

2022 Use of Force Annual Report

At least annually, NOPD agrees to analyze the year's force data, including the force-related outcome data listed in section XIX.C. below, to determine significant trends; identify and correct deficiencies revealed by this analysis; and document its findings in a public report. [Consent Decree ¶82]

The New Orleans Police Department's policy is to value and preserve human life while exercising lawful authority to use force. Per NOPD policy Chapter 1.3 Use of Force (available here nola.gov/nopd/policies) New Orleans police officers are required to use the minimum amount of force that an objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of the officer and others. Officers are required to perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others by making appropriate tactical decisions. When feasible based on the circumstances, officers use de-escalation techniques to reduce the need for force and to increase officer and civilian safety. However, officers must sometimes make split-second decisions about the amount of force that is necessary in a particular situation with limited information and in circumstances that are tense, uncertain and rapidly evolving. While the ultimate objective of every law enforcement encounter is to protect the public, police officers are not required to retreat or to be exposed to possible physical injury before applying reasonable force. Nevertheless, officers strive, when it is practicable, to first attempt to de-escalate a situation before resorting to force.

A variety of police activities are considered uses of force, including hand-control or escort techniques, vehicle pursuits, and deployment of canines. To ensure that the New Orleans Police Department's uses of force are appropriate, comply with Department policies, and reflect the best practices of policing, the New Orleans Police Department tracks, analyzes, and reports data concerning all uses of force. These data enable the Department to identify areas in which policies should be modified, or for which training and discipline may be required. The federal Consent Decree also requires use-of-force data tracking and analysis (see Consent Decree paragraphs 31, 37, 52, 67, 68, 75, 82, and 448).

Since the implementation of the Consent Decree, the Department has revised and updated all of its policies. Policies regarding use of force were among the earliest to be addressed. For example, Chapter 1.3, "Use of Force," along with Chapter 1.3.6, "Use of Force Reporting," Chapter 1.3.2, "Force Investigation Team," and Chapter 1.3.7, "Use of Force Review Board," became effective on December 6, 2015 (all are available here nola.gov/nopd/policies). The change in policy translated to the way that use of force was trained and the way that it is now reported.

The Department's force policies were reviewed internally and approved by the U.S. Department of Justice and the Office of the Consent Decree Monitor, in accordance with the federal Consent Decree. The policies have been updated several times since the initial revision and each revision has been reviewed and approved by the DOJ and OCDM. The following definitions and policy statements are excerpted from those policies.

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Key Definitions

Active Resistance—Resistance exhibited by a suspect that is between passive resistance and aggressive resistance (e.g., attempts to leave the scene, flee, hide from detection, or pull away from the officer’s grasp). Verbal statements, bracing, or tensing alone do not constitute active resistance.

Aggravated Resistance—When a subject’s actions create an objectively reasonable perception on the part of the officer that the officer or another person is subject to imminent death or serious physical injury as a result of the circumstances and/or nature of an attack. Aggravated resistance represents the least encountered but most serious threat to the safety of law enforcement personnel or another person.

Aggressive Resistance—A subject’s attempt to attack, or an actual attack of, an officer. Exhibiting aggressive behavior (e.g., lunging toward the officer, striking the officer with hands, fists, kicks or any instrument that may be perceived as a weapon such as a knife or stick) are examples of aggressive resistance. Neither passive nor active resistance, including fleeing, pulling away, verbal statements, bracing, or tensing, constitute aggressive resistance.

Anatomical Compliance Technique/ Pressure Point Compliance Technique —The act of applying pressure to vulnerable areas, weak points, or pressure points of the body. This technique is used to cause immediate compliance by a subject who poses a threat.

Critical Firearm Discharge—A discharge of a firearm by an NOPD officer, including discharges when no person or animal is struck. Range and training firings, humane destruction of animals, and off-duty hunting discharges when no person is struck are not critical firearms discharges.

Serious Use of Force—Includes the following:

- (a) All uses of lethal force by an NOPD officer;
- (b) All critical firearm discharges by an NOPD officer;
- (c) All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization;
- (d) All neck holds;
- (e) All uses of force by an NOPD officer resulting in a loss of consciousness;
- (f) All canine bites;
- (g) More than two applications of an CEW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or CEW application for 15 seconds or longer, whether continuous or consecutive; and
- (h) Any strike, blow, kick, CEW application or similar use of force against a handcuffed subject.

Conducted Energy Weapon (CEW)—A weapon designed primarily to discharge electrical impulses into a subject that will cause involuntary muscle contractions and override the subject's voluntary motor responses.

Deadly Force/Lethal Force—Any force likely to cause death or serious physical injury. The use of a firearm (discharge) is considered deadly force. Neck holds and strikes to the head, neck or throat with a hard object are considered lethal force.

Passive Resistance—Behavior that is unresponsive to police verbal communication or direction (e.g., ignoring or disregarding police attempts at verbal communication or control; going limp; or failing to physically respond or move) and verbal resistance (e.g., verbally rejecting police verbal communication or direction; telling the officer that he/she/they will not comply with police direction, to leave him/ her/ them alone, or not bother him/ her/ them). Bracing, tensing, linking arms, or verbally signaling an intention to avoid or prevent being taken into custody constitutes passive resistance. Passive resistance, including verbal statements, bracing, or tensing alone does not constitute active resistance.

Use of Force—Physical effort to compel compliance by an unwilling subject, above un-resisted handcuffing, including pointing a firearm at a person.

Use of Force Principles

When feasible based on the circumstances, officers will use de-escalation techniques, disengagement; area containment; surveillance; waiting out a subject; summoning reinforcements; and/or calling in specialized units such as mental health and crisis resources, in order to reduce the need for force, and increase officer and civilian safety. Moreover, the officers shall de-escalate the amount of force used as the resistance decreases.

NOPD officers, regardless of the type of force or weapon used, shall abide by the following requirements:

- Officers shall use verbal advisements, warnings, and persuasion, when possible, before resorting to force.
- Officers are expected to use sound judgment when making a subjective and independent decision regarding the need for, and appropriateness of, the force to be used.
- Under no circumstances will an officer use force solely because another officer is using force.
- Officers will use disengagement; area containment; surveillance; waiting out a subject; summoning reinforcements; and/or calling in specialized units such as mental health professionals or a CIT officer, when feasible, in order to reduce the need for force and increase officer and civilian safety.
- When possible, officers shall allow individuals time to submit to arrest before force is used.

Authority to use Reasonable Force (Louisiana R.S. 14:20 and R.S. 14:22)

Officers may use only necessary and reasonable force:

- To protect themselves from injury;
- To protect others from injury;
- To effect a lawful detention;
- To effect a lawful arrest; or
- To conduct a lawful search.

A use of force is “necessary” when it is reasonably required, considering the totality of facts and circumstances, to carry out one of the above-listed law enforcement objectives.

When practicable, officers will identify themselves as peace officers before using force. If it is not already known by the subject to be detained, arrested, or searched, officers should, if reasonable, make clear their intent to detain, arrest or search the subject.

Pointing a firearm constitutes a use of force. Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create an objectively reasonable belief that a situation may escalate to the point at which lethal force would be authorized. Once an officer determines that the use of deadly force is no longer likely, the officer shall re-holster the weapon.

Officers shall not use force to attempt to effect compliance with a command that is unlawful. Any use of force by an officer to subdue an individual resisting arrest or detention is unreasonable when the initial arrest or detention of the individual was unlawful. (See **La. C. Cr. P. Art. 220**)

Deadly Force

Deadly/Lethal force shall be used only when:

- There is an imminent danger of death or serious physical injury to the officer or another person; or
- To prevent the escape of a fleeing subject if there is probable cause to believe:
 - The subject has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; and
 - The escape of the subject would pose an imminent danger of death or serious bodily injury to the officer or to another person.

Officers are not authorized to fire their firearms in order to subdue an escaping suspect who presents no imminent threat of death or serious injury. (**Tennessee v. Garner, 471 U.S. 1 (1985)**).

Deadly force may never be used for the protection of property.

Force Levels

When use of force is needed, officers will assess each incident to determine, based on policy, training, and experience, which actions are appropriate based on the resistance offered by the subject and may be necessary to bring the situation under control in a safe and prudent manner. In the Department's most recent Use of Force Policy, Chapter 1.3, force is broken down into four levels, explained here:

- **Level 1** uses of force include pointing a firearm at a person and hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip) applied as pressure point compliance techniques that are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use of an impact weapon for non-striking purposes (e.g., prying limbs, moving or controlling a person) that does not result in actual injury or complaint of injury. It does not include escorting, touching, or handcuffing a person with minimal or no resistance.
- **Level 2** uses of force include use of a CEW (including where a CEW is fired at a person but misses); the use of "flash bangs" and "aerial flash bangs" to compel compliance from an unwilling subject; a canine deployment resulting in an apprehension without contact and force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 3 use of force.

- **Level 3** uses of force include any strike to the head (except for a strike with an impact weapon); use of impact weapons when contact is made (except to the head), regardless of injury; a canine deployment resulting in an apprehension contact that is not a bite or the destruction of an animal.
- **Level 4** uses of force include all ‘serious uses of force’ as listed below:
 - (a) All uses of lethal force by an NOPD officer;
 - (b) All critical firearm discharges by an NOPD officer;
 - (c) All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization;
 - (d) All neck holds;
 - (e) All uses of force by an NOPD officer resulting in a loss of consciousness;
 - (f) All canine bites;
 - (g) More than two applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or CEW application for 15 seconds or longer, whether continuous or consecutive;
 - (h) Any strike, blow, kick, CEW application, or similar use of force against a handcuffed subject; and
 - (i) Any vehicle pursuit resulting in death, serious physical injury, or injuries requiring hospitalization.
 - (j) Any use of specialized weapons, such as gas dispersants, the use of “flash bangs” and “aerial flash bangs” or impact rounds for the purposes of crowd control (See Chapter 46.2.1 – Response to First Amendment Assemblies, Mass Demonstrations, and Civil Disturbances), including the munitions listed in Appendix E of Chapter 46.2.1).

Levels of Control

There are a variety of controls officers can use to stop the unlawful actions of a subject(s) or to protect a subject(s) from injuring himself/herself/themselves or others. The type of control officers use may vary based upon the facts and circumstances confronting them. Officers shall assess all contacts to determine the appropriate level of control. When possible, officers shall attempt to gain control of subjects by using verbal commands/directives first.

If verbal commands/directives are ineffective or not feasible, officers may utilize other control methods. If force is necessary, officers shall determine which control technique(s), tactics, or authorized defensive equipment would best de-escalate the incident and bring it under control in the safest manner. When it is objectively reasonable, officers may utilize the following skills and techniques when faced with the levels of resistance as outlined in the Use of Force Continuum:

- **Professional Presence**—This includes all symbols of police authority, such as badge,

uniform, marked police vehicle, etc., and applies to all levels of control.

- **Verbal Commands**—This level includes fundamental verbal skills and strategies that are available to the trained officer. The mere presence of the officer can be included in this category.
- **Contact Controls**—When confronted with a subject demonstrating minimal resistant behavior, the officer may use low-level anatomical compliance techniques or physical tactics to gain control and cooperation. These tactics can be psychologically manipulative as well as physical, and include additional verbal persuasion skills, anatomical applications, and escort positions.
- **Compliance Techniques**—When a subject becomes resistant (active resistance), the officer may use anatomical compliance techniques or physical control tactics to overcome the level of resistance and remain vigilant for more aggressive behavior from the subject.
- **Conducted Energy Weapon**— The CEW is used in: (1) situations in which a subject who may be lawfully detained or apprehended poses an imminent risk of harm to the officer(s), the subject, or others; attempts to subdue the subject with less intrusive means have been or will likely be ineffective; and there is an objectively reasonable expectation that it would be unsafe for officers to approach the suspect within contact range; OR (2) situations in which a suspect for whom an officer has probable cause to arrest is actively fleeing from arrest for a serious offense; and attempts to subdue the subject with less intrusive means have been or will likely be ineffective or increase the likelihood of greater harm to the officer, the subject or another party. **Officers are reminded that mere flight shall not be the sole justification for using a CEW against a suspect.** Members should consider the severity of the offense, the suspect's threat level to others, and the risk of serious injury to the subject before deciding to use a CEW on a fleeing suspect.
- **Defensive Tactics**—When a subject attempts to assault the officer or another person (aggressive resistance or aggravated resistance), the officer is justified in taking appropriate physical action to immediately stop the aggressive action and to gain control of the subject. This may include the use of hands, fists, and feet.
- **Authorized Impact Weapons**—Those less-than-lethal weapons such as the PR-24 and expandable batons, which, when authorized by the NOPD and utilized in accordance with training, may be used to overcome aggressive and aggravated resistance.
- **Deadly or Lethal Force**—Deadly/Lethal force shall be used only when:
 - There is an imminent danger of death or serious physical injury to the officer or another person; or
 - To prevent the escape of a fleeing subject if there is probable cause to believe:
 - The subject has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; and
 - The escape of the subject would pose an imminent danger of death or serious bodily injury to the officer or to another person.

Use of Force Investigations

New Orleans Police Department policy requires that all uses of force must be reported, and all use of force reports are reviewed to ensure that each instance of force was reasonable, necessary, and

within Department policy. Violations of policy or law are addressed through disciplinary action, which may range from counseling to dismissal and criminal prosecution, depending on the seriousness of the violation.

A special unit with the New Orleans Police Department's Public Integrity Bureau, known as the Force Investigation Team (FIT), investigates all serious uses of force by New Orleans police officers; uses of force indicating apparent criminal conduct by an officer; uses of force by New Orleans Police Department personnel of a rank higher than sergeant; deaths that occur when a person is in the custody of New Orleans police; and other cases assigned to FIT by the Superintendent of Police. When FIT discovers violations of policy or law, it pursues disciplinary investigations and, in some cases, recommends criminal prosecution.

There were 339 officers involved in 451 force incidents in 2022. It is worth noting that individual force incidents can include multiple officers using multiple types of force. For example, the Violent Offender Warrant Squad (VOWS) may be deployed to apprehend a suspect, during which time multiple officers have their weapons exhibited, while another officer has to use a takedown technique to subdue the suspect. In this scenario, there would be a single force tracking number (FTN) to document the incident; however, each type of force used would be recorded, along with the name of the officer(s) that used the force. The following tables indicate the number of force incidents per year since 2016 (Table 1), and the count of each type of force used (Table 2). It is important to note that police activity was generally lower than previous years in 2020, 2021, and 2022 due to COVID-19 and a net loss in personnel. For example, calls for service in 2022 were down 23% from 2019 and arrests were down 47 percent.

There are a number of reasons the percentage of arrests that involve force may increase or decrease. For example, the number of people resisting arrest, making force necessary to make an arrest, may increase. Or officers may have started exercising less restraint. It should also be noted that arrests do not represent all instances during which officers may use force. Any detention could result in force. The arrests numbers in Table 1, for example, do not include transports of people in crisis or incidents involving detentions and no arrest, such as incidents during which the detained subject received a summons in lieu of arrest.

Table 8 and 11 of this report show the number of excessive force allegations and the number of NOPD's force investigations that deem at least one use of force during an incident unjustified. Both show a decrease from 2021 to 2022, indicating the increase in the percentage of arrests that involve force from 2021 to 2022, as shown in Table 1, did not coincide with an increase in excessive or unjustified force.

[Tables 1 and 2 are on the next page]

Table 1: Percentage of Arrests that Involve Use of Force

	2016	2017	2018	2019	2020	2021	2022
Arrests ¹	13,034	14,517	13,505	11,511	6,762	6,606	6,067
Force incidents ²	584	605	441	380	348	399	451
Percentage of arrests that involve force	4.5%	4.2%	3.3%	3.3%	5.1%	6.0%	7.4%

¹ All arrests by NOPD officers that involve bringing the arrestee to central lock-up as recorded by the Orleans Parish Sheriff's Office

² All force incidents regardless of whether the subject of force was arrested. Force incidents may include multiple subjects of force and multiple force types used by officers.

Table 2: Types of Force Used, 2016-2022

	2016	2017	2018	2019	2020	2021	2022
Firearm Discharge ¹	6	3	2	20	13	8	4
Firearm Exhibited/Pointed	444	444	304	258	243	259	319
CEW Discharged ¹	48	46	52	50	49	31	39
CEW Exhibited/Pointed ²	103	105	20	7	0	2	6
Baton	2	2	4	2	3	5	2
Hands	280	241	223	156	149	241	181
Takedown ³	155	220	186	200	152	201	216
Strike	3	4	12	3	10	8	12
Canine Deployments ⁴	25	17	13	7	17	15	13
Escort Techniques	40	31	18	8	30	25	25
Defense Techniques	1	7	8	3	4	3	4
Other ⁵	29	15	14	17	24	23	15
Total	1,136	1,135	856	731	694	821	836

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.

NOPD had 4 intentional firearm discharges in 2022, down from 8 in 2021. Three were deemed to be justified. One, involving an officer firing a rifle into the air, was deemed in violation of NOPD policy. All were reviewed by the Use of Force Review Board. From 2017 to 2022 the number of times NOPD officers exhibited or pointed a firearm decreased from 444 to 319. The number of times NOPD officers used hands decreased from 241 in 2021 to 179 in 2022.

The number of allegations of unjustified force decreased from 167 in 2020 to 45 in 2022, however was higher than 2016-2019 which saw such allegations ranging from 19-43 per year (see [Table 8](#)). Unlike 2020, there was no event in 2022 to which a large portion of the allegations can be attributed.

Use of Force Demographics

Below are three tables listing the number of uses of force by the age, sex, and race/ethnicity of those that the force was used against from 2016 to 2022.

Table 3: 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	307	192	78	43	23	43
2018	2	76	186	140	64	30	12	39
2019	1	51	134	120	75	23	18	37
2020	0	49	112	110	60	22	11	38
2021	3	45	145	120	62	25	10	53
2022	0	74	171	137	56	31	9	56

The data presents each year there are more incidents of force against individuals between the ages of 18 and 27 (32% of the 534 subjects of force in 2022) than any other age group. Individuals between the ages of 28 and 37 were the second most common age group to have force used against them (26% in 2022).

The data presents more incidents of force involve male than female subjects. In 2022, 454 (85%) of the 534 subjects of force were male, while 74 (14%) subjects of force were female.

Table 4: Sex of Subjects of Force

	Male	Female	Not Specified
2016	627	113	15
2017	648	102	5
2018	470	75	4
2019	388	70	1
2020	340	56	6
2021	393	66	4
2022	454	74	6

The Data below shows force was used against 435 Black/African American, 66 White and 9 Hispanic/Latino individuals in 2022. The percentage of subjects of force that were black or African American remained about the same (81%-83%) from 2016-2022.

[Table 5 is on the next page]

Table 5: Race/Ethnicity of Subjects of Force

	African American	White	Hispanic	Other
2016	617	99	15	24
2017	621	96	20	18
2018	447	75	15	12
2019	381	54	10	14
2020	327	53	10	12
2021	383	62	9	9
2022	435	66	9	24

Use of Firearms

Only authorized personnel who have met all Louisiana State Peace Officer Standards and Training (POST) requirements and have been commissioned by the Superintendent of Police have the privilege to carry a firearm, as a police officer, both on-duty and off-duty (La. R.S. 40:2405). All critical firearms discharges are required to be reported to, and investigated by, the Public Integrity Bureau's Force Investigation Team. This is defined as a discharge of a firearm by an NOPD officer, including discharges when no person or animal is struck. Range and training firings, humane destruction of animals, and off-duty hunting discharges when no person is struck are not critical firearms discharges.

New Orleans police officers exhibited their firearms 319 times during 2022. They intentionally discharged their firearms four times in 2022. Additionally, three accidental discharges occurred, bringing the total number of firearms discharges in 2022 to seven.

Table 6: Firearm Discharges

	2016	2017	2018	2019	2020	2021	2022
Intentional	6	3	2	20	13	8	4
Accidental	2	2	3	1	1	2	3
Total	8	5	5	21	14	10	7

Conducted Energy Weapons

Officers are permitted to use CEWs only when such force is necessary to protect the officer, the subject, or another party from physical harm; and when other, less intrusive means would be ineffective. CEWs are authorized to control a violent subject when attempts to subdue the subject by other tactics have been, or are likely to be, ineffective, and there is a reasonable expectation that it will be unsafe for officers to approach the suspect within physical contact range. CEWs are intended to control a violent or potentially violent individual while minimizing the risk of serious injury.

[Table 7 is on the next page]

Table 7: CEW Discharges

	2016	2017	2018	2019	2020	2021	2022
CEW Exhibited/Pointed ¹	103	105	20	7	0	2	6
CEW Discharges	48	46	52	50	49	31	39

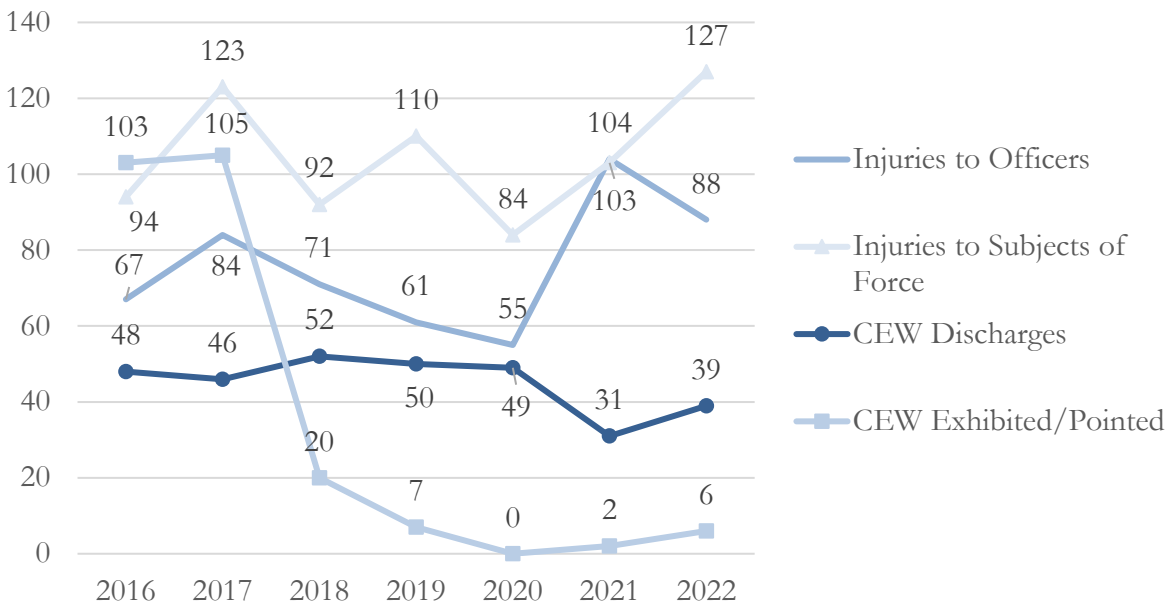
1- In 2018, NOPD stopped requiring officers to report when they point their CEW at a subject.

The following chart (Chart 1 on the next page) shows CEW use, injuries to officers who were involved in a use of force incident, and injuries to subjects of force between 2016 and 2022. Injuries to subjects of force increased from 103 to 127 from 2021 to 2022 and fluctuate from 84 to 127 per year from 2016-2022. Injuries to officers decreased from 104 to 88 from 2021 to 2022 after trending downward from 2016-2020 and then increasing from 55 to 104 from 2020 to 2021. CEW discharges increased from 31 in 2021 to 39 in 2022 after remaining relatively constant between 46 and 52 from 2016-2020. Overall, from 2016-2022, CEW discharges appear to show a slightly downward trend while injuries to officers appear to show a slightly upward trend, and injuries to subjects of force has no apparent upward or downward trend. As found earlier in this report, the number of force incidents decreased from 584 in 2016 to 451 in 2022 and the number of force types used decreased from 1,136 in 2016 to 836 in 2022. Based on these trends, the use of CEWs by NOPD does not appear to result in an increase in the use of force or an increase in injuries to subjects or officers. Recent data indicate the opposite may be true as the overall downward trend in CEW usage from 2016 through 2022 coincided with an overall upward trend in injuries to officers. It is important to note that correlation is not causation, and this analysis does not attempt to control for other factors that may lead to officer injuries.

It is important to note most injuries to officers and subjects of force occur during use of force incidents that involve force types “Hands” and “Takedown.” Additionally, NOPD’s force reporting software does not link force types to injuries; manual review is required to determine the connection between force types and officer or subject injuries. The software also does not differentiate between subject injuries caused by force used by NOPD and injuries caused by others or by the subjects themselves. For example, if NOPD officers needed to use force to stop a fight, subject injuries caused by the fight would be documented in the report. Lastly, NOPD documents the CEW prong entry points as subject injuries on use of force reports. This means the data show all CEW deployments that hit the target result in injuries to subjects.

[Chart 1 is on the next page]

Chart 1: CEW Use and Injuries



*In 2018, NOPD stopped requiring officers to report when they point their CEW at a subject. It was removed as an element of the definition of a Level 1 use of force.

CEW Performance Audits

NOPD’s Professional Standards and Accountability Bureau (PSAB) conducts performance audits of use of force policies. The audits include an assessment of whether CEWs were deployed according to policy, whether officers explained the reason for each cycle (deployment) of their CEW in their statements, and whether a supervisor reviewed each CEW incident. In January 2023, PSAB conducted an audit of a random sample of 58 force incidents from January through December 2022. Six involved CEW deployments. The audit determined all were deployed according to policy, the officers explained the reason for every CEW cycle in their statements for 5 of the 6 incidents, and a supervisor reviewed every incident.

Force Complaints and Force Deemed Unjustified by the NOPD Review Process

This section summarizes information from misconduct complaint investigations including allegations of unjustified force and force deemed to be unjustified through NOPD’s use of force review process. It is important to note that the determinations of the complaint investigations and force review process assess policy adherence and do not equate to legal determinations. After every use of force by an NOPD officer, an investigation of the incident is conducted by a supervisor or by the Force Investigation Team (FIT). Force investigation requirements are specified in Ch. 1.3 Use of Force and Ch. 1.3.6 Reporting Use of Force (available at nola.gov/nopd/policies). For more

information on complaint investigations see the Public Integrity Bureau Annual Reports available at nola.gov/nopd/nopd-consent-decree. See the New Orleans Independent Police Monitor’s 2022 annual report for more perspective on NOPD’s use of force review process (available at nolaipm.gov/annual-reports).

Allegations against NOPD personnel for unjustified force decreased from 167 in 2020 to 71 in 2021 and then to 45 in 2022. Sustained allegations decreased from 17 in 2021 to 4 in 2022, exonerated allegations increased from 3 in 2021 to 5 in 2022, and unfounded allegations decreased from 42 in 2021 to 34 in 2022.

Table 8: Excessive Force Allegations and Dispositions

	2016	2017	2018	2019	2020	2021	2022
Sustained	3	7	5	8	13	17	4
Exonerated	5	7	2	5	115	3	5
Unfounded	11	22	10	9	30	42	34
Not Sustained	2	2	1	2	5	4	2
No Formal Investigation Merited	2	5	1	1	1	5	0
Pending	0	0	0	0	1	0	0
Duplicate	0	0	0	0	2	0	0
Total	23	43	19	25	167	71	45

Between 2016 and 2022, 11 officers used force during two incidents deemed to have unjustified force through the NOPD use of force review process. Three officers used force during three incidents deemed to have unjustified force. One used force during incidents deemed to have unjustified force in more than three incidents.

Table 9: Frequency of Incidents Deemed to have Unjustified Force by the NOPD Review Process per Officer, 2016-2022

# of Force Incidents with Unjustified Force 2016-2022 per Officer	# of Officers	% of Commissioned
1	78	7%
2	11	1%
3	3	0.3%
>3	1	0.1%
Total	93	
Total Commissioned in 2022	1078	

From 2017 to 2019 allegations of unjustified force made by non-employees decreased from 33 to 12, and then significantly increased to 145 in 2020 and then decreased to 32 in 2022. Internal allegations of unjustified force increased from 4 to 21 from 2016 to 2021, and then decreased to 13 in 2022.

Table 10: Unjustified Force Allegations by Source

	2016	2017	2018	2019	2020	2021	2022
Public Initiated	17	33	11	12	145	43	32
Rank Initiated	4	6	7	11	20	21	13

In 2022, 6 of NOPD’s force investigations found unjustified use of force by an NOPD officer, accounting for 1.3% of all use of force investigations. This was a decrease from 13 in 2021, which accounted for 3.3% of force incidents that year. See [Appendix 1](#) for a brief narrative describing the six incidents.

Table 11: Incidents Deemed to have Unjustified Force by the NOPD Review Process

	2016	2017	2018	2019	2020	2021	2022
Incidents with Unjustified Force	3	5	7	14	14	13	6
% of Use of Force Incidents	0.5%	0.8%	1.6%	3.7%	4.0%	3.3%	1.3%

Table 12 shows the force types used during incidents deemed to have at least one use of unjustified force by NOPD’s review process. Such incidents may involve multiple types of force. If an incident involved one justified and one unjustified use of force, both force types are represented in Table 12.

Table 12: Force Types Used During Incidents Deemed to Have at Least One Use of Unjustified Force by the NOPD Review Process

	2016	2017	2018	2019	2020	2021	2022
Firearm Discharge	3	2	3	2	3	2	0
Firearm Exhibited/Pointed	0	0	2	5	1	2	0
CEW Discharged	0	3	6	4	7	1	0
CEW Exhibited/Pointed	0	0	0	1	0	0	0
Baton	0	0	0	0	1	0	0
Hands	4	0	5	2	9	11	3
Takedown	1	0	0	2	6	5	8
Strike	0	0	3	0	2	2	2
Canine Deployments	0	0	0	0	1	0	0
Escort Techniques	0	0	0	0	0	3	1
Defense Techniques	0	0	0	0	2	0	0
Other	1	3	3	11	9	7	1
Total	9	8	22	27	41	33	15

The geographic areas with the most force incidents deemed to involve unjustified force by NOPD’s force investigations from 2016 to 2022 were the 3rd District (15), 5th District (11), and 7th District (11).

Table 13: Incidents Deemed to Have Unjustified Force by the NOPD Review Process by Geographic Area

	2016	2017	2018	2019	2020	2021	2022
1st District	0	0	0	2	1	0	1
2nd District	0	0	0	1	1	4	1
3rd District	0	2	2	3	2	3	3
4th District	0	0	2	0	1	1	1
5th District	2	1	2	2	3	1	0
6th District	0	0	0	3	1	0	0
7th District	1	2	1	0	3	4	0
8th District	0	0	0	3	2	0	0

Males were the subjects of the majority of uses of force during incidents deemed to have unjustified force by NOPD’s force investigations from 2016 to 2022.

Table 14: Sex of Subjects of Force at Incidents Deemed to Have Unjustified Force by the NOPD Review Process

	2016	2017	2018	2019	2020	2021	2022
Male	0.5% (3/627)	0.8% (5/648)	1.5% (7/470)	3.4% (13/388)	3.8% (13/340)	2.8% (11/393)	1.3% (6/453)
Female	0% (0/113)	0% (0/102)	0% (0/75)	11.4% (8/70)	0% (0/56)	3.1% (2/65)	4.1% (3/74)
Not Specified	0% (0/15)	0% (0/5)	0% (0/4)	0% (0/1)	16.7% (1/6)	0% (0/4)	0% (0/6)

From 2016-2022, 56 of the 72 subjects of force during all incidents deemed to have an element of unjustified force by NOPD’s review process were Black or African American. In 2022, all 8 subjects of force during incidents deemed to have an element of unjustified force by NOPD’s review process were black or African American. This is 1.8% (8/434) of the black or African American subjects of force in 2022. It’s important to note these tables are not designed or intended to assess the extent to which NOPD enforces the law in the absence of bias. For such analyses, see the Bias-free Annual Report, which includes an analysis of use-of-force data and found no disparity or evidence of discrimination.

[Table 15 is on the next page]

Table 15: Race/Ethnicity of Subjects of Force at Incidents Deemed to Have Unjustified Force by the NOPD Review Process

	2016	2017	2018	2019	2020	2021	2022
African American	0.5% (3/617)	0.6% (4/621)	1.3% (6/447)	3.1% (12/381)	3.1% (10/327)	3.1% (12/383)	1.8% (8/434)
White	0% (0/99)	1% (1/96)	1.3% (1/75)	3.7% (2/54)	3.8% (2/53)	1.6% (1/62)	0% (0/66)
Hispanic	0% (0/15)	0% (0/20)	0% (0/15)	20% (2/10)	10% (1/10)	0% (0/9)	0% (0/9)
Other	0% (0/24)	0% (0/18)	0% (0/12)	35.7% (5/14)	8.3% (1/12)	0% (0/9)	0% (0/24)

Individuals between the ages of 18 and 27 were the subjects of the most force incidents deemed to involve unjustified force by NOPD's force investigations in 2022.

Table 16: Age of Subjects of Force at Incidents Deemed to Have Unjustified Force by the NOPD Review Process

	2016	2017	2018	2019	2020	2021	2022
≤10	0% (0/4)	0% (0/5)	0% (0/2)	0% (0/1)	-	0% (0/3)	-
11-17	0% (0/91)	1.6% (1/64)	1.3% (1/76)	5.9% (3/51)	0% (0/49)	0% (0/45)	2.7% (2/74)
18-27	0% (0/256)	0.7% (2/307)	0.5% (1/186)	0.7% (1/134)	4.5% (5/112)	4.8% (7/145)	2.3% (4/171)
28-37	1% (2/202)	0% (0/192)	0.7% (1/140)	2.5% (3/120)	3.6% (4/110)	1.7% (2/120)	0% (0/136)
38-47	1.3% (1/77)	1.3% (1/78)	3.1% (2/64)	4% (3/75)	5% (3/60)	0% (0/62)	1.8% (1/56)
48-57	0% (0/51)	2.3% (1/43)	3.3% (1/30)	8.7% (2/23)	0% (0/22)	4% (1/25)	0% (0/31)
58+	0% (0/21)	0% (0/23)	8.3% (1/12)	11.1% (2/18)	18.2% (2/11)	0% (0/10)	0% (0/9)
Not Specified	0% (0/53)	0% (0/43)	0% (0/39)	18.9% (7/37)	0% (0/38)	5.7% (3/53)	1.8% (1/56)

Force Incidents per Officer

NOPD officers use force at varying frequencies. An officer's assignment can make a difference in the frequency with which he/she/they use(s) force. A Special Operations Division officer who serves arrest warrants for violent offenders will likely point his/her/their gun at many subjects, while an officer assigned to desk duty will likely never use force. Between 2016 and 2022, 252 officers, 23% of all officers, used force one time. During the same time period, 29 officers, 3% of all officers, used force 20-30 times.

Table 17: Frequency of Force Incidents per Officer 2016-2022

<u># of Force Incidents 2016-2022</u>	<u># of Officers</u>	<u>% of Commissioned</u>
1	252	23%
2-5	421	39%
6-10	210	20%
11-20	127	12%
20-30	29	3%
>30	6	1%
Total	1045	
Total Commissioned in 2022	1075	

Vehicle Pursuits

A vehicle pursuit is defined as an event involving one or more police officers attempting to apprehend a suspect who is trying to avoid arrest while operating a motor vehicle. This may include using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, and red lights; driving off a roadway; turning suddenly; or driving in a legal manner but willfully failing to yield to an officer's signal to stop. New Orleans police officers engaged in 44 vehicle pursuits in 2022, a decrease from 52 vehicle pursuits in 2021, a increase from 41 vehicle pursuits in 2020, and a decrease from 64 pursuits in 2014.

Of the 2022 pursuits, 18 resulted in property damage to city or private property. Table 18 below shows whether the damage was determined to be light, moderate, or heavy by the crash investigator. Although the damage severity categories are subjective, most crash investigators describe light damage as being under \$500, heavy damage to mean one or more vehicle was totaled, and moderate to be between light and heavy.

[Table 18 is on the next page]

Table 18: Vehicle Pursuits Resulting Property Damage

	2014	2015	2016	2017	2018	2019	2020	2021	2022
Light	11	5	1	2	3	1	2	4	1
Moderate	2	5	4	1	2	5	10	5	9
Heavy	1	2	1	0	0	4	1	7	8
Total	14	12	6	3	5	10	13	16	18

In 2022, no officers were injured, while suspects were injured in six vehicle pursuits, and bystanders were injured in two.

Table 19: Vehicle Pursuits Resulting in Injuries

	2014	2015	2016	2017	2018	2019	2020	2021	2022
Officers	2	1	0	0	0	2	0	0	0
Suspects	1	2	2	7	0	4	1	1	6
Bystanders	1	5	1	0	1	11	2	0	2
Total	4	8	3	7	1	17	3	1	8

The following table lists the violation that prompted the pursuit, the outcome of the pursuit, and resultant property damage, if any. There is a corresponding formal disciplinary investigation for five of the pursuits listed below, including the pursuit for which the violation does not meet the threshold outlined in NOPD Chapter 41.5 – Vehicle Pursuits, available at [NOPD - Policies - City of New Orleans \(nola.gov\)](https://www.nola.gov/nopd/policies).

Table 20: Vehicle Pursuits and Outcomes, 2022 (continued on pages 19-20)

Violation	Pursuit Outcome	Injuries	Damage
Armed Carjacking	Suspected Escaped	None	None
Attempted Armed Robbery	Suspected Escaped	None	None
Armed Carjacking	Suspect Apprehended	1 Suspect	Suspect's Vehicle, Uninvolved Vehicle
Armed Carjacking	Suspected Escaped	None	None
Armed Carjacking	Suspects Apprehended	1 Pedestrian	Suspect's Vehicle, Building
Armed Robbery	Supervisor Cancelled	None	None
Aggravated Battery	Supervisor Cancelled	None	None
Aggravated Battery	Supervisor Cancelled	None	None
Unarmed Carjacking	Officer Cancelled	None	None
Armed Carjacking	Suspect Apprehended	None	Suspect's Vehicle, Uninvolved Vehicle

Violation	Pursuit Outcome	Injuries	Damage
Attempted Simple Robbery	Suspects stopped and determined to be uninvolved	None	None
Aggravated Battery by Shooting	Suspects Escaped	None	None
Homicide	Suspect Apprehended	None	None
Armed Carjacking	Suspects Apprehended	None	Suspect's Vehicle, Fence
Armed Robbery	Suspect Apprehended	1 Suspect	Suspect's Vehicle, Uninvolved Vehicle
Speeding	Suspect Apprehended	None	None
Attempted Armed Carjacking	Supervisor Cancelled	None	Police Vehicle, Suspect's Vehicle
Armed Robbery	Suspects Fled	None	Suspect's Vehicle, Utility Pole
Armed Carjacking	Suspect Apprehended	1 Suspect	Suspect's Vehicle, Police Vehicle
Unarmed Carjacking	Suspects Apprehended	2 Suspects, 1 Uninvolved Individual	Suspect's Vehicle, 2 Uninvolved Vehicles
Armed Robbery	Officer Cancelled	None	None
Armed Carjacking	Suspect Fled	None	None
Reckless Vehicle Operation	Supervisor Cancelled	None	None
Armed Robbery	Suspect Apprehended	None	None
Aggravated Battery	Suspects Apprehended	None	None
Aggravated Assault	Suspects Escaped	None	None
Armed Carjacking	Suspects fled	1 Suspect	Uninvolved Vehicle
Shooting	Officer Cancelled	None	None
Homicide	Suspect Apprehended	None	Suspect's Vehicle, Uninvolved Vehicle
Armed Robbery	Suspect Escaped	None	None
Armed Carjacking	Officer Cancelled	None	None
Armed Carjacking	Suspect Escaped	None	Police Vehicle
Armed Carjacking	Suspect Apprehended	1 Suspect	Suspect's Vehicle, Uninvolved Vehicle
Armed Robbery	Suspect Escaped	None	None
Armed Robbery	Suspect Apprehended	None	Suspect Vehicle
Shooting	Officer Cancelled	None	None

Violation	Pursuit Outcome	Injuries	Damage
Aggravated Battery	Suspect Escaped	None	None
Homicide	Suspect Escaped	None	None
Armed Robbery	Supervisor Cancelled	None	None
Shooting	Suspect Apprehended	None	Suspect's Vehicle
Carjacking	Suspects Escaped	None	Suspect's Vehicle, Uninvolved Vehicle
Purse Snatching	Suspects Apprehended	None	Suspect's Vehicle, Utility Pole, Uninvolved Vehicle
Attempted Armed Robbery	Suspects Apprehended	None	Police Vehicle, Suspect's Vehicle
Aggravated Criminal Damage	Suspect Escaped	None	None

In 2022, no members of the New Orleans Police Department were served with legal actions related to vehicle pursuits. The three lawsuits related to the Unity One vehicle pursuit in 2019 were combined into one lawsuit, which remains open as of the writing of this report (February 2024).

Canines

The use of canines requires adherence to procedures that control their use of force potential and that direct their specialized capabilities into legally acceptable crime detection, prevention, and control activities. A police dog used to apprehend is an instrumentality of force and can only be used consistent with the Police Department's policies. Officers are required to use the minimum amount of force that an objectively reasonable officer would use in light of the circumstances to effectively bring an incident or person under control, while protecting the lives of the member or others.

The New Orleans Police Department requires every canine deployment to be reported and all apprehensions where there is canine contact (bite or not) to the Public Integrity Bureau's Force Investigation Team, and NOPD tracks every canine deployment as well as bites resulting from a deployment. Canines are deployed for a variety of reasons, including patrols and to search for narcotics, and may be used without attempting to apprehend a suspect.

As the table below illustrates, the total number of canine deployments has been about the same since 2017, ranging from 13-17 per year, except for 2019, when there were 7. While the canine bite ratio was 34% in 2014, it slowly decreased from 24%-16% in 2015-2016, and no canine deployments resulted in bites in 2017, 2018, and 2019 making the bite ratio 0% for those 3 years. The bite ratio

increased to 18% in 2020, with three bites, and then decreased to 7% in 2021, representing only 1 bite. In 2022, the canine bite ratio increased to 23% with 3 bites and 13 deployments.

Being serious uses of force, the three bites in 2022 were reviewed by the Use of Force Review Board. The board found them to be justified. One formal disciplinary investigation was initiated for one of the bites. The complainant alleged canine policy violations by the handler. The investigator found the allegations to be unfounded.

Table 21: Canine Deployments and Bites

	2014	2015	2016	2017	2018	2019	2020	2021	2022
With Bites	12	10	4	0	0	0	3	1	3
Without Bites	23	32	21	17	13	7	14	14	10
Total canine deployments	35	42	25	17	13	7	17	15	13
Canine Bite Ratio	34%	24%	16%	0%	0%	0%	18%	7%	23%

1 - While there were no canine bites in 2017, there was one instance in which a canine unit's paw made contact with a suspect's leg.

SWAT Deployments

The Special Weapons and Tactics (SWAT) teams are part of the Crisis Response Unit (CRU), which was established to provide specialized support in handling critical field operations in which intense negotiations and/or special tactical deployment methods appear to be necessary. The Special Operations Division's tactical platoons (SWAT teams) are limited to providing specialized responses to critical situations in which a tactical response is required, such as hostage rescue, barricaded subjects, high-risk warrant service, high-risk apprehension, and active shooter/sniper and terrorism responses. The SWAT teams have the primary responsibility for execution of high-risk warrants utilizing tactical team officers equipped with special equipment, training, and weapons.

The following table lists the location of each SWAT deployment; the legal authority for the deployment; the warrant type, if applicable; the number of arrests made; the type of evidence or property seized; whether a forcible entry was required; whether a weapon was discharged by a SWAT team member; and whether a person or domestic animal was killed or injured. There was a slight decrease in SWAT activity from 9 deployments in 2021 to 8 in 2022. There were 39 deployments in 2015.

[Table 22 is on the next page]

Table 22: 2022 SWAT Rolls and Outcomes

Location	Legal Authority	Warrant Type	Arrests Made	Evidence seized	Forcible Entry Required	Weapon Discharged	Death/ Injury
7th District	Barricaded Subject	Arrest/ Search Warrant	Yes	Yes	Yes	None	No
7th District	Barricaded Subject	Arrest/ Search Warrant	Yes	Yes	Yes	None	No
5th District	Barricaded Subject	Arrest/ Search Warrant	Yes	Yes	Yes	None	No
7th District	Barricaded Subject	Arrest	Yes	Yes	No	None	Yes
7th District	Barricaded Subject	Arrest/ Search Warrant	Yes	Yes	No	None	Yes
3rd District	Barricaded Subject	Arrest	Yes	Yes	Yes	None	No
1st District	Barricaded Subject	Arrest	Yes	Yes	Yes	None	No
7th District	Barricaded Subject	Arrest	Yes	Yes	Yes	None	No

Appendix 1: Narratives describing 2022 incidents deemed to have unjustified force by the NOPD review process

FTN2022-0014 – Level 4 (Vehicle pursuit resulting in death, serious physical injury, or injuries requiring hospitalization). On Wednesday, January 12, 2022, officers pursued a vehicle occupied by individuals who allegedly attempted to carjack an off-duty law enforcement officer. During the pursuit, the suspect's vehicle crashed into a pedestrian and a building, at which time, the suspects were apprehended shortly thereafter. The pedestrian was seriously injured and transported to a local hospital for treatment. The Force Investigation Team's (FIT) investigation into the incident found violations of the department's vehicle pursuit and communications policies, as well as a general order prohibiting the pursuit of a suspect vehicle using an unmarked police vehicle.

FTN2022-0212 - Level 4 (Vehicle pursuit resulting in death, serious physical injury, or injuries requiring hospitalization). On Monday, July 13, 2022, officers pursued a suspect riding a moped taken in an armed carjacking. During the pursuit, the driver of one of the police vehicles struck the moped with the police vehicle, causing the suspect to be ejected from the moped. The suspect was apprehended and transported to a local hospital for treatment, where he was found to have a broken wrist. FIT's investigation into the incident found violations of the department's vehicle pursuit policy as well as the department's policy on reporting misconduct by other government employees.

FTN2022-0273 - Level 3 (Head strike - no weapon). On Tuesday, July 26, 2022, while on a call for service, the officer unjustifiably struck an individual in face twice while another officer had control of the individual. FIT's investigation found the officer in violation of the department's Use of Force policy.

FTN2022-0299 – Level 4 (Strikes to a handcuffed individual). On Wednesday, August 10, 2022, the officer was at a local hospital with a handcuffed individual awaiting a mental commitment. While at the hospital, the individual reportedly refused to sit in a chair, at which time the officer unjustifiably threw the individual to the ground, then unjustifiably punched the individual twice in the face. FIT's investigation found the officer in violation of the department's Use of Force policy.

FTN2022-0310 – Level 1 (Hands). On Tuesday, August 17, 2022, the officer attempted to arrest an individual who allegedly threatened them and unjustifiably grabbed the individual by the neck while demanding they look at the officer. FIT's investigation found the officer in violation of the department's Use of Force and Professionalism policies.

FTN2022-0392 – Level 3 (Head strike – no weapon). On Wednesday, October 19, 2022, while on a call for service, the officer unjustifiably forced an individual's head into asphalt, causing injury. FIT's investigation found the officer in violation of the department's Use of Force policy.