2017 Stop and Search Annual Report

> On at least an annual basis, NOPD shall issue a report summarizing the stop and search data collected, the analysis of that data, and the steps taken to correct problems and build on successes. The report shall be made publicly available. [Consent Decree ¶153]

The purpose of this report is to summarize and analyze the stop and search data collected for the past year. The report answers several key questions:

1) How many stops occurred in 2017? And, how have these stops varied by neighborhood, race/ethnicity of the subject, gender of the subject, type of subject (driver, passenger, or pedestrian), age of the subject, time of day, and type of stop?
2) What was the result of the stop (arrest, citation, warning, or no action), and how did that vary based upon the characteristics of the subject?
3) Did a search occur? What was the legal basis for the search, and what type of search occurred? How did that action vary based upon the characteristics of the subject?
4) Did the search result in the discovery of contraband? How did that action vary based upon the characteristics of the subject?

The data in this report are displayed in graphics throughout the *Findings* section. For comparison, visit https://nola.gov/nopd/nopd-consent-decree/ to view the Stop and Search Annual Report from previous years.

Key Definitions

Age – Age of the subject is based on the subject's date of birth.

Contraband – This includes the following:

a) Drugs – any substance defined, enumerated, or included in federal or state statute or regulations, 21 CFR Chapter 1308.11-15 or La. R.S. 40:964, or any substance which may hereafter be designated as a controlled dangerous substance by amendment of supplementation of such regulations or statute. The term shall not include distilled spirits, wine, malt beverages, or tobacco;
b) Weapons – includes any gas, liquid or other substance or instrumentality, which, in the manner used, is calculated or likely to produce death or great bodily harm. Usually a firearm for Field Interview Card purposes;
c) Other – any other item that is not a drug or a weapon which is illegally possessed.

Field Interview Card (FIC) – The method NOPD utilizes to document official Stops/Terry Stops of members of the public. To conduct a field interview, an officer must have reasonable suspicion that the subject has been, is, or is about to be, engaged in the commission of a crime. According to departmental policy, only one FIC entry should be made per incident.

Gender – Gender of the subject is entered by the officer and is based on the officer's observation.

Neighborhood – Neighborhoods are defined using the neighborhood boundaries disseminated by The Data Center (datacenterresearch.org).

Race/ethnicity – Race/ethnicity of the subject is entered by the officer and is based on the officer's observation.

Search – A search is defined as a thorough visual and manual examination of an arrested person and the area immediately around that person for weapons, contraband, or evidence that might be destroyed. A search may be conducted for any of the following reasons:

a) Consent to search – permission given to a law enforcement officer to search a person, vehicle or structure by one who has the legal right to do so;
b) Exigent circumstances – compelling urgency or true emergency;
c) incident to arrest – a search that takes place immediately after a physical arrest of a person;
d) Inventory – an administrative search conducted to itemize and identify property for safe-keeping;
e) Plain view – if an officer sees an item that is immediately recognizable as contraband and they are in a place they have a legal right to be, the item can be seized;
f) Probable cause – the facts and circumstances known to the officer at the time which would justify a prudent person in believing the subject committed or was committing an offense;
g) Warrant – a written instrument, signed by a judicial authority ordering the seizure of a person or property.

Search type – There are four different types of searches recorded in the Field Interview Card Database. These are listed below:

a) Driver – refers to a full, complete search of the operator of a motor vehicle;
b) Passenger – refers to a full, complete search of an occupant of a motor vehicle (not the operator);
c) Pat-down – refers to a limited search of any individual in which the officer runs their hands along the outer clothing to detect a weapon or obvious contraband;
d) Vehicle – refers to a physical search of the interior of a vehicle, including the trunk.

Stop – An investigatory stop of a person in a public place (pedestrian or occupant of a vehicle) under the rules established for "Terry Stops" or La. C.Cr.P. Art. 215.1 based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions. It can also include a voluntary encounter between an officer and a subject where the subject is relaying information that may be of interest, or relevant to an investigation (includes witnesses and victims). For purposes of this report, it can also include a violation of law.

Stop result – A stop may end in any of the four manners listed below:

a) No action – the stop ends with no enforcement action taken by the officer;
b) Warning – the stop ends in only a verbal warning by the officer;
c) Citation – the stop ends with the subject receiving a traffic citation or summons in lieu of a physical arrest;
d) Arrest – the stop ends with the subject in the physical custody of the officer as an arrest awaiting booking.

Stop type – Stops are broken down into the different stop types listed below:

a) Call for service – the officer was dispatched by Communications;
b) Citizen contact – the officer initiates a duty-related conversation with a person;
c) Criminal violation – the officer observes a violation of law;
d) Flagged down – a person gains the officer's attention to report a problem or observation;
e) Juvenile violation – the officer observes a juvenile violating the law;
f) Present at crime scene – while on the scene of a crime, the officer initiates a duty-related conversation with a person;
g) Subject person – the officer initiates a duty related conversation with a person who is a subject in a criminal violation;
h) Subject vehicle – the officer initiates a duty related conversation with a person who is in a vehicle that is subject in a criminal violation;
i) Traffic violation – the officer observes a violation of a traffic offense;
j) Other – any other stop by an officer.

Relevant policies

The following approved policies and forms govern NOPD's actions with respect to stops, searches, and arrests:

- Search and Seizure – Chapter 1.2.4
- Terry Stops and Investigatory Stops – Chapter 1.2.4.1
- Search Warrant Consent Forms and Reviews – Chapter 1.2.4.2, Form 146.
- Arrests and Miranda Rights – Chapter 1.9 and Chapter 1.9.1

Benchmark comparisons

The 2014 Annual Report can be used as an initial benchmark, with the caveat that as NOPD develops new policies, the protocols governing stops, searches, and arrests may change. As a result, the underlying data and what they represent will change as well. This may present difficulty in conducting direct comparisons between 2014, 2015, 2016 and 2017 data, or that of subsequent

years. Nevertheless, some direct comparisons can be made between the 2015 through 2017 data, as summarized below.

Most trends in the data showed little change over the last few years. However, there are a few notable differences. The most drastic shifts occurred in the results of stops among subjects aged 12 and under, and the demographics of officers conducting the most stops. These data are explored in depth in the following report.

Relevant Geographic Area

All data presented in this report and used for analysis are confined to Orleans Parish. Figure 1 shows a neighborhood reference map of New Orleans.[1]

Figure 1 – Neighborhoods in New Orleans

Neighborhoods in Orleans Parish

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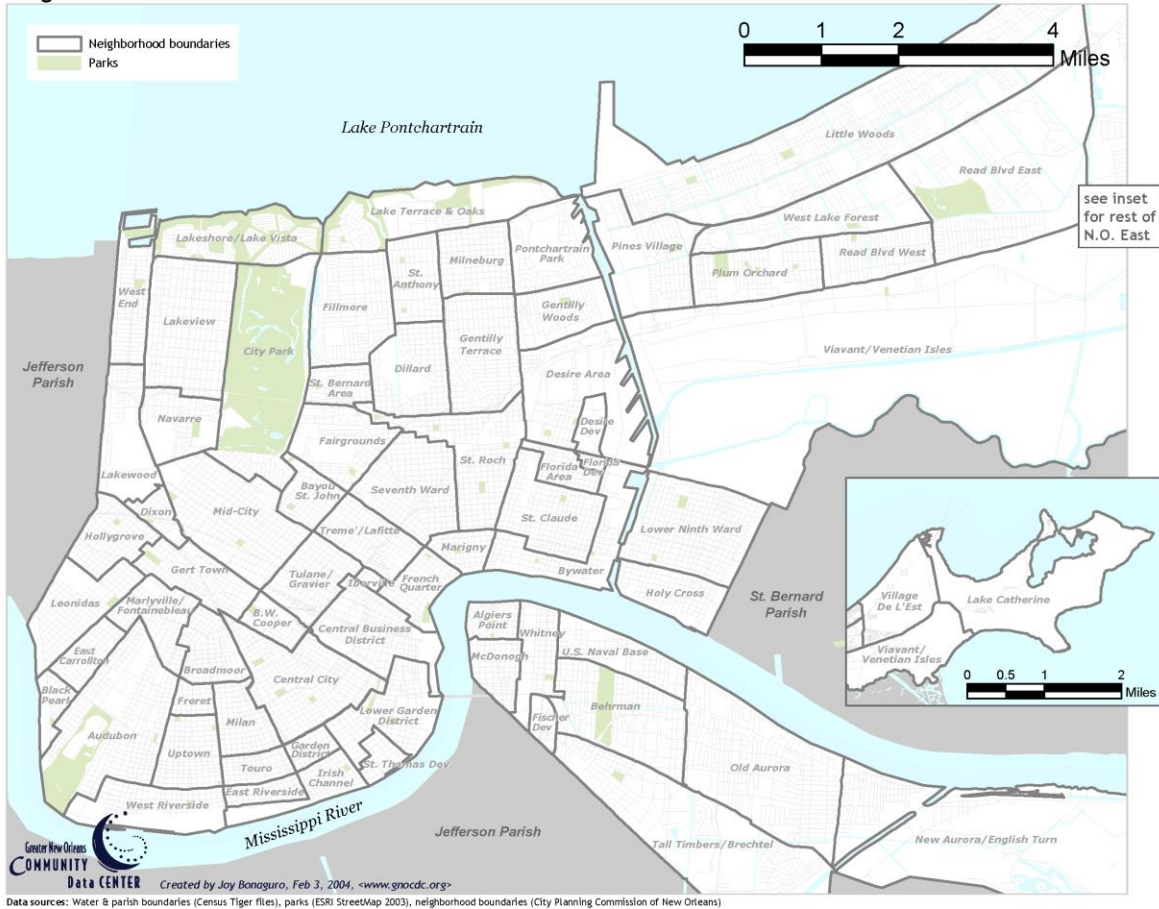
[1] New Orleans and Orleans Parish refer to the same geographic area.

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Findings[2]

Stop analysis

In 2017, the NOPD completed 49,237 Field Interview Cards (FIC) documenting stops, searches, or arrests, a 17% increase from the 41,802 FICs recorded in 2016. The map shown in Figure 2 depicts how these FICs were distributed throughout the city. Central City had the highest number of FICs, with 5,122, up from 3,445 the previous year. As of the 2010 Census, Central City is the seventh most populated neighborhood in New Orleans. The Central Business District came in second, with 4,128 FICs, also higher than its 3,840 total in 2016. For the second year in a row, the French Quarter had the third highest number of FICs in the city, with 3,630 in 2017. It should be noted that both the French Quarter and the Central Business District have a high concentration of non-residents, including tourists and commuters. Figure 2 shows the distribution of FICs completed in 2017 by neighborhood.

Figure 2 - Field interview cards in New Orleans by neighborhood, 2017

Percent of field interview cards by neighborhood, 2017

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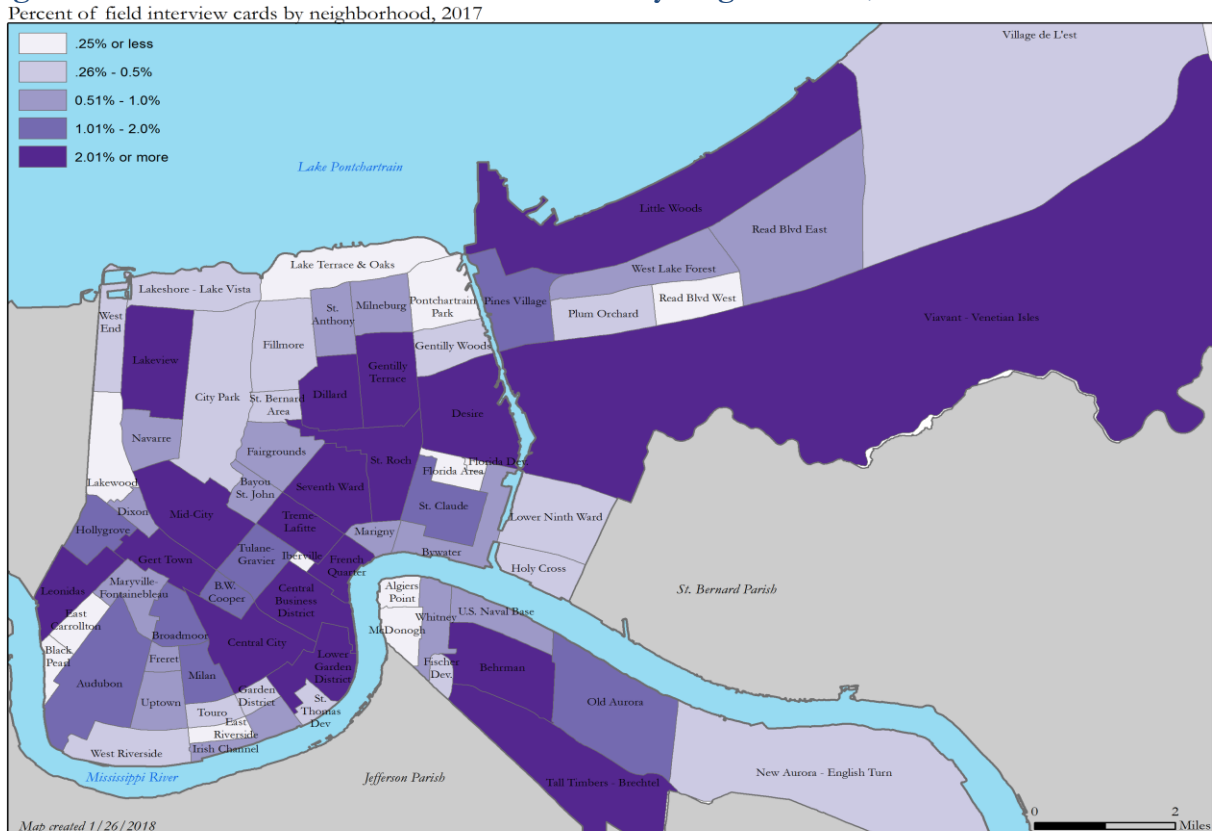
[2] All Field Interview Card data come from the Field Interview Card database of the New Orleans Police Department and represent data from January 1, 2017 through December 31, 2017.

<u>Time of day of FIC (see Figure 3)</u>

In 2017, FICs were most likely to be completed in the evening (6pm-10pm), with overnight (10pm-2am) and the afternoon (2-6pm) close behind. Officers were least likely to complete FICs in the morning (6am-10am) and early morning (2am-6am) hours.

Figure 3 – Field interview cards in New Orleans by time of day, 2015-2017
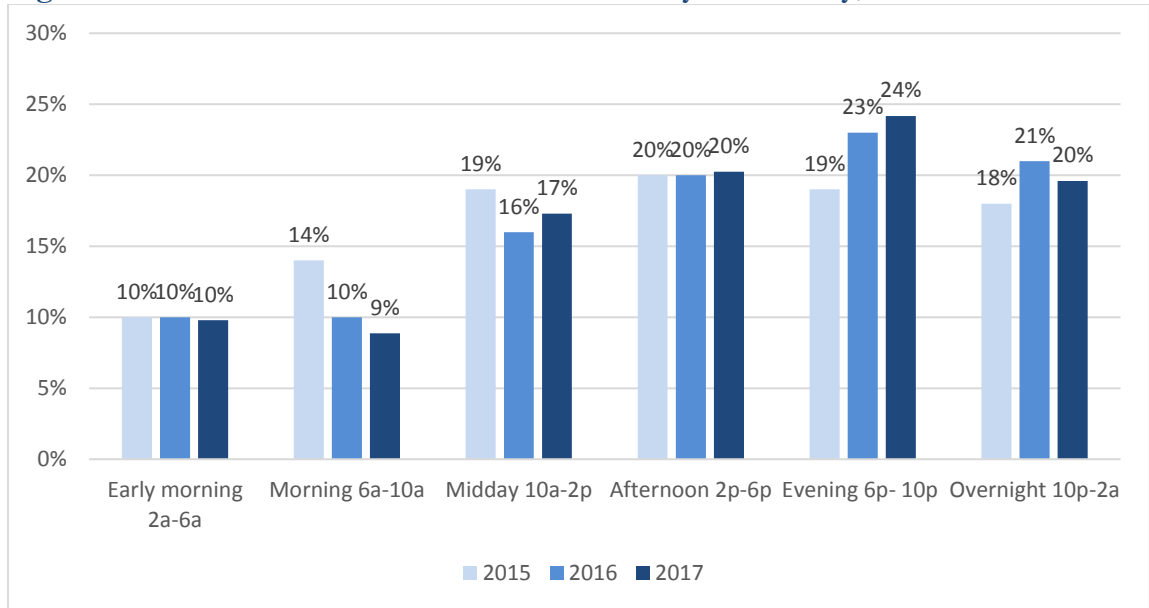
Race/Ethnicity of stop subject (see Figure 4)

The distribution of stops across races/ethnicities in 2017 closely resembled the statistics of the previous year. African-Americans represented 71 percent of all FICs, compared to 67 percent in 2016; Whites represented 24 percent of all FICs, a slight decrease from their 28 percent in 2016; Hispanics, Asians and Native Americans showed no change, remaining at 3 percent, 1 percent and <1 percent, respectively in 2015 through 2017.

Figure 4 - Stops in New Orleans by race/ethnicity of the subject, 2015-2017
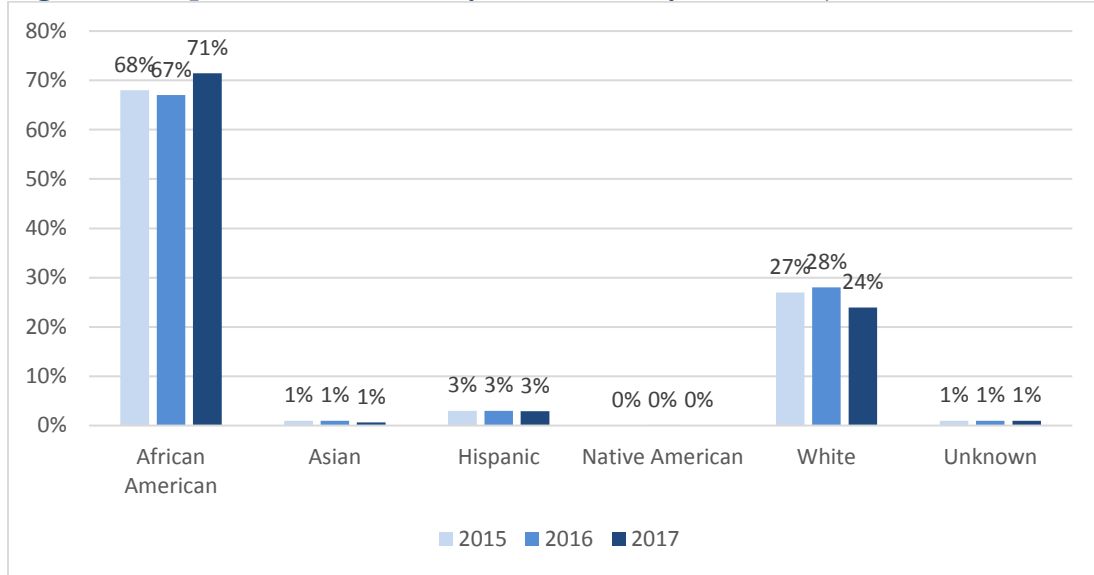
Gender of the stop subject (see Figure 5)

Males represented 69% of all FICs (up from 67% in 2015), while they make up approximately 48% of the City's total population. Females represented 31% of all FICs (down from 33% since 2015), while accounting for approximately 52 percent of the total population.[3]

Figure 5 - Stops in New Orleans by gender of the subject, 2015-2017

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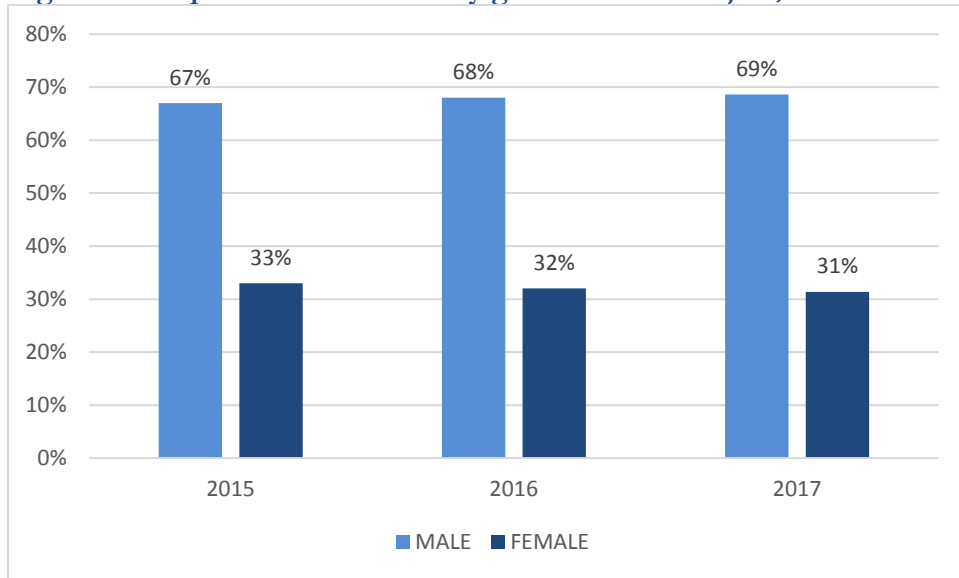
[3] U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates.

Age of the stop subject (see Figure 6)

The percentage of stops of young adult subjects (ages 18 to 24) continued to decline slightly in 2017, representing 18 percent of all FICs. However, subjects between the ages of 35 and 64 represented the largest percentage of stops, 43 percent, up two percentage points from 2015. Subjects between the ages of 25 and 34 represented 33 percent of all stops for the third consecutive year.
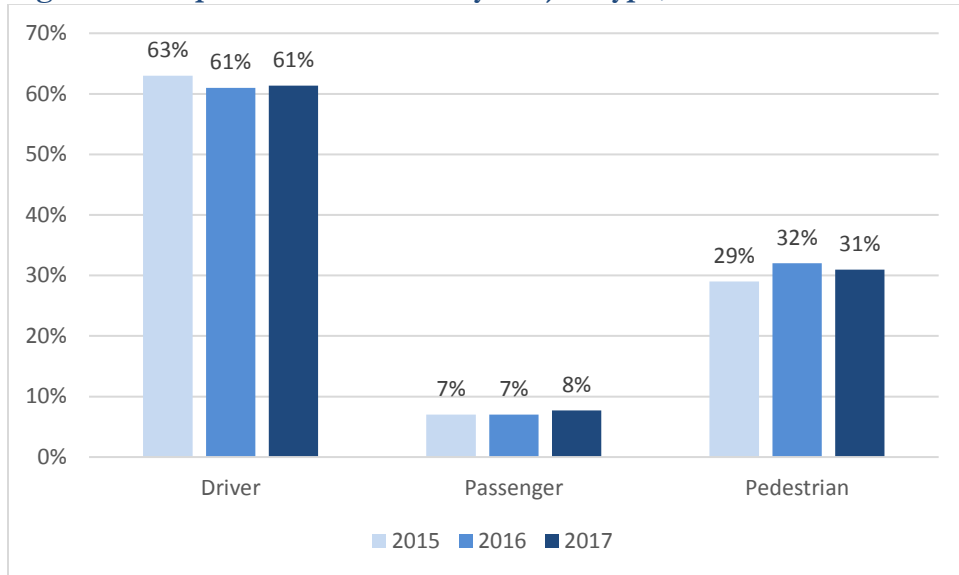
Figure 6 - Stops in New Orleans by age of the subject, 2015-2017
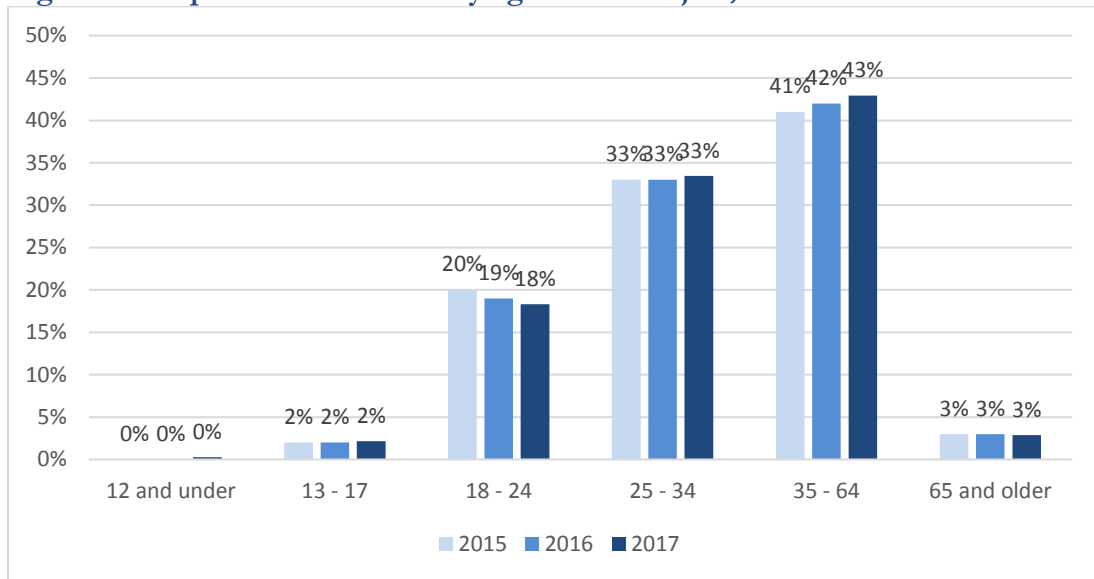
Stops by subject type (see Figure 7)

The majority of all stops (61 percent) involved drivers (down from 63 percent in 2015). Pedestrians represented 31 percent of all FICs (up from 29 percent in 2015), and passengers represented the remaining 8 percent.

Figure 7 – Stops in New Orleans by subject type, 2015-2017

<u>Field interview cards by race/ethnicity of the officer (see Figure 8)</u>

The percentage of total FICs completed by African-American officers decreased drastically from 58 percent in 2015 to 36 percent by 2016, with a slight increase in 2017 to 37%. During that same time the percentage of FICs completed by White officers grew from 38 percent to 58 percent of all FICs, and drop slightly to 54 percent in 2017. Over the last few years, the demographics of the Department experienced a similar, though less drastic, shift. The number of White officers increased by 12.5% from 2015 to 2016, while the number of African American officers decreased by 5 percent. The demographic makeup of patrol officers, who produce the vast majority of FICs, can change over time as officers transition into and out of patrol assignments; this may contribute to the changes in the demographic distribution of officers completing FICs. The percentage of total FICs completed by Hispanic officer saw the greatest change from 2015 to 2017, increasing from 2 percent to 7 percent.

Figure 8 – Field interview cards in New Orleans by race/ethnicity of the officer, 2015-2017[4]


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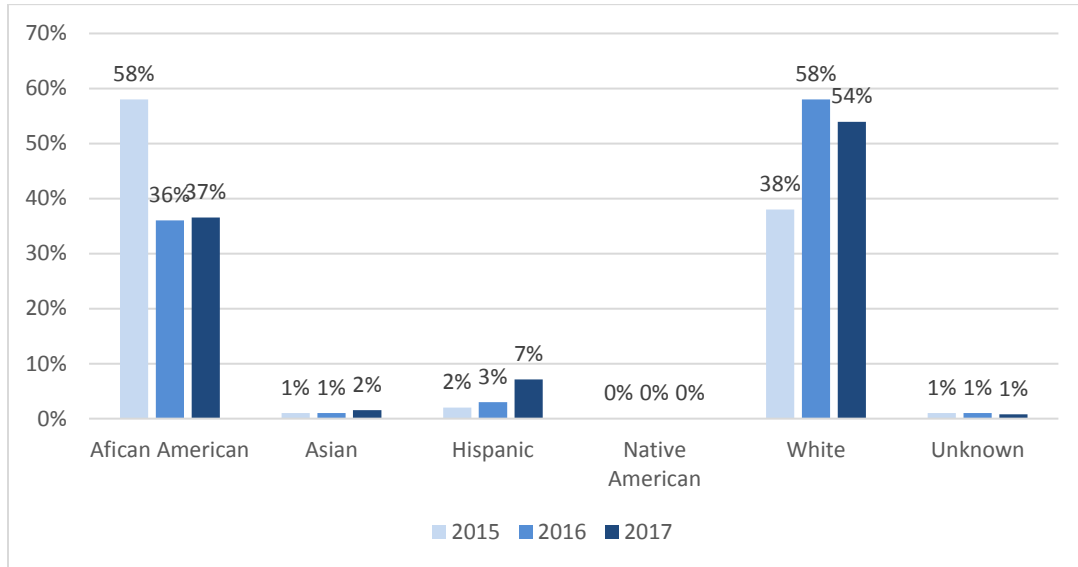
[4] Data for percentages includes only *known* primary officers documented in FIC.

Field interview cards by gender of the officer (see Figure 9)

Male officers accounted for 87 percent of all FICs, compared to 88 percent in 2015, while female officers accounted for 13 percent of all FICs, up from 12 percent in 2015.

Figure 9 – Field interview cards in New Orleans by gender of the officer, 2015-2017
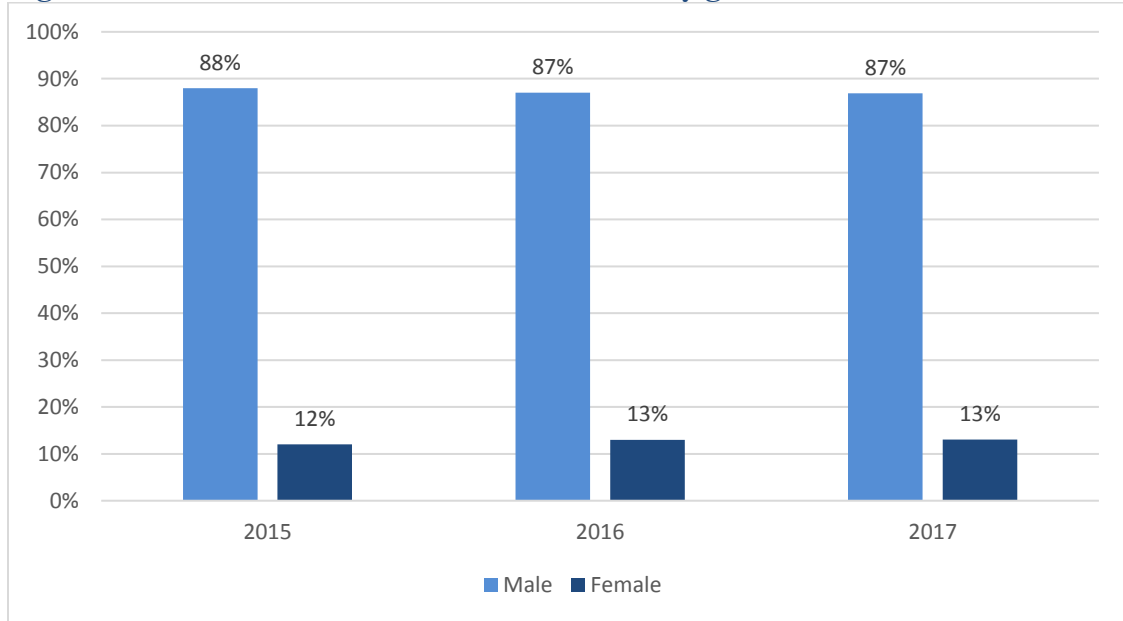
Field interview cards by age of the officer (see Figure 10)

Over the last two years, the percentage of stops conducted by officers between the ages of 25 and 34 saw a significant increase from the 33 percent that they were attributed with in 2015, to 48 percent by 2017. NOPD's focused recruitment efforts have brought many younger officers into the Department and undoubtedly contributed to this increase in patrol activity. While officers in between 25 and 34 make up less than 30 percent of the Department's officers, they are also most likely to be patrol officers, putting them in direct contact with citizens and guests of New Orleans and, thus, more likely to complete FICs. While officers in the 35-44 year old range make up a larger percentage of the department than officers in the 25-34 range, they are more likely to have moved to specialized, non-patrol units or into supervisory roles, making it less likely that they would initiate FICs.

Figure 10 – Field interview cards in New Orleans by age of the officer, 2015-2017
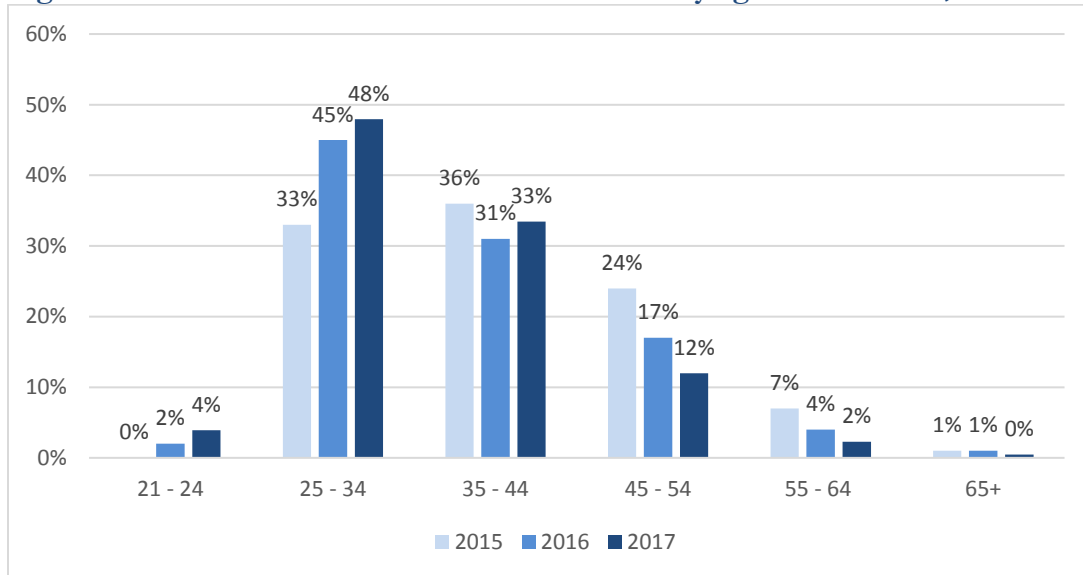
Field interview cards by stop type (see Figure 11)

FICs were most often completed during traffic violations, which accounted for 66 percent of all FICs. At a distant second, the next most frequent stop type was "call for service," at 13 percent, followed by suspicious person at 7 percent.

Figure 11 - Field interview cards in New Orleans by stop type, 2015-2016
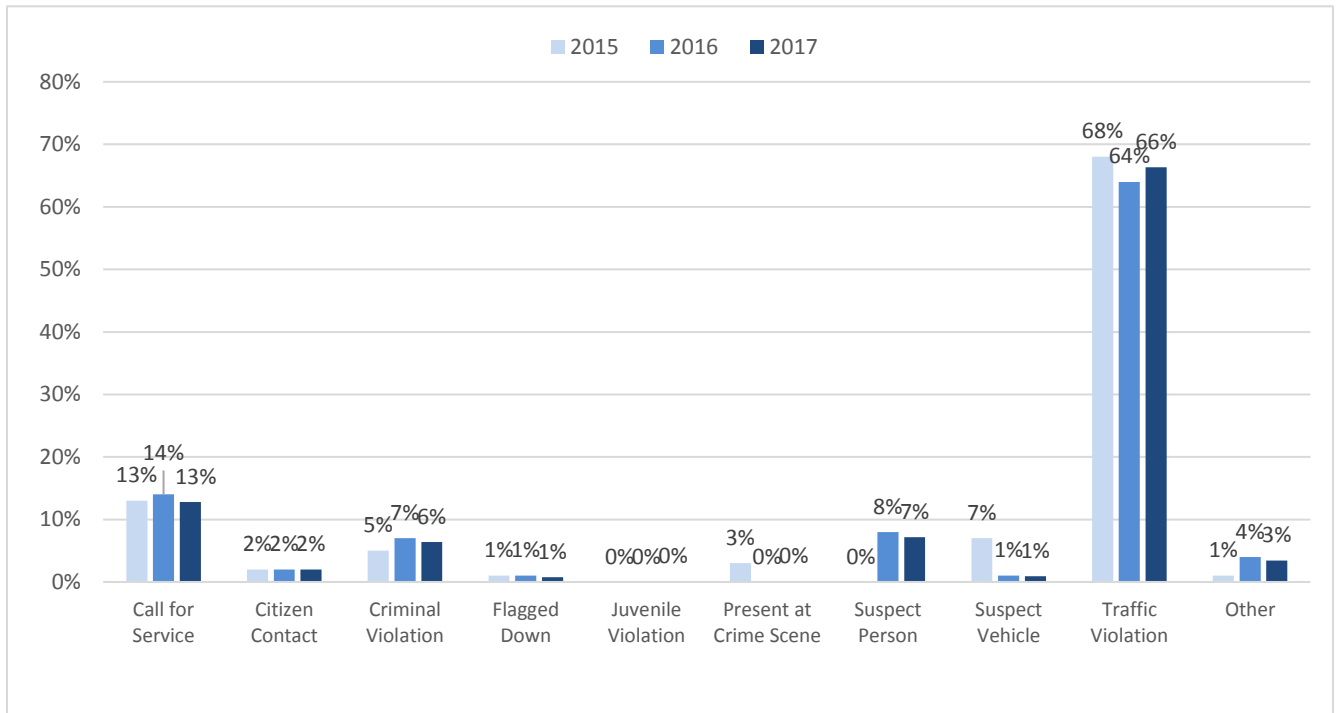
Stops by stop result (see Figure 12)

The two most common stop results were verbal warnings and citations, representing 35 percent and 28 percent respectively. Over the last three years, the percentage of FICs resulting in citations appears to have an inverse relationship with the percentage of stops ending in arrest, with citations dropping by five percentage points and arrests increasing by the same amount. During this time period, verbal warnings increased 2% while "no action taken" decreased 2%.

Figure 12 – Stops in New Orleans by stop result, 2016
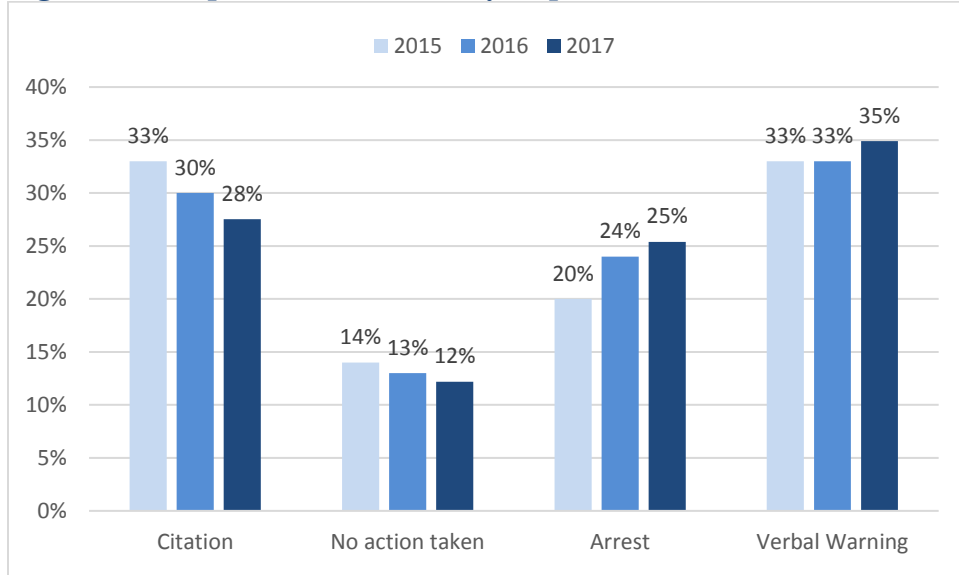
<u>Stops by stop results and neighborhood</u>

The three neighborhoods with the highest number of stops were Central Business District (5,122), followed by Central City (4,128), and the French Quarter (3,630), a re-shuffling of the same top three neighborhoods over the last two years. The two neighborhoods that accounted for fourth and fifth highest numbers of stops were the Mid-City (2,401) and Desire (1,992) neighborhoods.

Stop results varied considerably across neighborhoods. Below, the top three neighborhoods are ranked for each of the four stop result categories by (a) the total number of stops in each category and (b) the percentage of total stops within each neighborhood in each category.[5]

Stops that ended in no action

With respect to total number of stops that ended in no action, the following neighborhoods ranked in the top three: Central City (848), followed by the French Quarter (499) and the Seventh Ward (356); the top two neighborhoods remain the same from the previous year, with the Central Business District being replaced in the third spot.

With respect to the percentage of total stops within each neighborhood that ended in no action, the following neighborhoods ranked in the top three: Algiers Point had the highest percentage of its stops end in no action (36 percent of 59 total), followed by the Florida Area (25 percent of 127) and Holy Cross (25 percent of 213) tied for second, and Iberville (24 percent of 126 total stops) in third.

Stops that ended in a verbal warning

With respect to the total number of stops that ended in a verbal warning, the following neighborhoods ranked in the top three: Central City had the highest number of stops that resulted in a verbal warning (2,677), followed by Mid-City (1,244) and the Central Business District (966), mirroring the order of the previous year.

With respect to the percentage of total stops within each neighborhood that ended in a verbal warning, ranking for the top three neighborhoods is as follows: Lakeview (58 percent of 1,344 total stops), the City Park (49 percent of 215 total stops) and Old Aurora (49 percent of 1,058 total stops) tied for second, and the Irish Channel (48 percent of 275 total stops) was third.

Stops that ended in a citation

With respect to the total number of stops that ended in a citation, the following neighborhoods ranked in the top three: the Central Business District (1,914) had the largest number of stops that resulted in a citation, followed by the Desire neighborhood (1,426) and Central City (1,166).

With respect to the percentage of total stops within each neighborhood that ended in a citation, ranking for the top three neighborhoods are as follows: Dixon (57 percent of 422 total stops),

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[5] For purposes of this analysis, the Florida Development was discounted because there was only one documented stop in the area throughout 2017.

followed by St. Roch (45 percent of 1,429) and West Riverside (45 percent of 224 total stops) tied for second, and Gentilly Terrace (44 percent of 1,299 total stops) in third.

*Stops that ended in an arrest*

With respect to the total number of stops that ended in an arrest, the following neighborhoods ranked in the top three: the French Quarter had the largest number of stops that ended in an arrest (2,078), followed by the Central Business District (1,470) and Central City (1,331).

With respect to the percentage of total stops within each neighborhood that ended in an arrest, the rankings for the top three neighborhoods are as follows: the U.S. Naval Base (55 percent of 384 total stops), the French Quarter (47 percent of 4,397 total stops), and McDonogh (43 percent of 140 total stops).

The distribution of stop results within races/ethnicities varied. Stops of African-Americans were most likely to end in arrest (27 percent), with stops of White individuals following second (23 percent). The percentage of stops that results in arrest for African American and White individuals increased slightly from 26% and 21% respectively, in the previous year. Stops of Asians and Native Americans were most likely to end with a verbal warning, though those populations accounted for 1 percent or less of all stops in 2017.

Figure 13 – Stops in New Orleans by stop result and race/ethnicity of the subject, 2017
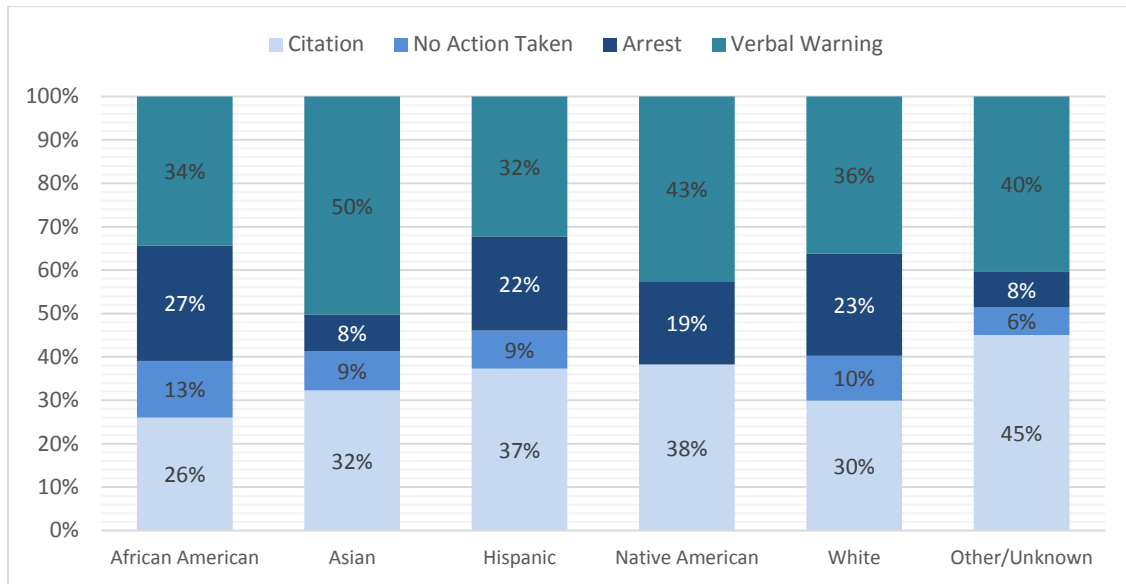
Stops by stop result and gender of the subject (see Figure 14)

In 2017, men represented 69 percent of total stops, while women represented the other 31 percent. While the distribution of stop results by gender did not change significantly between 2015 and 2017, the percentage of stops ending in arrest continued to rise among both genders: from 22% and 17% among men and women, respectively in 2015, to 28% and 20% two years later.

Figure 14 – Stops in New Orleans by stop result and gender of the subject, 2017
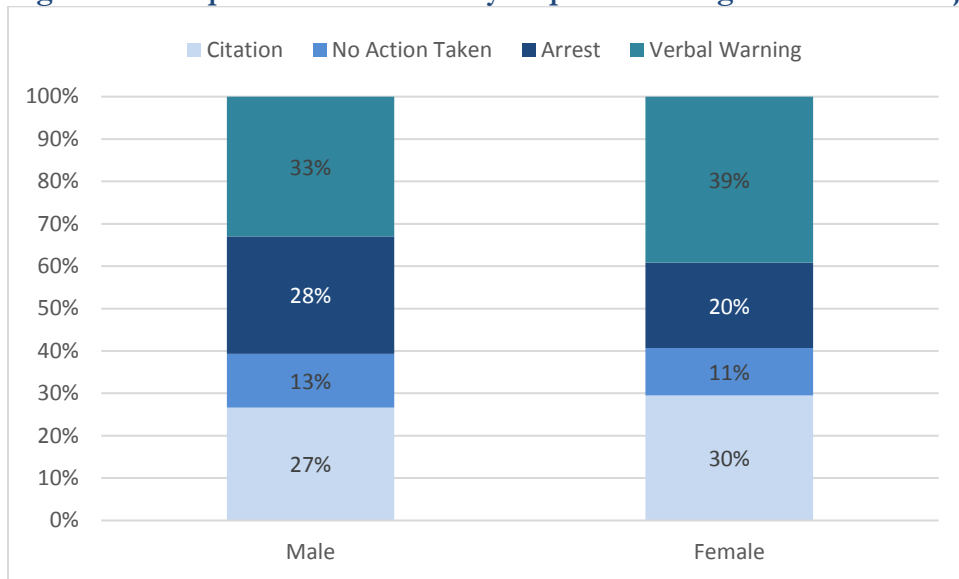
Stops by stop result and age of the subject (see Figure 15)

In the distribution of stops by result within age groups, the percentage of stops resulting in arrest for individuals 12 years of age or younger saw the largest increase, from 33 percent in 2015 to 49 percent by 2017. There was a similar, but less drastic, increase in the rate of arrests among 13-17 year-old subjects, from 38 percent to 47 percent between 2016 and 2017. The arrest percentage for that group was 40 percent in 2015. The rates among other groups changed less significantly during the same time.

Figure 15 - Stop results in New Orleans by age of the subject, 2017
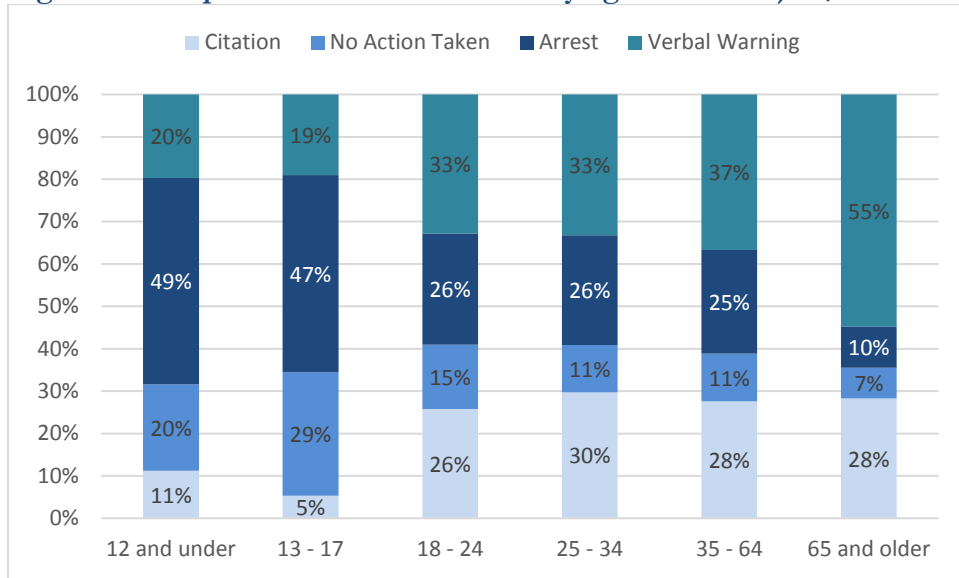
<u>Field interview cards by whether a search occurred (see Figure 16)</u>

In 2017, a search occurred during 12,473 instances in which an FIC was reported (25 percent).
Compared to 2015, this represents an increase in the total number of searches (previously 10,948),
and percentage of searches per FIC (previously 18 percent).

Figure 16 - Field interview cards in New Orleans by whether a search occurred, 2015-2017
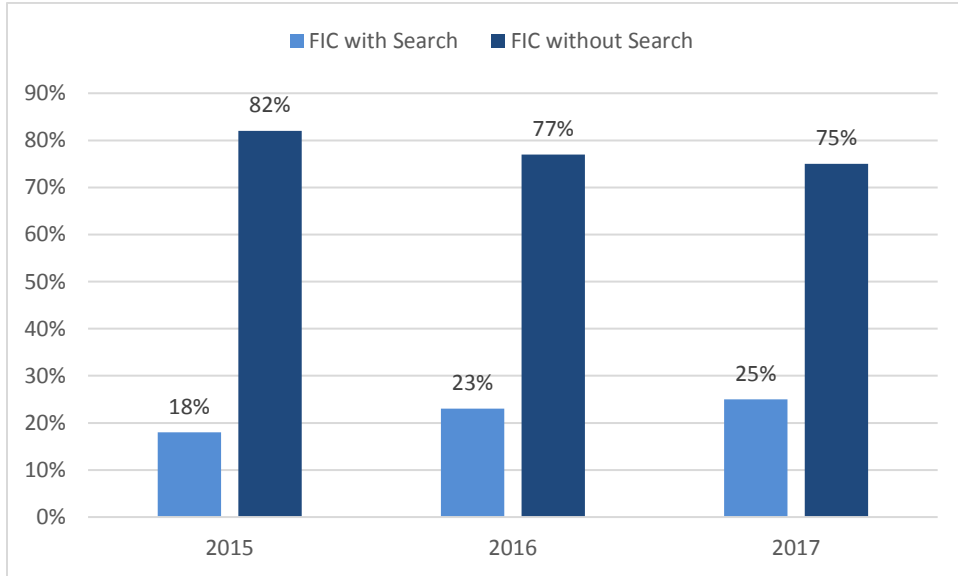
<u>Searches by reason for search (see Figure 17)</u>

The top reasons for searches conducted over the last three years were based on an incident to arrest (62 percent in 2017). That is followed by plain view/smell (14 percent) and warrants (11 percent).[6] Searches conducted incident to arrest or as the result of a warrant are considered "non-discretionary," meaning the NOPD policy dictated that officers must perform searches. The other categories listed in Figure 17 are discretionary in nature, meaning they are initiated by an officer that may have reasonable suspicion to believe that the subject being searched could be in possession of illegal and/or dangerous contraband. NOPD data indicates that approximately 73 percent of all searches in 2017 were non-discretionary.

**Figure 17 – Searches in New Orleans by reason for search, 2015-2017**

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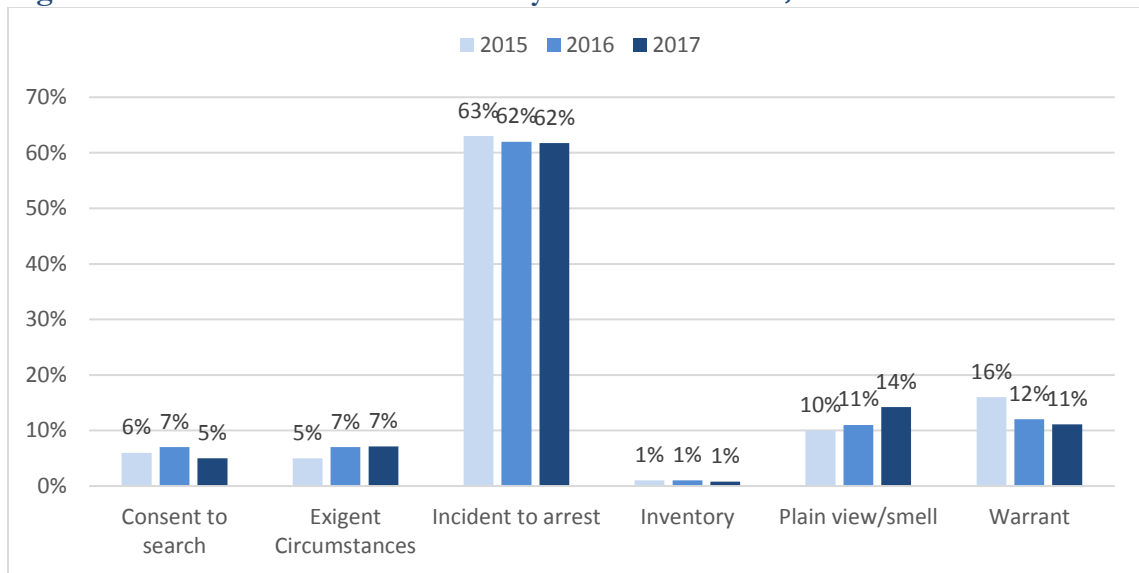
[6] An officer can conduct a search without a warrant if the evidence is in plain view during lawful observation.

Searches by search type (see Figure 18)

The majority of all searches were listed as pat-downs (75 percent), followed by searches of the driver (11 percent), of the vehicle (10 percent), and of the passenger (5 percent). This represents a shift from 2015, when 68 percent of searches were pat-downs, and 17 percent of searches were of drivers.

Figure 18 – Searches in New Orleans by search type, 2015-2017
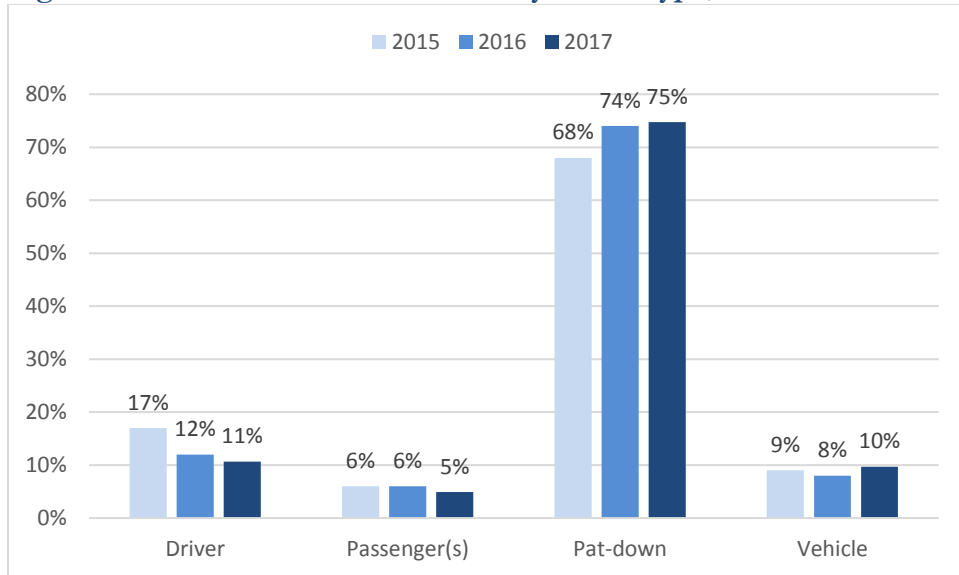
Searches by search type and neighborhood

The three neighborhoods with the most searches in 2017 were the French Quarter (1,803 searches), followed by Central City (1,683 searches), and the Central Business District (1,250 searches).

Search results varied considerably across neighborhoods. Below, the top five neighborhoods are ranked for each of the four search categories by (a) the total number of searches in each category and (b) the percentage of total searches within each neighborhood in each category.[7]

Pat-down searches

With respect to total number of pat-downs, the following neighborhoods ranked in the top five: the French Quarter (1,615) had the highest number of pat-downs, followed by Central City (1,310) and the Central Business District (958), the same top three as the previous year.

With respect to the percentage of total searches within each neighborhood categorized as pat-downs, the following neighborhoods ranked at the top: 90 percent of searches were listed as pat-downs in the French Quarter (1,615 total searches), Holy Cross (94 total searches), and Uptown (58 total searches). These neighborhoods were followed closely by St. Claude (412 total searches) and the U.S. Naval Base (185 total searches) areas, where 89 percent of their total searches were categorized as pat-downs.

Searches of vehicles

With respect to the total number of searches of vehicles, the following neighborhoods ranked in the top three: Central City had the highest number of searches of vehicles (164), followed by the Central Business District (106) and Gert Town (85).

With respect to the percentage of total searches within each neighborhood that were categorized as searches of vehicles, ranking for the top three neighborhoods is as follows: East Carrolton (24 percent of 25 total searches), Hollygrove (21 percent of 295 searches), and the Dillard area (20 percent of 239 searches).

Searches of drivers

With respect to the total number of searches of drivers, the following neighborhoods ranked in the top three: Central City was first, with 143 drivers being searched, followed by the Central Business District (127) and the Desire area (84).

With respect to the percentage of total searches within each neighborhood that were categorized as searches of drivers, ranking for the top neighborhoods is as follows: Lakewood (27 percent of 22 total searches) had the highest percentage, followed by Black Pearl (25 percent of 12 total searches)

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[7] For purposes of this analysis, the Florida Development and Lake Catherine neighborhoods were discounted because they had one and three searches, respectively in 2017.

with the Fischer Development area (81 total searches) and Village de L'est (108 total searches) tied at 21 percent.

Searches of passengers

With respect to the total number of searches of passengers, the following neighborhoods ranked in the top three: Central City (66), followed by the Central Business District (59) and the French Quarter (52).

With respect to the percentage of total searches within each neighborhood that were categorized as searches of passengers, ranking for the top three neighborhoods is as follows: Pontchartrain Park (18 percent of 17 total searches), followed by Black Pearl (17% of 12 total searches) and Plum Orchard (15 percent of 71 total).

Searches by search type and race/ethnicity of the subject (see Figure 19)

Of the three most represented races/ethnicities (African-American, Hispanic and White) in the search data, the distribution of types of searches within each group was similar across racial/ethnic groups. Only 35 searches in 2017 were of Asian subjects, while eight searches were of Native Americans. Pat-downs were most common among Hispanics (80 percent), closely followed by Whites (79 percent). Searches of drivers were also most common among Hispanics (12 percent), followed by African-Americans (12 percent), and Whites (10 percent).

Figure 19 – Searches by search type and race/ethnicity of subject, 2017
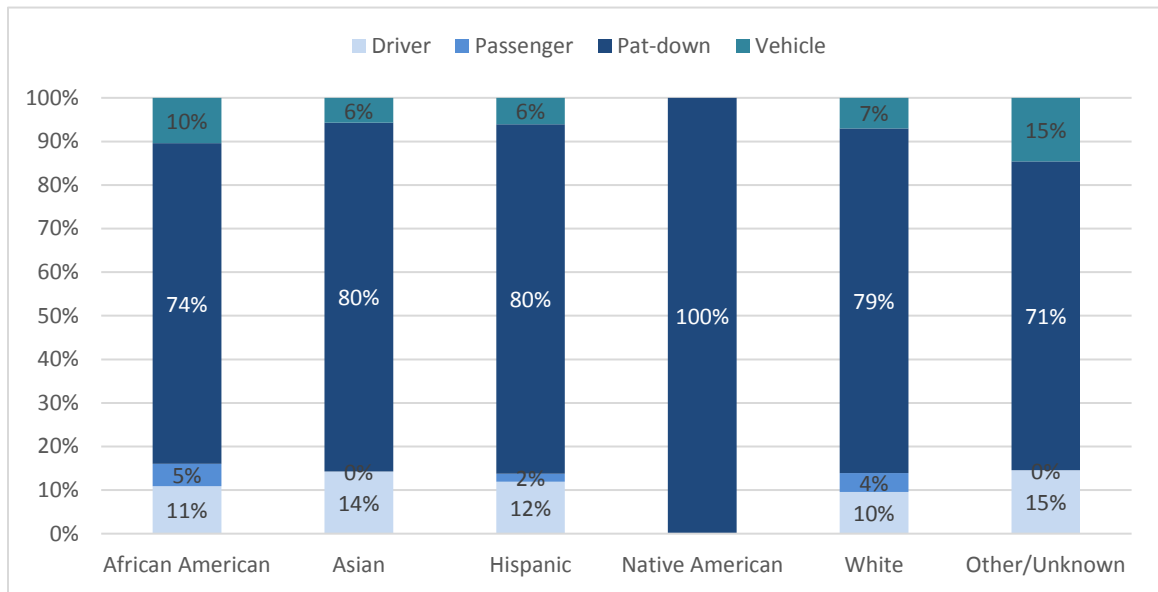
Searches by type and reason, and gender of the subject (see Figure 20)

Males represented 13,665 searches in 2017 – up from 12,160 in 2015 – totaling 84 percent of all searches. Females represented the remaining 2,683 searches – up from 2,416 two years earlier – and 16 percent of all searches. The distribution of searches by search type was similar for both genders.

Figure 20 – Searches in New Orleans by search type and gender of subject, 2017
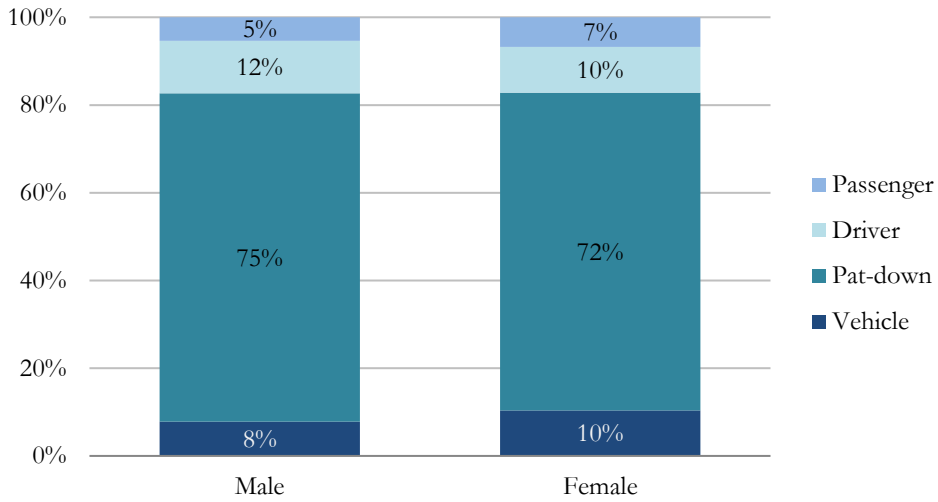
Discovery of contraband by type of contraband (see Figure 21)

In 2017, there were 3,726 searches that resulted in the finding of contraband, up from 2,320 searches in 2016. Drugs were the most common (63 percent), followed by Weapons (21 percent) and items listed as "Other" (16 percent). The rise in the number of instances in which drugs are found may be attributed to the 2016 City ordinance (Sec. 54-505) making simple possession of marijuana a ticket-able offense, rather than being subject to custodial arrest. Individuals may now be less likely to conceal marijuana and associated paraphernalia.

Figure 21 – Contraband found in New Orleans by type of contraband, 2016
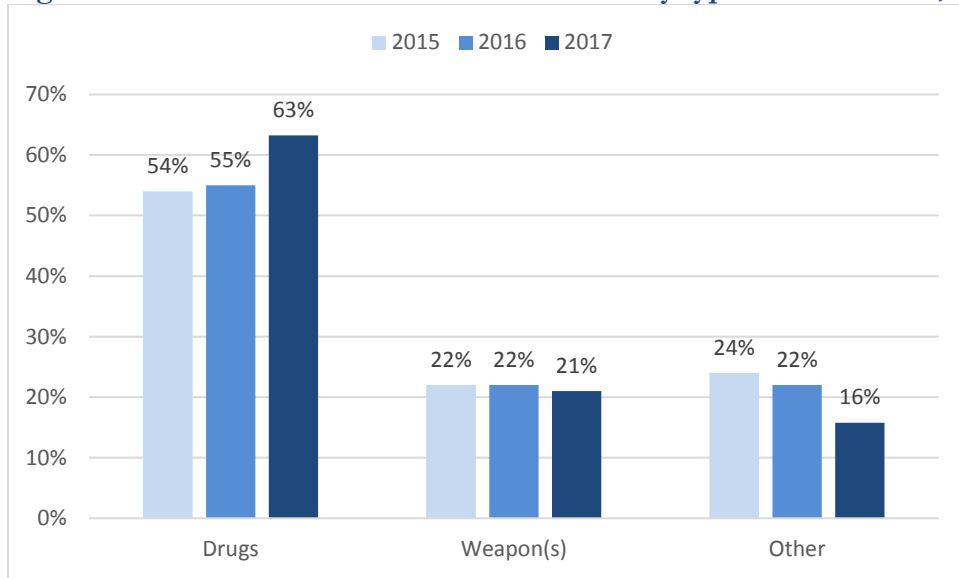
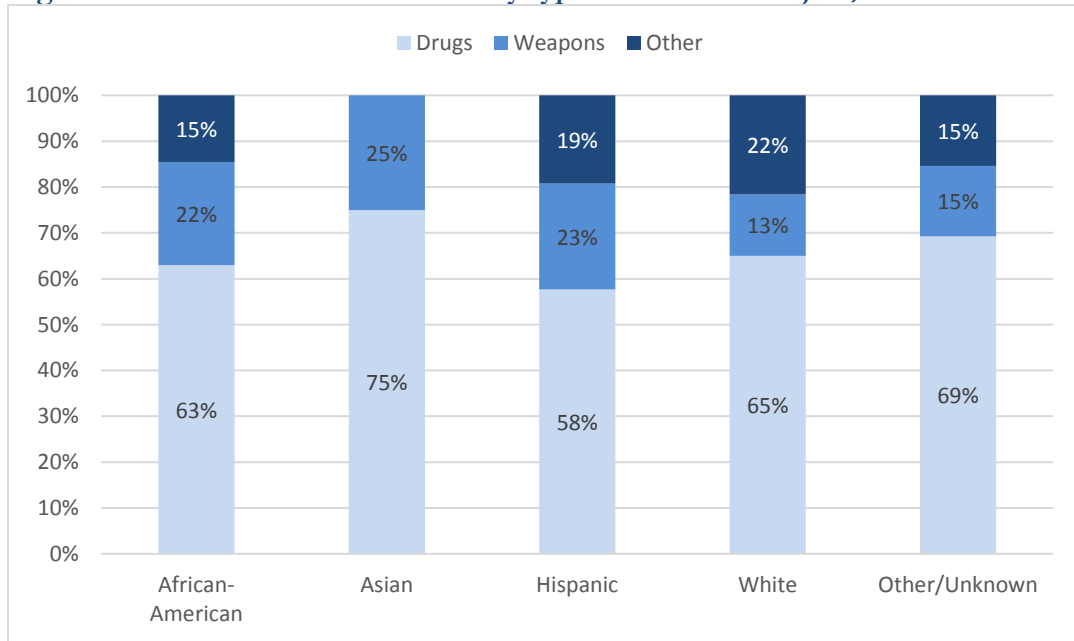Discovery of contraband by type of contraband and neighborhood

The French Quarter had the highest number of findings of contraband (462), followed by Central City (411) and the Central Business District (276), all of which saw increases over the last two years. These neighborhoods represent approximately 31 percent of all findings of contraband throughout the City in 2017(1,149 of 3,738).

Of the previously mentioned areas, the Central Business District had the highest percentage of searches resulting in a finding of weapons (18 percent), and the French Quarter had the highest percentage of searches resulting in a finding of drugs (69 percent).

Discovery of contraband by type of contraband and race /ethnicity of the subject (see Figure 22)

Of the findings of contraband, 82 percent resulted from searches of African-Americans (while they made up 79 percent of all searches) and 15 percent resulted from searches of Whites (while they made up 18 percent of all searches). While Asians saw the highest percentage of drugs found as contraband (75 percent), this is relative to only three of four instances in which contraband was found while searching Asian subjects.

Figure 22 – Contraband discovered by type and race of subject, 2017

<u>Discovery of contraband by type of contraband and gender of the subject (see Figure 23)</u>

Males represented 86 percent of all of the findings of contraband. The majority of weapons found were in the possession of males, and females in possession of contraband were most likely to be found with drugs.

Figure 23 – Contraband found in New Orleans by type of contraband and gender of subject, 2017
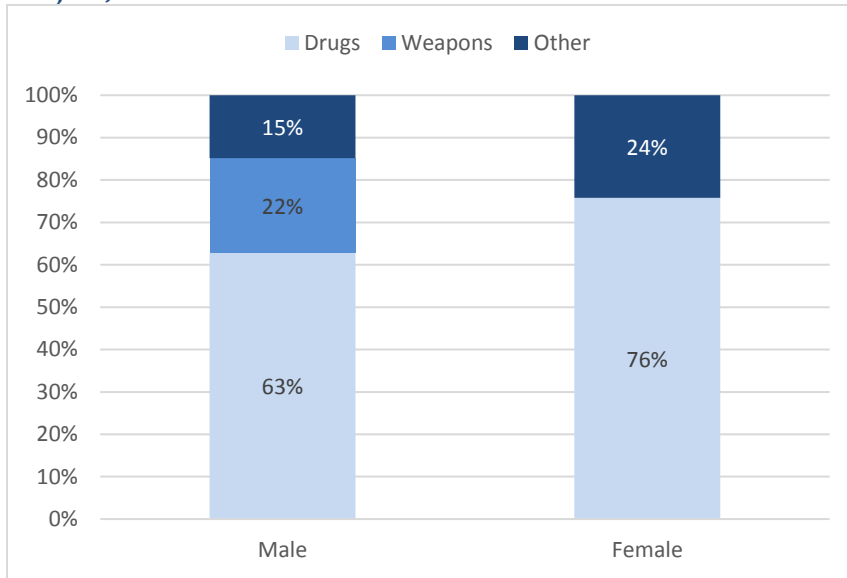
<u>Discovery of contraband by type of contraband and age of the subject (see Figure 24)</u>

When considering the types of contraband found among different age groups, the most significant shift from 2016 to 2017 was among those age 12 and under. While the total number of searches in which contraband was found remained low (15 in 2017, versus 10 in 2016), the number of weapons found went up from 0 in 2016, to 5 the following year, representing 33% of all contraband found on individuals in this age range. Also worth noting, the 18 to 24 and 25 to 34 age groups were tied for the second year as most likely to be found with drugs, each with 66 percent (up from 59 percent each in 2016).

Figure 24 – Contraband found by type and age of subject, 2017