time of day, day of week, and district by zone. The unit of observation is an occupant and observations are weighted by the inverse number of individuals per traffic stops. Each regression was estimated using data only for the respective year labled on the horizontal axis. The standard errors used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value were clustered at the district by zone level.



Figure A.3. Estimated Probability of a Minority Motorists being Stopped for a Moving Violations in the Period Before/After the Spring/Fall Daylight Savings Time Change by Year

Panel b: All Minority

Notes: The results for panels (a) and (b) are estimated on a sample of traffic stops made of White non-Hispanic and Black/AA or all minority motorists during the inter-twilight. The bars and estimated change were obtained by plotting the estimated probabilities at the mean of the control variables using a linear probability model regressing an indicator for race on an indicator for daylight as well as controls for time of day, day of week, and district by zone. The unit of observation is an occupant and observations are weighted by the inverse number of individuals per traffic stops. Each regression was estimated using data only for the respective year labled on the horizontal axis. The standard errors used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value were clustered at the district by zone level.



Figure A.4. Likelihood of a Stop to Result in a Vehicle Exit for Any Occupant by Year



Panel c: Gender

Notes: The results for panels (a) and (b) are estimated on a sample of traffic stops made of White non-Hispanic and Black/AA or all minority individuals while panel (c) is estimated on a sample of traffic stops made of male or female individuals. The bars and estimated change were obtained by plotting the estimated probabilities at the mean of the control variables using a linear probability model regressing an indicator for a vehicle exit on an indicator for race or gender as well as controls for time of day, day of week, district by zone by month, and seven violation categories. The unit of observation is an occupant and observations are weighted by the inverse number of individuals per traffic stops. Each regression was estimated using data only for the respective year labled on the horizontal axis. The standard errors used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value were clustered at the district by zone by month and the violation category level.



Figure A.5. Likelihood of a Vehicle Exit to Result in an Arrest for Any Occupant by Year

Panel c: Gender

Notes: The results for panels (a) and (b) are estimated on a sample of traffic stops involving a vehicle exit by White non-Hispanic and Black/AA or all minority individuals while panel (c) is estimated on a sample of traffic stops made of male or female. The bars and estimated change were obtained by plotting the estimated probabilities obtained by estimating a linear probability model regressing an indicator for race or gender on an indicator for a physical arrest. Each regression was estimated using data only for the respective year labled on the horizontal axis. Eicker–Huber– White standard errors were used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value.



Figure A.6. Likelihood of a Stop to Result in a Pat Down by Year



Notes: The results for panels (a) and (b) are estimated on a sample of stops made of White non-Hispanic and Black/AA or all minority individuals while panel (c) is estimated on a sample of stops made of male or female. The bars and estimated change were obtained by plotting the estimated probabilities at the mean of the control variables using a linear probability model regressing an indicator for a pat down on an indicator for race or gender as well as controls for time of day, day of week, district by zone by month, and seven violation categories. The unit of observation is an occupant and observations are weighted by the inverse number of individuals per traffic stops. Each regression was estimated using data only for the respective year labled on the horizontal axis. The standard errors used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value were clustered at the district by zone by month and the violation category level.

Figure A.7. Likelihood of a Pat Down to Result in Any Evidence Seized by Year





Panel b: All Minority



Panel c: Gender

Notes: The results for panels (a) and (b) are estimated on a sample of stops involving a pat down made of White non-Hispanic and Black/AA or all minority individuals while panel (c) is estimated on a sample of stops made of male or female. The bars and estimated change were obtained by plotting the estimated probabilities obtained by estimating a linear probability model regressing an indicator for race or gender on an indicator for any evidence being seized. Each regression was estimated using data only for the respective year labled on the horizontal axis. Eicker–Huber–White standard errors were used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value.



Figure A.8. Likelihood of a Pat Down to Result in a Weapon Seized by Year

Notes: The results for panels (a) and (b) are estimated on a sample of stops involving a pat down made of White non-Hispanic and Black/AA or all minority individuals while panel (c) is estimated on a sample of stops made of male or female. The bars and estimated change were obtained by plotting the estimated probabilities obtained by estimating a linear probability model regressing an indicator for race or gender on an indicator for a physical arrest. Each regression was estimated using data only for the respective year labled on the horizontal axis. Eicker–Huber–White standard errors were used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value.



Figure A.9. Likelihood of Use of Force to Result in an Arrest by Year



Panel c: Gender

Notes: The results for panels (a) and (b) are estimated on a sample of stops involving force used on White non-Hispanic and Black/AA or all minority individuals while Panel (c) is estimated on a sample of stops made of male or female. The bars and estimated change were obtained by plotting the estimated probabilities obtained by estimating a linear probability model regressing an indicator for race or gender on an indicator for a physical arrest. Each regression was estimated using data only for the respective year labled on the horizontal axis. Eicker–Huber–White standard errors were used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value.



Figure A.10. Likelihood of a Firearm Pointing to Result in an Arrest by Year



Panel c: Gender

Notes: The results for panels (a) and (b) are estimated on a sample of stops involving a gun pointing made at White non-Hispanic and Black/AA or all minority individuals while Panel (c) is estimated on a sample of stops made of male or female. The bars and estimated change were obtained by plotting the estimated probabilities obtained by estimating a linear probability model regressing an indicator for race or gender on an indicator for a physical arrest. Each regression was estimated using data only for the respective year labled on the horizontal axis. Eicker–Huber–White standard errors were used to construct the confidence intervals and to conduct the hypothesis test denoted by the p-value.

Table A.1. External Misconduct Complaints in 2021 by Officer Demographics

	Source		Disposition		Timeliness		Total
	Externa	Interna	Positiv	Negativ	Timel	Non-	
	1	1	e	e	У	Timely	Ν
Race							
Any White	72.3	27.7	68.3	31.7	22.5	77.1	249
Any Black	65.2	34.8	60.6	39.4	27.5	72.2	454
Any Other	87.2	12.8	85.1	14.9	45.3	54.7	148
Majority White	70.7	29.3	65.2	34.8	23.4	76.1	184
Majority Black	62.8	37.2	57.4	42.6	28.6	71.2	392
Majority Other	90.4	9.6	89.5	10.5	55.3	44.7	114
No Majority	77.2	22.8	80.7	19.3	21.1	78.9	57
Gender							
No Female	71.4	28.6	66.7	33.3	31.7	68.1	580
Any Female	65.3	34.7	63.5	36.5	27.5	71.9	167
Majority Female	58.5	41.5	61.8	38.2	33.3	65.9	123
Years of							
Experience							
0-5 Only	68.3	31.7	64.4	35.6	29.7	70.3	101
6-10 Only	61.1	38.9	50.0	50.0	23.8	75.4	126
11-15 Only	60.0	40.0	55.7	44.3	33.0	67.0	115
16-20 Only	64.1	35.9	51.6	48.4	34.4	65.6	64
21+ Only	58.4	41.6	61.8	38.2	24.7	74.2	89
Combination	80.7	19.3	73.7	26.3	18.4	81.6	114

	Disposition		Tim		
				Non-	
	Positive	Negative	Timely	Timely	_
	%	%	%	%	Ν
Race					
All White	81.7	18.3	31.0	69.0	126
All Black	77.0	23.0	28.4	71.4	370
All Other	82.6	17.4	39.5	59.3	86
Combination	100.0	0.0	0.0	100.0	2
Gender					
All Male	77.1	22.9	34.8	65.2	253
All Female	81.4	18.6	26.1	73.6	295
Combination	-	-	-	-	0

Table A.2. External Misconduct Complaints in 2021 by Complainant Demographics

Table A.3. Median Response Time in 2020 by Neighborhood Demographics

	Naighborhood	Weighted Median		
	Cetegorization	Response Time		# of
Call Priority	Categorization	(min)	Gap	Calls
Code 2	More Black	9	220/(2/0)	29,764
Code 2	Less Black	7	22% (2/9)	7,383
Code 1	More Black	47	62%	49,756
	Less Black	18	(29/47)	16,638