

New Orleans Police Department

Regulations Governing Implementation of the 2013 Federal Consent Decree¹

I. Authority

Pursuant to Section 4-107 of the Home Rule Charter and Section 2-1000 of the City Code and in furtherance of the 2013 Consent Decree between the New Orleans Police Department (NOPD), the City of New Orleans, and the United States of America, entered into pursuant to *U.S. v. City of New Orleans*, 35 F.Supp.3d 788 (2013) (hereinafter referred to as the Consent Decree), the New Orleans Police Department proposes the following regulations on use of force, crisis intervention, sexual assault and domestic violence response, community policing, the training academy, body-worn cameras, transparency, compliance, and audits.

II. Applicability

These regulations shall apply to the New Orleans Police Department and its employees.

III. Definitions

A. The following terms and definitions shall apply to this regulation:

1. “Crisis Intervention Team” and “CIT” refer to the collection of NOPD officers specially trained in dealing with civilians in mental health crisis.
2. “Field Training Officer” and “FTO” refer to an officer designated by NOPD to guide new police officers through the second phase of NOPD’s recruit training program, known as the FTO Program. The FTO Program is designed to provide directed field experience for new police officers.
3. “Force Investigation Team” and “FIT” refers to the NOPD unit within PIB tasked with conducting investigations of certain uses of force by police officers as outlined herein.
4. “Force Statement” refers to a written statement documenting a use of force as required by NOPD policy.
5. “Force Tracking Number” and “FTN” refers to the unique number assigned by FIT to each reportable use of force event to facilitate awareness event and tracking of a use of force investigation.

¹ In accordance with Section 4-107 of the Home Rule Charter and Section 2-1000 of the City Code, these regulations became legally effective forty-five days after their submittal to the City Council on November 13, 2017.

6. “Office of Police Secondary Employment” and “OPSE” refer to an office that has sole authority to arrange, coordinate, arrange fully-auditable payment, and perform all other administrative functions related to NOPD employees’ off-duty secondary law enforcement employment.
7. “Officer Assistance Program” and “OAP” refer to the NOPD program offering officers a centralized and comprehensive range of mental health services that comports with best practices and current professional standards, which include: readily accessible confidential counseling services with both direct and indirect referrals; critical incident debriefings and crisis counseling; peer counseling; and stress management training.
8. “Public Integrity Bureau” and “PIB” refer to the NOPD unit charged with conducting internal and administrative investigations of NOPD officers and employees.
9. “Use of Force” means physical effort to compel compliance by an unwilling subject above unresisted handcuffing, including pointing a firearm at a person.
10. “Use of Force Report” refers to a written report documenting a supervisor’s investigation of a use of force.
11. “Use of Force Review Board” and “UFRB” refer to the group of senior NOPD personnel responsible for reviewing all serious uses of force and other FIT investigations as outlined in this regulation and NOPD policy.

IV. Use of Force Reporting

- A. NOPD shall adopt a Use of Force Policy covering uses of force by NOPD officers that, among other things:
 1. Requires the officer who uses force to notify his/her supervisor of the Use of Force.
 2. Identifies different use of force levels.
 3. Defines a use of force in a manner consistent with this Regulation.
 4. Requires the officer who uses force prepare and submit a written Force Statement describing the use of force.
- B. NOPD shall ensure supervisors suspend an investigation and notify PIB upon the discovery of evidence a use of force indicates apparent criminal conduct by an officer.

V. Use of Force Investigations

- A. There shall be a Force Investigation Team (FIT) within NOPD.
- B. NOPD shall adopt a policy defining a serious use of force.
- C. NOPD shall adopt a policy outlining responsibilities for conducting investigations of police officer use of force including officers from other jurisdictions, and defining the roles and responsibilities of FIT. Such policy shall provide, among other things, as follows:
 - 1. Where NOPD is responsible for investigating a use of force, FIT shall investigate the following:
 - a. All serious uses of force;
 - b. All uses of force indicating apparent criminal conduct by the officer;
 - c. All uses of force by an officer of a rank higher than sergeant;
 - d. All instances where an individual has died in or as an apparent result of being in custody of a police officer, and
 - e. All uses of force assigned to FIT by the Superintendent or his/her designee or PIB.
 - 2. Where FIT is responsible for conducting a Use of Force investigation, FIT shall respond to the scene; conduct interviews, including interviews of officers, the subject of the force, and witnesses; secure evidence; review the Use of Force Reports provided by officers; and submit a criminal investigation report and administrative investigation report to the Deputy Superintendent of PIB.
- D. NOPD's Homicide Section shall not investigate any lethal use of force by a police officer.
- E. NOPD shall ensure FIT personnel receive sufficient FIT-specific training prior to joining FIT and sufficient annual in-service follow-on training.
- F. NOPD shall ensure, as appropriate, PIB notifies and consults with local, state, and federal law enforcement partners where an investigation reveals apparent criminal conduct by an officer within Orleans Parish.

VI. Use of Force Review Board

- A. There shall be a Use of Force Review Board (UFRB) within NOPD.

- B. NOPD shall adopt a policy defining the membership (voting/non-voting) and procedures of the UFRB.
- C. Members of UFRB shall include the Deputy Superintendent of Field Operations, the Deputy Superintendent of PIB, the Deputy Superintendent of Investigations & Support, and the Commander of the Academy, among others as appropriate.
- D. NOPD shall adopt a policy requiring the UFRB to:
 - 1. Review all FIT investigation reports to ensure they are complete and their findings are supported by a preponderance of the evidence;
 - 2. Order additional investigation as it deems necessary;
 - 3. Document its findings in a UFRB report;
 - 4. Determine whether a use of force violates NOPD policy and/or whether it raises police training, equipment, or tactical concerns; and
 - 5. Refer all policy violations to PIB for disciplinary action, and refer all other concerns to the appropriate unit within NOPD for resolution.

VII. Crisis Intervention

- A. There shall be a Crisis Intervention Team (CIT) within NOPD. NOPD may embed CIT officers throughout the department. CIT need not be a stand-alone team/unit.
- B. NOPD shall ensure CIT officers are specially trained NOPD officers who shall respond to incidents in which an individual is suffering from a mental health or behavioral crisis, including but not limited to incidents in which an individual is experiencing intense feelings of personal distress, obvious changes in functioning, or catastrophic life events.
- C. NOPD shall adopt a policy directing CIT officers to focus their on-scene efforts on the following:
 - 1. De-escalating potentially violent encounters with individuals in mental health crisis;
 - 2. Minimizing the necessity for use of force against individuals in mental health crisis;
 - 3. Diverting individuals in mental health crisis from the criminal justice system; and
 - 4. Connecting individuals in mental health crisis to appropriate mental health and substance abuse providers.

- D. NOPD shall adopt a policy outlining CIT data collection obligations and shall publically report the collected data, aggregated as necessary to protect privacy;
- E. NOPD shall ensure at least 20% of its patrol officer have CIT certifications at all times.
- F. With regard to training, NOPD shall ensure:
 - 1. CIT officers receive sufficient CIT-specific training prior to joining CIT;
 - 2. CIT officers receive annual in-service training;
 - 3. All NOPD recruits receive crisis intervention training; and
 - 4. All NOPD officers receive crisis intervention training as annual in-service training. (In-service CIT training may be provided as part of use of force training.)
- G. NOPD shall offer crisis intervention training to all new dispatchers and to all dispatchers as annual in-service training.

VIII. Sexual Assault Response

- A. NOPD shall adopt policies governing its response to reports of sexual assault.
- B. NOPD's sexual assault policies shall provide for a victim-centered approach at every stage of NOPD's response to sexual assaults, including, but not limited to, cooperation and relationship-building with victim advocates and connecting sexual assault victims with available services and resources.
- C. With regard to training:
 - 1. NOPD shall ensure sex crimes detectives receive specialized initial training and annual in-service training. This training shall include realistic dynamics of sexual assault, including issues related to response to trauma and delayed reporting; overcoming the perception of false/unfounded allegations to successfully investigate non-stranger sexual assault; drug and alcohol-facilitated sexual assault; skills-based training on interviewing, including taped mock victim interviews; report-writing; discovery; and collection, preservation, and submission of evidence in sexual assault cases, including selecting the evidence to be submitted for testing.
 - 2. NOPD shall ensure all officers and recruits receive training on sexual assault response as initial training and as annual in-service training. This training shall include realistic dynamics of sexual assault, including issues related to response to trauma and delayed reporting and initial assessment of victim and crime scene.

- D. NOPD shall prohibit patrol officers and detectives from coding reported sexual assaults in a miscellaneous or non-criminal category without the express written approval of the Investigations & Support Bureau Special Victims Section Commander and the Investigations & Support Bureau Criminal Investigations Division Commander.

IX. Domestic Violence Response

- A. NOPD shall adopt policies governing its response to reports of domestic violence.
- B. NOPD's domestic violence policies shall prioritize victim safety and protection at every stage of NOPD's response to domestic violence.
- C. NOPD shall track disposition of domestic violence investigations and outcomes of domestic violence cases, and shall publicly report its findings.
- D. With regard to training:
 - 1. NOPD shall ensure domestic violence detectives receive specialized initial training and annual in-service training. This training shall include advanced, skills-based instruction in evidence collection; victim assistance; interviewing, including taped mock victim interviews; and other topics.
 - 2. NOPD shall ensure officers and recruits receive training on domestic violence response as initial training and as annual in-service training. This training shall include policies and procedures on domestic violence; dynamics of domestic violence; identifying the primary aggressor; responding to and investigating strangulation in the context of domestic violence; interviewing victims, witnesses, and suspects; report-writing; and discovery.

X. Community and Problem-Oriented Policing

- A. NOPD shall adopt a policy requiring officers to adopt and implement community and problem-oriented policing strategies.
- B. NOPD shall ensure it meets regularly with the communities it serves and shall establish partnerships with community members that promote cooperation, mutual respect, and trust.
- C. NOPD regularly shall assess the effectiveness of its partnerships and strategies and shall publicly report its findings.
- D. NOPD shall ensure its officers, including supervisors, managers, and executives, receive training on community policing and problem-oriented policing as annual in-service training.

- E. At least biennially, NOPD shall conduct or partner with an organization to conduct a comprehensive community survey regarding the community's experiences with and perceptions of NOPD. NOPD shall make the findings of the survey available to the public.

XI. Officer Assistance Program

- A. NOPD shall adopt an Officer Assistance Program (OAP) that
 - 1. Is staffed by mental health professionals;
 - 2. Provides comprehensive mental health and support services to NOPD personnel and their families; and
 - 3. Offers services to assist NOPD personnel and their families in managing stress associated with traumatic incidents.
- B. NOPD shall ensure the use of OAP services is confidential and private to the maximum extent practicable.
- C. NOPD shall ensure supervisory personnel and in-service training providers promote awareness and encourage the use of OAP services.
- D. NOPD shall maintain a functional, computer-based early intervention system to support the effective supervision and management of officers and employees and to help supervisors and managers identify officers in need of guidance, counseling, support, and/or intervention.

XII. Body-Worn Cameras

- A. NOPD shall adopt policies requiring the use of body-worn cameras (BWCs) or similar technology by uniformed personnel who answer calls for service. The policies shall require camera activation when it will enhance officer safety, document relevant statements and events in the course of an incident, preserve evidence, allow for officer self-critique and evaluation during training, promote constitutional policing, enhance the public trust, and/or where other circumstances dictate.
- B. NOPD shall adopt a policy regarding supervisory review of BWC recordings, retention of BWC recordings, and who may access BWC recordings;
- C. NOPD shall adopt policies specifying permitted and prohibited uses of BWCs to record interactions with other NOPD personnel.
- D. NOPD shall ensure its policies prohibit BWC use in a manner that would infringe on civilians' reasonable privacy expectations.

- E. NOPD shall ensure officers receive sufficient training prior to being issued BWCs.

XIII. Secondary Employment

- A. There shall be an Office of Police Secondary Employment (OPSE). NOPD shall ensure its personnel are made aware of the OPSE and the proper process for working secondary employment. NOPD shall advise NOPD personnel of applicable municipal laws relating to secondary employment and penalties for violation.
- B. NOPD personnel working secondary employment shall have the same responsibility to carry appropriate departmental equipment (e.g., police radios) and document their activities in the same manner as if they were on-duty, including completing incident, arrest, and use of force reports, and reporting allegations of misconduct or observed misconduct.

XIV. Transparency

- A. All NOPD policies and procedures shall be posted online unless NOPD documents a reasonable security reason for keeping the policy or procedure private. Where a portion of a policy or procedure may not be suitable for public availability, NOPD shall make the remainder of the policy or procedure publicly available.
- B. NOPD shall collect and maintain all data and records necessary to facilitate and ensure transparency and wide public access to information related to NOPD decision-making and activities, as permitted by law.
- C. NOPD shall continue to provide open data sets on the internet, including calls for service, body-worn camera metadata, investigatory stops, uses of force, and misconduct complaints.
- D. NOPD shall adopt a policy facilitating the prompt, proactive release of critical incident video recordings, as permitted by law.
- E. NOPD shall hold regular organizational meetings using data to track management topics including supervision, misconduct, uses of force, internal audits, and other facets of risk management. The data used in these meetings shall be posted online.

XV. Compliance Bureau

- A. There shall be a Compliance Bureau within NOPD led by a Deputy Superintendent with sufficient staff to carry out the duties of the Bureau.
- B. NOPD shall ensure the Compliance Bureau:

1. Facilitates implementation of the Consent Decree while the Consent Decree is in effect;
 2. Works with NOPD and the public to ensure continuing compliance with the principles of the Consent Decree following the termination of the Consent Decree.
 3. Develops and conducts regular audits and reviews to assess the NOPD's compliance with its policies and procedures;
 4. Develop and conducts annual audits and/or reviews to evaluate NOPD's compliance with this regulation;
 5. Determines the schedules and subjects for audits and reviews;
 6. Promotes constitutional policing, transparency, accountability, community policing, peer intervention, law enforcement best practices, and organizational management throughout the Department; and
 7. Conducts annual outcome assessments to evaluate the ongoing effectiveness of NOPD's reform efforts.
- C. NOPD shall ensure the Compliance Bureau has unrestricted access to NOPD information except where that access would violate law or compromise an investigation or a person's safety.
- D. NOPD shall ensure the Compliance Bureau publicly reports audit, review, and outcome assessment results.

XVI. Compliance Reviews and Audits

- A. NOPD shall engage an outside entity to conduct a biennial audit of NOPD compliance with this regulation and NOPD policies and procedures.
- B. The outside auditor shall report its findings in detail, including recommended corrective actions and/or enhancements. The outside auditor also shall make recommendations regarding modifications to this regulation and to NOPD's policies, procedures, practices, and training.
- C. NOPD shall make the outside auditor's report public (with redactions only as necessary to protect individual privacy rights) within 60 days of receipt.

XVII. Academy

A. Academy Personnel

1. The NOPD Academy shall employ, at a minimum:
 - a. A Post-Certified Academy Commander or Academy Director (sworn or civilian);
 - b. An Academic Director with substantial experience supporting academic institutions and/or large-scale training programs; and
 - c. A curriculum development specialist.
2. NOPD shall ensure each Academy instructor:
 - a. Possesses all necessary certifications in the subjects he/she is assigned to teach;
 - b. Attends at least one professional development program each quarter (for full time Academy staff) or annually (for adjunct instructors). Programs may be provided in-house or outside NOPD;
 - c. Has received training on lesson plan development, methods of instruction, and adult learning theory/techniques in advance of being assigned to teach at the Academy; and
 - d. For NOPD employees, is permitted to attend recertification training at least annually, or more frequently if required by a given subject matter area.
3. NOPD shall ensure Academy leadership routinely evaluates classroom instructors and instruction for recruits and officers by:
 - a. Requiring personal observation and evaluation of each class and each instructor on a routine basis;
 - b. Periodically engaging outside experts (*e.g.*, university professors, consultants, etc.) to observe and evaluate classroom instruction; and
 - c. Providing recruits and officers the opportunity to evaluate all courses and instructors on a confidential basis.

B. Academy Curriculum and Instruction. NOPD shall ensure:

1. The Academy prepares and publishes a complete, written schedule of courses and accompanying calendar (which shall include the start date of the recruit class and the dates and times of the courses) in advance of the start of each new recruit class. All changes to the schedule shall be documented and approved in writing by the appropriate Deputy Superintendent.
2. The Academy prepares an annual Master Training Plan that covers recruit and in-service training and includes the total number of Academy instructional hours for recruits and the minimum number of hours for each course to be offered.
3. The Academy Master Training Plan, at a minimum, includes the following courses for recruits:
 - a. Appropriate use of force, including de-escalation philosophy, strategies, and techniques;
 - b. Stops, searches, and arrests;
 - c. Bias-free policing and community/problem-solving policing;
 - d. Investigations, including crime scene investigations and investigative techniques;
 - e. Ethics, including preventing and reporting misconduct and encouraging peer intervention;
 - f. Crisis intervention;
 - g. Crowd control, including consistent application of field-force tactics and crowd management;
 - h. Report writing;
 - i. Recognizing, taking, and responding to allegations of misconduct received in the field;
 - j. Statutory law, including definitions of specific offenses, and scenario-based exercises to determine the specific elements of offenses; and
 - k. Communications with limited English proficiency individuals, including exercises using commonly encountered scenarios.
4. Commissioned officers receive annual in-service training.

5. In addition to all Louisiana Post-required training and the training noted above, Academy courses incorporate the following topics whenever appropriate: de-escalation of force, procedural justice, peer intervention, community policing, and constitutional policing.
6. Academy leadership documents all courses, student attendance, and grades in a database readily accessible to the Department's Compliance Bureau.
7. The Academy maintains all lesson plans and all course materials in a secure electronic database readily accessible to the Department's Compliance Bureau.

C. Academy FTO Program

1. NOPD shall maintain a Field Training Officer (FTO)/recruit ratio of 1:1. No more than one recruit shall be assigned to an FTO except for limited periods of time when fewer FTOs are available due to a major public event (*e.g.*, Mardi Gras) or an emergency (*e.g.*, a hurricane, illness, injury).
2. NOPD shall ensure all FTOs receive specialized training before being certified to serve as an FTO.
3. NOPD shall provide recruits means of providing confidential feedback regarding FTOs and FTO training generally.

D. Academy Resources, Facilities, Transparency, and Accountability

1. NOPD shall maintain an Academy facility with adequate training resources, including:
 - a. Body Worn Cameras, or an equivalent technology, for all students engaged in practical skills training;
 - b. Adequate technology resources;
 - c. Computer terminals for at least 36 recruits;
 - d. Adequate physical space for all students without exceeding maximum occupancy rules; and
 - e. Dedicated space for instructors to work, prepare lesson plans, and grade tests.
2. NOPD shall ensure the Academy maintains a formal, written Recruit Manual, reviewed and updated annually. At a minimum, the Recruit Manual shall describe:

- a. The academic and behavioral disciplinary process;
 - b. Academy professional standards for instructors, recruits, and officers (*e.g.*, no phone use in the classroom, proper dress, on time arrival, attendance, etc.);
 - c. Timelines for developing, reviewing, and implementing lesson plans; and
 - d. Professional development requirements and opportunities.
3. NOPD shall ensure the Academy maintains a formal written Operations Manual, reviewed and updated annually.
 4. The NOPD Compliance Bureau shall audit the Academy's compliance with NOPD policy, Academy directives/operations manuals, and this regulation at least quarterly. Audit topics shall be scheduled in accordance with a written annual audit program.