

INDEPENDENT POLICE MONITOR INTERIM REPORT

PRODUCING THE INFORMATION YOU NEED

The Office of the Independent Police Monitor (IPM) is an independent civilian police oversight agency created in August of 2009. Its mission is to improve cooperation and trust between the community and the New Orleans Police

and responsiveness to the community it serves.

Our goal is to improve police services to the community, citizen trust in the NOPD, and officer safety and working conditions.

In order to give citizens up-to-date information about their police department and the oversight

process, we have published this first Interim Report.

We hope to publish Interim Reports

quarterly. They will cover any new complaints or critical incidents that have occurred in the preceding quarter. Quite often, complaints or critical incident investigations are not yet complete and the necessary data is still unavailable. Therefore the information included in this newsletter is a summary. The annual report will also cover the calendar year's activities in full detail.

The information on page 4 is a snapshot of complaints taken by IPM dur-

ing the first quarter of 2012. These narratives merely represent *allegations* against officers. These stories DO NOT indicate sustained charges, merely complaints alleged. A statistical analysis of sustained complaints can be found in the IPM annual report.

Because the information below represents complaints that may be a part of open investigations, the officer names and citizen names will not be published.

We have also provided a list of common citizen allegations against officers. The list is in the section on page 2, entitled "Common Citizen Allegations Against Officers".

This newsletter also contains summaries of Critical Incidents for 2012 as well as a citizen's commendation of a New Orleans Police officer.



Susan Hutson,
Independent Police Monitor

Department (NOPD) through the objective review of police misconduct investigations.

By providing outreach to the New Orleans community and making best-practice policy recommendations to the NOPD and the City Council, the IPM works to promote accountability and increase the NOPD's openness

NEW ORLEANS INDEPENDENT POLICE MONITOR

Special points of interest:

- > **IPM Complaint Intake**
- > **NOPD Shootings**
- > **Common Allegations and investigative findings**

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MOST COMMON CITIZEN ALLEGATIONS AGAINST OFFICERS

Although citizens rarely state their complaints in terms of NOPD's Administrative Rules, the list below represents common allegations and the NOPD policies they implicated. The language below is paraphrased excerpts from the 2011 NOPD Operations Manual.



"The New Orleans Police Department is dedicated to providing the best protections possible to safeguard the lives and property of the citizens of New Orleans. This is a service institution and all employees must be willing and prepared to assist those who ask for help at any hour of the day or night. Employees of the Police Department have special responsibilities. To meet these responsibilities, all members must understand the purpose and goals of the Department and share in the dedicated efforts of the Police Officers and others who work together to provide efficient and courteous service."

~ Excerpt from the New Orleans Police Department's Operations Manual

ADHERENCE TO LAW: New Orleans Police Department requires its employees to adhere to local, state and federal law. Since 2010, citizens have accused NOPD employees of numerous legal infractions including, but not limited to: battery, theft; rape; sexual harassment; DUI; fleeing the scene of an accident; and perjury.

COURTESY: New Orleans Police Department requires its employees to be courteous, civil, and respectful in their conduct toward all persons. The use of profane, vulgar or discourteous gestures or language to or in the presence of any citizen is prohibited. The use of profane, vulgar or discourteous gestures or language, either verbal or written, by one employee to another employee is prohibited. One of the most common citizen complaints received by IPM is discourtesy.

TRUTHFULNESS: Popularly known as "You lie, you die", NOPD's employee rules require NOPD employees to be truthful at all times, in their spoken, written, or electronic communications, whether under oath or not, in all matters and official investigations relating to the scope of their employment and operations of the Department. The IPM has supported NOPD in terminating NOPD employees for truthfulness violations.

UNAUTHORIZED FORCE: The most visible and publicized accusations against NOPD employees involve allegations of excessive force. NOPD dictates that its employees shall not use or direct unjustifiable physical abuse, violence, force, or intimidation against any person.

FAILURE TO COOPERATE/WITHHOLDING INFORMATION: Many citizens implicate officers in charges of providing false evidence, falsifying police reports, or giving false testimony. NOPD rules dictate that NOPD employees shall not withhold any information, acts, or omissions known to the employee that purposefully interfere or disrupt an authorized investigation, whether internally or externally, investigated by any official entity. Additionally, any employee who withholds information or fails to cooperate with any internal investigation may be disciplined in addition to any other disciplinary action based upon conduct disclosed by the primary investigation.

PROFESSIONALISM: NOPD employees are required to conduct themselves in a professional manner with the utmost concern for the dignity of the individual with whom they are interacting. Employees shall not unnecessarily inconvenience or demean any individual or otherwise act in a manner which brings discredit to the employee or the Police Department. Often allegations involving professionalism range from wearing the improper uniform to failure to follow proper arrest procedure.

DEVOTING ENTIRE TIME TO DUTY: Like most employees in most companies, NOPD officers shall not read, play games, watch television or movies, or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.

NEGLECT OF DUTY : NOPD employees are required to perform certain duties and assume certain responsibilities. A member's failure to properly function in either or both of these areas constitutes a neglect of duty. The most common accusation constituting a neglect of duty is failure to write a police report or failure to investigation a complaint.

COMPLAINT CLASSIFICATIONS

When a citizen or a police officer makes a complaint against an NOPD officer, PIB is charged with classifying that complaint. Once an investigator recommends a classification, IPM makes a determination about its accuracy.

The chart to the right explains all possible classifications.

- DI-1** 1) An alleged violation of a Departmental regulation, order, or procedure, except a violation of a minor nature which can be corrected by simple counseling or minimal intervention by a supervisor; 2) An alleged violation which parallels the same behavior documented in three (3) DI-2 citations, in a 12 month period; 3) an alleged violation which parallels the same behavior documented in three (3) DI-3 investigations, in a 12 month period; and 4) An alleged violation of a criminal law or an alleged involvement in criminal activity.
- DI-2** An alleged violation of Departmental regulation, order, or procedure that is so minor in nature that it can be corrected by simple counseling or minimal intervention by a supervisor.
- DI-3** INFORMAL disciplinary investigations or NIMS: An alleged violation of a Departmental regulation, order, or procedure, minor or otherwise, where the following circumstances apply: 1) Accused employee acted in accordance with a Departmental regulation, order, or procedure; 2) All available means to identify accused employee have been exhausted without success; 3) Adjudication is pending for the complainant's arrest, summons, warrant, or evidence; 4) The complainant requested that a formal disciplinary investigation not be initiated; 5) The complainant requested supervisory intervention/action in lieu of a formal disciplinary investigation.

PUBLIC INTEGRITY BUREAU'S INVESTIGATIVE FINDINGS

When a complaint investigation is conducted, an investigator can recommend a range of findings. NOPD's Operations Manual lists SUSTAINED, NOT SUSTAINED, UNFOUNDED, EXONERATED and DUPLICATE as possible dispositions. Additionally, PIB uses an additional category of NIM, (No Investigation Merited), which usually applies to allegations that involve no policy violation. If an investigator recommends that the allegation be sustained and his signing supervisor agrees, the officer then has a right to a hearing. In that hearing he can have attorney or non-attorney representation. Depending on the seriousness and type of allegation, the hearing officer may be the Chief of Police or his designee; a Bureau Chief; or a Commander. If the hearing officer agrees with the recommended discipline, he may choose from a range of penalties including: termination from service; reduction in pay; demotion, accompanied by a reduction in pay; suspension without pay; or fine.

COMMENDATIONS

Sister Alison McCrary, Mary Howell, Richard Cahn and the Mardi Gras Indians thank Sixth District Commander Robert Bardy for a safe and successful Super Sunday and St. Joseph's Night 2012.



Police District	Allegation
8th	As complainant was exiting an office building, complainant observed an Officer riding an NOPD motorcycle upon the pedestrian sidewalk. Despite the fact that he was riding upon the sidewalk at an extremely high rate of speed, the Officer allegedly used his arm to point and wave people out of his way, as if he had a right of way. The complainant alleges that Officer was rude, and reckless in his operation of a city vehicle.
5th	Complainant was trying to report an assault and battery to Officer. The suspect responsible for the assault had already fled. Thus, there was no immediate danger. Complainant was shaken and wanted a friend to stay with him/her for moral support. The Officer told Complainant he would take her statement only if Complainant was alone. Complainant accuses Officer of rudeness, disrespect and insensitivity.
1st	Complainant alleges multiple incidences of abuse, including a situation where Officers responded but took no action. In one particular incident, Complainant had an argument with his/her significant other - a NOPD Officer. The Officer allegedly drew his/her service weapon and 911 was called. Responding Officers allegedly took no action because of their relationship with the NOPD Officer, the alleged aggressor. Complainant alleges the Officers neglected their duty and engaged in biased policing.
5th	Complainant alleges biased policing. Complainant has had ongoing conflicts with a neighbor and alleges that, on multiple occasions, Officers took the neighbors' side without any evidence and refused to take his/ her complaint of threat and physical assault by complainant's neighbor. S/he further alleges false arrest and excessive force.
6th	Complainant was in a traffic accident and waited over 3 hours for an Officer to respond. As complainant was waiting, s/he was passed by several NOPD Officers, but none offered assistance. Complainant alleges neglect of duty.
7th	Complainant has a problem with his neighbors' dog barking all hours of the day and night. Complainant has had some success working with his district's Community Coordinating Sergeant to resolve the problem. However, the Officer has been unable to address the issue of all night barking and has suggested the complainant file an injunction against his neighbor. Complainant would prefer the Officer address the issue so that s/he can remain anonymous to his/her neighbor. Complainant alleges neglect of duty.
7th	Complainant received a call from her neighbor that the police were in her yard and tearing up her fence. When s/he arrived home, s/he saw damage to her fence and front door. After making several calls to the police and the Mayor's office, complainant was informed the police took a plank from his/her fence because there was a bullet lodged in the plank. No one ever called complainant to receive permission to enter her gate or take her property. Complainant alleges theft and destruction of property.
8th	Due to news reports of a drug distribution suspect being released after producing video tape of NOPD and Gretna PD Officers allegedly taking money from suspects' home, PIB opened an investigation.
7th	Complainant was pulled over for a speeding violation and told that s/he was driving 53 mph in a 40 mph zone. Complainant says that he told the Officer he understood. However, the Officer got angry. Complainant believes the Officer thought complainant said something other than what complainant recalls saying. When Officer wrote the citation, complainant was charged with 55mph in a 40mph zone, which carries a stiffer penalty. The citation also included a charge of Reckless Operation, which can only be assessed when one is going 15-20 mph over the speed limit. Complainant accuses Officer of falsifying a legal statement.

Police District	Allegation
8th	Complainant reports being sexually assaulted. S/he allegedly got improper advice from an officer to wait before filing a police report. Eventually, Complainant went to NOPD where a different officer allegedly told Complainant that photographs of his/her injuries were useless because they were not taken by a medical doctor. The Detective allegedly took his/her complaint but refused to engage in follow-up communication with complainant. Complainant further alleges that the Detective did a poor job investigating the case and improperly charged her alleged attacker with Simple Battery, a misdemeanor. Complainant further alleges that other officers refused to execute a Peace Bond against the alleged attacker, even when shown evidence of further harassment. Complainant accuses officers of deliberate neglect of duty, perhaps due to sexism or due to a misunderstanding of the seriousness of sexual harassment and laws against sexual harassment.
3rd	Complainant alleges ongoing harassment by 3rd district officers because his/her former spouse is dating an NOPD officer. Complainant accuses officers of multiple instances of false arrest.
1st	Complainant filed theft by fraud charges against a former employee for allegedly forging business checks and using the business credit card for personal expenses. Complainant alleges that the Detective had plenty of evidence and, as of 60 days after the initial complaint, had made no arrests. Complainant alleges neglect of duty.
5th	Complainant alleges false arrest and excessive force in the form of beating Complainant while cuffed. S/he further alleges bias by the officers who chose to arrest complainant and complainant's spouse, but not the neighbors with whom Complainant and spouse were arguing.
6th	Complainant observed an officer attempting to move a Mardi Gras Parade crowd back to make room for passing horses. During this attempt, complainant allegedly observed Officer kick an occupied baby stroller and yell expletives at the baby's mother. Complainant alleges excessive force, discourtesy and neglect of duty.
1st	Complainant alleges physical abuse by a co-worker and says that, when s/he attempted to file charges with the 1st district, an officer allegedly stopped taking the complaint because Complainant was accusing an employee of another local law enforcement agency. Complainant alleges neglect of duty and bias.
Internal	Complainant alleges improper procedure in a unit of NOPD Headquarters and complains that s/he received a negative evaluation because s/he refused to cooperate with another employee's improper procedure. Complainant alleges bias and neglect of duty.
5th	Complainant alleges that, when s/he spoke to her neighbor, an NOPD officer, about his/her alleged neglect of his/her mother, the officer began harassing Complainant's child. Complainant further alleges that the accused officer has falsely arrested and planted drugs on Complainant's child. Complainant alleges retaliation, false arrest and evidence tampering.

CRITICAL INCIDENT REVIEWS

Recent federal convictions of New Orleans Police Officers for Excessive Use of Force and Conspiracy are just a few examples of misused police authority. Because our society empowers police to use potentially lethal force in their provision of public safety, we must also ensure that the power of force is used reasonably, wisely and for the express purpose of protecting public safety. The IPM observes all critical incidents. The term "Critical Incident" means: all incidents involving the use of deadly force by an NOPD officer; all uses of force by an NOPD officer resulting in an injury requiring hospitalization; all head strikes with an impact weapon, whether intentional or not; all other uses of force by an

NOPD officer resulting in a death; and all deaths while the arrestee or detainee is in the custodial care of the NOPD . At these scenes, the IPM monitors to insure proper procedure, evidence collection and subsequent investigation. IPM also reviews the investigation files and observes witness and officer interviews regarding the shootings. Police Monitor Susan Hutson and Deputy Police Monitor Simone Levine have rolled out to over 20 shooting scenes since June of 2010. On Page 7 of this newsletter-

ter, you can read summaries of these Critical Incidents and some of the recommendations the Police Monitor has made based on the Police Monitor's and Deputy Police Monitor's observations.



DANZIGER BRIDGE, 2005

SNAPSHOT OF CRITICAL INCIDENTS 1ST QUARTER, 2012

In all cases to which the IPM responds to the scene, we conduct a preliminary assessment as to whether we have any of the following concerns:

- Whether the IPM was promptly notified within an hour of the critical incident taking place. The IPM's prompt notification is critical to our ability to make the scene and view the evidence *in situ* during our briefing.
- Whether the IPM was met at the scene by the ranking officer in charge and given a briefing and walk-through of the scene, prior to evidence being removed for further investigation.
- Whether the scene was properly secured and access limited to only necessary personnel. Was there a perimeter access log in sheet?
- Whether the initial stop/entry was for legal cause or was it consensual?
- Whether the appropriate charges are filed against any suspects.
- Whether a timeline of events is constructed.
- Whether each use of force, whether deadly force or non-lethal force, was appropriate given the total circumstances.
- Whether the officers' tactics were appropriate, given the total circumstances.
- Whether the officer drawing his/her weapon was appropriate given the total circumstances.

Police District	Incident Summary
5th	On January 1, 2012, while on an Aggravated Criminal Damage investigation, a dog charged Officer. The officer shot the dog once, fatally wounding it.
3rd	On January 11, 2012, Command Desk notified the IPM at the time that they were unsure if an OIS had occurred. IPM left to respond to the scene but , while in route, was notified by PIB that there was no OIS.
3rd , 7th	On January 12, 2012, while on a homicide investigation, a suspect fired at several officers. Officers shot the suspects several times, fatally wounding one suspect and injuring two others
2nd	On January 14, 2012, while on a disturbance investigation, a dog charged Officer. Officer shot the dog once, injuring it.
5th	On January 30, 2012, while executing a search warrant, a large male pit bull charged Officer. Officer fired at the dog once, but missed.
6th	On or about February 7, 2012, at approximately 8:50 pm, Officers working a detail conducted a stop on the occupants of a car. Officer A proceeded to walk down an alleyway and into an abandoned house, where Officer A shot one suspect in the arm.
3rd	On March 1, 2012 at 5:30 am, Officers conducted a traffic stop in Mid-City. During the stop Passenger and two of the officers exchanged rounds. Passenger was killed; Driver and two officers were wounded.
5th	On March 1, 2012, at 10:00 am, Officers were executing an outstanding arrest warrant for an armed robbery suspect. While at the house, one of the suspects dogs- a pit bull- charged the officers. Officer fired a shot at the dog but the dog was not injured.
3rd	On March 7, 2012, at 5:30 pm, officers were serving a search warrant to look for narcotics at home in Gentilly. Upon entering a residence, Officers encountered children and young adults. An officer fired one round fatally injuring one of the young adults.



New Orleans Independent Police Monitor

Accountable to the People of New Orleans.
Dedicated to the highest standards in
policing. Committed to safety for all.

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The Police Monitor has three broad responsibilities:

- 1) to ensure that all concerns regarding police misconduct are classified and investigated at the appropriate level and that those investigations are fairly, timely and thoroughly handled. To make information about this review process available to the public.
- 2) to carefully consider aggregate data from complaints, investigations, community concerns and public policy in crafting recommendations aimed toward improving the quality services of the NOPD.
- 3) to reach out to inform the community about the complaint process and IPM activities, and to listen and respond to broader community concerns

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We are on the Web!

