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# **CRISIS OF CONFIDENCE:**

## **PERSISTENT PROBLEMS WITHIN THE NEW ORLEANS POLICE DEPARTMENT**

*Voices and solutions from communities most  
impacted by violent crime*

October 2006

## **Introduction**

Following the tragic shooting death of five teenage boys on the street corners of Josephine and Daneel in Central City in June 2006, New Orleans residents, community organizations and elected officials alike came together to seek solutions for the crime problem that continues to plague the city. Before Hurricane Katrina devastated New Orleans, crime levels were on the incline, with the nation's highest murder rate in the summer of 2005.<sup>1</sup> Now, more than a year following, the rate of crime remains the same. Residents of the city, while contending with the massive task of rebuilding their lives, homes and livelihoods, must also contend with a public safety system that is not effective at keeping them safe. As before the Hurricane, the people who are most likely to be victimized by crime are those who reside in neighborhoods with the least resources – predominantly communities of color, and predominantly poor and working class.

In contributing to a solution for a safer city for all New Orleans residents, Safe Streets/Strong Communities launched a community survey following the tragic June shooting, targeted at the populations that are most likely to be victimized by crime. The aim was to assess how these community members articulated their vision of public safety, as well as to assess the state of community-police relations. With research consistently demonstrating that strong community-police relations are essential to ensuring public safety, Safe Streets began with the conception that a fundamental step in ensuring a safer New Orleans was assessing how communities who are most likely to experience crime were also experiencing the police. While the findings of this survey reveal a crisis in community-police relations, they also point to some solutions for immediate reform. The recommendations that come out of this report are intended to be a positive solution to a crisis that has roots long before Hurricane Katrina – but one whose resolution is critical to the rebuilding of a “new” New Orleans. Safe Streets/Strong Communities offers these recommendations as a means to build a city that guarantees safe streets and strong communities for everyone, regardless of race or economic status.

## **Background: Reform and Retrenchment in the New Orleans Police Department**

To better understand the results of the community survey on policing, one must start with an historical knowledge of the history of the relationship between the New Orleans Police Department and the residents of New Orleans. In the 1980s and early 1990s, the city of New Orleans was notorious for both the high levels of crime that plagued the city, and the widespread corruption that plagued the NOPD. Accounts of the brutality of individual officers and the systemic corruption that permeated the force were public knowledge, drawing the attention of the Federal government to the city of New Orleans. Following a series of high profile cases in which NOPD officers were responsible for the

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<sup>1</sup> Adam Nossiter, *New Orleans Crime Swept Away, with Most of the People*, NY Times, November 10, 2005 at A1.

violent deaths of several city residents, a program of reform was launched to restore legitimacy to the New Orleans Police Department, repair its tattered relationship to the people of New Orleans, and ensure real public safety. Richard J. Pennington was brought in as Police Chief to oversee these reforms, and from the fall of 1994 to the end of his contract in the spring of 2002, he implemented a range of reform measures that were widely praised and substantially credited with dramatic drops in crime rates throughout the city.<sup>2</sup> Some of the most notable of these reform efforts were:

- Created Community Oriented Policing Squad (COPS), with substations in the public housing projects.
- Abolished Internal Affairs Division and established a Public Integrity Division located at an independent site, away from police headquarters to make citizens feel more comfortable about filing complaints.
- Encouraged discretion and responsibility among officers with an emphasis on community level problem solving, not just arrests.
- Cracked down on corruption, in cooperation with the FBI. Arrested over 100 officers, fired over 100 more, and suspended over 600 officers. 180 officers resigned while under investigation.
- Increased pay substantially to reduce need for corruption prone moonlighting as private security.
- Set up programs with all local accredited colleges to allow NOPD members to finish their college educations.

Unfortunately, following Pennington's tenure as Police Chief, it appears that many of these reforms have been rolled back, particularly those related to corruption. Reports from the New Orleans Police Foundation<sup>3</sup>, the Metropolitan Crime Commission<sup>4</sup> and the Police-Civilian Task Review Force<sup>5</sup> released between December of 2002 and August of 2005 point to serious problems within the police department. These include high turn over rates of officers due to inadequate pay, inconsistent promotions, low morale and lack of training. The reports indicate problems with poor report writing, lack of coordination with the District Attorney's office, excessive use of force, civil rights violations, and insufficient internal oversight mechanisms. The result of these problems was an increase in crime rates, a decline in public safety, and deteriorating relations within the larger community.

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<sup>2</sup> Ruth Asher, "History of the New Orleans Police Department," NOPDonline, <http://www.nopdonline.com/history.htm>; also archived on New Orleans Police Department website, <https://secure.cityofno.com/portal.aspx?portal=50&tabid=9>  
National Crime Prevention Council, "Comprehensive Community Wide Strategy: New Orleans, Louisiana," NCPC website, <http://www.new-orleans.la.us/home/reports/policeCivilianTaskForce>, "Draft Report of the Police-Civilian Review Task Force," July, 2002, originally located at [http://www.new-orleans.la.us/home/reports/policeCivilianTaskForce/5\\_working\\_draft.pdf](http://www.new-orleans.la.us/home/reports/policeCivilianTaskForce/5_working_draft.pdf)

Peter Ross Range, "Fighting Crime and Corruption in New Orleans," *Blueprint Magazine*, Sept. 1, 2000. <http://www.piponline.org/ndol/print.cfm?contentid=2155>

<sup>3</sup> <http://www.nopf.org/index.html>

<sup>4</sup> [http://www.metrorimeno.org/2Perf\\_of\\_the\\_NO\\_Criminal\\_Justice\\_System\\_2003-20041.pdf](http://www.metrorimeno.org/2Perf_of_the_NO_Criminal_Justice_System_2003-20041.pdf)

<sup>5</sup> Report of the Police-Civilian Review Task Force, Police-Civilian Review Task Force appointed by Mayor Marc H. Morial, Submitted December, 2002.

When Hurricane Katrina devastated the city, the New Orleans Police Department faced a crisis like no other department in the nation had faced. While some members of the department weathered the storm, the department's leadership and many of its district command were not able to withstand the weight of the pressure.<sup>6</sup> After Police Superintendent Eddie Compass resigned under sharp criticism for his performance during the hurricane, Superintendent Warren Riley took over the monumental task of rebuilding the New Orleans Police Department, amidst the continued reconstruction of the city.<sup>7</sup>

Now, more than a year after the storm and well into his tenure, Police Superintendent Riley has both the challenge and the opportunity of ensuring that the police force becomes one that can bridge a better relationship with the people of New Orleans, the first task in ensuring real public safety. Emerging from the scandals that have plagued the police force in recent months – from the brutal beating of 64 year old former schoolteacher Robert Davis<sup>8</sup> to the shooting death of Anthony Hayes<sup>9</sup>, and the more recent firing of an officer for stealing money from a Latino immigrant revealed after years of complaints in an undercover sting operation<sup>10</sup> - comes the clear need for another reform process for the NOPD. An in depth analysis of community-police relations is a fundamental starting point for this process.

### **Community Survey on Policing: Our Methodology**

Our survey of over 500 people was conducted in the neighborhoods that, over the last year in New Orleans, have been subjected to the highest rates of violent crime – Holly Grove, Irish Channel, Central City, Algiers and the Treme.<sup>11</sup> While survey respondents also came from Bywater/Marigny, the Central Business District, New Orleans East, and Lakeview, our intention was to concentrate on the areas that were reporting the highest rates of crime, many of which were also those most densely populated following the storm. Surveys were conducted by volunteers on foot, who distributed them through both doorknocking and in public spaces, and in partnership with community organizations, shelters, and churches, which disseminated surveys to their memberships. The demographics of the survey respondents are comparable to the demographics of the neighborhoods reporting the highest rates of crime. 52.2% of survey respondents were male, 80.6% were black /African-American, 13% were white / Caucasian and 1.4% were other (either Asian or Latino)<sup>12</sup>. The age range was across a broad spectrum, with the oldest survey respondent being 72 years old, and the youngest, age 10.

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<sup>6</sup> Eric Lipton, Christopher Drew, Scott Shane and David Rohde, *Breakdowns Marked Path from Hurricane to Anarchy*, NY Times, Sept. 11, 2005, at A29.

<sup>7</sup> Michael Perlstein and Trymaine Lee, *The Good and the Bad*, the Times-Picayune, Dec. 18, 2005, at 1.

<sup>8</sup> Michael Perlstein, *Two N.O. Cops Fired After Beating; Bourbon Street Arrest Caught on Videotape*, The Times-Picayune, Dec. 22, 2005, at 1.

<sup>9</sup> *New Orleans Police Defend Shooting*, Agence France-Presse English Wire, December 28, 2005.

<sup>10</sup> *NOPD Officer Busted for Armed Robbery*, The Times-Picayune, Oct. 6, 2006.

<sup>11</sup> New Orleans Police Department website, [www.new-orleans.la.us/cnoweb.nopd/index.html](http://www.new-orleans.la.us/cnoweb.nopd/index.html), October 21, 2006.

<sup>12</sup> The number of Asian and Latino survey respondents was so small as to be statistically insignificant in terms of drawing conclusions. However, this is not to imply that these community members are not victims of crime nor that they do not have encounters with the police that merit reporting. In the neighborhoods that were focused on for this survey, and the organizations that were able to disseminate the surveys to their

## **Community-Police Relations: Survey Findings**

The most notable survey findings, outlined in greater detail below, are:

- Two-thirds of respondents stated being afraid that they or their loved one will be harmed by the police.
- 72% of those who had been stopped by the police reported being victimized by the officers, ranging from being subject to antagonizing and provoking language to planting evidence, stealing property, conducting strip searches in public, and causing physical harm.
- More than half of all residents surveyed reported that they themselves had been harassed by the police at least once, with 71% of black men saying that they have experienced police harassment firsthand.
- Two-thirds of survey respondents reported that they worried that police would harass them for legally gathering in public places, and 44% who held this fear said that they have changed their dress, hair style, or activities to avoid such harassment.
- Two-thirds of respondents rated the NOPD's ability to improve public safety "poor" or "very poor" with only 11% reporting that NOPD's ability to improve public safety was "good" or "very good".
- People do not report crime to the police because they don't feel that the police will protect them.

Question by question, our survey findings expressed that:

**Across racial lines, the New Orleans Police Department is perceived to have a poor ability to improve public safety.**

64% of all respondents viewed the NOPD's ability to improve public safety as "poor" or "very poor", with only 11% stating that the police were "good" or "very good" at improving public safety.

The lowest ratings were given to the NOPD by black survey respondents, who across gender lines responded that only 9% viewed the police as "good" or "very good" at improving public safety. 15% of white women reported the same, while only 34% of white men thought that the NOPD was effective at improving public safety.

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constituents, the Latino and Asian populations were underrepresented. We hope that a future assessment can be done that will more fully reflect both the experiences of these communities with law enforcement, as well as their solutions for public safety in New Orleans. We also acknowledge that, although a larger sampling, the number of white survey participants was also too small to fully reflect how white New Orleans residents feel about police-community relations. We drew out racial distinctions when there was evidence of a significant disparity between black and white respondents, in an effort to share information. This survey is intended to reveal how residents of neighborhoods most impacted by crime experience the police, not to draw full conclusions on the nature of police-community relations across racial lines.

**While more than two-thirds of New Orleans residents were fearful that the New Orleans Police Department would harm themselves or a loved one, there was a wide racial discrepancy in how deeply this fear was felt.**

71% of black survey respondents expressed fear that the New Orleans Police Department would harm themselves or a loved one. 49% of white survey respondents expressed this same fear.

**The overwhelming majority of respondents had been stopped at some point by the police. Of all the people who had been stopped by NOPD, 72% of them reported some form of harassment.**

Male respondents overall reported being stopped far more frequently than female respondents, with 91% of black men and 81% of white men answering that they had been stopped at least once by the police. Across racial lines, people reported being subjected to comparable levels of humiliating and degrading behavior, vulgar language, and physical harm. However, black respondents reported higher rates of police corruption. 21% of all black respondents who had been stopped reported being robbed of their property or money, as compared to 11% of whites. 47% of blacks reported being falsely charged, as compared to 30% of white respondents. 14% of people – four of them women – reported that they had been strip searched in public.

**Black men reported the highest frequency in their harassment by the New Orleans Police Department.**

71% of black male respondents reported being harassed by the police, with 31% listing it as a daily occurrence. While 31% of white men, and 21% of white women, reported that they had been harassed by NOPD, none listed harassment as a daily occurrence. The majority of white respondents who answered yes to this question – 67% - listed harassment as occurring annually.

**For all survey respondents, the fear that they would be profiled and stopped by police for their style of dress, hair or for legally gathering on a particular street corner or location was significant enough that a large portion had altered their behavior.**

Two-thirds of all respondents, or 66%, reported the fear that their style of dress, hair, or location would attract police attention. 44% of that group had altered their behavior because of that fear.

**Across racial lines, the New Orleans Police Department is viewed as unprofessional, with the state of community-police relations described as poor or very poor.**

Only 13% of all respondents called the New Orleans Police Department professional, with people across lines of race and gender giving them low marks for professionalism.

Blacks were particularly likely to list the police as unprofessional, with 69% of black respondents calling them unprofessional and 39% of white respondents listing the same.

73% of all respondents called the relationship between the New Orleans Police Department and the community “poor” or “very poor”, and only 8% of all respondents listed it as a “good” or “very good” relationship. In write in answers, respondents were able to give more detail to their perceptions of the police, with general comments ranging from those that clarified the distinctions between individual officers (i.e.: “some professional, some unprofessional”, “depends”, “some good, some not”, and “50/50”) to those that expressed negative perceptions of the police department as a whole (i.e.: “as bad as the criminals”, “under educated and under trained”, “racist”, “dirty”, and “dangerous”).

**The negative state of community-police relations is a major factor in why many people do not report crimes to the police.**

Most respondents listed fear as the main reason that people do not report crime to the police – fear of the corruption of the police force itself (“the police are often involved in criminal activity”), the fear that they would be treated disrespectfully (“treat them like criminals themselves”), and the fear that the police were not able to adequately protect community members from retaliation (“the police won’t protect you”, “the police don’t know how to make me safe”, “corrupt cops are a last resort and are incompetent”).

**Respondents expressed strong feelings about what would improve public safety in New Orleans, with the overwhelming majority listing a better education system and better opportunities for youth as priority solutions in building a safer city.**

A better education system and more opportunities for youth received the most responses from survey participants as likely to improve public safety, with 78% and 76% of them listing those, respectively, as solutions. More police received the lowest level of responses, with only 37% of New Orleans residents in high-crime neighborhoods listing that as a viable means to improve safety within their communities.

70% of survey respondents said that there had been no improvement in public safety since the arrival of the National Guard and the institution of the juvenile curfew. When asked what the \$500,000 a week spent on the National Guard should go towards, write in answers included “bringing my people home”, “investment in public education”, “levees” and “housing”.<sup>13</sup>

**Despite the overall perception that the New Orleans Police Department was unprofessional, almost all survey respondents felt that a professional police force was very important to the city.**

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<sup>13</sup> Although not appearing enough times to merit inclusion in the report, we found it noteworthy that the ten year old survey respondent said that funding for the National Guard should go towards “swimming pools and parks”.

87% of all respondents said that a professional police force was very important to improving public safety, and 96% stated that elected officials should be held accountable for ensuring good community-police relations.

### **Conclusion**

The results of the Safe Streets/Strong Community survey reveal a police force perceived by residents of New Orleans as corrupt, ineffective, unprofessional and unable to keep the city safe. They also reveal a startling level of fear from the neighborhoods most victimized by crime that the police themselves will cause harm to a loved one. It is essential that any effort to increase public safety for the people of New Orleans begin with addressing this reality. A safer New Orleans starts with ensuring a police force that is professional, fair, and that the community can trust. Although these results may not reflect the state of public safety and community-police relations as a whole, we can safely say that amongst those most likely to need to call the police, the situation is grim. There are concrete steps that the city can take to build a department that creates safe streets and strong communities for everyone, regardless of race or economic status.

### **Recommendations**

Our recommendations are based in the belief that a professional Police Department must adhere to the following principles:

- 1) Prioritize public safety by focusing on crime prevention strategies;
- 2) Utilize effective responses to crime based on best practices with proven track records;
- 3) Be accountable to the community it serves;
- 4) Contribute to building healthy communities by partnering with those communities to develop solutions to crime and violence; and
- 5) Actively eliminate corruption, misconduct, and abuse.

While the initial challenges seem great, we believe that the following recommendations will, if implemented, result in a reformed department, one that is both effective at addressing crime and which has a cooperative relationship with the community. Based on existing reports and literature that have previously offered sound solutions that remain unimplemented, along with best known practices, we recommend the following:

- I. Fund the Office of the Independent Monitor in the 2007 City Budget, to be implemented by March 2007**
- II. Stop police harassment by implementing the best practice of demographics based data collection**
- III. Fully implement the citation policy for minor traffic violations and misdemeanors**

## **I. Fund the Office of the Independent Monitor in the 2007 City Budget, to be implemented by March 2007**

An Independent Monitor was formally recommended by the Police-Civilian Review task force in December of 2002 after a great deal of investigation and research into the oversight model most appropriate for the citizens of New Orleans.<sup>14</sup> This research led the Task Force to conclude that “oversight and accountability of NOPD is assured by having an educated and informed citizenry with access to important and critical data about the Department’s operations and with an opportunity to review and comment upon this information in a public setting...Therefore, the Police-Civilian Review Task Force recommends that the most important, top priority to insure citizen oversight and departmental accountability is the establishment of an Independent Monitor.”<sup>15</sup> Despite the fact that in April 2006 the New Orleans City Council passed a resolution calling for the OIM, the fact that Police Superintendent Riley has stated his support of its inception, and Mayor Nagin’s campaign promise that he too would support it, an Independent Monitor has yet to be established.

Many leading experts in police accountability recognize that real accountability of a police department must combine internal and external controls.<sup>16</sup> Thus, in addition to on going improvements of the Public Integrity Bureau, we recommend, in accordance with the Task Force recommendations of 2002, the establishment of an office of the Independent Monitor with broad investigative authority including the power to subpoena that; a) reviews policies, procedures, complaint patterns, and quality of complaint investigations; and b) makes regular reports to elected officials, NOPD and the public.

We believe this would create the impetus and the focus for correcting problems while empowering citizens with the information necessary to effect change. An Independent Monitor’s report would increase the ability of citizens and the NOPD to identify, address, and correct problems, thereby improving the department and building citizen confidence and support. An Independent Monitor would provide external review and analysis, in cooperation and consultation with internal monitoring by the department itself. It would also build citizen confidence and support for what is being done right. This type of “evaluative and performance-based model” has been used in other communities with beneficial results for the respective police departments and communities served.<sup>17</sup>

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<sup>14</sup> Report of the Police-Civilian Review Task Force, submitted by the Police-Civilian Review Taskforce, December, 2002.

<sup>15</sup> Id at 6.

<sup>16</sup> *The Edge of the Knife*, Paul Chevigny, see also *Review of National Police Oversight Models*, Police Assessment Resource Center, February 2002.

<sup>17</sup> Effective models include: Los Angeles County, CA; Boise, Idaho; Portland, Oregon; Omaha, NE; and Seattle, WA. *Review of National Police Oversight Models for the Eugene Police Commission*, Police Assessment Resource Center, February 2005 available at <http://www.parc.info/pubs/pdf/PARC%20Eugene%20Police%20Commission%20Report.pdf>.

The Independent Monitor would make quarterly reports to the Mayor, City Council and Police Superintendent which are simultaneously released to the press and public. The Independent Monitor would have broad investigative authority including the power to subpoena. The Independent Monitor would review and analyze the numbers and types of complaints being made by citizens, the quality of investigations conducted by PIB, adequacy of data collection and analysis, resource and staffing needs of PIB, and policies and procedures; conduct risk management reviews of policies and of lawsuits, review the operations and effectiveness of NOPD's "early warning system" (PPEP); look at specific issues regarding supervision, training, and discipline; conduct pattern analysis; and review potential problem areas such as handcuff injuries, racial profiling in pedestrian/vehicle stops, effectiveness and use of integrity checks, etc., as the need arises. The Independent Monitor would address citizen satisfaction issues and recognize and reinforce positive policy, procedures and cultural changes within the department. The Monitor would not independently investigate individual citizen complaints but would review investigations conducted by PIB. S/he would not be involved in criminal investigations.

In order to facilitate public comment and to allow NOPD response, it is recommended that the reports of the Independent Monitor be placed on the City Council Agenda within two weeks of release for full discussion and review by citizens (and press), the Police Department and elected officials.

According to Police Reform experts, independence is a key factor in the success of a Monitor.<sup>18</sup> Maintaining the Monitor's independence while ensuring the resources and access necessary for the Monitor to perform his/her duties depends on both institutional safeguards and on the Monitor's ability to navigate those tensions. The importance of the Independent Monitor's qualifications, abilities, and character make the selection – and the selection process – critical to an Independent Monitor's success.

We recommend that an Independent Monitor be retained by contract rather than through the establishment of a civil service position. A three-year contract would help ensure continuity while safeguarding against complacency or inadequate review and should require just cause for termination. The Monitor would be paid for by the City of New Orleans (not from NOPD's budget) and would report to the city council. It is recommended that the Independent Monitor be an attorney in order to assure complete access to necessary departmental data without being subject to compelled disclosure of confidential or privileged information. It is essential that the Independent Monitor be a person of high integrity with a reputation for fairness and effectiveness.

## **II. Stop police harassment by implementing the best practice of demographics based data collection.**

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<sup>18</sup>Sue Quinn, *Varieties of Civilian Oversight: Similarities, Differences, and Expectations*, National Association for Civilian Oversight of Law Enforcement, December 2004, at [http://www.nacole.org/ModelsCivOversight\\_1204.pdf](http://www.nacole.org/ModelsCivOversight_1204.pdf).

Reports of police misconduct and harassment are high, throughout the most heavily policed neighborhoods of New Orleans. In order to prevent racially biased policing, the New Orleans Police Department must collect and report demographic data, including race, on stops and arrests. Additionally, the New Orleans Police Department must stop all forms of racial profiling, brutality, and misconduct, particularly in the following forms: the practice of arresting people on charges of trespassing when they are in public space; the practice of arresting people on charge of public drunkenness when they are neither a danger to themselves nor the public; the practice of using excessive force during arrest; and the practice of criminalizing gathering in public spaces.

### **III. Fully implement the citation policy for minor traffic violations and misdemeanors**

Superintendent Riley must issue and enforce a policy of citing or issuing summonses for minor traffic and misdemeanor offenses instead of arrests, which will improve community relations while saving jail space and tax payer dollars. These citations should be regardless of previous arrest history. NOPD should respect and trust the courts to take into account previous convictions or failures to appear.