



# Preparing For Sustainment

U.S. District Court for the Eastern District of Louisiana  
Public Proceeding

Loyola University New Orleans School of Law

March 23, 2021

# Agenda

- Introduction
- Consent Decree Overview
- Current Status
- Section-By-Section Analysis
- Illustrative Impacts Of Reform
- Sustaining Reform
- Conclusion

# Full and Effective Compliance

**486.** To ensure that the requirements of this Agreement are properly and timely implemented, the Court shall retain jurisdiction of this action for all purposes until such time as the City has achieved ***full and effective compliance*** with this Agreement and maintained such compliance for no less than two years. At all times, the City and NOPD shall bear the burden of demonstrating full and effective compliance with this Agreement. . . .

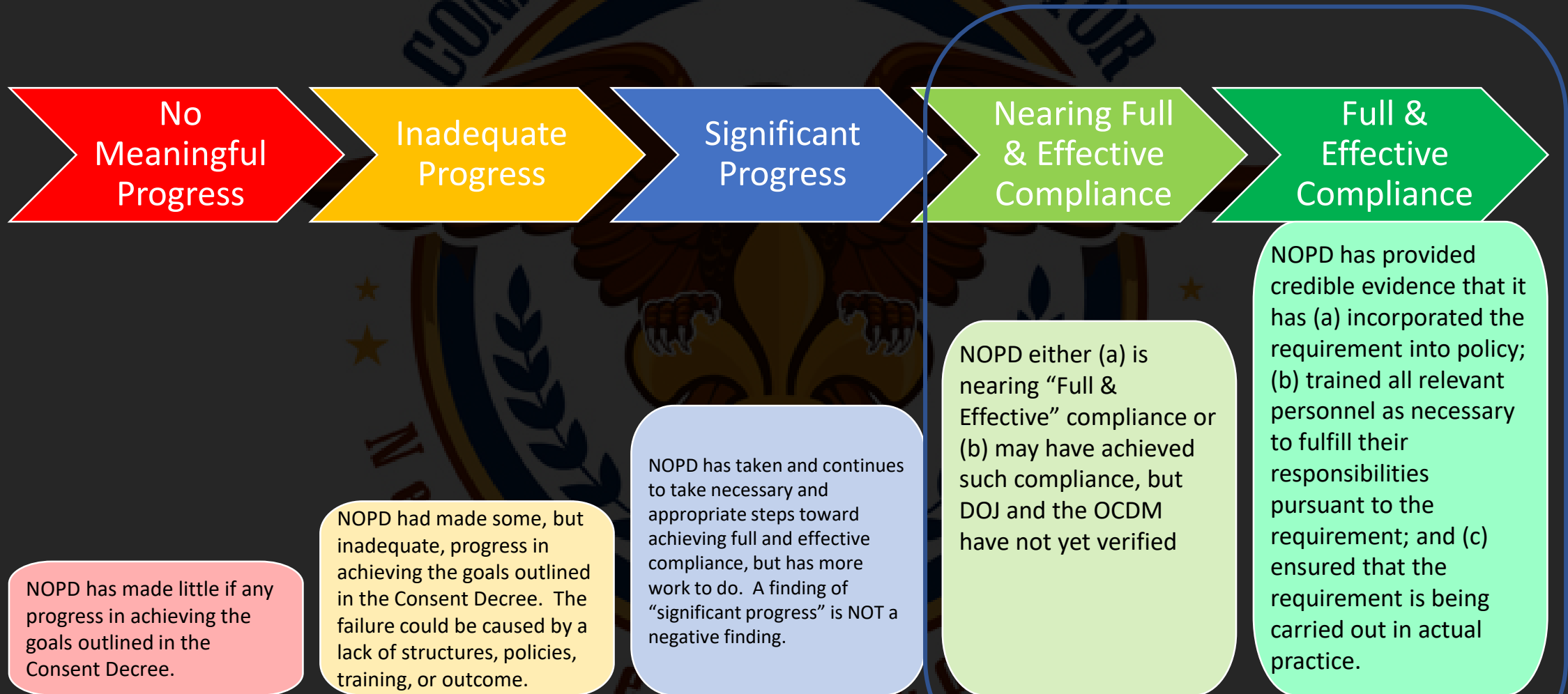
# Executive Summary

- NOPD continues to move forward in every area of the Consent Decree
- Three additional areas achieved Full & Effective Compliance since January 2019
- Some CD areas still require work, but several of those areas are very close to the finish line as well
- NOPD leadership deserves credit for bringing the Department this far

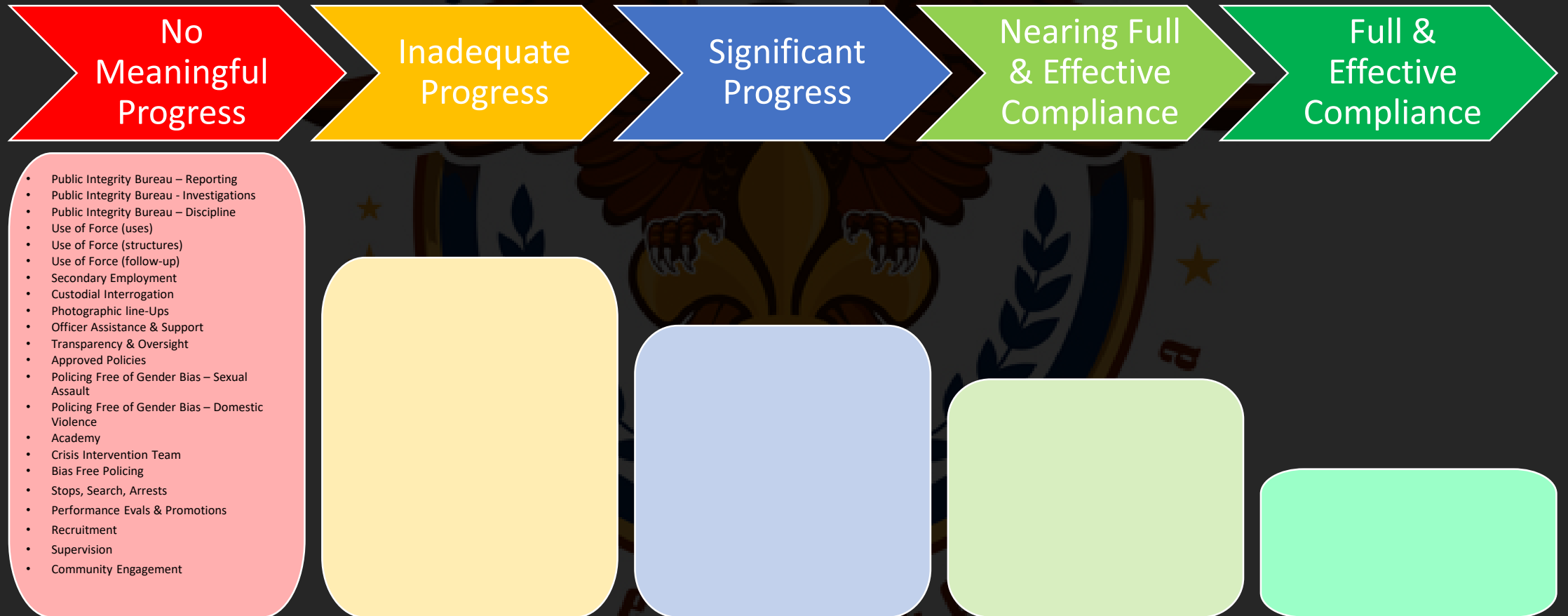
# NOPD Consent Decree Overview

- Policies & Training
- Use of Force
- Crisis Intervention Team
- Stop/Search/Arrest
- Custodial Interrogations
- Photo Lineups
- Bias Free Policing
- Policing Free of Gender Bias
- Community Engagement
- Recruitment
- Academy
- Officer Assistance & Support
- Performance Evals
- Supervision
- Office of Police Secondary Employment
- Misconduct
- Transparency

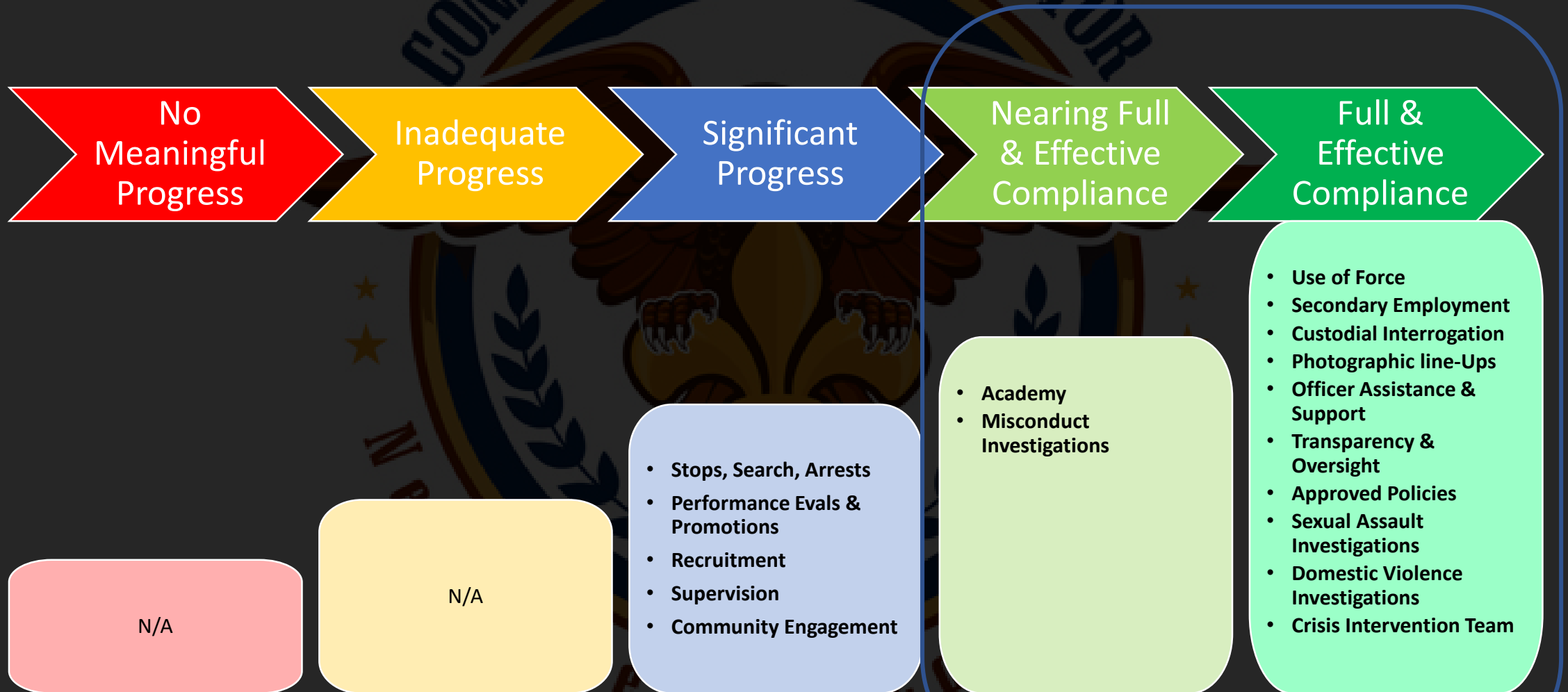
# OCDM Evaluation Approach



# NOPD Status – August 2013



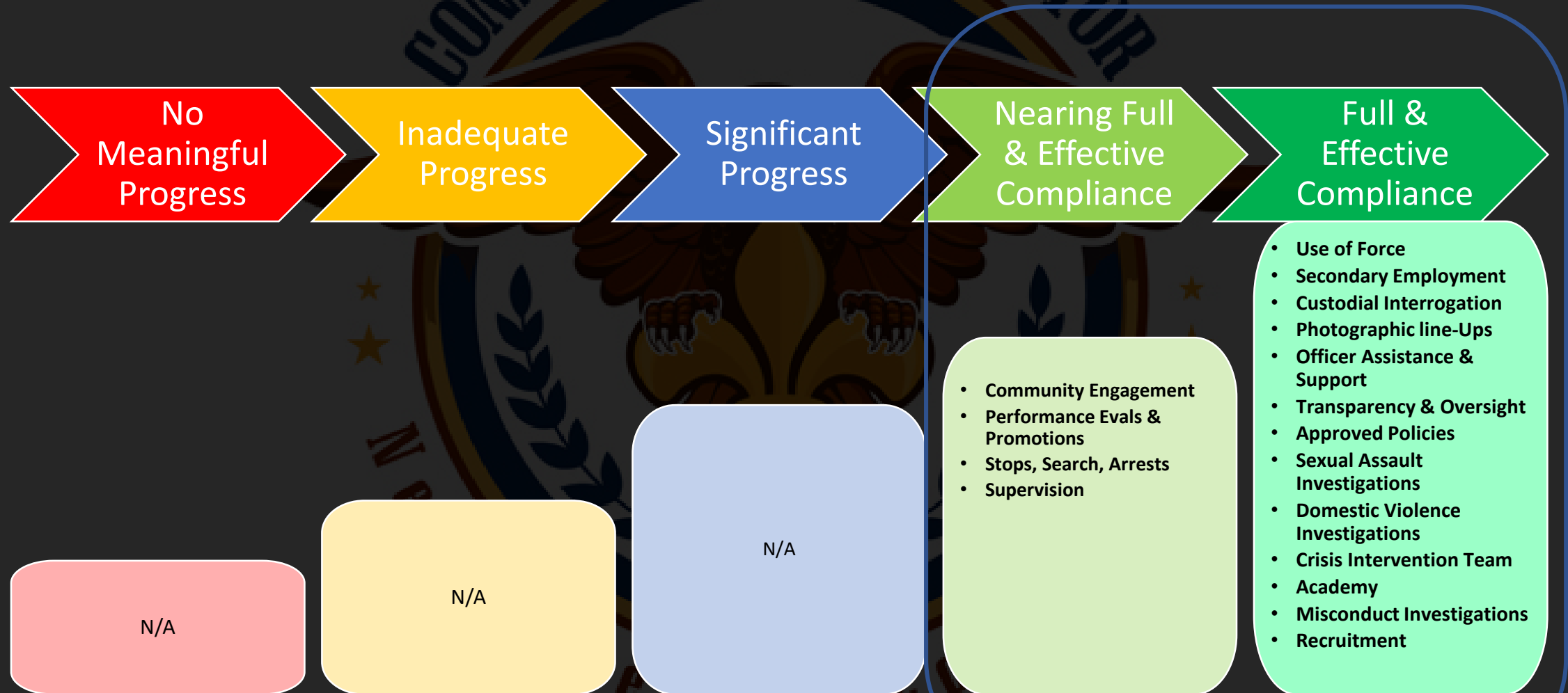
# NOPD Status – January 2019



\*Section VIII (Bias Free Policing) requires additional testing by the Monitoring Team and DOJ prior to offering a finding.



# NOPD Status – January 2021



# Why It Matters



Sections in Full & Effective Compliance free up NOPD resources to focus on sections in need of additional work



Sections in Full & Effective Compliance require less intensive OCDM monitoring, saving time and money



NOPD's 2-year clock begins to run when all sections are in Full & Effective Compliance



# Section-By-Section Highlights

# Areas Moved Into Full & Effective Compliance



**Academy**



**Recruitment**



**Misconduct**

# Areas Requiring Additional Work



Supervision



Stop, Search,  
Arrest



Promotions/  
Performance  
Evaluations



Community  
Engagement



Bias Free Policing

# Supervision

## 2019 Concerns

- Inconsistent review of force statements by supervisors
- Supervisors not consistently working same shifts as those they supervise
- Districts not consistently meeting patrol/supervisor ratio
- EWS still not used to full capacity
- Supervisors performing inadequate evaluations
- Rollcall training inconsistent
- Inconsistent quality of supervision

## 2020 Concerns

- Early Warning System (Insight) not fully operational
- Poor Task Force supervision
- Inadequate supervisor accountability
- Inadequate supervisor evaluations

## Current State

- Superintendent's Supervision Initiative Working Group has been very productive
- Strong plan in place to bring Department into compliance within next few months
- Significant audit scheduled for April 2021

# Stop / Search / Arrest

## 2019 Concerns

- Inconsistent documentation of searches (boilerplate language and inaccuracies)
- Inconsistent supervisor reviews of search documentation
- Consent searches not consistently approved by supervisors
- Training in need of further improvement

## 2020 Concerns

- Not clearly articulating in a Field Interview Card or arrest report the legal basis for each search
- Failing to document all stops
- Material inconsistencies between arrest reports and BWC videos
- Supervisors failing to show up at the scene of certain searches and arrests as mandated by the Consent Decree
- Inconsistent documentation & supervisor reviews
- Problematic Task Force practices

## Current State

- NOPD is finalizing corrective action plan

# Performance Evaluations & Promotions

## 2019 Concerns

- Supervisors not consistently preparing meaningful evaluations
- Commanders not adequately supervising evaluation process
- Inconsistent attention to correcting deficiencies in evaluation process

## 2020 Concerns

- Inadequate attention to evaluations
- Inadequate supervisor reviews of evaluations
- Inadequate use of evaluations
- Inadequate promotions process

## Current State

- Robust promotions program recently implemented
- New audit underway



# Community Engagement

## 2019 Concerns

- Geographic Deployment
- Implementation of Community Policing Signal Codes and Reporting Forms
- Role of Community Liaison and School Resource Officers

## 2020 Concerns

- Implementation of Geographic Deployment
- Community Policing Activities and Reporting
- Training Response to Public Health Restrictions

## Current State

- Evaluation of Geographic Deployment Underway
- Evaluation of use of Community Policing Forms
- Approve plan for future NONPACC and PCAB meetings

# Bias Free

## Current State

- Document translation process still underway
- Interpretation system pending implementation
- Comprehensive OCDM/DOJ/NOPD audit scheduled for May 2021



# Illustrative Impacts Of Reform

# Community/Officer Perception Continues to Rise

Illustrative Perception Survey Findings



# NOPD Has Emerged As A National Leader In Some Areas



# Active Bystandership For Law Enforcement

- Born in New Orleans as EPIC
- Now a national program residing at Georgetown University Law Center
- 325 ABLÉ instructors trained from 100+ agencies across 30 states to date
- Multiple NOPD officers actively helping to bring ABLÉ to agencies across the nation



# Sustaining Reform

CONSENT DECREE MONITOR

... The full and sustained implementation of this Agreement is intended to protect the constitutional rights of all members of the community, improve the safety and security of the people of New Orleans, and increase public confidence in the New Orleans Police Department. . . .

NEW ORLEANS, Louisiana



# Ensuring Sustainability

- Complete suite of new policies
- PSAB Audit Protocols
- City Counsel Regulations
- Department-wide SOPs
- Pro-Active Video Release Policy
- New Promotions Process
- Regularly updated Academy training
- Academy Academic Director
- Transformative Active Bystandership Program (EPIC/ABLE)



# Conclusion

# A Recipe For Success

## Contributor to Past Success

- Highly credible and proven NOPD leadership team
- Dedicated and energetic PSAB
- DOJ guidance/partnership
- Vigilant Monitoring Team
- Significant OCDM technical assistance
- Close judicial oversight

## Keys to Continued Progress

- Empower NOPD leadership to continue reform path
- Implement additional tools to *sustain* reforms
- Expand community trust
- Continue building PSAB self-audit capacity
- Continue positive relationship among NOPD, DOJ, and OCDM

# Monitoring Team Path Forward



Continue reviewing ALL serious uses of force



Continue robust audits and assessments in areas not yet in full and effective compliance



Continue leveraging internal NOPD PSAB audits to the maximum extent possible



Continue providing technical assistance as requested

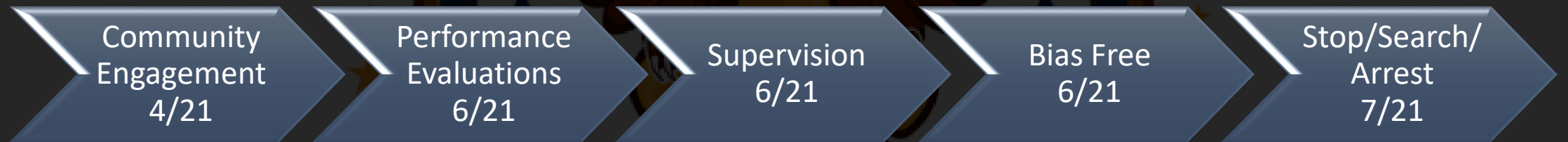


Work with DOJ and NOPD to conduct additional outcome assessments as appropriate



Prepare for Sustainment Period

# Anticipated Timeline To Sustainment Period



***The Actual Timeline Depends Upon NOPD***

# Conclusion

- The Department has made remarkable progress since 2013.
- The current NOPD leadership team deserves significant recognition for maintaining such a meaningful partnership with DOJ and the Monitoring Team throughout the life of the Consent Decree.
- The number of areas not yet in full and effective compliance continues to decrease.
- The Parties and the Monitoring Team are working together to frame what the forthcoming Sustainment Period will look like.
- The timing of NOPD's move into the Sustainment Period depends upon NOPD.