

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	:	CIVIL ACTION NO.
		12-CV-01924
VERSUS	:	
		SECTION E
	:	JUDGE SUSIE MORGAN
CITY OF NEW ORLEANS	:	
	:	DIVISION 2
		MAGISTRATE WILKINSON

BIANNUAL REPORT OF THE NEW ORLEANS POLICE DEPARTMENT

Pursuant to paragraph 469 of the Consent Decree entered in this matter, Defendant, the City of New Orleans (“City”), submits this status report to delineate the many steps taken by the New Orleans Police Department (“NOPD”) since the entry of the Consent Decree, the City’s assessment of its progress, plans to correct any issues, and to respond to any concerns that have been raised by the Consent Decree Monitor.

Introduction

In May 2010, at the invitation of Mayor Mitchell J. Landrieu, the United States Department of Justice (the “DOJ”) began investigating an alleged pattern of civil rights violations and other misconduct by the New Orleans Police Department (the “NOPD”; the “Department”). The DOJ launched its investigation under the auspices of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141; the anti-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, 41 U.S.C. § 3789d; and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 200d.

On March 16, 2011, the DOJ issued a written report alleging unconstitutional conduct by the NOPD and describing the DOJ’s concerns about various NOPD policies and procedures. The City of New Orleans (the “City”) and the NOPD cooperated fully in the DOJ’s investigation,

and the parties proceeded to negotiate a document, known as the Consent Decree, to assist in implementing a series of reforms within the NOPD.

While negotiations were ongoing, the DOJ provided the City with extensive recommendations to reform the NOPD's paid detail system in May 15, 2011. The City had already undertaken efforts to reform the detail system. In addition, since Mayor Landrieu took office in May 2010, the NOPD has undertaken other major reform initiatives including restructuring of the Public Integrity Bureau; placing new leadership in major investigative sections; implementing key domestic violence initiatives; increasing staffing in the homicide section; providing specially developed training to key investigative sections; acquiring and implementing new equipment and computer technology to increase the efficiency of the NOPD; auditing, cataloging, and improving storage of evidence; improving community outreach; increasing hiring standards; and, analyzing and revising NOPD policies in accordance with "best practice" standards.

On July 24, 2012, the parties signed the Consent Decree, which was the nation's most expansive Consent Decree. The Consent Decree contains a broad array of separate tasks and goals detailed in more than 490 paragraphs and 110 pages; it reflects the DOJ, the City, and NOPD's shared commitment to effective, constitutional, and professional law enforcement. The Court approved and entered the Consent Decree on January 11, 2013.

On August 9, 2013, the law firm of Sheppard, Mullin, Richter & Hampton, LLP was appointed, by order of the United States District Court for the Eastern District of Louisiana (the "Court"), to establish the Office of the Consent Decree Monitor (the "Monitor"). The Monitor is tasked with conducting periodic reviews, audits, and assessments of the NOPD's progress to assess and report on implementation of the Consent Decree's provisions. The Monitor issued its

First Quarterly Report on November 29, 2013. The Monitor issued its Second Quarterly Report on May 28, 2014.

Paragraph 469 of the Consent Decree requires the City to file a Status Report that delineates steps taken by the NOPD to implement the Consent Decree's reforms; the City's assessment of the status of this progress; plans to correct any problems; and the City's response to concerns raised in the Monitor's Quarterly Report. This document is the City's initial Status Report, covering the reporting period from August 9, 2013 to July 2, 2014.

The Consent Decree is a broad, extensive blueprint for positive change, and it encompasses sweeping, department-wide reforms that understandably may require years to accomplish fully. Nonetheless, the NOPD has made significant progress in the relatively short period of time that has passed since the agreement was entered by the Court. The NOPD is addressing every aspect of the Consent Decree through assessment, planning, and implementation. Although the Department has not yet demonstrated compliance with every requirement, some major goals have been achieved already and progress on other goals is ongoing. Many of the mandated reforms identified by the Monitor cannot presently be demonstrated or documented, as metrics for their accomplishment have not been established or cannot be measured except through the collection and analysis of data over time. In addition, consistent with their obligations under paragraph 488 of the Consent Decree, the City and the NOPD have addressed various practical, legal, logistical, and financial challenges, which caused delays that were beyond their control. Although the City intends to and will comply with every aspect of the Consent Decree, this Status Report is intended to highlight key aspects of the NOPD's progress and provide an overview of significant reforms that have been implemented.

Compliance Bureau

Paragraph 467 of the Consent Decree requires the City and the NOPD to create a “Consent Decree Implementation Unit.” This unit serves as a liaison among the Court, the City, and Monitor, coordinating compliance and implementation actions and facilitating the sharing of data, documents, materials and access among the various personnel and parties. In December 2013, NOPD Superintendent Ronal W. Serpas, Ph.D. created a bureau within the police department to serve as this inter-disciplinary unit. The Compliance Bureau incorporates several other units with functions closely related to implementation of the Consent Decree, including NOPD’s Policy Standards, Training Standards, Compliance Standards, Performance Standards, and Information Systems sections. The NOPD took the many necessary steps with the Civil Service Commission to hire Deputy Superintendent Jay Ginsberg to lead the Compliance Bureau in December 2013. The NOPD then revamped its infrastructure and shifted personnel to establish Compliance Bureau offices on the fifth floor of the NOPD’s headquarters.

Within the Compliance Bureau, a Consent Decree implementation team comprises a staff of five Compliance Managers. Following the creation of the bureau, the City funded, created, and advertised the Compliance Manager positions in March and April 2014. The City and the NOPD screened and interviewed applicants, hiring all five Compliance Managers and one Office Manager, in May and June 2014. As a result, the Compliance Bureau is fully staffed. The Compliance Managers and Deputy Superintendent Ginsberg are civilian personnel, but police Commander Chris Lea was appointed to oversee the bureau’s operations under Deputy Superintendent Ginsberg’s direction.

Deputy Superintendent Ginsberg apportioned Consent Decree responsibilities among the Compliance Managers, each of whom will independently handle a significant portfolio of

targeted goals. The Compliance Bureau is still establishing specific metrics but anticipates measuring compliance through timely delivery of projects, implementation of Consent Decree requirements, and determination of compliance with NOPD policy as well as verification of Consent Decree compliance through the federal Monitor.

In the past several weeks, the Compliance Managers have reviewed and analyzed the Consent Decree's components and established a framework for implementation, including a timeline of the Consent Decree's mandated deadlines and strategies for fulfillment. The Compliance Managers have met individually with key personnel within the NOPD as well as with members of the Monitoring team. In response to concerns raised by the Monitor regarding the process for policy revisions, the Compliance Bureau and NOPD personnel have engaged the Monitor to create a policy development and approval process to completely revamp NOPD policy and procedures. The Compliance Managers also have attended public meetings held by the Monitor in New Orleans public libraries to inform the community about the implementation process.

The NOPD has taken a proactive approach to implementation of the Consent Decree by initiating various reforms before the Compliance Bureau was established and staffed. However, the recent advent of a fully functioning, operational Compliance Bureau will expedite the process of reforms, and focus Consent Decree implementation, to a significant degree. The City regards the creation and on-boarding of the Compliance Bureau within the NOPD as a significant success and a major step toward implementation of the Consent Decree. However, the Consent Decree establishes aggressive timelines for completion of sweeping, department-wide reforms. The City, NOPD and Compliance Bureau are committed to meeting these challenges head-on.

Developing New Policing Policies

Before establishing its Compliance Bureau, and indeed, before the Consent Decree was entered by the Court, the NOPD entered into an agreement with a well-known, national vendor, Lexipol, LLC, to develop a policy manual. This agreement was entered in to over one year prior to the effective date of the Consent Decree and over eighteen months prior to the Court's appointment of a Monitor. In revamping its policy manual, the NOPD formed an Executive Development Committee ("EDC") and an Administrative Policy Review Committee ("PRC") to complete development of the policies. The City Attorney's Office also provided representation and assistance to NOPD throughout this process. Once the development and review process was complete, the draft document was sent to Superintendent Serpas for his review and signature. The Court and the DOJ were fully informed of this ongoing process by at least September 21, 2102. [Rec. Doc. 132-35]. The first revised policy was issued in July 2012, and the last was completed in June 2013. Ultimately, the final updated manual was made available to all NOPD officers via the department's intranet on June 30, 2013.

In its First Quarterly Report, the Monitor determined that NOPD failed to comply with a Consent Decree requirement that the NOPD submit certain new and revised policies, procedures and manuals to the Monitor and DOJ "for review and comment prior to publication and implementation." *See* Paragraph 21. The Monitor determined that NOPD "prematurely implemented revised policies in advance of review" by the DOJ and Monitor. *See* First Quarterly Report. However, this criticism fails to take into account the date of entry of the Consent Decree by the Court (January 11, 2013) and the hiring of the Monitor (August 9, 2013) in light of NOPD's immediate need for revised policies after receiving the DOJ's findings letter on March 16, 2011. Although NOPD developed and implemented a working draft of its revised

policies, it continues to further revise and submit its revised policies to the Monitor and DOJ for review.

In response to concerns raised by the Monitor, the NOPD has transformed its policy drafting, review, and approval process. The new process is a collaborative approach that directly engages multiple NOPD subject matter experts in the initial drafting of policies and provides a greater role for both the Monitor's team and the DOJ's Special Litigation Section in the policy review and approval process. Simultaneously, the NOPD has created a policy revision strategy that will provide all policies covering specified provisions to the Monitor for review by July 21, 2014. A significant portion of NOPD policy revisions have been submitted to the Monitor already. The NOPD will notify the Monitor and the Court if any revision to this schedule as necessary. The following key policies, and their listed components, have been, or will be, provided to the Monitor on or by the specified date.

● **Use of Force** March 31-June 3, 2014

Firearms; Ammunition; Vehicle Pursuits; Canines;¹ Use of Force;² Weapons Training/Requalification; Scenario Based Weapon Safety Training Protocol; Use of Force Review Board; Handcuffing and Restraints; Control Devices and Techniques; Force Investigation Team/Officer Involved Shooting; Crisis Response Unit/SWAT; Prisoner Transportation.

● **Misconduct** June 20, 2014

Self Identification/Building Security; Transfers/Filling Vacancies/Selection process for Specialized Units; Grievances: Employee Non-Discriminatory Complaints; Misconduct

¹ These policies were submitted to the Monitor on March 31, 2014.

² This policy was submitted on May 7, 2014.

Complaints/Disciplinary Investigations; Disciplinary Hearings/Penalties; Negotiated Settlements; Mediation Settlement.

- **Stop, Search, and Seizure** July 7, 2014

Handcuffing and Restraints, Canines;³ Search and Seizure; Custody Searches; Temporary Custody of Juveniles; Child Dependent Adult Safety; Mental Illness Civil Commitments; Arrests; Summons; Arrest Warrant/Wanted Persons; Foot Pursuits; Traffic Function and Responsibility; Traffic Stops and Traffic Checkpoints; Impoundment of Motor Vehicles Involved in Criminal Activity; Driving While Intoxicated and Impaired Driving Evidence Collection; Investigation and Prosecution.

- **Field Training** July 7, 2014

- **Bias-Free Policing** July 21, 2014

Officer Response Calls; Alternative Police Response; Victim and Witness Assistance; Hate Crimes; Complaint Signals Changing of Item Signals or Dispositions; Limited English Proficiency Services; Hearing Impaired/Disabled Communications; Discriminatory Policing/Bias Based Profiling; LGBT Community; Immigration Violations; Contacts, Detentions and Photographing Detainees; Gang Violence Reduction Strategy; Homeless/Homeless Shelters; Traffic Stops and Traffic Checkpoints.

Training and Personnel Development

The NOPD has developed a strategic Recruitment Plan in conjunction with the Civil Service Commission that establishes clear goals and objectives to attract high-quality applicants, pursuant to paragraph 234 of the Consent Decree. The NOPD has created a new Web site, www.joinnopd.org. The NOPD is hosting more job fairs and recruiting events, conducting “meet and greets” at community and civic group functions, and churches. The Department is

³ These policies were submitted previously with the Use of Force policies.

advertising and engaging in outreach to invite a diverse, talented pool of applicants to seek employment with the NOPD. The Department has developed a standardized scoring system for use by interview panelists. In addition, the Department is revising its recruitment policy to include the current protocol for assigning officers to the Recruitment Unit.

Pursuant to paragraph 247 of the Consent Decree, the NOPD possesses a full-time, department-wide Training Liaison position within the Training Division, Captain Ernest Demma. Further, each District and central organization unit has a single training coordinator to coordinate and document training. The Training Liaison is required to establish and maintain communications with each District training coordinator to ensure all officers complete training as required and that documentation of training is provided to the Training Division. Captain Demma has done so, and those records are kept on file at the Training Academy. In its Second Quarterly Report, the Monitor concludes that NOPD has demonstrated only partial compliance with this requirement because no roll-call training has been documented. NOPD possesses documentation on all District Roll Call Line-Ups. Roll Calls are conducted within each District at each shift change and the documentation regarding the Roll Call Line-Ups is kept at each District.

The NOPD is committed to reforming its training program to ensure adequate training for its officers. It has developed new curricula, re-organized its training staff, revised promotional criteria, and established a schedule for delivering all training. Other significant advances the NOPD has made in the area of Training and Personnel Development include:

- **Online training.** The NOPD contracted with a vendor, Lexipol, LLC, to facilitate online training, which began in April 2013. The vendor had significant programmatic dysfunctions that temporarily interrupted the provision of training services, which were

back online as of January 2014. Under Paragraph 24 of the Consent Decree, NOPD is required to provide an opportunity for each officer and employee to learn about the Consent Decree and their relevant responsibilities under the agreement. Online Consent Decree training is scheduled to be completed by early July 2014. All commissioned officers and recruits are undergoing the online training, and the Training Liaison records all officers and recruits who have completed the training modules. The Liaison sends out weekly e-mail blasts containing a list of officers and recruits who have not completed training and must do so within one week of notice. If one week has passed and certain officers and/or recruits have not completed the training, the Liaison e-mails each District with a list of names of those individuals who have not completed training. The District commander then ensures compliance by ordering completion of the online training modules and reports this information back to the Training Liaison, who records this information.

- **Curriculum revision.** The NOPD has boosted its POST training requirement, adding 919 training hours compared to the required 835. All lesson plans and curricula are documented and available for review in paper form at the NOPD Training Academy facility. The NOPD is in the process of scanning lessons plans to make them available in electronic format.
- **New training protocols.** A new detective training protocol was completed in June 2014 and the first training session will begin July 8, 2014. A new sergeants' field training class, comprising 200 hours, is completed.
- **Knowledge, Skills and Abilities ("KSA") forms.** As of June 2014, various KSAs for detectives have been sent out and posted department-wide. In mid-July 2014, KSAs for

field training officers are expected to be sent out, with the first class for those officers beginning in August 2014. Other KSAs, including Homicide and Firearms Trainer, have been sent out departmentally in June 2014.

- **Field Training Manual revision.** The manual's revision is ongoing. However, procedures cannot be developed and implemented until the Monitor has approved the submitted policies for review.
- **Curriculum Director.** A viable candidate for the position was offered the job but declined in June 2014. The position has been re-advertised, and a new round of applicants are expected to be screened and interviewed in July and August 2014.
- **Performance Evaluation Improvement Plan.** Development of the Performance and Evaluation Plan is underway. The City has asked the Civil Service Commission to change its rules for all departments regarding performance, evaluations, and performance, and the Commission intends to vote on those rule changes in July 2014. However, NOPD has minimal influence on the process because it is a City initiative that impacts all City government departments. If those rule changes are approved, the NOPD can make changes to its performance evaluation process that will comply with the Consent Decree.
- **Online Reporting For Training Attendance.** As stated above, this data is recorded and transmitted to District Commanders, who then relay the information to their officers.

Enhancing Accountability and Managing Risk

The NOPD aims to enhance individual accountability and enable the department to better manage risk within the NOPD. Paragraph 317 of the Consent Decree requires the NOPD to create a plan for the implementation of an Early Warning System ("EWS") that will include the hiring of an information technology specialist to facilitate the EWS development. The NOPD

created an EWS implementation plan that it has submitted it to the Monitor; the plan calls for the release of a Request for Proposals (“RFP”) as of December 31, 2013, with EWS policies to be drafted in the first quarter of 2014 and a vendor selected in the second quarter of 2014. The NOPD issued an RFP for the procurement of an EWS on March 11, 2014, with all bids due by May 8, 2014. A selection committee met in early June for vendor presentations, and the committee is reviewing two proposals for the finalists. The NOPD anticipates that a bid will be awarded imminently. Consequently, the NOPD is proceeding in accord and on track with its EWS implementation plan.

Under paragraph 329 of the Consent Decree, the NOPD agreed to develop and implement a schedule for testing AVL, in-car camera, and ECW recording equipment to confirm that it is working properly. The NOPD has drafted policies, procedures and protocols that require frequent testing, inspection, and maintenance checks on the aforementioned equipment. The NOPD is in the process of implementing a testing schedule, which will include routine maintenance checks of all department vehicles.

Under paragraph 425 of the Consent Decree, the City agreed to request that the Civil Service Commission post, online, its full decisions related to NOPD discipline in a timely manner. The City has made the request, and the Civil Service Commission began posting the findings of officer disciplinary hearings as of April 11, 2013. Other significant advances the NOPD has made in the areas of Accountability and Risk Assessment include:

- **Force Investigation Team.** The NOPD has established a Force Investigation Team (“FIT”) as a unit within its Public Integrity Bureau. The FIT is commanded by a lieutenant and staffed by three sergeants and a detective. Among other things, the FIT investigates all serious Use of Force events, Use of Force events indicating apparent criminal conduct by an officer,

pursuant to paragraph 97 of the Consent Decree. In its Second Quarterly Report, the Monitor commended the FIT investigators' knowledge, skill, and abilities, as well as their training and the quality of their investigations.

- **On-body Cameras.** Taser International was selected to provide approximately 400 body-worn cameras for use by NOPD uniformed field officers. The NOPD developed relevant policies and deployed on-body cameras to officers in the field in April 2014.

Reforming Secondary Employment

The NOPD has centralized and formalized its paid detail system with the establishment of the Office of Police Secondary Employment ("OPSE"). The City created the OPSE in May 2012 to control and manage Secondary Employments, and the OPSE currently has nine full-time civilian staff members. The City and the NOPD developed OPSE policies, which the Monitor approved in December 2013. Those policies were promulgated to all NOPD officers, who were instructed to register for work details with the OPSE. The OPSE assumed detail management responsibilities in August 2013 and became fully operational in January 2014. As of June 19, 2014, the OPSE has filled approximately 4600 jobs, paid approximately \$873,000 to officers, enrolled 270 customers, and registered 742 NOPD officers into the OPSE system.

As the Monitor noted in its Second Quarterly Report, the NOPD has either complied with or is moving toward compliance with the Consent Decree's chief Secondary Employment requirements, i.e. paragraphs 332 to 374. The Coordinating Office maintains a roster of NOPD employees registered with OPSE who are interested in working off-duty details. Once registered with OPSE, officers gain access to a list of secondary employment opportunities. The Coordinating Office is working toward making this list of opportunities available on an NOPD employee website or database to provide broader access.

The OPSE will continue to work closely with the Monitoring team to ensure progress toward full compliance. The OPSE is currently providing fair and equitable Secondary Employment opportunities to all NOPD employees, filling vacancies pursuant to written, consistently applied criteria. The results of this work will be published in annual report, which the OPSE is preparing in accordance with the Consent Decree.

Community Engagement and Supportive Services

The NOPD is committed to reforming its community outreach efforts, improving assistance to special victims, and enhancing support to individuals with special needs. The department is in the process of planning its outreach to LEP individuals. The NOPD has created a Sexual Assault Response Team (“SART”), whose members meet monthly. The SART program is developing an operational agreement in collaboration with the district attorney, community service providers and other stakeholders, meeting the essence of NOPD’s obligation under paragraph 210 of the Consent Decree. The SART is drafting an agreement to formally establish its existence and purpose to fully comply with this paragraph.

The Monitor, the DOJ, the Court, and the NOPD collaboratively developed three surveys designed to meet the requirements of the Consent Decree by assessing community experiences with, and perception of, NOPD and public safety. The Police Survey, Detainee Survey, and Community Survey forms are completed, and the Monitor is coordinating with residents and other stakeholders to conduct interviews and collect the requisite data. Other significant advances the NOPD has made in the area of Community Engagement and Supportive Services include:

- NOPD has hired a new employee in Public Affairs who is assigned to increasing recruitment in the Limited English Proficiency (LEP) community and assisting in the development of a language assistance plan.
- NOPD has received very positive feedback from community members and advocacy groups for deploying ELSA mobile translation devices that allow for on-site translation. These devices have also proven effective in helping detectives quick obtain important information during investigations.
- NOPD is working with the Congress of Day Laborers organization to review NOPD's immigration policy in an effort to address concerns over civil versus criminal enforcement actions conducted by ICE.
- **Employee Assistance and Counseling.** The NOPD is reviewing and expanding the function of its Employee Relations Unit, which provides assistance to officers who are injured on the job and assists the families of officers who are killed in the line of duty. The City employs a contractual psychiatrist who handles fitness for duty issues relative to officer-involved shootings, and the NOPD recently hired an additional psychologist to assist in this area. The City offers an Employee-Assistance Program to all City employees through its health care provider, and the EAP allows employees as many as 20 counseling sessions annually with their choice of physician in a confidential environment.

The City and NOPD are committed to continuing its reforms to achieve full compliance with all terms of the Consent Decree.

Respectfully submitted,

/s/ Sharonda R. Williams

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CERTIFICATE OF SERVICE

I do hereby certify that on this 2nd of July, 2014 a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent by operation of the court's electronic filing system. I also certify that a copy of the foregoing will be sent to all non-CM/ECF participants by United States Mail, properly addressed and postage pre-paid.

/s/ Sharonda R. Williams

Sharonda R. Williams

