

2019 Bias-Free Policing Annual Report

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

The purpose of this report is to “assess all NOPD programs, initiatives, and activities to ensure that [they are not] administered in a manner that discriminates against individuals on the basis of race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity.” This report references assessments contained in other annual reports with a specific focus on bias-free policing. For example, the Stop and Search annual report contains extensive analysis of stop and search data, and the Misconduct annual report contains analysis of public and rank initiated complaints.

Relevant Policies

The NOPD’s Rule 2 – Moral Conduct, in paragraph #4 has a strong provision against discrimination and the current base policy on bias-free policing was updated and made effective July 10, 2016. The policy prohibits discriminatory and bias-based policing, including using factors such as race, ethnicity, religion, gender identity, sexual orientation, age, or disability as the sole basis for law enforcement action. However, the policy permits officers to consider some of these factors in combination with other aspects of a physical description, such as height and weight, when pursuing a person suspected of a crime. For example, the Department’s policy prohibits racial profiling, or stopping drivers of a vehicle on the basis of race alone. However, an officer searching for a person suspected of an auto theft described by a witness as a “short, white, female teenager” could stop a vehicle whose driver fits that description. In that case, the legitimate consideration of a person’s race, provided by a witness, is not a violation of Department policy.

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

The Department also created a policy that prohibits discrimination, harassment, and retaliation in the workplace and community, Chapter 26.3, implemented May 7, 2017. This policy operates in tandem with recently approved disciplinary policies, including Chapter 26.2: Adjudication of Misconduct and Chapter 26.2.1: Disciplinary Matrix and Penalty Schedule. The Disciplinary Matrix prohibits discrimination and categorizes it as an offense that can lead to dismissal. The Disciplinary Matrix also states that penalties shall be imposed “objectively, without favoritism or bias in any form. Similar penalties shall be imposed for similar violations, depending on the aggravating or mitigating circumstances of each case.”

Additional policies throughout the Department’s Operations Manual contain prohibitions against discrimination in the performance of law-enforcement duties. For example, the Department’s approved Search and Seizure policy, Chapter 1.2.4 and Chapter 1.9 - Arrests, provides that officers “shall not use race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity in exercising discretion to conduct a warrantless search or to seek a search warrant...except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.” The same verbiage is used in Chapter 1.2.4.1 - Stops, to make the same prohibition applicable to Terry Stops, i.e. the brief detention of a person based on reasonable suspicion. Chapter 61.15.1 – Vehicle Checkpoints requires that the department “shall periodically assess the data collected during checkpoints to ensure that checkpoints are not being deployed in a manner that discriminates on the basis of protected categories, such as race (see Chapter 41.13 – Bias Free Policing), and that chosen locations are supported by objective data. If NOPD discovers that checkpoints are having a disparate impact, NOPD shall assess whether alternative strategies resulting in less disparate impact could achieve the same aims.” Implementation of these policies began during the second half of 2016, and make clear that discrimination is unacceptable in stops, searches, arrests, and other police duties. While the appropriate policies are in place, it is important to make sure they are being constantly reviewed, followed, and that there is proper training, supervision, and accountability. This is being done through annual review of all policies, the analysis of community complaints relating to bias, performance auditing, and the annual review of training lesson plans.

Training

In 2019, the NOPD Training Academy provided the following courses related to bias-free policing to officers and supervisors during annual in-service training:

- **Building Relationships of Trust (4 Hours):** This course presented methods in how individual officers can build and sustain relationships with citizens that are built upon trust. Additional discussions centered upon the development of empathetic communications skills and an awareness of implicit bias in citizen contacts. Interactive role play scenarios demonstrated how to conduct investigatory stops in a bias free manner, including the handling of persons assumed to be of conflicting gender or sexual orientation. The course also included a review of the NOPD Language Access Plan and how officers should interact with Limited English Proficiency citizens.
- **Problem Oriented Policing (6 Hours):** This course demonstrated the role of problem-solving and evidence-based strategies in community policing. Discussions considered how the Ethical Policing Is Courageous (EPIC) program supports procedural justice. Problematic neighborhood crime issues were presented to teams for their development of supportive strategies and solutions.

In 2019, the NOPD Training Academy provided recruits with the following training related to bias-free policing:

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

Additionally, throughout the year, the tenets of bias-free policing were consistently reinforced via quarterly roll call trainings.

Community Engagement

NOPD works to ensure bias-free policing practices are part of every encounter Department members have with the public. The department is dedicated to building trust and legitimacy between the Department and the community, and also internally between Department administration and its officers. In 2020, the NOPD participated in various community events. NOPD partnership participants include city agencies, civic groups, youth engagement and mentorship groups, and neighborhood associations, among others. The purpose of NOPD partnerships are to engage with the community and youth and to problem-solve with the community to address crime and quality of life issues.

Throughout the year, the NOPD participated in multiple events in each of the City's eight districts, in an effort to reach out to every citizen that wanted to interact with our officers. The events were broad reaching, from community forums and anti-crime rallies to toy and candy drives during the holidays. To learn more about the NOPD's community engagement activities in 2019, see the 2019 Community Engagement Annual Report, found at <https://www.nola.gov/nopd/nopd-consent-decree/>.

Misconduct Complaints

Misconduct complaints involving discrimination are investigated and assessed according to Chapter 41.13 – Bias Free Policing and other related policies such as Chapter 41.13.1 – Interactions with LGBTQ Persons. As the following table demonstrates, no allegation of discrimination or bias was sustained between 2016 and 2019.

Table 1: Allegations of Bias by Disposition, 2016-2019

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

The number of discrimination and bias-based allegations over the past four years has seen a slight downward trend. Over the same time period NOPD has made a concerted effort toward transparency and public awareness of the processes to file complaints of NOPD misconduct, as well as how to submit commendations for outstanding examples of police work. Placards, brochures and forms detailing the complaint and commendation process have been made available to each District Station, NOPD Headquarters, City Hall, the office of the Independent Police Monitor, and New Orleans’ public libraries. This information has been transcribed in English, Spanish and Vietnamese to provide all New Orleans residents and visitors a way to address the NOPD regarding positive and/or negative experiences.

It is also worth noting that the majority of allegations of discrimination and bias-based policing receive a final disposition of “Unfounded.” According to NOPD policy, the Unfounded disposition is used in cases in which “the investigation determines, by a preponderance of the evidence, that the alleged misconduct did not occur or did not involve the subject employee.”

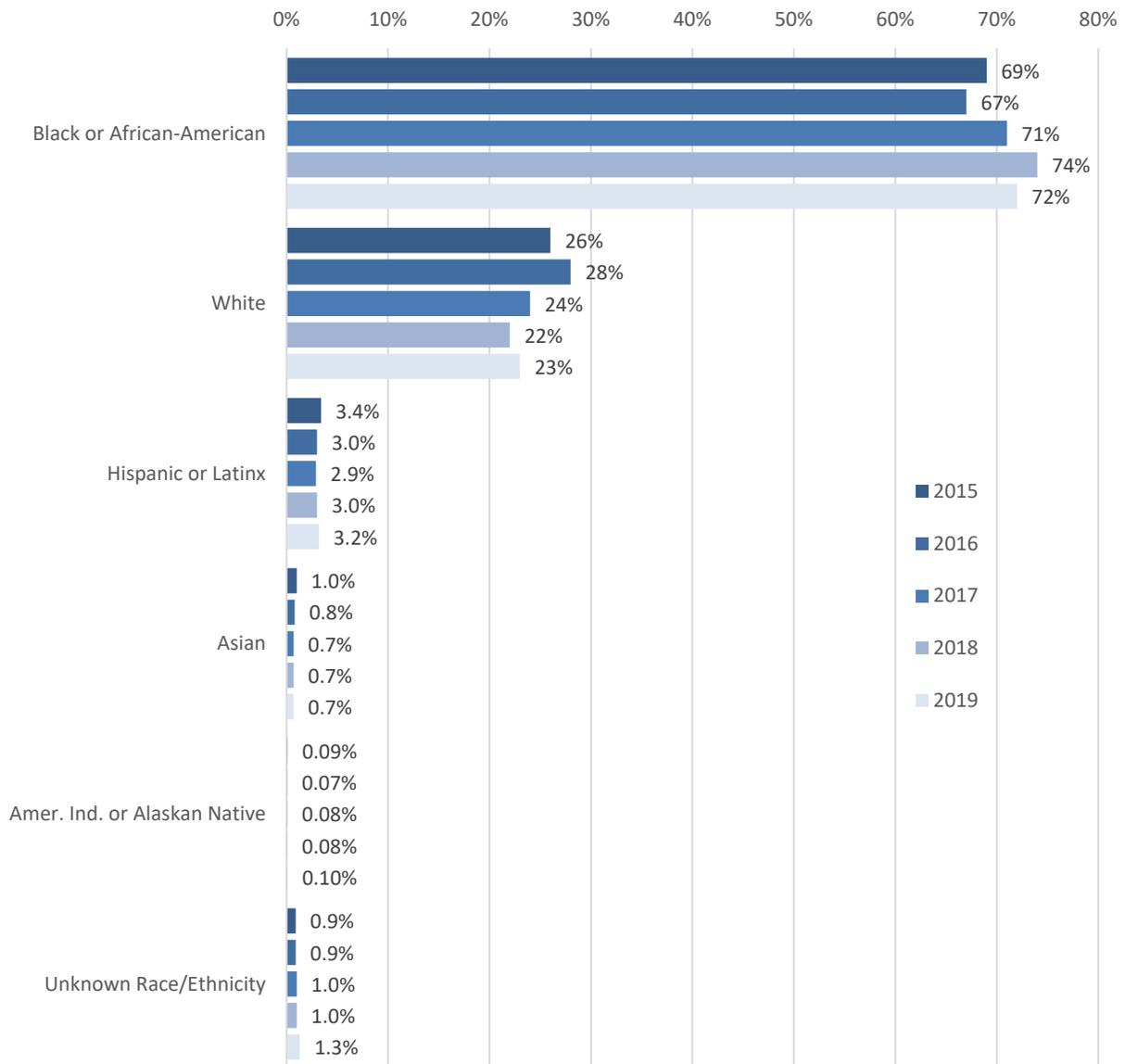
PIB investigates allegations of criminal misconduct against NOPD officers and civilian employees, and PIB shares the investigation of violations of administrative regulations with first-line supervisors. In order to hold first-line supervisors accountable and ensure their involvement in complaints against their subordinates, many administrative complaints are forwarded to division commanders through their bureau chiefs for investigation. These investigations are reviewed through that bureau’s chain of command, then ultimately by PIB and Superintendent of Police Shaun Ferguson. To learn more about the NOPD’s misconduct complaint process, or the nature of

NOPD complaint in previous years, you can find the complaint data and annual reports at <https://nola.gov/nopd/nopd-consent-decree/>.

Stops and Arrests

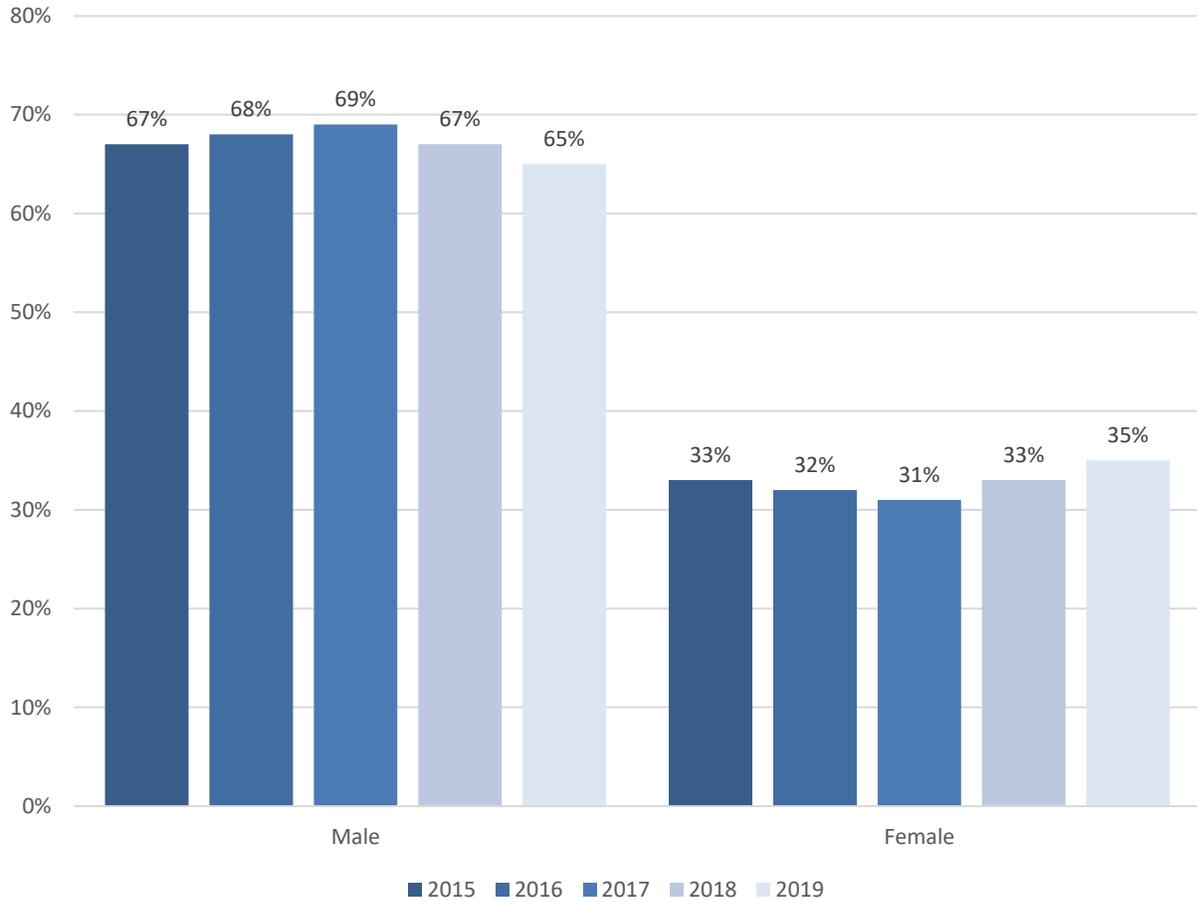
The distribution of stops across races/ethnicities in 2019 closely resembled the statistics of previous years. Black or African American individuals represented 72% of all subjects documented on Field Interview Cards (FICs), a slight decrease from 74% in 2018. White (non-Hispanic) individuals represented 23% of all subjects documented on FICs, a slight increase from 22% in 2018. FICs documenting Hispanic or Latinx, Asian, and American Indian and Alaskan native individuals showed no change, remaining at 3%, 1%, and <1%, respectively in 2015 through 2019.

Figure 5 – FIC Subjects in New Orleans by race/ethnicity of the subject, 2015-2019



In 2019, males represented 65% of all subjects documented on FICs, a slight decrease from 69% in 2017. Females represented 35% of all subjects documented on FICs, a slight increase from 31% in 2017.

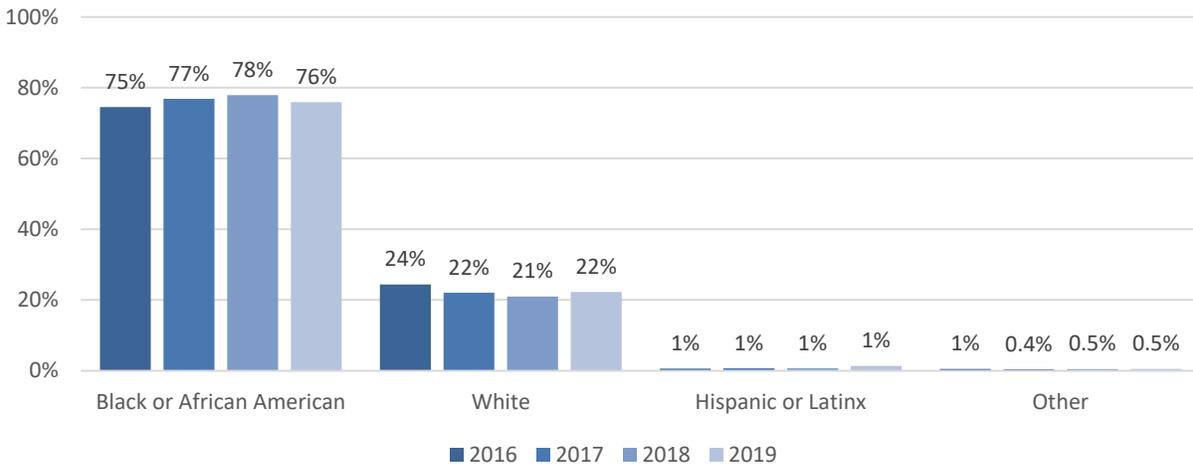
Figure 6 - Stops in New Orleans by sex of the subject, 2015-2019



For a more detailed analysis of stops, see the Stop and Search Annual Report found at nola.gov/nopd/nopd-consent-decree.

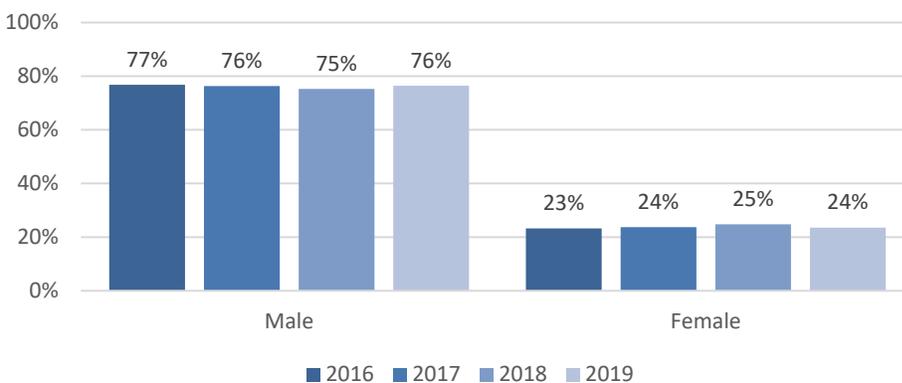
Arrest data shows the proportion of arrests for each race/ethnicity has remained relatively constant over the past four years. Of all the people arrested by NOPD between 2016 and 2019, 76% were black or African American; 22% were white; 1% were Hispanic or Latinx; and less than 1% were Asian, American Indian or Alaskan Native, or of unknown race/ethnicity.

Figure 3: Arrests in New Orleans by race/ethnicity of the subject, 2016-2019



The following figure illustrates the percentages of male and female subjects arrested by NOPD between 2016 and 2019. With respect to sex, the demographics of arrested subjects saw little change over the four-year period. Of all the persons arrested by NOPD between 2016 and 2019, 24% were female while the other 76% were male.

Figure 4: Arrests in New Orleans by sex of the subject, 2016-2019



These data may be used as points of reference but do not provide enough information to draw statistically valid conclusions regarding bias or lack thereof. One cannot infer implicit or explicit biases among NOPD personnel from data presented in this report.

To learn more about the NOPD’s stop, search, and arrest activities, see the Stop and Search Annual Report found at nola.gov/nopd/nopd-consent-decree.

Uses of Force

Individual force incidents can include multiple officers, using multiple types of force. For example, consider if six members of the Violent Offender Warrant Squad (VOWS) are deployed to apprehend a suspect, during which time all of the officers have their weapons exhibited/pointed, and one of them has to use a takedown technique to subdue the suspect(s). In the previously mentioned scenario, there would be a single force tracking number (FTN) created to document the incident; however, there would be 7 individual uses of force, one for each weapon pointed and another for the takedown. During any force incident involving NOPD officers, each type of force used is recorded, along with identifying information for each of the officers that used force.

The data found in the Department's 2019 Use of Force report has an in-depth review of all force incidents for the last four years, including each type of force used.

Table 2 shows in 2019 there were 380 reported incidents in which NOPD Officers used force, which is a significant decrease from the 604 force incidents reported in 2017. The percentage of arrests that involved force also decreased between 2016 to 2019 from 4.5% to 3.3 percent.

Table 2: Percentage of Arrests that Involve Use of Force

	2016	2017	2018	2019
Arrests	13,034	14,517	13,505	11,511
Force incidents	584	604	441	380
Percent of arrests that involve force	4.5%	4.2%	3.3%	3.3%

In 2019, NOPD reported using 718 types of force, a significant decrease from 1,133 in 2017.

Table 3: Types of Force Used, 2016-2019

	2016	2017	2018	2019
Firearm Discharge ¹	5	3	1	7
Firearm Exhibited/Pointed	444	444	304	258
CEW Discharged ¹	48	46	52	50
CEW Exhibited/Pointed ²	103	105	20	7
Baton	2	2	4	2
Hands	280	239	223	156
Feet	0	0	0	0
Takedown ³	155	220	186	200
Strike	3	4	12	3
Canine Deployments ⁴	25	17	13	7
Escort Techniques	40	31	18	8
Defense Techniques	1	7	8	3
Other ⁵	29	15	14	17
Total	1,135	1,133	855	718

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 (NOPD policies are available at nola.gov/nopd/policies).

4- While four incidents involving canines resulted in bites in 2016, no bites were reported in 2017 through 2019.

5-Other includes uses of force not otherwise categorized.

Table 4 shows force types used during incidents that involved at least one arrest compared to incidents that involved no arrest. Most uses of force in 2019 occurred while officers were making an arrest, or during situations in which an arrest became necessary.

Table 4: Force Types Used during Incidents Involving an Arrest, 2016-2019

	2016		2017		2018		2019	
	Arrest	No Arrest						
Firearm Discharge	0	5	2	1	0	0	5	6
Firearm Exhibited/Pointed	316	128	366	78	254	50	206	52
CEW Discharged	32	16	37	9	36	16	35	15
CEW Exhibited/Pointed	65	38	84	21	17	3	6	1
Baton	1	1	1	1	4	0	2	0
Hands	193	87	197	42	187	36	113	43
Feet	0	0	0	0	0	0	0	0
Takedown	116	39	182	38	145	41	164	36
Strike	3	0	4	0	11	1	3	0
Canine Deployments	24	1	17	0	13	0	7	0
Escort Techniques	33	7	20	11	13	5	4	4
Defense Techniques	1	0	7	0	8	0	2	1
Other	26	3	10	5	10	4	8	9
Total	810	325	927	206	698	156	555	167

Use of Force Demographics

Below are three tables listing the number of subjects of force by age, sex, and race/ethnicity for each from 2016 to 2019.

Table 5: Age of Subjects of Force

	≤ 10	11-17	18-27	28-37	38-47	48-57	58+	Not Specified
2016	4	91	256	202	77	51	21	53
2017	5	64	306	192	77	42	23	45
2018	2	76	186	140	64	30	12	39
2019	1	50	134	120	75	22	19	38

The data show each year there are more incidents of force against individuals between the ages of 18 and 27 (29% of the 459 subjects of force in 2019) 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 2019).

Table 6 shows each year there are more incidents of force involving male than female subjects. In 2019, 387 (84%) of the 459 subjects of force were male, while 71 (15%) subjects of force were women.

Table 6: Sex of Subjects of Force

	Male	Female	Not Specified
2016	627	113	15
2017	649	100	5
2018	470	75	4
2019	387	71	1

Table 7: Race/Ethnicity of Subjects of Force

	Black or African American	White	Hispanic or Latinx	Other
2016	617	99	15	24
2017	621	95	20	18
2018	447	75	15	12
2019	381	54	10	14

The majority of force used by the NOPD is against African American/Black individuals (381 of 459 subjects of force in 2019). In 2019, 83% of subjects of force were African American, while 12% were white/Caucasian. It is also worth noting that black or African American individuals made up 72% of all stops, and 76% of arrests made by NOPD in 2019. This data is further explored in the 2019 Stop and Search Annual Report and the 2019 Use of Force Annual Report, both of which can be found at nola.gov/nopd/nopd-consent-decree.