



**Special Report of the Office of the Consent Decree Monitor Reporting The Results Of The  
Monitoring Team's Audit Of The NOPD District-Based Task Forces**

**June 24, 2020**



## I. Preface

In October 2019, the Monitoring Team alerted the New Orleans Police Department (“NOPD”) that we had multiple concerns regarding the Department’s District-based Task Forces,<sup>1</sup> also known as General Assignment units.<sup>2</sup> Our concerns were based on our observations during our many ride-alongs, our extensive reviews of Body Worn Camera (“BWC”) and In-Car (“IC”) Camera videos, and our conversations with officers, supervisors, and Department leaders. Those concerns included apparent policy violations, inefficient and/or ineffective operations, and practices endangering officers and civilians. We informed the Department we were conducting a targeted audit of the Task Forces to determine whether our concerns were warranted or misplaced.

The Monitoring Team previously had raised concerns about the Task Forces with the Department, including following what is now known as the Unity One incident in March 2019,<sup>3</sup> and in connection with the Monitoring Team’s August 2019 proposal that the Department form a Supervision Initiative Working Group to deliberately and holistically focus on a broad range of supervision issues, including Task Force supervision.

Subsequently, on March 25, 2020, the Monitoring Team shared with the Department a summary of our initial audit findings, which identified serious shortcomings in multiple areas relating to Task Force operations, including lack of close and effective supervision, lack of a clear daily

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<sup>1</sup> This Special Report focused on the Task Forces operating within the Department’s eight patrol districts. Because NOPD employs a variety of specialized units, often called Task Forces, we use the term “District-Based Task Forces” to distinguish the Task Forces operating within the District (and, thus, covered by this Special Report) from other Task Forces employed by the Department (not covered by this Special Report). For ease of discussion, we use “Task Force” to refer to District-based Task Forces in this Special Report.

<sup>2</sup> NOPD Operations Manual Chapter 42.3 defines a Task Force as follows: “A task force comprised solely of members of the New Orleans Police Department which are responsible for activities within one police district, even if specialized. Also referred to as General Assignments.” For ease of reference, we will refer only to “Task Forces” in this Special Report.

<sup>3</sup> In March 2019, officers working with the NOPD’s 6th District Task Force engaged in an unauthorized vehicle pursuit that ended tragically in a fiery crash claiming three lives, injuring several others, and destroying the Unity One Beauty Supply, a long-time community institution. Consequently, Superintendent Shaun Ferguson fired four officers and suspended two more for violating the Department’s vehicle pursuit policy and video camera policy. The terminated officers had been members of the NOPD from two to four years. According to NOPD’s public statements, the 6th District Task Force officers had been involved in multiple prior unauthorized vehicle pursuits.



mission, multiple inefficiencies, and poor documentation. We alerted Superintendent Ferguson that these shortcomings not only have led to some Task Force officers violating NOPD policy, but also almost certainly have led to Task Force operations being far less effective and far more dangerous than they should be.

This Special Report sets out the Monitoring Team’s methodology, findings, and recommendations regarding the operations of NOPD’s Task Forces. As the pages that follow will show, the Monitoring Team found many of the shortcomings we identified in October 2019 (and, frankly, some of the shortcomings the DOJ identified in 2011) persist.<sup>4</sup> For example, our audit showed that some Task Force officers

- Stop vehicles with questionable legal basis,
- Engage in unsafe practices,
- Prepare and maintain inadequate records of their activities, and
- Operate with inadequate supervision by sergeants, lieutenants, and captains.

Indeed, even during the preparation of this Special Report in late April 2020, the Monitoring Team alerted NOPD to two new problematic incidents relating to Task Force operations. In one of those incidents, two Task Force officers operating without supervision, executed a high-risk warrant without a plan, without proper uniforms, without vests, and without an appropriate focus on officer or civilian safety. And, apparently, the Task Force officers directed two patrol officers to join them in this high-risk activity without any meaningful operational briefing, putting those two officers at great personal risk as well. Because the matter is under active investigation by the NOPD Force Investigation Team (“FIT”), we are unable to share additional details in this Special Report. Nonetheless, suffice it here to say the incident speaks volumes about the need for meaningful supervision, the need for more active Department leadership, and the culture of the Districts in which the Task Forces operate.

Still more recently, in late May 2020, the *Times Picayune – New Orleans Advocate* reported a troubling story about officers operating as part of an Eight District/Bourbon Street Task Force who may have conspired to “get their stories straight” following the search of an individual on Bourbon

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<sup>4</sup> In the interest of efficiency and cost-effectiveness, the Monitoring Team’s audit focused on seven Task Force units in four NOPD Police Districts – the 2<sup>nd</sup>, the 4<sup>th</sup>, the 6<sup>th</sup>, and the 7<sup>th</sup> – over a randomly-chosen one-week period. Additional details regarding the audit’s scope and methodology are included in the body of this Special Report.



Street.<sup>5</sup> The story suggested broader misconduct by the same group of officers potentially engaging in a pattern of illegal stops and searches. The issues identified in the *Times Picayune* story are under active investigation by the NOPD Public Integrity Bureau (“PIB”) and the Monitoring Team, and it is premature to draw any conclusions at this time. But, if true, the story yet again highlights the culture of NOPD Task Forces and the dangers of insufficient supervision.

The findings in this Special Report – coupled with several instances of poor Task Force supervision not falling within the scope of the Monitoring Team’s audit – make clear the supervision of the Task Forces requires the immediate personal attention of the Superintendent of Police. While the NOPD Professional Standards and Accountability Bureau (“PSAB”) and the PIB obviously have key roles to play in solving the ongoing Task Force concerns, the fact that District Captains have not been held accountable is key. The need for prompt corrective action by the Superintendent cannot be overstated.

For the last 12 months, the Monitoring Team’s primary focus has been on the NOPD’s inability to achieve “close and effective supervision” of its officers generally. We stressed this deficiency at the January 2019 public proceeding at Loyola University, and have continued to make this point to the NOPD over the course of the past 15 months. In August 2019, due to concerns with the rate of progress on the part of the Department in this area, the Monitoring Team pushed for the creation of a high-level NOPD Supervision Initiative Working Group. Led by the Deputy Chief of PSAB, the Working Group put together a thoughtful and practical blueprint to (a) remedy the Department’s supervision shortcomings and (b) bring the Department into compliance with the supervision requirements of the Consent Decree. Several of the Working Group’s recommendations are targeted at Task Force supervision and operations. As of the publication of this Report, however, only a few recommendations of the Working Group have been implemented in any meaningful way.<sup>6</sup>

Another policy that is impeding the NOPD’s progress toward compliance with the supervision elements of the Consent Decree – and that almost certainly contributed to the findings outlined in this Special Report – is Superintendent Ferguson’s decision to promote supervisors based solely on each officer’s performance on a written test. The Supervision Initiative Working Group outlined a well-thought-out approach to promotions based on test scores, performance evaluations, disciplinary history, and a holistic review of each candidate’s professional resume. The

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<sup>5</sup> See, [https://www.nola.com/news/courts/article\\_48cba680-97be-11ea-bf0a-d7edda47a1b1.html](https://www.nola.com/news/courts/article_48cba680-97be-11ea-bf0a-d7edda47a1b1.html).

<sup>6</sup> We recognize the progress of implementing the Working Group’s recommendations has been impeded significantly by the cyberattack, which disrupted NOPD systems, and the current COVID-19 pandemic, which has placed added burdens on members of the Working Group. We have been advised the members of the Working Group have resumed their efforts.



Monitoring Team has been pushing for a more holistic promotions process such as this for years to no avail.

In fact, in December 2019, the Chief Administrative Officer (“CAO”) for the City of New Orleans issued a directive for a more holistic promotion process for the entire City that is consistent with the recommendations of the Working Group. Among other things, the CAO’s policy calls for the creation of an NOPD Promotion Committee to conduct “a holistic review of each applicant’s merit and fitness for promotion to the vacant position, as demonstrated based on the following information: (1) Performance evaluations, (2) Disciplinary history, [and] (3) Job history.”<sup>7</sup>

Notwithstanding the recommendation of the Monitoring Team, the Working Group, and the CAO, the NOPD continues to make promotions decisions *based on test scores alone*. The Department’s failure to adopt a promotions process that employs a holistic review of an officer’s supervisory and leadership skills before putting him or her in a supervisory position is one of several factors that leads to the sort of supervisory failures the Monitoring Team continues to report in our audits and reviews, including the concerns that led to this Special Report.

The Monitoring Team is sensitive to the constraints under which the Department currently is operating. The NOPD obviously has its hands full with the cyber-attack and the COVID-19 pandemic response. But these events further highlight the need for close and effective supervision. One need only look back to Katrina to see how ineffective supervision in the face of an emergency situation can lead to disaster. We continue to be surprised the Department has not made Supervision generally – and the operations of its Task Forces in particular – more of a priority.

As noted above, several of the concerns previously raised with the Department about the Task Forces are being addressed by the Working Group.<sup>8</sup> Even so, before issuing this Special Report, the Monitoring Team requested a concrete response to this Special Report from the Department outlining the Department’s plan to remedy the shortcomings identified. The Department’s response, included in this Special Report as Appendix XI, outlines a thoughtful approach to remedying the shortcomings identified in this Special Report. As an initial matter, upon reviewing the Monitoring Team’s preliminary findings, Superintendent Ferguson “suspended indefinitely all District Task Force Operations,” pending a thorough review by the Department and further discussion with the Monitoring Team, the Department of Justice, and the Court. This obviously was a sensible first step.

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<sup>7</sup> See CAO Policy Memorandum No. 143 (Dec. 12, 2019) at 2 of 4.

<sup>8</sup> The Monitoring Team has participated in several meetings of the Supervision Initiative Working Group and was extremely impressed with the seriousness, thoughtfulness, and sincerity with which the members of the Group went about their work.



The further action items identified in the Department’s response correctly focus on (a) determining whether the Task Forces should be reauthorized, and (b) the enhancements to policies, training, the promotions process, supervision, and accountability if they are reauthorized. The Department has committed to complete its thorough review within the next 60-90 days, and prepare a detailed action plan with clear milestones, due dates, and responsible individuals. If these corrective actions – and those already recommended by the Department’s Supervision Initiative Working Group – are implemented in a meaningful way, proactive police operations like the District-based Task Forces may yet have a role to play in the Department’s future operations. But “meaningful” is the operative phrase. If the Department cannot meaningfully remedy the shortcomings identified in this Special Report, the Department will have no choice but to keep the current Task Force suspension in place until the Department can demonstrate that its “proactive units” will be well managed and well supervised; that they engage in constitutional policing; that they wear appropriate uniforms and safety equipment; and that the unhealthy culture that seems to be developing in some Task Force units has changed.

The only way the Monitoring Team believes the current Task Force culture can change, however, is through a recipe of strong top-level leadership; unquestionably clear messaging; and holding captains, lieutenants, and sergeants accountable for their supervisory failures. Such holistic action not only will mitigate or resolve the concerns raised in this Special Report, but will help the Department fight crime.



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### **III. Authority**

#### ***Consent Decree Section XV (Supervision):***

XV. NOPD and the City agree to ensure that an adequate number of qualified first-line supervisors are deployed in the field to allow supervisors to provide the close and effective supervision necessary for officers to improve and grow professionally; to police actively and effectively; and to identify, correct, and prevent misconduct. . . .

#### ***Consent Decree Paragraph 306:***

306. NOPD supervisors shall be held accountable for providing the close and effective supervision necessary to direct and guide officers. Close and effective supervision requires that supervisors: respond to the scene of certain arrests; review each arrest report; respond to the scene of uses of force as required by this Agreement; investigate each use of force (except those investigated by FIT); review the accuracy and completeness of officers' Daily Activity Reports; respond to each complaint of misconduct; ensure that officers are working actively to engage the community and increase public trust and safety; and provide counseling, redirection, and support to officers as needed, and that supervisors are held accountable for performing each of these duties.

#### ***Consent Decree Paragraph 307:***

307. Within 270 days of the Effective Date, all Field Operations Bureau District officers (including patrol, task force, district investigative, and narcotics units) shall be assigned to a single, consistent, and clearly-defined supervisor.

#### ***Consent Decree Paragraph 308:***

308. Task force and narcotics supervisors shall actually work the same days and hours as the officers they are assigned to supervise absent unusual circumstance or when the supervisor is on vacation, in training, or ill. . . .

#### ***Consent Decree Paragraph 312:***

312. District commanders [now Captains] and platoon lieutenants shall be responsible for the close and effective supervision of officers under their command. All NOPD commanders [now Captains] and platoon lieutenants shall ensure that all subordinates under their direct command comply with NOPD policy, state and federal law, and the requirements of this Agreement.





***Consent Decree Paragraph 327:***

327. Within two years of the Effective Date, NOPD agrees to maintain and operate video cameras and AVL in all marked or unmarked vehicles that are assigned to routine calls for service, task forces, tactical units, prisoner transport, or SOD canine . . . .



#### **IV. Acknowledgements**

The Monitoring Team did not prepare this Special Report alone. We closely coordinated with and received the full cooperation of the NOPD Professional Standards and Accountability Bureau (“PSAB”). Indeed, PSAB took the lead in several aspects of our audit. The Monitoring Team also coordinated closely with the NOPD Professional Integrity Bureau (“PIB”) to which we referred specific incidents requiring further investigation throughout our audit. Finally, we also should recognize the members of the NOPD Supervision Initiative Working Group, who have spent significant time putting together a thoughtful and meaningful blueprint to remedy many of the shortcomings identified in this Special Report and in our supervision findings more generally.



## V. Introduction

### A. Background

On January 25, 2019, U.S. District Judge Susie Morgan held a public proceeding at the Loyola University New Orleans School of Law. At the hearing, the Monitoring Team recognized the many achievements of the NOPD over the course of the Consent Decree.<sup>9</sup> We also formally recommended that several sections of the Consent Decree be recognized as being in “full and effective” compliance status, and designated several other areas as “nearing full and effective compliance.” At the same time, we identified four areas as “not yet nearing full and effective compliance.” “Supervision” was among the four.<sup>10</sup> Since the January hearing, the Monitoring Team has focused a significant portion of its monitoring efforts in this area.

Three months after the Loyola proceeding, on March 20, 2019, three units from the NOPD’s 6<sup>th</sup> District Task Force conducted an unauthorized vehicle pursuit of a potentially stolen vehicle. As has been widely reported in the media,<sup>11</sup> the stolen vehicle was driven by a minor with another minor riding next to him. The driver attempted to evade the Task Force officers by driving at a high rate of speed. The Task Force officers pursued at a high rate of speed (in clear violation of NOPD policy), and the minor’s car tragically crashed into the Unity One Salon, resulting in the deaths of the two minors in the vehicle, the death of a customer having her hair done at the salon, injuries to several others in the salon, and the destruction of the salon itself.

NOPD’s PIB promptly initiated a criminal and administrative investigation, while the Monitoring Team and PSAB initiated a separate and broader review of unauthorized vehicle pursuits. The findings of PIB’s targeted investigation and the Monitoring Team’s/PSAB’s investigation into unauthorized vehicle pursuits called into question the supervision of Task Force units and reinforced the concerns shared by the Monitoring Team at the January Loyola proceeding.

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<sup>9</sup> See

<http://nopdconsent.azurewebsites.net/Media/Default/Documents/Docket%20Items/575%20Monitor's%20Report%20On%20NOPD%20Progress%20Under%20The%20Consent%20Decree.pdf>.

<sup>10</sup> The other areas identified as nearing full and effective compliance were the Academy (Consent Decree Section XII), Misconduct Investigations (Consent Decree Section XVII), and Bias-Free Policing (Consent Decree Section VIII). In December 2019, the Court announced the Academy had moved into “full and effective compliance” status.

<sup>11</sup> See, e.g., [https://www.nola.com/news/crime\\_police/article\\_fad34a18-d34e-5da0-ac17-8cef5471b6cc.html](https://www.nola.com/news/crime_police/article_fad34a18-d34e-5da0-ac17-8cef5471b6cc.html).



Subsequent to March 2019, the Monitoring Team identified still more concerns with the operations of the Task Forces. These concerns resulted from interviews with NOPD officers, supervisors, and command staff; the Team’s review of BWC videos; and conversations with community stakeholders.

Due to the slow pace at which the Department was responding to the Monitoring Team’s concerns regarding supervision generally – and our concerns regarding Task Force operations in particular – the Monitoring Team initiated a targeted audit of NOPD Task Force operations. We alerted Superintendent Ferguson that we would be conducting the audit in 2019, and immediately received the full cooperation of the Department’s PSAB. Our audit looked at Task Force operations from November 2019 through April 2020.

This Special Report sets forth the results of our Task Force audit. As detailed below, our audit identified significant shortcomings in the mission, operation, and supervision of the Task Forces. While these findings are concerning in their own right, they are particularly troubling when we recall that Task Forces specifically were identified by the Department of Justice as one of the issues that led to the imposition of the Consent Decree in the first place. According to the DOJ in its 2011 Findings Letter:

Community members often raised specific concerns over task forces, whose members wear distinctive military-style uniforms and are referred to throughout the City (and colloquially within the police department) as “jump out boys.” One sergeant, assigned to a community relations position, acknowledged that the task forces “are perceived by the community as jump out boys, dirty cops, the ones who are going to be brutal.”

Against this background, the Monitoring Team and Judge Morgan have little tolerance for any activity that suggests the officers assigned to the Task Forces have not embraced wholeheartedly the reforms outlined in the Consent Decree as have the other components of the NOPD.

## **B. Scope of Audit**

The purpose of the Monitoring Team’s audit was to review the activities of the Task Forces to determine whether they:

- Operate in a safe, effective, and constitutional manner;
- Are given clear directions/missions prior to the start of their shifts;
- Adhere to Department policies and procedures;



- Employ appropriate safety protocols taught as part of the Department's training program; and
- Are closely and effectively supervised.

While our audit focused primarily on systemic problems, when we came upon individual situations that raised concerns, we promptly referred those matters to PIB and/or PSAB.

### **C. Data Reviewed**

To conduct the Task Force audit, the Monitoring Team, in conjunction with NOPD's PSAB, reviewed a selected sample of the following materials:

- Daily Activity Reports
- Daily Lineups (i.e., internal reports identifying each Task Force's officer's schedule and assignment)
- Field Interview Cards ("FIC")
- Electronic Police Reports ("EPR")
- Computer Aided Dispatch ("CAD") Reports
- AXON-Evidence.com Body Worn Camera Video Footage
- AXON-Evidence.com In-Car Video Footage (front and backseat)

Additionally, we spoke to officers, former and current Task Force members and supervisors, as well as to Department Command Staff.

### **D. Methodology**

To ensure an efficient and prompt review, the Monitoring Team and PSAB agreed upon a limited sample that would provide a representative cross-section of the Department's Task Forces overall. We selected the following units as the focus of the audit:

- 6<sup>th</sup> District Task Force - A and B Units
- 4<sup>th</sup> District Task Force – A and B Units
- 7<sup>th</sup> District Task Force – A and B Units
- 2<sup>nd</sup> District Task Force – A and B Units



We selected these units primarily because officers from these groups were involved in several of our prior reviews, including our review of the Unity One unauthorized vehicle pursuit. Our review of the units identified above gave the Monitoring Team and PSAB a sample of one-half of the then-deployed Task Forces across the City.

For purposes of efficiency and cost-effectiveness, we selected a one-week review period, November 17-24, 2019. We reviewed all BWC and in-car video footage available for the identified units during that period. We also reviewed available related documentation, including Daily Activity Logs, Daily Lineup Reports, Electronic Police Reports, and Field Interview Cards.<sup>12</sup>

The Monitoring Team employed the following approach to conduct the Task Force audit:

1. We reviewed relevant documents,<sup>13</sup> evaluating detail, accuracy, and completeness with an eye toward looking for errors in reporting, lack of specificity regarding missions, the use of vague language, involvement of supervisors, regard for officer and civilian safety, and time management.
2. We compared the relevant documentation to the corresponding BWC/IC video footage, and noted discrepancies where they existed.
3. We recorded all concerns and used those concerns to drive additional reviews.
4. We used CAD data to confirm field activities when there was a lack of District documentation.<sup>14</sup>
5. Where a report or BWC/IC video footage revealed concerning behavior or activities, we sought out and reviewed additional documentation. For example, if the Monitoring Team had concerns over an arrest incident that involved potential violations of constitutional law or Department policy, we secured a copy of the Arrest Report and reviewed that as well.

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<sup>12</sup> The Monitoring Team was unable to review some documentation as PSAB and/or District personnel could not locate the documents. This, obviously, is troubling, although some of this unavailability may be explainable. The NOPD was the victim of a cyber-attack in December 2019, which shut down most of their computer networks, which impacted the ability of the audit team to gain access to some electronically stored documents.

<sup>13</sup> Over the course of our review, we reviewed 389 videos, 158 Daily Activity Reports, 37 Daily Lineup cards, and 13 FICs.

<sup>14</sup> NOPD's CAD system maintains a record of all dispatched radio calls and communications between field officers and operators within the Orleans Parish Communications District.



6. Apparent misconduct or serious violations of Department policies immediately were brought to the attention of PSAB and/or PIB through an Immediate Action Notification (“IAN”).

To ensure our observations were not mistaken or unintentionally biased, any incidents that appeared to constitute poor practices, non-adherence to policy, and/or misconduct were reviewed by a second member of the Monitoring Team.

The Monitoring Team worked closely with PSAB throughout the audit.



## VI. Audit Findings

The Monitoring Team’s review identified significant shortcomings in the Department’s planning for, management of, and supervision of its Task Forces. The Team’s detailed findings – including identification of specific incidents and officers – have been shared with the Department. In summary fashion, the shortcomings identified included the following:

- Questionable stops and searches by Task Force officers (some already have been referred to PIB by the Monitoring Team).
- Specialized units engaging in unsafe practices such as executing a high-risk search warrant without an appropriate plan and informing Dispatch a scene is “secure” before even speaking to the subject of the stop.
- Lack of close and effective supervision of Task Force officers.
- Insufficient and incomplete supervisor reviews of Task Force daily logs, reports, and other work product.
- Little evidence that Task Force supervisors regularly review BWC footage of Task Force members as required by Department policy.
- Lack of action by lieutenants to identify/correct supervisor oversight by sergeants.
- Lack of action by District captains to identify/correct supervisor oversight by lieutenants.
- Inadequate internal record keeping. (For example, deployment of specialized units did not always match the Daily Activity Reports, and Daily Activity Reports often were unclear, incomplete, or non-existent. Other reports were inaccurate in that they were inconsistent with the BWC video footage.)
- Task Force members often operating without specific and detailed daily missions (highlighted by at least one officer heard on BWC audio calling his friend to ask what he “wants to do today . . .”). (Supervisors sometimes did not clearly identify (or identify at all) daily mission details. Daily Activities Reports often were devoid of any daily mission details.)





- Confusing and inconsistent internal use of “Task Force” and “General Assignments” terminology.
- Significant disparities in the activities of some Task Forces versus others. (Some units were used effectively and had a significant volume of work, while other units were used ineffectively and had little work.)
- Inconsistent advance planning for Task Force missions.
- Changes in the deployment of Task Force officers with no evidence of a cohesive plan and no documentation for decision-making process.
- Poor crime scene management, including inadequate supervision following high-profile events, such as shootings.
- Task Force officers wearing unofficial uniforms.
- Inadequate consideration of the effectiveness of Task Forces by District Captains.
- Inadequate Department consideration of the overall effectiveness of Task Forces generally.
- Inefficient practices, including multiple officers engaged in non-productive activity (e.g., lingering at crime scenes) for unexplained long periods of time; and a lack of supervision to redeploy them to field operations.

Again, the details leading to each of these findings has been shared with NOPD leadership.

Our detailed work papers shared with NOPD leadership included district-by-district findings. The following list illustrates some of these findings. The descriptions have been modified so as not to reveal the names of the involved officers due to ongoing investigations and/or general privacy concerns.<sup>15</sup>

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<sup>15</sup> As has been widely reported in the press, in December 2019, the City New Orleans announced it had been the victim of a massive cyber-attack. Among other things, that cyber-attack caused the loss of a significant volume of the documents and records NOPD maintains in the normal course of its operations, including documents required by the Consent Decree. Where the Monitoring Team was unable to locate documents during our audit, we worked with the Department to determine whether the unavailability was due to the cyber-attack. We did not assign a negative finding for any missing documentation that was due to the cyber-attack.



- ***District 7 Task Force***
  - One or more Task Force officers engaged in questionable stops, searches, or arrests.
  - Available documentation suggests one sergeant responded to only four field incidents during the audit period. Most of his/her documented activities were administrative in nature.
  - One sergeant worked six of seven days during the audit period, but, according to his/her records engaged in almost no supervisory activity during that time.
  - Other supervisors similarly spent significant periods of time with no records of engaging in supervisory activities.<sup>16</sup>
  - Two Task Force officers openly discussed on their BWCs “what we should do today,” strongly suggesting the officers were not given any particular mission or assignment.
  - Multiple documents and videos were incorrectly labeled (or not labeled at all) making supervision difficult.
  - Multiple instances where supervisors failed to notice or correct inadequate documents or incorrectly labeled videos.
  - Many Task Force officers were inefficiently and/or ineffectively deployed calling into question the need for supervision of the Task Force.
- ***6<sup>th</sup> District Task Force***
  - One or more Task Force officers engaged in questionable stops, searches, or arrests.
  - Daily lineups (i.e., the District logs that identify which Task Force officers are working on a given day) often failed to match the corresponding Daily Activity Reports.

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<sup>16</sup> Notably, there generally is only one Task Force sergeant assigned to supervise each Task Force unit. When that sergeant does not provide direct field supervision, no one does.



- No clear daily mission given to Task Force officers
- Inconsistent methodology for submitting Daily Activity Reports (some electronic and some hand written) made supervision more difficult.
- Some Daily Activity Reports contained errors and/or lacked important detail such as no comments for how radio calls were handled, deployment of officers that did not match Daily Lineups, and limited police activities written on report.
- ***4<sup>th</sup> District Task Force***
  - Available documentation suggests that one sergeant responded to no field activities during the audit period.
  - One Task Force shift had no Daily Activity Reports from any supervisor for the entire week, although the Daily Lineups indicated a supervisor was working.
  - One Task Force officer had multiple days of no reported activity listed on his/her activity report.
  - Some Daily Activity Reports revealed significant time spent on patrol activities without any discussion of the results of those activities, rendering it virtually impossible for supervisors and managers to assess the effectiveness of the assignment.
  - Some Daily Activity Reports indicated some officers worked either entire or partial shifts without any BWC recordings.
- ***2<sup>nd</sup> District Task Force***
  - One or more Task Force officers engaged in questionable stops, searches, or arrests.
  - Two sergeants' Daily Activity Reports could not be located.
  - Inconsistent methodology of submitting Daily Activity Reports (some electronic and some hand written) made supervision more difficult.
  - Some Task Force Officers' Daily Activity Reports contained errors and lacked important details.



- Some Task Force officers failed to list BWC videos on their Daily Activities Reports.

While some of the foregoing shortcomings may be cured by the Department without extensive effort, others suggest a more deep-seated cultural problem in the way the Task Forces operate, which almost certainly flows from the way they are managed and supervised. Problems like the ones identified in our audit do not often materialize in an environment of close and effective supervision, clear expectations communicated by leadership, and meaningful, fair, and swift accountability for officers AND their supervisors. These lapses also do not come about in an organization that selects supervisors in a meaningful manner based upon a holistic review of their skills, experience, attitude, and capabilities; and then holds them accountable for their and their subordinates' performance.



## VII. Recommendations

Based upon the findings outlined in this Special Report – coupled with what the Monitoring Team has seen over the course of its ongoing focus on NOPD supervision more generally – the Monitoring Team recommends NOPD thoroughly evaluate whether the Task Forces are the most reasonable and effective way to meet the needs of the community, and whether the Task Forces can and should be reinstated in a manner that is mission-driven, community-focused, and fully compliant with the terms of the Consent Decree. Should the Department conclude the Task Forces should be reinstated, and should the Monitoring Team, the Department of Justice, and the Court agree, the NOPD should take the following additional actions:

- Carefully review the knowledge, skills, and abilities of every Task Force supervisor (as previously recommended by the Department’s Working Group), and reassign those supervisors who are not suited for the complexities and pressures of supervising a Task Force.
- Modify the selection process for Task Force supervisors to ensure a more holistic consideration of each one’s knowledge, skills, and abilities, as well as demonstrated commitment to the reforms outlined in the Consent Decree.
- Provide immediate enhanced training to Task Force officers and supervisors.
- Immediately review and identify gaps or shortcomings in all policies, directives, and SOPs relating to Task Force operations.
- Incorporate new protocols to involve District captains and District lieutenants more directly in the work of their Task Forces, including at the mission-development, planning, execution, and debriefing stages of every deployment.
- Enforce all current policies and directives requiring consistent completion of all required documentation and reports, requiring appropriate supervisor review of the same, and emphasizing the consequences of non-compliance.
- Direct PSAB to increase the scope and frequency of its auditing of Task Force activities.
- Consistent with the recommendations of the Working Group, hold supervisors accountable for the failures of the Task Force members they supervise when those failures are caused or enabled by inadequate supervision.



- Give clear, unambiguous notice to District captains that they will be held accountable for misconduct and shortcomings of their Task Force officers, sergeants, and lieutenants. Ensure the notice makes clear that captains will be reassigned upon evidence that a pattern of errant behavior has occurred without sufficiently prompt and meaningful corrective action having been taken.
- Undertake a meaningful review of the culture of each District to determine whether that culture is contributing to the Findings outlined in this Report. This cultural review should include meaningful interviews with sergeants, lieutenants, and captains, as well as discussions with the Task Force members themselves.

Implementing these recommendations will require a concerted effort on the Department's part. While they will require the involvement of PSAB and PIB, because the Task Forces are based in the Districts and operate under the authority of the District Captains, the Monitoring Team recommends the project be personally led by a Deputy Chief outside those two Bureaus, perhaps by the Deputy Chief over the Department's Field Operations Bureau.

The Department's initial response to this Special Report is incorporated herein.<sup>17</sup> The Monitoring Team requests the Department report on its evaluation of whether the Task Forces are effective and should be reinstated *no later than August 10, 2020*. If the recommendation is to reinstate the Task Forces, the Monitoring Team further requests a comprehensive and detailed action plan setting out the specific steps the Department is taking or will take to implement the recommendations identified in this Special Report, the Department's initial response, and the recommendations of the Supervision Initiative Working Group. This comprehensive action plan shall include the names of individuals responsible for each step and a timeline for each corrective action.

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<sup>17</sup> The Department's response to this Special Report is included at Appendix XI.



## VIII. Conclusion

In its 2011 Findings Letter, the United States Department of Justice noted the following regarding the NOPD Task Forces:

. . . While task forces can play an important role in combating chronic and complex crime problems, we did not observe NOPD to be providing the kind of direction, hands-on supervision, monitoring, and training in problem-solving that task forces require.

. . .

The Monitoring Team's audit of Task Force performance and its ongoing focus on supervision strongly suggest these shortcomings continue.

As Judge Morgan commented at the January 2019 Loyola hearing, the NOPD has made remarkable progress in meeting its obligations under the Consent Decree. The Department's progress in meeting its supervision obligations under the Consent Decree, however, has not kept pace with its other achievements. Our Task Force findings reflect just one manifestation of the Department's supervision shortcomings.

In a March 2020 letter to the Department regarding the Monitoring Team's preliminary Task Force findings, we expressed optimism as to the Department's ability to remedy the identified shortcomings. We noted that

with appropriate, high-level attention to this matter, the Department should be able to remedy most of the identified problems within a matter of weeks. While some of the broader cultural issues may take longer, I'm confident those will be addressed as part of the ongoing Supervision Initiative.

While we continue to see Task Force-related supervision failures, even as we finalize this Special Report, we nonetheless remain firm in our belief that, if the Department wants to remedy the shortcomings identified in this Special Report, it is fully capable of doing so in an effective, efficient, and sustainable manner. The recommendations in this Special Report provide a blueprint for doing just that. Coupled with the thoughtful recommendations of the Department's Supervision Working Group, the Department has what it needs to correct any concerns regarding its Task Forces should the decision be made to reinstate them.



## **IX. Appendices**





## X. Summary of Immediate Action Notices

Whenever the Monitoring Team observed an action that suggested misconduct, a serious mistake, or something that might suggest a pattern of problematic behavior (or a cultural problem within a unit), we immediately brought the matter to the attention of PSAB leadership. When the actions in question were particularly egregious, we also prepared an *Immediate Action Notification* (“IAN”), which we sent to NOPD leadership documenting our concern.

Over the course of our Task Force audit, the Monitoring Team prepared five IANs. Following is a summary of the issues that prompted the IANs.

- Concern regarding a November 2019 residential search warrant executed by a member of the 2D Task Force involving potentially improper tactics, improper searches, failure to Mirandize, misuse of BWC, and lack of close and effective supervision.
- Concern regarding a November 2019 stop by 7D Task Force officers involving potentially pretextual stop, detention, and search, as well as tactical issues and a lack of close and effective supervision.
- Concern regarding a November 2019 stop by 7D Task Force officers involving questionable search, detention, failure to Mirandize, and interview practices.
- Concern regarding a November 2019 stop by 7D Task Force officers with questionable search, pat down, and documentation practices.
- November 2019 narcotics response by 6D Task Force officers involving deactivating a BWC and operational inefficiencies.



**XI.**  
**NOPD Response To Special Report**



**NOPD Response  
to the  
Special Report of the Office of the Consent Decree Monitor  
Reporting the Results of the Monitoring Team's Audit  
of the  
NOPD District-Based Task Forces  
June 19, 2020**

### **INTRODUCTION**

The New Orleans Police Department (NOPD) has made great strides in implementing constitutional policing reforms since the issuance of the Consent Decree in 2012. NOPD has emerged over the last several years as a model police department and has been recognized across the country for its successful and innovative reforms. NOPD has presented at international conferences to hundreds of departments on a variety of landmark NOPD programs. NOPD has published a peer-reviewed 20-page journal article on its innovative data-driven management model. NOPD created a first-in-the-nation police peer intervention model to prevent police misconduct and hosted conferences to help over 30 departments across the nation learn about this essential program. NOPD has provided training and guidance to the largest police agencies in the nation, including departments from New York City, Chicago, San Francisco, Newark, Puerto Rico and Baltimore. Against all odds, NOPD is still emerging as a premier reform agency in the country and remains committed to Constitutional policing. NOPD has demonstrated continuous improvement in constitutional policing according to the Office of the Consent Decree Monitor (OCDM) reports and the objective outcome measures of the Consent Decree.

### **STATEMENT OF FINDINGS**

The NOPD concurs with the findings, conclusions and overall recommendations of the OCDM Special Report on the Results of the Audit of the NOPD District-Based Task Forces. The Department is committed to remedying the problems noted in the Report and to that end, Superintendent Shaun Ferguson suspended indefinitely all District Task Force Unit operations on Monday, May 18, 2020, pending a final decision on the continuation of future District Task Force Unit operations.

### **BRIEF BACKGROUND**

District Task Force Units have been a staple of the NOPD organizational structure. The Units were the principle mechanism District Captains used for proactive policing. Proactive policing is defined simply as police work initiated by law enforcement agencies or officers that is intended to deter crime, reduce disorder, reduce citizens' fear of crime, target street-level crimes (principally narcotics) or remedy other specific concerns in a specific geographic area.

Unlike the specialized Departmental Task Forces like Tactical Intelligence Gathering and Enforcement Response (TIGER) in the Special Operations Division, whose focus is on patterns of armed robberies and shootings city-wide and who work directly with the investigators of those



crimes, the District Task Force Units were not operating under narrowly defined mission statements or operational plans. They relied on more general “field intelligence” from the platoons or District Investigative Unit (DIU) about crime issues and “hot spots” and were self-directed.

#### *Immediate Corrective Actions*

Superintendent Ferguson addressed all District Captains, in person, by video and by email on the general findings of the audit report and expressed his disappointment in the nature of the problems reported. He also addressed the potential negative impact on NOPD’s relationship with the community and the lack of supervision, management and accountability in the chain-of-command. He stressed that all levels of the chain-of-command shall be held accountable for the failures of the members of their Units when those failures are caused or enabled by inadequate supervision.

The Superintendent suspended all District Task Force Units and operations under any name (Task Force, General Assignment, Narcotics, Power Watch, etc.) and reassigned the officers and supervisors to District Platoon shifts. Supervisors at every level were transferred, including the Chief Deputy Superintendent in charge of Field Operations Bureau (FOB), Captains, Lieutenants and sergeants in all Districts.

The newly assigned Deputy Chief of Field Operations, John Thomas, was tasked by the Superintendent to recommend whether District Task Forces shall be kept and how those Units will operate. At a minimum, if reauthorized, they shall be well supervised, be mission-specific, engage in constitutional and bias-free policing, maintain appropriate uniforms, utilize all required safety equipment and apply sound tactics.

#### *Appointing John Thomas to Lead a Thorough Review*

The NOPD has separated all the recommendations in the OCDM Special Report into action items, along with the recommendations. Each action item and recommendation is being targeted for both supervisors and officers with a focus on constitutional policing, adherence to departmental guidelines, bias-free policing and officer/public safety (tactics).

If District Task Force Unit operations are to be resumed, all necessary protective measures will be addressed and codified, including the following areas:

#### **I. Supervision**

In addition to the “general” supervisory requirements for all Unit-level supervisors, the additional requirements for Task Force Unit supervisors include the following:

- A. Task Force supervisors shall make detailed comments on Unit lineups regarding:**
  - 1. assigned mission;
  - 2. assignments of each member;
  - 3. the use of unmarked cars (and why);



4. any deviation (reason and named individual who authorized deviation) for changes to regulation uniform guidelines (*e.g.*, Task Force officers in plainclothes need to have specific permission from Superintendent or Deputy Chief of FOB, cannot expose weapons to public, and cannot display uniform articles that identify them as NOPD officers). The request shall be documented in an interoffice memorandum for uniform deviation and/or Task Force personnel changes.
- B. Task Force supervisors shall critically evaluate the work reflected in the officers' Activity Sheet for the following:
1. productivity relating to the mission assignment;
  2. documentation (EPR, FIC);
  3. required use of Body-Worn Cameras (BWC) and In-Car Cameras (ICC) on events;
  4. "padding" of activity (excessive number of units on scenes that are not actively assisting;
  5. clumping (*i.e.*, units following each other around and unnecessarily participating on same events);
  6. significant blocks of time with no particularized, documented activity;
  7. all working times of individual officers outside of the pre-determined, scheduled working day shall have a notation as to the name of the supervisor who approved and why.
- C. Task Force supervisors shall review BWC and related ICC footage of officers' activity for the same reasons as District platoon supervisors but with a focus on mission-specific activity and tactics. These reviews shall be daily and randomly selected. In addition, supervisors shall review all Use of Force and arrests video recordings.
- D. Task Force supervisors shall actively monitor the radio channels used by their officers and make scenes regardless of whether a request to make a scene is made by a citizen or otherwise. The NOPD recognizes that the key to close and effective supervision is engaged monitoring.
- E. Activity reporting of the Task Force members (and the Unit) shall specifically note those activities and events that are "mission-specific". Activity not noted is considered unrelated or outside of the mission.

The District Investigative Unit (DIU) Commander shall review, date and initial the Task Force supervisor's Activity Sheets and Unit Lineups on a weekly basis to ensure supervision is taking place.



District Captains shall review, date and initial the Task Force supervisor's Activity Sheets and Unit Lineups on a bi-weekly basis after they have been reviewed by the DIU Commander, to ensure that supervision is taking place. Any deficiencies or training issues shall be discussed with DIU Commander and the Captain shall be responsible for corrective actions. Any patterns of deficiency shall be corrected with disciplinary actions.

## **II. Accountability**

The proposed changes outlined herein will not succeed without ongoing management and supervision at all levels. Chapter 11.0.1 – Duties and Responsibilities of District Commanders outlines the accountability of the Captains for Task Force operations. New protocols are being developed that will outline direct involvement of the District Captains and District Lieutenants in the daily work of their Task Forces, including mission development, planning, execution, briefing and de-briefing of operations at every deployment.

The level of direct supervision and management outlined herein will use the Supervisor Feedback Log (SFL) which is an existing database of supervisor notations of officers' positive and negative performance and corrective measures taken. This is in addition to the audit and reviews conducted by Professional Standards and Accountability Bureau (PSAB). Both will ensure that all policies and directives and effective supervision reviews are consistent for all noted deficiencies. This will provide direct feedback and information to the District Captains, Lieutenants and Sergeants that will allow them to monitor officer and supervisor performance and assist in maintaining accountability.

Task Force supervisors will be held accountable for the failures of the members of their Units when those failures are caused or enabled by inadequate supervision. Recurring, egregious, willful or negligent performance of duties will result in the removal of the responsible supervisor(s) at the appropriate level(s).

## **III. Mission**

Task Force Units, if resumed, shall operate under the following guidelines:

- A. Task Force Units shall use evidence-based policing principles.
- B. Missions shall be of fixed duration, not to exceed two weeks, but may be extended by the District Captain after update briefings by the DIU Commander.
- C. The DIU Commander shall identify a specific crime problem, location(s) and times of probable occurrence and brief the Task Force supervisor (DIU briefing sheet).



- D. The Task Force supervisor will then develop the specific working assignments, days and times for the assigned Task Force Unit members (added to briefing sheet).
- E. The DIU Commander shall be updated by the Task Force supervisor and the assigned DIU investigator at least weekly, for the duration of the mission.
- F. The DIU Commander shall identify and assign the DIU investigator working the related cases involved in the identified “crime problem” and assign that investigator to work with the Task Force supervisor and keep him/her updated on related investigations

#### *Additional Corrective Actions*

The Superintendent has determined that no current members of any District Task Force, supervisors or officers, will be automatically retained. If the District Task Forces are to be reauthorized, the new Knowledge, Skills and Abilities (KSA) framework, developed by the Department’s Working Group and Professional Standards and Accountability Bureau (PSAB), will be promulgated, and anyone wishing to be considered will have to apply and be vetted through the new selection process.

Task Force supervisors, District Lieutenants and Captains will be held accountable for the failures of the members of their Units when those failures are caused or enabled by inadequate supervision. Recurring, egregious, willful or negligent performance of duties will result in the removal of the responsible supervisor(s) at the appropriate level(s).

Furthermore, Deputy Chief John Thomas will make the determination of whether to rename the Task Force if the decision is made to reinstate the Unit. Any potential name change would better comport with their duties and reflect community perception. The NOPD understands that name represents character and identity. Therefore, Deputy Thomas will engage in careful consideration regarding whether the Unit is reinstated, and if so, will work to ensure that the name is consistent with assigned duties and representative of a community-oriented approach.

#### **I. Policies**

All existing departmental regulations, policies, Field Operations Bureau (FOB) directives and Standard Operating Procedures (SOP’s) relating to Task Force operations and supervision are under review by NOPD to identify any perceived gaps or changes needed to address the concerns of the OCDM Team report, and measures are being taken to address those concerns. Once completed, all will be submitted to the Department of Justice and OCDM for review prior to being implemented. Specific Chapters, such as Chapter 42.3 – Task Forces and Chapter 43.2 – Covert Surveillance, were rewritten, and the drafts are currently in the NOPD review process. In addition, Field Operations Bureau, Public Integrity Bureau and Professional Standards and Accountability Bureau are developing methods to assess and monitor other specialized units, such as the Tactical Intelligence Gathering and Enforcement Response Unit.



#### **A. Enhance Task Force (Specialty Group) Supervisor Training**

The new training for Task Force supervisors and officers is under development with OCDM and its module for supervisors and officers. This new Task Force Specialty Group training is being developed as part of the Superintendent's vision to identify concrete, practical, and effective solutions that would resolve known supervisor management gaps, enhance constitutional policing and procedural justice, train the Task Force (Specialty Group) with national best practices, and help NOPD achieve the requirements of the Consent Decree regarding close and effective supervision. The Supervision Initiative that was developed with OCDM consists of eight other sections: (1) Supervisor Selection, (2) Supervisor Training, (3) Evaluation of Supervisors, (4) Communication, (5) Accountability, (6) INSIGHT (Early Warning System), (7) Burden Reduction, and (8) a Virtual District. The initiative is directed by a select group of Captains and his or her working groups of Sergeants and Lieutenants, each of whom have set timelines for completion of projects, as well as milestones; and are collaborating with OCDM for technical assistance.

As indicated, the training will consist of Constitutional Policing, which is the foundation for community trust and is based upon policing that upholds the citizens' civil rights. In addition, Bias-Free Policing will be taught as well. This is a critical cornerstone for upholding ethics in law enforcement, and it strengthens public confidence in how police provide services in a nondiscriminatory, fair and equitable manner. Ethical Policing is Courageous (EPIC) is also part of the curriculum. This course was developed by NOPD as a peer-intervention program designed to protect officers' careers, safety, and wellbeing. The program empowers officers to intervene to protect their colleagues and the community. It serves as a prevention to misconduct and avoiding mistakes. NOPD officers collaborated with experts in the fields of peer intervention and active bystandership to create the EPIC program. EPIC also teaches proven methods, rooted in social and behavioral science, to intervene effectively when an officer spots a coworker exhibiting troubling behavior. In addition, EPIC is not a standalone program: it is integrated into policies, practices, training, and accountability measures.

In addition, Safe Tactics will be covered, and supervisors will be trained to conduct Roll Calls, administrative responsibilities and Major Scene/Critical Incident Management. This training will be held quarterly at the training academy and, upon the Superintendent's approval, can begin within 30 to 60 days.

The review of the Knowledge, Skills and Abilities (KSA) transfer selection criteria for Task Force supervisors has been underway for some time and is near completion with input from the Supervision Initiative Captains group. The selection process will involve a greater overall consideration of the applicant's knowledge, skills and abilities. Several areas will be assessed, such as Performance Evaluations, Public Integrity Bureau, as well as the individual's demonstrated commitment to the Department's reforms under the Consent Decree. INSIGHT (Early Warning System) will be utilized also for any history of negative patterns in performance or behavior. This too is part of the several areas within the Superintendent's Supervision Initiative.





These documents are being reviewed by the NOPD Deputy Chiefs with the goal of developing a framework to address all the issues and concerns presented before any District Task Force operations may be reinstated.

This approach includes plans to:

- Address the critical issues with the Task Force;
- Focus on community perception of this unit and the lack of effective management of the officers above the grade of sergeant;
- Improve how the Task Force Units and officers are perceived both internally and externally.

The new Task Force training for supervisors and officers will be submitted to the Monitoring Team and the Department of Justice for review and approval. This along with the standardized documentation requirements about mission, deployments, uniforms, Body-Worn Camera (BWC), In-Car Camera (ICC), close and effective supervision guidelines will provide the framework for the PSAB Innovation Managers.

## **B. Expand Use of PSAB Audit Unit**

The Audit Unit, which is comprised of five civilians, was created to facilitate data-driven management and present the Department with scorecards that access progress over time with regard to components of the Consent Decree. Examples are the Use of Force, Procedural Justice, Bias-Free Policing, and Body Worn Camera (BWC) components, which encompass many other audits. The unit will develop the scope and review methodology for future, monthly audits of all Task Force activities and practices to ensure ongoing compliance with the measures from the OCDM Team Report and the NOPD Response. At present, the PSAB has outlined the following Audit Plan for Task Force Units, if reauthorized, upon review and recommendation from the Deputy Chief Superintendent of Field Operations:

### **1. Stop, Search & Arrest Audit of Task Force Incidents**

This audit evaluates procedural justice, the constitutionality of officer actions, the accuracy and specificity of reports, and professionalism. Within the audit, if a final judicial ruling at any criminal proceeding has determined through a Motion to Suppress or similar filing that the evidence, statement or confession was excluded or suppressed on the grounds of a constitutional violation by an NOPD member, the District Attorney's Office (DA) notifies NOPD, Professional Standards Sections (PSS) along with the district Captains. The Motion to Suppress is documented in INSIGHT, the Early Warning System. If an INSIGHT threshold is met, it shall be assigned to the appropriate supervisor for follow-up in INSIGHT to take corrective actions and will become a part of the members' Performance Evaluations. If PSS determines that this is a training issue or rises to the level of misconduct, it shall be distributed the Public Integrity Bureau for corrective action and/or the Education and Training Division for



In-Service and Recruit training. The sampling, forms, and protocol for this audit have already been meticulously designed by NOPD, OCDM and DOJ.

## **2. Continuity and Comparison Audit**

This audit will ensure unit and officer documentation is complete by comparing Computer-Aided Dispatch (CAD) Unit History to Activity Sheets and BWC videos to Daily Lineups. Auditors will review all CAD activity for the unit numbers of a given Task Force Unit. Auditors will verify that the unit numbers active in CAD are all listed as working on the daily lineup. They will then check each working unit number's unit history to verify it matches the unit's Activity Sheet. They will note any missing events or gaps in activity or time allotments that do not match the activity (*e.g.*, logging one hour to conduct an 18-vehicle check or reporting trip sheet times that are significantly longer than BWC recording times). They will also check to ensure that video exists for each required "Necessary Action Taken" (NAT) or "Report to Follow" (RTF) item listed in CAD for the shift.

## **3. Communication Safety Audit**

This audit is meant to ensure officer safety and to incentivize officers documenting all law enforcement activity in which they engage. Auditors will randomly sample BWC videos of Task Force Unit members. Auditors will determine if the Task Force officers communicate with dispatch prior to initiating the law enforcement action. When exigent circumstances exist which may delay communication, they will look for the Task Force officers to communicate with dispatch as soon as reasonably possible.

## **4. Unnecessary Back-Up Audit**

The PSAB Performance Standards Section (PSS) will review incidents/events for which Task Force units self-assigned or listed in CAD as on-scene but are not the primary unit (per CAD). Auditors will review BWC and ICC video to determine whether the Task Force units were needed on the scene.

## **5. Tactical Review Audit**

PSS will review BWC and ICC video for incidents marked NAT or RTF for proper tactics (based on Education and Training Division tactics training).

## **6. Uniform Audit**

While doing the Unnecessary Back-Up and Tactical Review Audits, PSS will verify that the Task Force officers are properly uniformed. PSS will assess if proper authorization was noted on the Unit Lineup authorizing special clothing for the defined mission.



### **C. Expand Tracking and Review**

The process developed for tracking and reviewing the District Attorney's Office (DA) case-screening refusals, discussed in the expansion of the audit unit section, above, has been augmented. NOPD will use suppression information from the DA or the Courts to help evaluate the constitutionality of Stops, Searches and Arrests. This is to ensure timely review and input by the PSS to determine when issues negatively affecting case acceptance and prosecution are for "officer reasons."

### **D. Review and Enhance Policies**

The proposed changes will not succeed without proper, ongoing management and supervision at all levels. Chapter 11.0.1 – Duties and Responsibilities of District Commanders outlines the accountability of the Captains for Task Force operations. New protocols are being developed that will outline direct involvement of the District Captains and District Lieutenants in the daily work of their respective Task Forces. This will include mission development, planning, execution, briefing and de-briefing of operations at every deployment. This level of direct supervision and management, along with the audit and reviews conducted by PSAB, will ensure that all policies and directives related to timeliness and accuracy are completed. In addition, this will ensure the required documentation and reports, the appropriate and effective supervisory review of those documents and reports; and consistent corrective action for deficiencies is achieved and maintained. Task Force supervisors, Lieutenants and Captains will be held accountable for the failures of the members of their Units when those failures are caused or enabled by inadequate supervision.

### **E. Review and Enhance Field Operations Bureau (FOB) Directives**

NOPD will review all FOB directives relating to Task Force operations if the Units will be reauthorized. This review will include, among other things, directives relating to the standardization of structure of all District Task Force Units, both organizationally and administratively.

Field Operations Bureau (FOB) will maintain responsibility for the type, degree and level of corrective actions for any deficiencies discovered either internally or by PSAB during audits and reviews. FOB will also be responsible for all action items noted herein and by the OCDM Team Report directly dealing with Task Force operations, direct supervision, Unit management and chain-of-command responsibility. At this time, the Chief of Field Operations is determining, if reauthorized, whether future Task Force members shall wear Class A & B uniforms or be allowed to wear the Tactical Duty Uniform (TDU). Guidelines and requirements for the wearing of TDU's will be outlined in either Chapter 42.3 – Task Forces or in an FOB policy directive.

#### ***Make Better Use of INSIGHT and Supervisor Feedback Log***

The City of New Orleans and the NOPD are still recovering from the cyberattack which occurred in December 2019. Though NOPD has many of the capabilities back for normal day-to-day functions, NOPD is still not completely reintegrated with all of its previous accountability and



tracking mechanisms, such as INSIGHT, an Early Warning System, which is scheduled to be online by June 30, 2020 with some of the feeder systems integrated. INSIGHT is a vital management tool for supervisory accountability and oversight for close and effective supervision. This system is a data-driven management tool for identifying police officers' patterns with performance and/or behavior problems. It uses comparative data points to measure actions. If the thresholds are exceeded, an alert is sent to the supervisor as well as to the Captain. This alert prompts the member's chain-of-command to intervene and take corrective action. PSAB has developed some interim measures and continues to perform reviews and audits. There is continued use of the Supervisor Feedback Log, which is another management tool for supervisors to monitor and provide personnel with performance measures. These are used for minor administrative violations and can be used for positive affirmations as well, providing another layer of close and effective supervision. These measures, along with the District Attorney's refusal tracking and audits/reviews, if the Task Force is reinstated, will provide feedback to the Captains, Lieutenants and Sergeants. These will be used to monitor performance issues and aid in accountability. Recurring, egregious, willful or negligent performance of duties will result in the removal of the responsible supervisor(s) at the appropriate level(s).

Currently, PSAB will remain responsible for all operational audits and reviews, policy changes (with input from affected Units) and identification of deficiencies and violations for corrective action by a Task Force member's chain-of-command. The Public Integrity Bureau will remain responsible for the discipline of violations requiring an investigation. In addition, the United States Attorney Criminal Justice Coordination Group will reconvene and, in addition to Municipal Court Judges, the Department is requesting that Criminal Court Judges also be added to the committee to discuss any issues or deficiencies they may have regarding Criminal District Court proceedings.

This is part and parcel to the Supervision Initiative that Superintendent Ferguson has tasked members of the Executive Staff to adapt. Data captured from disciplinary investigations would be used to ensure each supervisor's responsibility regarding their subordinates' misconduct will be measured consistently. The working group checklists to be completed by different level supervisors based on their involvement in the case. Additionally, there are some procedural issues that will be addressed either within the creation through bureau level directive.

Finally, several other areas from the Superintendent's Supervision Initiative are currently in progress. The Superintendent has tasked the Executive Staff to restructure the current supervisor selection process to adhere to the City of New Orleans Chief Administrative Officer's (CAO's) policy. This new process is being further developed and overseen by the Superintendent's Chief of Staff, the Education and Training Division and PSAB. Superintendent Ferguson has made a commitment to utilize the new selection process, being developed, during the next available Lieutenants promotions. It encompasses a robust résumé review, oral interview panels by Deputy Chiefs, disciplinary history as well as performance evaluations. To that end, new evaluations and training were developed with technical assistance from OCDM to give guidelines and directives for proper evaluation during the critical probationary period of a newly promoted supervisor.

NOPD recognizes the importance of the OCDM Team's findings and thanks the Team for the work it has completed and for its findings and recommendations. NOPD will address each finding and will continue its efforts to sustain all reforms both now and beyond the terms of the Consent Decree and any Federal oversight.



## CONCLUSION

Over the next 30 to 60 days, after the Department concludes its review, the Department will analyze and reach a consensus regarding District Task Force Units. A detailed matrix, with milestones, of new procedures, directives, audits and reviews, along with the responsible members will be compiled with the input and review of the OCDM prior to resuming any District Task Force Unit operations.

The NOPD has achieved great accomplishments and made tremendous progress with the structures and systems now in place with the technical assistance of OCDM and DOJ. This has been instrumental for NOPD to institutionalize an organizational culture of reform throughout its operations. As a result, NOPD has positioned itself in leading the national change around increasingly complex areas of present-day policing, whether Use of Force, Ethical Policing is Courageous (EPIC), Education and Training or Crisis Intervention. NOPD will continue to work hard to maintain the trust of the community through its demonstrated commitment to open data, transparency and regular reporting. NOPD recognizes the seriousness of the deficiencies and issues outlined in the Monitoring Teams Report and will apply the same diligence and commitment to correcting the problems in a meaningful way that will **promote long-term, systemic change and improved service to the community we serve.**



## **XII. Glossary**

“ASU” Administrative Services Unit

“AUSA” Assistant United States Attorney

“AVL” Automatic Vehicle Locator

“BWC” Body Worn Cameras

“CAD” Computer Aided Dispatch

“CIT” Crisis Intervention Team

“CCMS” Criminal Case Management System

“CD” Consent Decree

“CIT” Crisis Intervention Team

“CODIS” Combined DNA Index System

“ComStat” Computer Statistics

“COCO” Community Coordinating [sergeants]

“CPI” California Psychological Inventory

“CSC” Civil Service Commission

“CUC” Citizens United for Change

“DA” District Attorney

“DI-1” Disciplinary Investigation Form

“DOJ” Department of Justice

“DV” Domestic Violence

“DVU” Domestic Violence Unit

“ECW” Electronic Control Weapon

“EPIC” Ethical Policing is Courageous (NOPD peer intervention program)

“EWS” Early Warning System



“FBI” Federal Bureau of Investigation  
“FIT” Force Investigation Team  
“FOB” Field Operations Bureau  
“FTO” Field Training Officer  
“IACP” International Association of Chiefs of Police  
“IC” In-Car Camera  
“ICO” Integrity Control Officers  
“IPM” Independent Police Monitor  
“KSA” Knowledge, Skill and Ability  
“LEP” Limited English Proficiency  
“LGBTQ” Lesbian, Gay, Bisexual, Transgender and Queer  
“MMPT” Minnesota Multiphasic Personality Inventory  
“MOU” Memorandum of Understanding  
“NNDDA” National Narcotics Detection Dog Association  
“NOFJC” New Orleans Family Justice Center  
“NOPD” New Orleans Police Department  
“NPCA” National Police Canine Association  
“OCDM” Office of Consent Decree Monitor  
“OIG” Office of Inspector General  
“OPSO” Orleans Parish Sheriff’s Office  
“PIB” Public Integrity Bureau  
“POST” Police Officer Standards Training Counsel  
“PsyQ” Psychological History Questionnaire  
“QOL” Quality of Life [officers]  
“RFP” Request for Proposal



“SA” Sexual Assault

“SART” Sexual Assault Response Team

“SOD” Special Operations Division

“SRC” Survey Research Center

“SUNO” Southern University of New Orleans

“SVS” Special Victims Section

“UNO” University of New Orleans

“USAO” United States Attorney’s Office for the Eastern District of New Orleans

“VAW” Violence Against Women