



**CITY OF NEW ORLEANS  
QUALITY ASSURANCE REVIEW ADVISORY COMMITTEE FOR THE  
OFFICE OF THE INDEPENDENT POLICE MONITOR**

**ANNUAL MEETING**

Friday, July 24, 2020  
1:00 P.M.

The committee's annual meeting will take place on Friday, July 24, 2020, at 1:00 P.M. via Zoom Video Conference at this URL: <https://loyno.zoom.us/j/98709375813>. The meeting can be joined by telephone by dialing 301-715-8592 and entering Meeting ID: 987 0937 5813.

**AGENDA**

1. Call to order. (Janet Hoeffel, Chair QARAC OIPM).
2. Vote on need to conduct meeting via video conference due to COVID-19 emergency.
3. Presentation of and comments concerning the 2020 Annual Report of the QARAC OIPM (Members of the QARAC OIPM).
4. Presentation and comments by OIPM (IPM Susan Hutson and her Representatives).
5. Additional comments and questions by members of the QARAC OIPM and OIPM.
6. Public comments and questions.
7. Adjournment.

**Item 1**

**QUALITY ASSURANCE REVIEW ADVISORY COMMITTEE  
FOR THE OFFICE OF INDEPENDENT POLICE MONITOR**

**ANNUAL REVIEW 2019**

**I. EXECUTIVE SUMMARY**

The Quality Assurance Review Advisory Committee (“QARAC”) conducted an independent review of written records produced by the Office of Independent Police Monitor (“OIPM” or “IPM”) in calendar year 2019. As outlined in detail in this report, the overall conclusions of the QARAC’s review as to the quality and quantity of work by the OIPM are positive.

In the year since this Committee’s last review, the OIPM has steadily expanded its work on all fronts, including improved outreach to the community, a critical component of the OIPM’s work and a recommendation that was made in the 2018 QARAC report. The increased outreach and external relations undoubtedly led to the record number of complaints filed with the OIPM in 2019 and the substantial increase in community-police mediations.

The OIPM continues to play a crucial and important role in monitoring the activities of the New Orleans Police Department (“NOPD”). The objectivity and thoroughness of OIPM’s work appears to have garnered the respect and cooperation of the NOPD’s Public Integrity Bureau (“PIB”), a relationship instrumental to the OIPM’s effectiveness.

The final section of this report contains recommendations for the OIPM to take under consideration in the coming year, but much depends upon the City providing the OIPM with adequate resources and staff to make suggested improvements. As the Consent Decree monitoring of the NOPD winds down, the monitoring will soon be solely in the hands of the OIPM, and proper funding of this important organization during this time of increased community distrust of police is imperative.

**II. OVERVIEW OF QARAC**

The QARAC engages in an independent annual review of written records produced by the OIPM in the preceding calendar year. Municipal Ordinance Art. XIV, Sec. 2-1121(22) provides: “Completed reports, inspections, performance reviews, public reports of investigation, and other records, shall be subject to an annual quality assurance review by a third-party advisory committee, known as the quality assurance review advisory committee for the office of the independent police monitor.”

In terms of the membership of the QARAC, according to Sec. 2-1121 (22): “The quality assurance review advisory committee for the office of the independent police monitor shall include a representative appointed by the city council, who shall serve as chair of the committee; a representative appointed by the office of the mayor; and a

representative appointed by the ethics review board.” The members of this QARAC, appointed to review the OIPM for the calendar year 2019 are as follows:

- Janet C. Hoeffel, Catherine D. Pierson Professor of Law, Tulane Law School, Chair, appointed by the city council;
- Imtiaz A. Siddiqui, IAS LAW LLC, appointed by the office of the mayor;
- Marcus M. Kondkar, Ph.D., Associate Professor of Sociology, Loyola University, appointed by the ethics review board.

Pursuant to instructions from the Ethics Review Board, “QA[RA]C functions as a common sense, ‘citizen check’ on IPM’s work. QA[RA]C may consider whether reports are well written, objective, reflective of a sound method/fair process; report its views as to the breadth and volume of the IPM’s work product; evaluate whether the work is reflective of the IPM’s annual budget and the needs of the public, etc.” (Memo to Chair, QARAC, May 7, 2019, titled, “IPM Quality Assurance Review Advisory Committee, Description of Work & Duties”).

### III. OIPM DUTIES AND RESPONSIBILITIES

Municipal Ordinance Sec. 2-1121(3) sets out the duties and responsibilities of the OIPM, as follows:

The independent police monitor shall monitor the New Orleans Police Department, particularly in the areas of: civilian and internally-generated complaints; internal investigations; discipline; use of force; critical incidents; and in-custody deaths. The independent police monitor shall review and analyze the numbers and types of complaints; assess the quality and timeliness of New Orleans Police Department investigations; review the adequacy of data collection and analysis; review the public integrity bureau's policies, procedures, and resource needs; conduct risk management reviews; review the operations and effectiveness of New Orleans Police Department "early warning system"; review specific issues regarding supervision, training, and discipline; and conduct relevant pattern analysis.

The OIPM’s self-stated mission is “to improve police service to the community, civilian trust in the NOPD, and officer safety and working conditions.” (OIPM website, at <https://nolaipm.gov/our-mission/>). Further, the OIPM states it “has six broad responsibilities”:

- To ensure that all complaints regarding police misconduct are classified and investigated or mediated at the appropriate level and that those investigations are fairly, timely, and thoroughly handled; to ensure that discipline is fair, timely, appropriate, and upheld upon appellate scrutiny. To make information about this review process available to the public.

- To monitor NOPD investigations into use of force to identify violations of civil rights, concerns of officer tactics and safety, risks to life, liberty, and property, and adherence to law and policy.
- To review and analyze aggregate data from complaints, investigations, community concerns, and public policy in crafting recommendations aimed toward improving the quality of services by the NOPD.
- To inform the community about the OIPM, to listen and respond to broader community concerns, and to prepare the community for engagement in NOPD policy and practice.
- To mend police-community relationships by fostering effective police-community partnership.
- To collect police commendations, review and monitor police training and supervision issues, and support a healthy and safe working environment for NOPD employees.”

OIPM website, at <https://nolaipm.gov/our-mission/>.

#### IV. REVIEW PROCESS

The QARAC requested all written reports issued by the OIPM in calendar year 2019 as well as the contents of its website. We thoroughly reviewed the following documents:

- Public Reports (2019 Annual Report, ERB Monthly Reports, Letter to Mayor)
- Reports on Complaints & Commendations
- Reports on Disciplinary Actions
- Reports on Use of Force

The members of the QARAC want to commend Independent Police Monitor Susan Hutson and her staff at the OIPM for timely supplying the documentation and for their cooperation with this review.

#### V. ANALYSIS OF WRITTEN REPORTS

The OIPM has three general areas in which it routinely issues written reports to NOPD: use of force, complaints (and commendations), and disciplinary actions. The QARAC divided up its analysis of the quality of these reports according to these three areas. As described more fully in each section, the QARAC found that the reports, as a whole, were detailed, thorough, and objective.

##### A. Use of Force Review

Among the responsibilities of the OIPM is the responsibility “[t]o monitor NOPD investigations into use of force to identify violations of civil rights, concerns of officer tactics and safety, risks to life, liberty and property, and adherence to law and policy.” (OIPM website, at <https://nolaipm.gov/our-mission/>; OIPM 2019 Annual Report, at

<https://nolaipm.gov/wp-content/uploads/2020/06/2019-OIPM-Annual-Report-YIR-FINAL.pdf>).

The QARAC reviewed the following documents relevant to use of force reports for 2019:

- 2019 Annual Report: OIPM Use of Force Monitoring and Review Activities (hereinafter “2019 OIPM UOF Report”), available at <https://nolaipm.gov/wp-content/uploads/2020/06/2019-OIPM-Annual-Report-Critical-Incidents-FINAL.pdf>
- Four Community Two-Pagers on UOF Incidents
- Eight Critical Incident Response Forms
- Six memos from OIPM to NOPD re: UOF Investigations

Missing from the 2019 Reports is the Annual Statistical Review of NOPD’s Use of Force. The OIPM was unable to gather the data for the year-end statistical review because of the December 2019 Cyber Attack on the City’s databases, including databases the OIPM shares with NOPD. In 2018, the QARAC had noted concern about OIPM’s inability to independently access NOPD’s raw data housed on NOPD’s complaints and use of force database (IAPro). The OIPM’s 2019 Annual Report states that the OIPM did try to implement a data sharing agreement with the NOPD but that was hampered by the Cyber Attack. The QARAC understands this access continues to be problematic at the time of the writing of this report but encourages the OIPM to produce the statistical review once access has been restored and to continue to work toward a data-sharing agreement with NOPD.

#### 1. *Annual Report: 2019 OIPM UOF Report*

The OIPM is required by City Code sec. 2-1121 to monitor the quality and timeliness of NOPD’s investigations into use of force and in-custody deaths. 2019 was marked by an uptick in “Critical Incidents,” categorized by the OIPM as:

all incidents involving (1) the use of deadly force by an NOPD officer, including an Officer Involved Shooting (OIS); (2) all uses of force by a NOPD officer resulting in an injury requiring hospitalization; (3) all head strikes with an impact weapon, whether intentional or not; (4) all other use of force by an NOPD officer resulting in death; or (5) all deaths while the arrestee or detainee is in the custodial care of the NOPD. However, the OIPM does monitor some non-critical incidents.

2019 OIPM UOF Report (<https://nolaipm.gov/wp-content/uploads/2020/06/2019-OIPM-Annual-Report-Critical-Incidents-FINAL.pdf>).

According to the Annual Report, there were ten Critical Incidents in 2019. The Report describes the standard protocol in addressing the incidents as follows: the OIPM is notified of the incident by PIB’s Force Investigation Team (“FIT”), an OIPM staff

member arrives on the scene within an hour of the notification, reviews the scene, does a walk-through, attends a briefing of the incident and any officer interviews, and gains access to any video or audio of the incident.

While the Annual Report described this protocol, it did not evaluate it. For example, it would be helpful to know if FIT gives timely notice and cooperates completely on the scene as well as the effectiveness of the OIPM's own involvement. The ten Critical Incidents are described factually in Appendix B of the Annual Report. Again here, it would be helpful to additionally describe here any findings by the OIPM or any patterns over time.

Besides investigating Critical Incidents, the OIPM attends the monthly meetings of the NOPD's Use of Force Review Board (UFRB). Pursuant to the 2012 Consent Decree, NOPD developed the UFRB as "a quality control mechanism to ensure timely reviews of all serious uses of force investigations to determine the appropriateness of the investigative findings, and to quickly appraise use of force incidents from a tactics, training, policy, and agency perspective" (NOPD Ops. Manual Chapter 1.3.7). At the meetings, the UFRB reviews NOPD's PIB Force Investigation Team (FIT) report on serious uses of force. The OIPM attends the meetings and is invited during the discussion period to make observations and recommendations.

The UFRB heard nine UOF cases in 2019, and they are described in Appendix A of the Annual Report. The description includes PIB recommendations but does not include observations or recommendations by the OIPM in the particular case. The QARAC would recommend that information be included.

However, the Annual Report does helpfully describe three concrete examples of the effectiveness of the OIPM in the UFRB hearings in 2019. First, the OIPM related a problem in the deployment of Body Worn Cameras (BWCs). Detectives and officers working on secondary private detail were not required to wear BWCs. As a result, there was no footage from several UOF incidents. The OIPM raised this issue and NOPD updated its policy to require BWCs in secondary employment. Second, the OIPM reported to the UFRB the fact that officers could carry secondary weapons that did not have to meet safety requirements of primary weapons leading to a greater risk of accidental discharge. NOPD agreed and changed the policy. Finally, the OIPM recommended that officers involved in a discharge of a firearm be required to submit to drug and alcohol testing. Again here, NOPD updated its policy to make that change. These three successes speak volumes for OIPM's credibility in the policing community since the OIPM managed to persuade changes in policy with no tools of enforcement at its disposal.

## *2. Use of Force Investigations*

The QARAC reviewed documents relating to various use of force incidents and/or investigations in 2019. When the QARAC is notified of a Critical Incident by the PIB, a member of the staff goes to the scene and fills out a "Critical Incident Response Form"

(CIRF), which is not a public document but contains notes from the scene about everything observed and learned. The OIPM produced eight CIRFs that were filled out in 2019. While there were ten Critical Incidents, there are no CIRFs for two of them because one was not classified by the PIB as a Critical Incident at the time of the incident, and the other was not clearly described to the OIPM at the time as an officer-involved-shooting at the time, although it was one.

Most of these eight forms were thorough, detailed and informative. The information on the forms reveal that the OIPM is able to respond to the scene of the incident quickly once alerted by the PIB, obtain a briefing, and observe the ongoing investigation. The forms are factually detailed, pointing out gaps or open questions in the investigation. The quality of the forms was not even, however, as two of the forms involved hand-written notes difficult to decipher. It is understandable that the first take on these forms will be scribbled notes at the scene, but for these two incidents (2/17/19 & 10/28/19), the forms were never transcribed into a complete report. The potential problem with this is that these two incidents of officer-involved shootings have yet to be heard by the Use of Force Review Board; any staff member who wanted to recall the details of the investigation in those two Critical Incidents would have difficulty doing so with only those notes.

The QARAC is concerned with the fact that OIPM does not appear to have a mechanism to report to NOPD on their observations in the field unless or until the UFRB hears the case. The CIRF is an internal-only document. The OIPM does not produce a report to NOPD detailing concerns with the investigation unless or until the UFRB hears the case. What that means for 2019 is that there were seven Critical Incidents, the first one dating back to January 4, 2019, not heard by the UFRB for which the OIPM has produced no memorandum or evaluation. It seems problematic that OIPM has no reviewable reports of such serious incidents, most of which are officer-involved shootings. The QARAC recommends that the OIPM consider a solution to this gap in reporting.

The OIPM also produced for the QARAC the six memoranda it wrote to the NOPD in 2019 on six use of force incidents heard by the UFRB in 2019. The memoranda from the OIPM to the NOPD are thorough, insightful and objective. The reports agree or disagree with the PIB findings where appropriate and make detailed recommendations for improvement. For example, in one, the OIPM recommended that PIB/FIT reports on Critical Incidents include all relevant data points from prior use of force investigations in order to pinpoint problem areas in training. In another, the OIPM makes the critical observation that PIB/FIT should take itself out of the practice of making recommendations to the UFRB and instead act as a neutral observer, list potential policy violations, and let the UFRB make the decisions. At the same time, the OIPM commends PIB/FIT on the thoroughness of its investigation in that case. In a third report, the OIPM again notes the thoroughness of the investigation but also makes the valid request that the PIB/FIT list the sources of its investigation. In many cases, the OIPM supplements the PIB findings to point out additional violations of policy, e.g., when officers are not properly sequestered, when BWCs are not activated or footage from the cameras is not

supplied, or when suspects are not adequately secured with seat belts. The OIPM is clearly versed in NOPD policy, spots violations with precision, and makes valuable recommendations for an improved process for investigating use of force incidents.

Of the nine cases that the Use of Force Review Board heard in 2019, as listed in the Annual Report, there is one concerning case for which OIPM produced no report of its own. On or about March 23, 2019, an officer allegedly engaged in a forceful takedown of a suspect, punched him, and put pressure on him such that the suspect said he could not breathe. The OIPM explains the lack of a memorandum on the fact that this UOF case was heard the same day as the 3/20/19 incident (unauthorized vehicular pursuit resulting in civilian injuries and death) and the OIPM could only cover one hearing. This is an indication that the OIPM may be understaffed and overworked.<sup>1</sup>

In addition, the OIPM also produced four Community Two-Pagers that publicized four use of force incidents with various facts and findings in 2019. However, no two-pagers were produced for any of the ten Critical Incidents for 2019 as listed in the Annual Report. These two-pagers appeared to be a new addition to the UOF reporting by the OIPM, in an effort to communicate with the public. While they are perhaps overly complex and could be greatly simplified, the QARAC commends the effort to get the information out to the community. The bigger issue appears to be that the OIPM does not have the time and staffing to produce these.

In sum, the QARAC believes the quality of work produced by the OIPM is thorough, detailed, and objective. However, it does seem that the quantity of work monitoring NOPD UOF incidents could be improved if OIPM were given an increased budget to hire more staff. The QARAC also notes that the OIPM had a change in personnel in the UOF area in 2019, so there was likely and understandably a learning curve.

## B. Complaints Review

As stated in its mission statement, three major responsibilities of the Office of the Independent Police Monitor (OIPM) are to,

- (i) “ensure that all complaints regarding police misconduct are classified and investigated or mediated at the appropriate level and that those investigations are fairly, timely, and thoroughly handled,” to
- (ii) “review and analyze aggregate data from complaints, investigations, community concerns, and public policy,” and is responsible for,
- (iii) “receiving and referring requests for officer commendations from civilians, fellow officers, and community partners and organizations.”

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<sup>1</sup> Two other cases that came before the UFRB in 2019 were not memorialized by the OIPM. One of them involved an accidental discharge during a test fire and the other involved an in-custody death. The UFRB noted that accidental discharges do not require review, and presumably the in-custody-death was not reviewed because it seemed clear the death was from injuries sustained before officers arrived and there was no UOF by officers.

OIPM website, at <https://nolaipm.gov/our-mission/>. In order for the OIPM to meet these responsibilities, it relies on information provided through the NOPD PIB's complaint management system, IAPro. Complainants may file directly with the PIB, or with the referral assistance of the OIPM. This year the OIPM's efforts to do a statistical analysis of misconduct complaints and commendations was significantly set back by a Cyber Attack on City of New Orleans databases and internal records in December 2019. As such the QARAC is also limited to providing specific breakdowns of the complaints handled by the OIPM in this review.

In its 2019 Annual Report, the OIPM reported that it received 115 complaints, 100 of which it referred to the PIB (ten were dropped for being resolved, not involving NOPD, complainant withdrew etc., but remain archived). In 2019, the OIPM also instituted a new tracking mechanism of tagging complaints into various categories to look for trends over time. See <https://nolaipm.gov/wp-content/uploads/2020/06/2019-OIPM-Annual-Report-Complaints-Discipline-Commendations-FINAL.pdf>.

In those cases where complainants came through the OIPM, the OIPM provided the PIB with a complaint referral letter summarizing the complaint narrative, and any additional relevant information deemed useful for PIB investigations. When appropriate, the letter also included recommendations for corrective measures.

In 2019, there was a dramatic increase in complaints over the previous year (115 compared to 42). In 2019, the OIPM implemented a number of outreach and external relations plans that included 35 trainings to educate citizens (*Learn Your Rights in the Community*). The OIPM believes these outreach efforts partly explain the increase in both complaints and commendations over the previous year. See <https://nolaipm.gov/wp-content/uploads/2020/06/2019-OIPM-Annual-Report-YIR-FINAL.pdf>.

This part of the QARAC's review of the OIPM's work in 2019 is limited to the OIPM's documentation of the 100 complaints it referred to the PIB, and six commendations (of seven officers). Due to the cyber-attack in December, the OIPM was unable to publish its usual review and analysis of the 2019 aggregate data on all complaints and investigations. The QARAC's review is based on the unpublished copies of the 100 complaint referral letters and the 2019 Annual Report published on the OIPM website. See <https://nolaipm.gov/wp-content/uploads/2020/06/2019-OIPM-Annual-Report-Complaints-Discipline-Commendations-FINAL.pdf>.

### *1. OIPM's Complaint Referrals*

In 2019 the OIPM referred 100 complaints to the PIB. Anyone can file a complaint, whether it be the person who had the police encounter, a witness, another officer, or an employee of NOPD. The OIPM also accepts complaints anonymously, and complaints from individuals with pending criminal proceedings.

Once the OIPM receives a complaint it prepares a narrative into a referral letter. Each complaint referral letter is clear, concise, thorough, and objective. The OIPM does not attest to the validity of allegations. It attempts to accurately convey complainants' accounts and summarize the relevant data from NOPD's own information systems. Referral letters are designed to provide the PIB with pertinent information needed for an investigation into the validity of the allegations. A copy of the referral letter is provided to the complainant.

The OIPM complaint referral letters include the following information:

- Complainant, NOPD employee subject, and witness information
- Incident date and location
- Allegations (e.g. *RULE 2: MORAL CONDUCT: PARAGRAPH 05 – VERBAL INTIMIDATION; RULE 4: PERFORMANCE OF DUTY: PARAGRAPH 02 – INSTRUCTIONS FROM AUTHORITATIVE SOURCE – Policy 41.3.10 Body Worn Camera, Paragraph 10, Required Activation*)
- Narrative summary of complaint
- Five-year disciplinary history of NOPD employee subject
- OIPM recommendation (e.g. *At this point, the OIPM recommends that PIB place this officer under monitoring by her commanding officer through INSIGHT AND that pursuant to New Orleans City Code Section 2-1121 (3) that OIPM conduct a “risk management review” and “pattern analysis” to determine whether risk management issues exist; i.e. whether the subject employee is at risk of engaging in future misconduct or of being a risk to the public*)
- Classification recommendation (e.g. *The OIPM recommends this investigation be classified as Serious Misconduct*)

## 2. OIPM Complaints Data Analysis

The OIPM's ability to accurately review and analyze complaints data is limited by its dependence on the accuracy of the NOPD's data recording practices. The OIPM is unable to independently confirm or verify the data and is often faced with missing data. With these constraints in mind, the OIPM's complaints analysis is sound and comprehensive.

Ordinarily the OIPM provides a breakdown of the allegations (neglect of duty, professionalism, unauthorized force, verbal intimidation, etc.) and provides data on allegation outcomes (sustained, not sustained, unfounded, referred to mediation etc.) The analysis usually also disaggregates the outcome data by officer race, and an additional breakdown of complaints from anonymous complainants, and is oriented towards identifying patterns and changes over time. While this review concludes that the OIPM has handled referrals competently and thoroughly, its analysis of NOPD PIB data and ability to independently monitor NOPD conduct is limited by its dependence on NOPD's data on such conduct. The Cyber Attack on the City of New Orleans brings this limitation into sharp relief.

## 3. OIPM Commendations Data Analysis

The OIPM seeks and collects commendation information from the community to identify officers, units and precincts for exceptional work. The OIPM prepares such recognition into a commendation referral letter which includes the following information:

- The officer's information
- The requester's information
- The date, time, and location of the recommended behavior, and
- A summary of the police conduct.

In 2019, OIPM collected six commendations for seven officers (an increase from 2 in 2018). Commendations included recognition to members of the PIB for participating in the National Association for Civilian Oversight of Law Enforcement annual conference, and praise for officers' conduct and professionalism when responding to calls for service or handling investigations. Most of these came from the OIPM staff members and not the public. The QARAC encourages the OIPM to continue outreach efforts to encourage citizens to submit commendations when appropriate.

### C. Disciplinary Review

The OIPM is responsible for monitoring whether all NOPD action taken during disciplinary proceedings are compliant with state and federal law, NOPD policy, the Consent Decree, and the Memorandum of Understanding between the NOPD and the OIPM executed on November 10, 2010. The OIPM monitors and assesses the efforts of NOPD to ensure all disciplinary investigations and proceedings are conducted in a manner that is non-retaliatory, impartial, fair, consistent, and truthful in accordance with NOPD policies. The OIPM reviews the disciplinary investigations and proceedings executed by NOPD to ensure they are executed in a timely manner that is consistent with all requirements under law (2019 Annual Report, at <https://nolaipm.gov/wp-content/uploads/2020/06/2019-OIPM-Annual-Report-Complaints-Discipline-Commendations-FINAL.pdf>).

As required in the preliminary memorandum to PIB, the OIPM will, as appropriate, make determinations as to whether departmental rules or policies have been violated, make recommendations regarding appropriate discipline, and review the appropriateness of disciplinary sanctions as authorized by the Ordinance, the MOU, and the Federal Consent Decree Section XVII: Misconduct Complaint Intake, Investigation, and Adjudication. These determinations, recommendations, and findings shall be submitted to NOPD in writing (2019 Annual Report, at <https://nolaipm.gov/wp-content/uploads/2020/06/2019-OIPM-Annual-Report-Complaints-Discipline-Commendations-FINAL.pdf>).

#### 1. *Disciplinary System Monitoring and Review*

With respect to its review of the OIPM's Disciplinary System Monitoring and Review, the QARAC reviewed the following relevant documents:

- 2019 Annual Report: Year in Review
- 2019 Annual Report: Complaints, Commendations, and Disciplinary Proceedings
  - 18 memoranda from OIPM to PIB regarding disciplinary proceedings
  - 6 memoranda from OIPM to File regarding delay in disciplinary proceeding
  - 5 “Community Facing Two Pagers”

In reviewing the documents, the QARAC: (1) considered whether the relevant portions of these documents were well-written, objective, reflective of a sound method/fair process; (2) assessed the breadth and volume of the OIPM’s work product; and (3) evaluated whether the work is reflective of, among other things, the OIPM’s annual budget and the needs of the public.

## *2. Discipline Data*

The 2019 Annual Report states that the OIPM analyzed data obtained from and prepared by NOPD to identify and highlight patterns, trends, and outliers of note. However, unlike the previous year’s annual report, the 2019 annual report does not include any figures relating to: (1) the outcomes of allegations brought against NOPD employees; (2) the outcomes of disciplinary investigations; (3) discipline by complainant gender; (4) outcomes by officer gender; (5) outcome by complainant race; and (6) discipline by officer race.

## *3. OIPM Recommendations to NOPD with respect to 2019 Disciplinary Proceedings*

In its Annual Report, OIPM identified several recommendations that it made in memoranda to NOPD. The recommendations related to:

- Training on on- and off-duty alcohol use
- Focused training on policing strategies including crowd control and how to safely restrain and transport combative arrested individuals
- BWCs with respect to improved mount and identification when multiple BWCs are present
- Use of BWC within hospital and medical settings and reexamination of disciplinary matrix regarding handcuffing and restraints
- Clarification of policy around dual arrests for domestic violence
- Strengthening of training on cultural competency and diversity
- Establishing a formal procedure for administering and documenting verbal counseling
- Vehicle pursuits
- Strip and cavity searches
- Take-home vehicles
- Safe transport of arrested individuals

In the QARAC's independent review of the 18 memoranda from the OIPM to PIB regarding individual disciplinary hearings, the QARAC identified additional areas where training was recommended by OIPM:

- Activation of BWC and ICC (Recommendation put forth in OIPM Memo regarding PIB # 2018-0018-R)
- Reporting policies and procedures (Recommendation put forth in OIPM Memo regarding PIB # 2019-0412-R)
- Training on secondary employment procedure (Recommendation put forth in OIPM Memo regarding PIB # 2019-0305-P)

The OIPM's recommendations were based on well-reasoned and thorough reviews of disciplinary charges and the related issues. The underlying disciplinary hearing memoranda from the OIPM to PIB were uniform with respect to the categories of information presented, *i.e.*, each memorandum included a summary table and the same eight (8) questions with corresponding proceeding-specific answers. The eight questions related to any additional charges that could have been brought; any concerns with respect to the Bill of Rights, the disciplinary investigation, whistleblower/retaliation issues, and any particular allegation; training; Constitutional and legal issues; and whether any policy/procedure, risk management, and/or liability issue were/was not adequately addressed. The QARAC was impressed with the thoroughness and overall quality of the memoranda.

#### 4. *Conclusion & Additional Comments*

In conclusion, with respect to the OIPM's disciplinary system monitoring and review, the QARAC concludes that: (1) the relevant documents were well-written, objective, and reflective of a sound method/fair process (2) OIPM's work product was thorough and reasoned; and (3) the work of OIPM is reflective of, among other things, OIPM's annual budget and the needs of the public. The introduction of the "Community Facing Two Pager" document is an effective way to keep the community informed of the work OIPM is completing with respect to disciplinary proceedings. The QARAC would recommend that this document be prepared for as many memoranda from the OIPM to PIB regarding disciplinary proceedings as practicable.

The disciplinary proceeding process, the OIPM's role with respect to same, and the collaboration between NOPD and the OIPM to improve the process is described thoroughly in the 2019 Annual Report. However, while the 2019 Annual Report does include a section entitled "OIPM Recommendations from 2019," it would be helpful to include a brief summary of its recommendations within the Disciplinary Proceedings section and also provide an analysis, if appropriate, of data to identify and highlight patterns, trends, and outliers of note, if any.

#### D. Other Observations of OIPM's Work

## 1. *Mediation*

The QARAC did not review any individual written documentation of OIPM's mediation work, but it reviewed the 2019 Annual Report: Community-Police Mediation Program, at <https://nolaipm.gov/wp-content/uploads/2020/06/2019-OIPM-Annual-Report-Mediation-FINAL.pdf>. As with the prior Annual Report, this report is a very comprehensive document, setting out the program's procedures, goals, and results in great detail. The QARAC remains impressed with the design, thoughtfulness, and quality of the program and is aware that the OIPM's program is a national model.

The New Orleans Community-Police Mediation Program is mandated by City Ordinance, the Memorandum of Understanding between NOPD and OIPM, and the Consent Decree. In 2019, the Program held 42 mediations (up from 27 in 2018), out of a total of 136 cases referred from PIB (up from 75 referrals in 2018). Only certain categories of cases are eligible for mediation, and the most common involve complaints as to "professionalism." The program appeared to have a broad reach: participants in the mediations reflected the demographics of the city, and mediations took place in more than 20 community venues.

The Program engages in a self-assessment of its effectiveness, gained through a survey instrument completed by participants. The surveys, as summarized in the Annual Report, show overall satisfaction with the Program by police and civilians:

Anonymous post-mediation surveys revealed that 82% of civilians and 92% of officers who participated in mediations thought that the mediation meetings were unbiased; 82% of civilians and 85% of officers felt they had the opportunity to explain their point of view; 92% of officers and 70% of civilians agreed that mediation is a good way of resolving disputes between civilians and police officers. 70% of civilians and 90% of officers said they would recommend mediation to other civilians or officers; 79% of civilians and 85% of officers were satisfied with the mediation process according to surveys completed after each mediation

OIPM 2019 Annual Report, at <https://nolaipm.gov/wp-content/uploads/2020/06/2019-OIPM-Annual-Report-Mediation-FINAL.pdf>. However, the QARAC thinks it is noteworthy that those numbers, particularly with regard to civilian satisfaction, are lower than the 2018 numbers, sometimes by as much as 10% lower. For the 20-30% of the civilians who were not in the wholly satisfied group, the OIPM should consider assessing reasons for dissatisfaction and including those in the report.

The Report makes a significant suggestion for improvement of the program that the QARAC would underscore. The most common civilian reason for opting out of mediation to resolve a complaint is that they do not want to give up the right to a traditional investigation, which they must do under current protocol. The OIPM wants to consider allowing mediation to occur alongside traditional investigation.

Lastly, the QARAC reviewed a letter from the OIPM to the NOPD requesting that the NOPD contribute funding to the mediation program. This was an issue in the 2018 QARAC review as well. The funding request was made in October 2019 and was rejected by the NOPD as the budget process had apparently concluded. The QARAC hopes the OIPM finds a way to gain the financial support of the NOPD for this invaluable program that undoubtedly saves them money.

## *2. Publicity/Website*

In the 2018 Annual Report, the QARAC detailed myriad problems with OIPM's website, both in terms of navigation and content. In December 2019, the OIPM engaged a website design and development company. An updated website is critical to the OIPM's mission in communicating with the public. The QARAC reviewed the current website for OIPM (<http://nolaipm.gov>) and note that it seems improved but still lacks content and easy navigability.

Just a few examples here suffice to demonstrate the continuing issues. There are multiple places one finds information on filing a complaint and they are not consistent. Under FAQs, and "How Can I File a Complaint?" there is no link to the website form and it is confusing as to whether a complainant has to make an appointment with the OIPM. Under many tabs, the information is outdated or not there. Under "Reports," "Complaint Investigation Reviews" reveals only one from 2010 and no "subject matter reports" since 2017. Under the "Community Relations" tab, it is unclear what the hodgepodge of information is and the "request for presentations" tab does not link to anything.

The QARAC recommends that the website redesign and population become more of a priority.

## *3. Civil Case Tracking*

Municipal Ordinance Sec. 2-1121 (22) sets out as one of the duties of the OIPM to monitor civil suits involving NOPD. In the 2018 review, the QARAC noted that the OIPM was not gathering and tracking this. The 2019 Annual Report states that in 2019, for the first time in many years, the OIPM collected information on lawsuits and claims for damages involving the NOPD. The OIPM will analyze the information and is planning the release of a report some time in 2020. The QARAC commends the OIPM on taking this step and looks forward to the published report.

## VI. RECOMMENDATIONS

Understanding that the OIPM may be understaffed and underfunded, the QARAC nonetheless puts forth the following recommendations:

Independent Access to NOPD Data and Data Personnel. Municipal Ordinance Sec. 2-1121(14) sets forth OIPM's data-gathering duties and states, "The New Orleans Police Department shall provide the appropriate database and personnel to facilitate this

section.” The OIPM cannot fulfill its function as an independent monitor of NOPD without access to NOPD’s raw data. The QARAC urges continued work by the OIPM to gain this access. The QARAC understands this access continues to be problematic at the time of the writing of this report but encourages the OIPM to produce the 2019 statistical reviews once access has been restored.

### Use of Force Investigations

Include in Annual Report: (1) Evaluation of the effectiveness of Critical Incident investigation by both PIB and OIPM; (2) Describe of any findings by the OIPM or any patterns over time; (3) in UFRB appendix, include observations or recommendations by the OIPD in the particular case.

Critical Incident Investigation: (1) Ensure that Critical Incident Response Forms are adequately transcribed from notes shortly after the incident; (2) Consider reporting to NOPD on observations in the field and do not wait until the UFRB hears the case.

Publicize Opportunities for Commendation. In this time of strife between police officers and the citizenry, commendations about good police behavior are critical. Make this opportunity more visible and more immediately available.

Continue the “Community Facing Two Pager”. This has been an effective new tool for communicating to the public about the NOPD and the work of the OIPM as to Disciplinary Proceedings and Use of Force investigations.

Elaborate on Recommendations as to Disciplinary Proceedings in Annual Report. Include a brief summary of recommendations within the Disciplinary Proceedings section and also provide an analysis, if appropriate, of data to identify and highlight patterns, trends, and outliers of note, if any.

### Enhance Feedback, Satisfaction and Use of Police-Community Mediation Program.

- (1) Consider assessing reasons for community dissatisfaction in the Annual Report;
- (2) Continue to pursue the option of allowing mediation to occur alongside traditional investigation;
- (3) Continue efforts to gain the financial support of the NOPD for this invaluable program that undoubtedly saves them money.

Update & Reformat Website. Continue updating and populating website. For the 20-30% of the civilians who were not in the wholly satisfied group, the OIPM should consider assessing reasons for dissatisfaction and including those in the report.

**Item 2**

OFFICE OF INDEPENDENT POLICE MONITOR  
**CITY OF NEW ORLEANS**



SUSAN HUTSON  
INDEPENDENT POLICE MONITOR

July 16, 2020

**VIA EMAIL**

Prof. Jancy Hoeffel  
Dr. Marcus Kondkar  
Mr. Imtiaz Siddiqui  
Quality Assurance Review Advisory Committee

RE: Response to the 2019 Quality Assurance Review Advisory Committee Report for the Office of the Independent Police Monitor

Dear Prof. Hoeffel, Dr. Kondkar, and Mr. Siddiqui:

On behalf of our entire office and staff, I once again thank you for your hard work and commitment to helping the Office of the Independent Police Monitor (OIPM) by conducting the Quality Assurance Review (QAR) for the OIPM. OIPM personnel see the QAR as an important part of our ability to serve our community.

2019 was an incredibly busy year for the OIPM and 2020 is also shaping up similarly. The volume of incidents and communications with the public and NOPD has tested our limits. However, despite the volume and our undersized staff, “the QARAC found that the reports, as a whole, were detailed, thorough, and objective.”

OIPM personnel are appreciative of receiving the QARAC’s constructive feedback as you have highlighted our many strengths, but also given us room to grow and be better each year. All of your concerns and recommendations make sense and we will work on them in the coming year. Some of the recommendations have to do with measuring the effectiveness of oversight. Please know that we are working with our national association to create such a process nationwide. There are currently no such measurements available.

The review again noted important information for the New Orleans community to know about its police oversight office, including the need for better and more independent access to NOPD data, the need for a dedicated statistician to assist us in our analysis of NOPD data, and, perhaps, additional funding from NOPD to support OIPM/NOPD collaborations such as mediation, data analysis, and complaint intake.



Prof. Jancy Hoeffel  
Dr. Marcus Kondkar  
Mr. Imtiaz Siddiqui  
Quality Assurance Review Advisory Committee  
July 16, 2020  
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Once again, the OIPM would like to thank you for your service during this process. We are appreciative of your productive feedback and look forward to implementing your thorough and substantial recommendations.

Our response to each recommendation is attached in Appendix A.

Respectfully Submitted,



Susan Hutson  
Independent Police Monitor

cc. Dr. Michael A. Cowan, Chair Ethics Review Board



<b>Appendix A</b>	
<b>QARAC Recommendation</b>	<b>OIPM Response</b>
<p><u>Independent Access to NOPD Data and Data Personnel.</u> Municipal Ordinance Sec. 2-1121(14) sets forth OIPM’s data-gathering duties and states, “The New Orleans Police Department shall provide the appropriate database and personnel to facilitate this section.” The OIPM cannot fulfill its function as an independent monitor of NOPD without access to NOPD’s raw data. The QARAC urges continued work by the OIPM to gain this access. The QARAC understands this access continues to be problematic at the time of the writing of this report but encourages the OIPM to produce the 2019 statistical reviews once access has been restored.</p>	<p>The OIPM has advocated for independent access and will continue to advocate for that access going forward. Most recently on June 18, 2020, the City Council passed a resolution calling for the OIPM to create a public facing database of officer misconduct and use of force histories, plus other data. An ordinance requiring such a database, which will require greater access to data, and funding should also be occurring soon.</p> <p>As funding allows, the OIPM will increase its capacity to conduct more detailed data analyses.</p> <p>OIPM will analyze 2019 data once it becomes available and publish it with our 2020 annual report.</p> <p>OIPM currently receives a replica of PIB’s internal case management database which houses complaints and uses of force. OIPM will probably also receive a replica of data for other systems that will populate the public facing database. During discussions with the City of New Orleans, OIPM has advised that allowing direct backend access to NOPD systems would create a significant security vulnerability.</p>
<p><u>Include in Annual Report:</u> (1) Evaluation of the effectiveness of Critical Incident investigation by both PIB and OIPM; (2) Describe of any findings</p>	<p>(1) OIPM will work with our national association on measuring or evaluating effectiveness of oversight. This is on</p>



<p>by the OIPM or any patterns over time; (3) in UFRB appendix, include observations or recommendations by the OIPD in the particular case.</p>	<p>ongoing process in oversight as a whole nationally and will take some time to complete. (2) OIPM will outline a process for describing the patterns we are seeing overtime. Part of that process is the creation of a database that will house all of our evaluations of PIB and allow for better data analysis. (3) OIPM will include observations and recommendations in the UFRB appendix to our Annual Report.</p>
<p><u>Critical Incident Investigation:</u> (1) Ensure that Critical Incident Response Forms are adequately transcribed from notes shortly after the incident; (2) Consider reporting to NOPD on observations in the field and do not wait until the UFRB hears the case.</p>	<p>(1) Since OIPM began regularly responding to OISs in 2011, we have completed the overwhelming majority of Response Forms in a timely manner and will continue to do so. OIPM is continuing a process to the make the response form more user friendly in the field, which has been difficult. (2) OIPM meets with PIB throughout the monitoring of the case and provides input from start to finish. We will share the response forms with NOPD at the initiation of the case (although we provide our initial impressions at the scene), continue to meet/discuss the cases while monitoring is going on, and provide a final review at the end.</p>
<p><u>Publicize Opportunities for Commendation.</u> In this time of strife between police officers and the citizenry, commendations about good police behavior are critical. Make this opportunity more visible and more immediately available.</p>	<p>OIPM’s website prompts the public to file a complaint or commendation and the form is the same for both. OIPM will change the section of the form which currently only reads “Complaint Details” to Complaint or Commendation Details. At all outreach events, OIPM discusses</p>



	the procedures to file complaints and commendations. OIPM will review ways to make that process more visible.
<u>Continue the “Community Facing Two Pager”.</u> This has been an effective new tool for communicating to the public about the NOPD and the work of the OIPM as to Disciplinary Proceedings and Use of Force investigations.	OIPM lost its Community Relations Director at the end of 2019, due to the loss of the prior Chief Monitor and a switching of duties. Previously, the Community Relations Director spearheaded the two-pagers. This function has now shifted to the UOF and Complaints Sections, respectively, for completion. The two pagers are a priority for OIPM and will be required documentation, once OIPM is able to hire additional contractors to assist with case reviews.
<u>Elaborate on Recommendations as to Disciplinary Proceedings in Annual Report.</u> Include a brief summary of recommendations within the Disciplinary Proceedings section and also provide an analysis, if appropriate, of data to identify and highlight patterns, trends, and outliers of note, if any.	OIPM will include data analysis, when available, and recommendations in the Disciplinary Proceedings section. This is a part of the buildout of OIPM’s new database, but we will provide it manually until the database is complete.
<u>Enhance Feedback, Satisfaction and Use of Police-Community Mediation Program.</u>	
(1) Consider assessing reasons for community dissatisfaction in the Annual Report;	OIPM does collect some information about reasons for dissatisfaction in the post-mediation surveys. Going forward, we will include an assessment of these in the Annual Report. We will also add a few more questions to the surveys to obtain more nuance and detail about why participants were unsatisfied, and include these in the Annual Report.



<p>(2) Continue to pursue the option of allowing mediation to occur alongside traditional investigation;</p>	<p>So far, NOPD has not agreed with this option, as they consider it as the officer being disciplined twice for the same offense. However, OIPM will continue to discuss this option as well as look for creative alternatives that allow for the accountability our community desires.</p>
<p>(3) Continue efforts to gain the financial support of the NOPD for this invaluable program that undoubtedly saves them money.</p>	<p>OIPM will send a new request for mediation funding assistance to NOPD at the end of July or beginning of August, to allow NOPD time to find funds within its 2021 budget.</p>
<p><u>Update &amp; Reformat Website.</u> Continue updating and populating website.</p>	<p>As a follow up to the 2018 QAR, OIPM identified a contractor and laid out its plans for a new website. That process was stopped by the cyber-attack, as no purchases could be processed. OIPM is operating with a reduced budget due to the City’s spending freeze under Covid conditions. We hope to move forward with the 2021 budget.</p>
<p>For the 20-30% of the civilians who were not in the wholly satisfied group, the OIPM should consider assessing reasons for dissatisfaction and including those in the report.</p>	<p>OIPM collects some information about reasons for dissatisfaction in the post-mediation surveys. Going forward, we will include an assessment of these in the Annual Report. We will also add a few more questions to the surveys to obtain more nuance and detail about why participants were unsatisfied and include these in the Annual Report.</p>

