

Office of Inspector General

City of New Orleans

Inspection of the New Orleans Police Department Field Interview Data Reported from January to June of 2011

**Technical Assistance Provided to the
Independent Police Monitor Division
of the
Office of Inspector General**

**E. R. Quatrevaux
Inspector General**

Final Report

March 12, 2013

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



ED QUATREVAUX
INSPECTOR GENERAL

October 26, 2012

Re: **Inspection of the New Orleans Police Department Field Interview Data reported from January to June of 2011: Technical Assistance Provided to the Independent Police Monitor Division of the Office of the Inspector General**

I certify that the inspector general personnel assigned to this project are free of personal or other external impairments to independence.

A blue ink handwritten signature, appearing to read 'E.R. Quatrevaux', is written in a cursive style.

E.R. Quatrevaux
Inspector General

*INSPECTION OF THE NEW ORLEANS POLICE DEPARTMENT FIELD
INTERVIEW DATA REPORTED FROM JANUARY TO JUNE 2011*

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EXECUTIVE SUMMARY

The purpose of the New Orleans Police Department's (NOPD) field interview program is to collect and analyze information to monitor, prevent, and investigate criminal activity. Officers are permitted to stop, question, and collect personal identifying information from citizens when they have "reasonable suspicion" that criminal activity is taking place.¹ However, many citizens are concerned that some officers could use this authority to target and harass certain segments of the population. Data show that police officers in a number of cities disproportionately stop and frisk members of a particular minority racial group, and more than 60% of United States citizens believe biased policing occurs.² Police departments can address concerns about the program's fairness and legality by collecting reliable data, analyzing the data using well-designed methodologies, and monitoring and reporting the results in an open and transparent process.

The Inspections & Evaluations Division of the City of New Orleans Office of Inspector General (OIG) conducted an inspection of the NOPD's field interview data (information obtained during NOPD officer stops of suspicious persons, also known as "stops and frisks") reported from January to June 2011 at the request of the Independent Police Monitor Division of the OIG. The overall objective of the current inspection was to determine whether or not NOPD officers were compliant with legal requirements to stop individuals only when there was reasonable suspicion to do so, and determine whether, when conducting stops and frisks, NOPD appeared to apply the constitutional standard of reasonable suspicion equally to all persons, regardless of their age, gender, or race.

Inspectors examined the NOPD field interview data, but were unable to conduct planned statistical analyses due to flaws in the department's method of field interview data collection and reporting. NOPD officers were required to complete a field interview card (FIC) for every stop of a suspicious person, then submit the information to the department's FIC database. However, the data as collected made our planned statistical analysis impossible: officers did not complete FICs in full and information about subjects and actions taken against subjects were aggregated onto one FIC card (for up to three subjects) for one stop, making it impossible to reconcile identifying information with stop outcomes.

We then planned to review the Communications District Central-Aided Dispatch (CAD) database, which maintains a record of all officer-citizen interactions, to determine whether all suspicious person stops reported to CAD that resulted in a field interview were also reported to the NOPD FIC database, as required by departmental policy. However, there was no disposition category in CAD that indicated whether or not an FIC was completed for a stop. We learned from NOPD that there is no standard for reporting events to CAD across agencies, and changing the categories would be an arduous process for the Communications District. This made

¹ New Orleans Police Department Operations Manual, Chapter 41.30.

² COPS, *How to correctly collect and analyze racial profiling data*, 2002. Report available from COPS office (800-421-6770) or at <http://www.cops.usdoj.gov/files/RIC/Publications/e06064106.pdf>.

verification of corresponding suspicious person cases with FICs across the two databases impossible.

The NOPD has implemented a field interview (or stop and frisk) program as a way of identifying potential criminals for investigatory purposes; however, the department has not completed the steps to ensure its data collection practices are valid and useful for analysis. If done appropriately, field interview data collection and independent analysis can increase the transparency of NOPD operations and communicate to the public that the department is committed to best practices in its effort to reduce crime. At this time, however, there is no way to determine whether or not the NOPD field interview program is being conducted in compliance with constitutional requirements and without evidence of age, gender, or racial profiling, because the data are insufficient.

I. OBJECTIVES, SCOPE, AND METHODOLOGY

At the request of the Independent Police Monitor, the Inspections and Evaluations Division of the New Orleans Office of Inspector General (OIG) provided technical assistance in analyzing and interpreting field interview (or stop and frisk) data provided by the New Orleans Police Department (NOPD).^{3,4} For the project, Inspectors examined field interview data reported for the period from January 1, 2011 through June 30, 2011.⁵

Inspectors analyzed field interview data in order to determine (1) whether NOPD officers were compliant with legal requirements to stop individuals only when there was reasonable suspicion to do so, and (2) whether, when conducting stops and frisks, NOPD appeared to apply the constitutional standard of reasonable suspicion equally to all persons, regardless of age, gender, and race. The scope of the inspection included interviews with NOPD officers; a review of literature regarding stops and frisks; and identification and completion of statistical analyses, including multivariate techniques, to identify stop and frisk patterns and practices of NOPD.

Our objectives were to:

1. Conduct comprehensive background research to identify generally accepted methods of statistical analysis for police stop and frisk data;
2. Review the field interview card (FIC) and Central-Aided Dispatch (CAD) data provided by the NOPD to determine which of the identified statistical analyses would be appropriate, given the unique practices of the department;
3. Conduct the appropriate analyses, including advanced multivariate statistical modeling, to describe the NOPD's stop and frisk practices during the six months of data examined;
4. Discuss the implications and limitations of the completed data analysis;
5. Provide the NOPD with recommendations to improve the collection and analysis of data obtained during stops and frisks.

However, inspectors were forced to forgo planned analyses due to the discovery of fundamental flaws with the NOPD's method of collecting and reporting field interview data. The following report describes the problems identified and provides recommendations to help the NOPD establish more credible field interview data collection practices. Only after the NOPD makes the recommended changes will independent analysis of the field interview data be possible.

³ This inspection was conducted in accordance with the "Quality Standards for Inspections, Evaluations, and Reviews by Offices of Inspector General," *Principles and Standards for Offices of Inspector General*, Association of Inspectors General (2004).

⁴ The NOPD Operations Manual (Chapter: 41.30, Field Interviews/Stop and Frisk) uses the term "field interview" interchangeably with the term "stop and frisk" to refer to officer stops of a person whom the officer reasonably suspects has engaged, is engaging, or will engage in criminal activity. For the purposes of this report, we refer to cases submitted to the Field Interview Database (FIC) as field interviews despite our inability to determine whether or not each case actually resulted from the officer's reasonable suspicion of criminal activity (see Finding 3).

⁵ The NOPD provided FIC data to the Office of Independent Police Monitor Division of the New Orleans Office of Inspector General (OIPM) in the fall of 2011.

II. INTRODUCTION

OIPM staff and inspectors conducted several in-person and telephone interviews with various staff members from NOPD to gain an understanding of the police department’s use of field interview cards and its stop and frisk (i.e. field interview) program, as implemented from January 1, 2011 through June 30, 2011. The NOPD Operations Manual stated that officers shall only conduct a field interview (and thus complete a Field Interview Card, or FIC) with pedestrians or drivers reasonably suspected of criminal activity.⁶ The FIC is a digital form, saved to each officer’s computer, used to collect and report information about the stop, including situational information, officer and subject information, and information about actions taken by the officer during the stop (Figure 1).⁷ In the past, officers completed the FIC by hand; currently, NOPD officers type the information into a handheld computer and immediately submit the form electronically to the department’s FIC (or field interview) database.

Figure 1
Field Interview Card (FIC) Stop Information Reported by NOPD⁸

Situational Information	<ul style="list-style-type: none"> • Item Number (which corresponds to the citation issued or arrest, and links to dispatch information)⁹ • Stop Type (calls for service, citizen contact, criminal violation, flagged down, juvenile violation, present at crime scene, suspect person, suspect vehicle, traffic violation, and other) 	<ul style="list-style-type: none"> • Field Identification Number • Time • Location • Police District • Police Zone (area within district)
Officer Information	<ul style="list-style-type: none"> • Primary and Secondary Officer Names • Assignment Unit 	<ul style="list-style-type: none"> • Badge Number • Car Number
Subject Information	<ul style="list-style-type: none"> • Subject Number • Descriptive (race, sex, height/weight, eye/hair color, and unique markings) • Nickname • Address 	<ul style="list-style-type: none"> • Name • Date of Birth • Photo ID (yes/no) • Driver’s License Information • Social Security Number
Actions Taken (by the Officer)	<ul style="list-style-type: none"> • Stop Result (arrest, citation issued, verbal warning, and no action) • Action Taken Against (driver or passenger) • Search (yes/no) • Search Type (vehicle, pat down) 	<ul style="list-style-type: none"> • Legal Basis for Search (consent, warrant, probable cause, inventory, incident to arrest, plain view) • Evidence Seized (yes/no) • Evidence Type (weapons, drugs, other)

⁶ New Orleans Police Department Operations Manual, Chapter 41.30.

⁷ The FIC template consists mostly of drop-down boxes, each with a list of options. For example, when indicating the stop type, the officer has a list of ten options to choose from, and only one option may be selected. There is no space provided for officers to elaborate on the reason for the stop; the only space provided for additional narrative information corresponds to subject data.

⁸ The NOPD also keeps data from vehicle stops on the year, make, model, license plate number, style, color, Vehicle Identification Number, and “damage characteristics.” The NOPD does not have a policy on recording information from bicycle stops, but some officers who have stopped bicyclists included a description of the bicycle in the “damage characteristics” field of the FIC.

⁹ The item number is assigned by central dispatch. NOPD began including this item number with each reported FIC in May 2011. Theoretically, the number of suspicious person stops with an FIC completed in CAD should reflect the number of FICs submitted to the NOPD FIC database.

According to NOPD staff, the FIC database is used to store information obtained during field interviews, including personal information about the persons stopped. All officers have the authority to search the FIC database, but the NOPD informed us that the database is intended to be used by investigators to identify crime patterns in the City and potential suspects or persons of interest in areas where crime has occurred.

In addition to the FIC database, the department officers also report to a Central-Aided Dispatch (CAD) database, which is maintained by the Communications District central dispatch. Citizen calls to 911 for police service and officer-initiated stops reported to dispatch are recorded in CAD. The NOPD records all reported incidents and officer-citizen interactions (not just stops of suspicious persons) in the CAD database, providing a summary of police activity at any given time. The data for each incident reported to CAD include general information about the interaction, and if a stop occurred, it also includes reason for the stop, item number, officer information, and outcome of the stop (Figure 2).

Figure 2
Central-Aided Dispatch (CAD) Information Reported by NOPD

Situational Information	<ul style="list-style-type: none"> • Event Number • Stop Type • Priority • Address • Location of Stop by Map Coordinates • Item Number (also submitted to FIC database) 	<ul style="list-style-type: none"> • Disposition of Stop (outcome of stop, e.g., necessary action taken) • Incident Number • Modifying Circumstances • CAD Identification Number • Time
Officer Information	<ul style="list-style-type: none"> • Primary Unit (or NOPD car responsible for the stop) 	<ul style="list-style-type: none"> • Beat

A quick comparison of the data reported to the FIC database (Figure 1) and the data reported to CAD (Figure 2) shows the FIC information to be more explicit: while CAD maintains general information about all officer-citizen interactions, the FIC includes more detailed information, including personal information about the subject and specific actions taken by the officer.

Because an FIC is typically completed for stops of suspicious persons, most suspicious person stops in CAD should have a corresponding FIC.¹⁰ As a result, detailed information about every suspicious person stop reported to CAD for which an FIC was completed should be accessible via the FIC database. Until recently, there was no way to access specific subject and action-taken information about a suspicious person incident in CAD; no number or other identifier linked corresponding entries in both systems. This changed in May 2011 when the NOPD began requiring officers to report item numbers, assigned to cases by central dispatch, with FIC submissions. Reporting CAD item numbers with FIC submissions made it possible to cross check a single stop in both databases; however, there was no stop disposition category in CAD that specified whether or not an FIC was completed for the event.

¹⁰ Some suspicious person events reported to CAD do not result in an FIC being completed, such as when an officer responds to a suspicious person call and finds no subject present or no evidence of suspicious behavior.

PLANNED ANALYSIS OF FIELD INTERVIEW CARD (FIC) DATA

The IPM requested assistance with the analysis of the NOPD's field interview data from January 1, 2011, through June 30, 2011. The IPM had already requested the FIC and CAD data, which the NOPD provided across a series of Microsoft Excel spreadsheets; the information included the variables outlined in Tables 1 and 2. The IPM objective was to determine: (1) whether or not NOPD officers appeared to be stopping people without having reasonable suspicion to do so, and (2) whether or not the department appeared to unreasonably target certain groups of people according to age, gender, or race, when conducting field interviews.

The IPM wanted to determine the proportion of field interviews within each police district by stop type and race of the subject. The IPM was also interested in describing the actions taken by officers during reported field interviews, such as the legal justification for any searches conducted and the outcome of each stop. Beyond these primary objectives, the IPM requested that we identify and conduct additional statistical analyses that might provide further insight into NOPD's current stop and frisk practices. A literature review identified generally accepted methods of analyzing stops and frisks, suggesting that the field interview data should be analyzed by one of two methods: comparison to valid benchmark groups or multivariate techniques, such as multiple regression analyses.¹¹

One way of analyzing stop and frisk data is to compare the sample of persons stopped to the population from which they were obtained, based on the assumption that the demographic breakdowns in the population should also appear in the sample of actual stops. For example, if the population is 10% minority and 90% non-minority, then the expected stop rate for minorities and non-minorities would be 10% and 90%, respectively. Identifying an appropriate benchmark group, however, is inherently difficult, and if benchmark groups are not comparable, any conclusions from the resulting analysis may be misleading.

In lieu of an appropriate benchmark comparison, analysts may also use multivariate statistical techniques (such as multiple regression analyses) to fit a theoretical model of prediction to the available stop and frisk data. Multiple regressions are methods of statistical modeling that describe the relationship between a set of predictor variables and an outcome (or outcomes) of interest.

¹¹ Jeffrey Fagan, Report submitted to U.S. District Court, Southern District of New York in *Floyd v. City of New York*, 813 F.Supp.2d 417 (S.D. N.Y., 2011), available from the Center for Constitutional Rights, <http://www.ccrjustice.org/floyd>; David A. Harris, "The reality of racial disparity in criminal justice: The significance of data collection," *Law and Contemporary Problems* 66 (Summer 2003): 71-98; Community Oriented Policing Services (COPS), "A suggested approach to analyzing racial profiling," (2002), <http://www.cops.usdoj.gov/Publications/e03180002.pdf>; COPS, "How to correctly collect and analyze racial profiling data," (2002), <http://www.cops.usdoj.gov/files/RIC/Publications/e06064106.pdf>.

A number of factors influence an officer's decision to conduct a field interview, in addition to numerous factors that influence an officer's actions once the stop has been initiated; these are considered the "predictor" variables. They include: the officer's own beliefs and biases, shaped by his or her personal experiences and training; the context of the stop, including the time of year, time of day, location, and the number and type of crimes that typically occur in the area; and characteristics of the subject, such as behavior and appearance.

Regression analysis of field interview data examines the impact that these predictor variables have on outcome variables of interest, such as whether a search was conducted, a citation was issued, or an arrest was made.¹² For example, researchers could examine how stop type, police district, and subject variables of race, age, and gender appear to influence the outcome of field interviews within each police district. Regression analyses may also be used to predict new outcome values, given the right set of predictor variables.

¹² Ideally, data for all hypothesized predictor variables would be easily acquired for analysis; however, social science researchers are often faced with the challenge of measuring complex constructs that are not easily assessed. For example, police officer perception is not an observable construct, but a well thought out assessment tool may be designed to approximate it. One way to assess officer perception prior to initiating a field interview is to have the officer articulate the reason for conducting the stop. This justification reflects the factors perceived by the officer to warrant a field interview and such qualitative information may be used in data analysis.

III. INSPECTION OF NOPD FIELD INTERVIEW DATA

Quality data analysis depends on appropriate research design and methodology, good data collection, and a knowledgeable data analyst. Police departments interested in collecting data about their stop and frisk practices should first consider the reasons for doing so and develop suitable methodologies to achieve their objectives. Collecting data about every intervening stop and frisk factor is unrealistic; the emphasis should be on collecting data of high quality based on the objectives of the program. Efforts should be directed to obtaining useful information related to the department's articulated plan and taking into account the unique circumstances of the department and the City.^{13,14}

We inspected the data to determine if we could identify useful predictor and outcome variables for multiple regression analyses. Predictor variables we identified for our purposes included situational information, such as the location of the stop; the subject characteristics immediately visible to the officer (race, gender, and age); and the stop type (or reason for the stop), as identified by the officer. We also identified meaningful outcome information likely influenced by our identified predictors. These were NOPD's action-taken variables, such as stop result (no action, warning, citation, or arrest). There were specifically two types of outcome data amenable to two types of multiple regression analysis. Stop-result data (arrest, citation, warning, and no action) were ordinal and amenable to ordinal logistic regression, and search data were nominal bivariate data and amenable to binary logistic regression.¹⁵ However, we encountered difficulties as we began to organize the data for analysis and were unable to perform our planned analyses.

¹³ The NOPD provided FIC data for 43,118 subjects across 36,898 FIC events. Situational and subject data appeared comprehensive and essentially complete: only 1% of the cases were missing (or had impossible) information, such as field interviews with persons reported to be 0 or 100 years old. We also noted that the NOPD had correctly identified and collected information about many important factors related to stop and frisk practices.

¹⁴ The NOPD reported that the field interview data collection was not designed with any particular analyses in mind; therefore, the data collected was limited in its usability. The department should develop a plan that begins with questions about their stop and frisk program to inform the selection of the variables of interest.

¹⁵ There are four types of numerical data: (1) nominal, (2) ordinal, (3) interval, and (4) ratio. Statistical analysis depends on the type of numerical data. Numbers that are nominal are categorical labels; there is no quantitative difference between groups. For example, when categorizing males versus females during statistical analysis, one might classify males with the number "1" and females with the number "2". Numbers that are ordinal reflect meaningful order. For example, the outcome of a criminal stop can be arrest, citation, warning, or no action (labeled 0 to 4, consecutively). These labels are not just categorical; they reflect a decreasing order from most to least severe outcome. Interval data reflects a scale on which differences between groups reflect meaning numerically, but there is no true zero value (e.g. temperature, because the difference between 80 and 90 degrees is numerically the same as the difference between 20 and 30 degrees, but a value of 0 degrees does not reflect an absence of temperature); and ratio data has the same properties of interval data, with a true zero value (e.g. height, because height of 0 is equal to the absence of height). The only potential outcome data included with the NOPD stop and frisk data were nominal (e.g. search versus no search) and ordinal (stop outcome). As a result, we planned a series of ordinal logistic regression analyses to accommodate the ordinal stop outcome data and a series of binomial regression analyses to accommodate the nominal variables with only two outcomes.

FINDING 1. The NOPD handbook instructed officers to complete one FIC for up to three subjects per stop, instead of completing a separate FIC for each person, which made it impossible to determine against which subjects certain actions were taken during stops of multiple persons.

The FIC template was formatted to include information for up to three subjects stopped together. If more than three subjects were stopped, then the officer was required to use a second FIC form for up to three additional subjects, and so on. Figure 3 shows an actual example of how the NOPD organized the action-taken data. The example displays a fictitious FIC number for an actual event involving the stop of more than one person. The “Action Taken” legend to the right of the table is the coding system used by NOPD. The Action Type ID indicates the action taken for the particular event.¹⁶ For this example, at least one citation was issued, at least one arrest was made, at least one search occurred, and weapons and “other” evidence were obtained due to the search.

Figure 3: Multiple-Person Action Taken Data Report

FIC Event Number	Action Taken
FIC1235	1
FIC1235	3
FIC1235	4
FIC1235	5
FIC1235	6
FIC1235	8
FIC1235	10
FIC1235	11
FIC1235	14
FIC1235	18
FIC1235	21
FIC1235	23

Action TypeID	Description	
1	Citation issued	Stop Result
2	Verbal warning	
3	Arrest made	
4	Driver	Subject
5	Passenger	
6	Yes	Search
7	No	
8	Vehicle	Search Type
9	Pat-down	
10	Driver	Subject
11	Passenger(s)	
12	Consent	Legal Basis
13	Warrant	
14	Probable cause	
15	Inventory	
16	Incident to arrest	
17	Plain view	
18	Yes	Evidence
19	No	
21	Weapon(s)	Evidence Type
22	Drugs	
23	Other	
24	No action taken	

¹⁶ Note that “no action taken” is a sublevel of the first category “stop result.”

There are several problems with collecting and reporting action-taken data this way.

- The action-taken data do not indicate the number of people involved.
- It is impossible to know who was cited (or arrested, searched, etc.). Based on the data, there were actions taken against the driver and the passenger (or multiple passengers), but there is no way to determine which actions were taken against whom.
- It is impossible to know the subject characteristics of these individuals; the subject information (saved separately) did not indicate if the subject was the driver or a passenger.
- The “driver” and “passenger” delineations assume that all stops are vehicular; we were unable to determine how subjects were identified during pedestrian and bicycle stops.
- The NOPD’s method for organizing the action-taken data without separating the categories for different action types made analysis of even single-person stops impossible without laborious reorganization of the data.

Designing the FIC to collect information about multiple subjects involved in one stop negates the usefulness of collecting action-taken data. This practice made it impossible to reconcile, and therefore analyze, the subject information with the action-taken data for stops of more than one person. For action-taken data to have analytical value it must be saved according to subject; the information for each person stopped should be reported on a separate FIC. As information was collected and reported during the period examined, we were unable to determine what actually transpired during a stop of multiple persons, forcing us to remove all multiple-person stops from the planned regression analyses.

FINDING 2. NOPD OFFICERS DID NOT SPECIFY WHETHER OR NOT A SEARCH OCCURRED FOR NEARLY HALF OF THE FICs SUBMITTED, PRECLUDING ANY ANALYSIS OF RELATED VARIABLES.

For FIC data reported during May and June 2011, we itemized all of the reported one-person field interviews by FIC event number then merged the action-taken data with the subject and situational data by matching the corresponding FIC number.¹⁷ We were interested in the predictive influence of subject race, subject gender, subject age, district, and stop type on the action-taken variables of stop result, search, search type, legal basis for search, evidence obtained, and evidence type. We were also interested in determining the effectiveness of the department’s field interview program by examining the “hit rate” (or the rate at which criminal

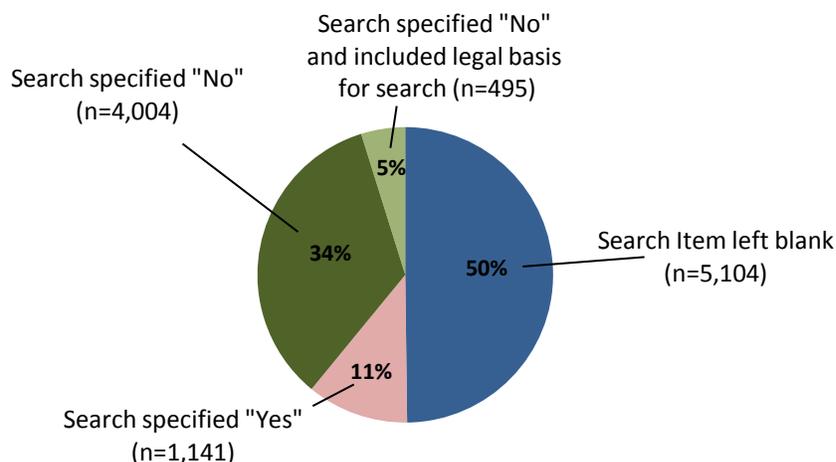
¹⁷ Refer to Finding 1 for an explanation as to why we limited our analysis to single-person stops.

activity is assumed to be suppressed, as evidenced by how often a field interview leads to an arrest or the confiscation of weapons or contraband after a search).¹⁸

However, the data provided by the NOPD regarding searches were incomplete and often contradictory. First, we found that only half of the 10,249 reported one-person field interviews included information about whether or not a search occurred (Figure 4). The FIC template required the officer to specify whether a search did or did not occur by purposefully selecting “yes” or “no” to the search item question on the FIC; there is no situation in which the field should be left blank. In our sample, however, officers failed to indicate whether or not a search occurred for half of the reported stops.

Second, for 12% of the FICs in which the officer indicated that a search did not occur (“no”), a justification for a search (i.e. legal basis) was recorded, suggesting that a search did occur. Specifically, the NOPD reported that no searches occurred for 4,004 of the field interviews, while at the same time reported a legal basis for a search (probable, consent, or warrant) in 495 of those interviews.

Figure 4: NOPD Search Specification for all Reported FICs (N=10,249) in May and June 2011



Ultimately, we were unable to rely on the search-related action-taken data; half of the reported FICs lacked a specification for search, and 5% of the FICs with “no” search specified included a legal basis for a search (Figure 4). Because more than half (55%) of the reported FICs were missing or contained unreliable information, we abandoned the planned analyses involving these data.

¹⁸ Fagan, Report submitted to U.S. District Court; Harris, “The reality of racial disparity in criminal justice.”

FINDING 3. NOPD OFFICERS WERE NOT REQUIRED TO ARTICULATE THE EXPLICIT REASON FOR INITIATING A STOP REPORTED TO THE FIC DATABASE.

To determine whether or not NOPD officers were compliant with legal requirements to stop individuals only when there was reasonable suspicion to do so, the IPM requested that we analyze officer-articulated reasons for the stops.¹⁹ Instead, officers indicated the reason for the stop by selecting one of ten choices from a drop-down box for stop type on the FIC template. The ten categories were as follows:

- Traffic Violation -- stop due to a traffic violation;
- Suspect Person -- stop due to the officer's observation of a suspicious person;
- Call for Service -- stop due to a call from dispatch to an officer;
- Citizen Contact -- stop due to the chance meeting of an officer and a citizen;
- Criminal Violation -- stop due to the officer's observation of a crime as it occurs;
- Suspect Vehicle -- stop due to the officer's observation of a suspicious vehicle;
- Flagged Down -- stop due to a citizen seeking out the assistance of an officer;
- Juvenile Violation -- stop due to the officer's observation of a crime by a juvenile;
- Present at Crime Scene -- stop due to a person being present at a crime scene; and
- Other -- stop due to unspecified reasons not covered by one of the other categories.

NOPD staff provided definitions of each stop type, as indicated in the previous list. Some of these definitions seemed redundant and others were unclear.²⁰ For example, we had difficulty differentiating a stop due to a "citizen contact" from a stop due to an officer being "flagged down" by a citizen, as defined by the NOPD; we were also unsure of the categorical difference between "present at crime scene" and "suspicious person," as well as the difference between a "suspicious vehicle" and a "traffic violation" as defined above.

Ambiguous terminology posed problems during data analysis. First, without a clear definition of the categories, officers may categorize incidents inconsistently, rendering useless an analysis of data by stop type. Second, presenting officers with a list of stop-type categories relieves them of their responsibility to articulate explicitly the reason for initiating a stop.

¹⁹ The NOPD Operations Manual states that an officer may "stop an individual for the purpose of conducting a field interview only when reasonable suspicion is present." Further, "the officer must be able to articulate specific facts ... [that] reasonably warrant a stop." However, the FIC provides no space for the officer to do so (NOPD Operations Manual, Chap. 41:30, Field Interviews/Stop and Frisk).

²⁰ Six percent of the field interviews reported from January through June of 2011 reported the stop type "other," indicating that officers could not label the stop type according to the predetermined categories. The presence of an "other" category for stop type effectively presented officers with a catch-all option. This eliminated the need for officers to explicitly describe the reason for a stop that did not fall into one of the other categories.

If the NOPD had required officers to “articulate specific facts” used in justifying stops, in addition to selecting a stop type category, the following would have been possible:

- We could have reviewed the narratives and identified the field interviews justified by explicitly articulated suspicious behaviors. This would have made it possible to determine whether or not NOPD officers appeared to be stopping people based on reasonable suspicion.
- We could have removed all stops not due to reasonable suspicion, leaving only the valid field interviews for analysis.

However, because NOPD relied on the ten stop-type categories, we were unable to determine which stops actually resulted from suspicious behavior versus some other reason (e.g. observed minor traffic violation). Although NOPD reportedly only completes FICs for suspicious person stops, some of the stop-type categories indicated the possibility that FICs are also completed for other reasons. It would have been inappropriate to conduct an analysis of suspicious person stops with data that erroneously included non-suspicious stops.

FINDING 4. NOPD OFFICERS CANNOT SPECIFY TO CENTRAL-AIDED DISPATCH (CAD) THAT AN FIC HAS BEEN COMPLETED DURING A SUSPICIOUS PERSON STOP, MAKING IT IMPOSSIBLE TO VERIFY THROUGH CAD THAT ALL FICs COMPLETED WERE ALSO SUBMITTED TO THE NOPD FIC DATABASE.

All 911 calls are received by the Communications District Central Dispatch and all reported incidents are recorded in the Computer-Aided Dispatch (CAD) database. The CAD database is a summary of all reported incidents and officer-citizen interactions that occur, some of which are suspicious person events that require the completion of an FIC. The number of suspicious person stops in CAD in which the officer completed an FIC should be equal to the number of FICs reported during the same time period.

According to NOPD, as of May 2011, officers began submitting the CAD item number with the field interview data to the FIC database, enabling direct correspondence between the FIC and CAD databases. We inspected the CAD data for May and June 2011 to determine whether all suspicious person stops reported to CAD that resulted in a field interview were also reported to the NOPD FIC database, as required by departmental policy; however, there was no disposition category in CAD that indicated whether or not an FIC was completed for a stop. The stop disposition types “Necessary Action Taken” and “Report to Follow” are not specific enough to determine the exact outcome of the events reported to CAD.

Figure 5: CAD Disposition Categories used by NOPD Officers

Duplicate
Gone on Arrival
Municipal Necessary Action Taken
Necessary Action Taken 1 Citation
Necessary Action Taken 2 Citations
Necessary Action Taken
Report to Follow
Truancy Necessary Action Taken
Unfounded
Void

As seen in Figure 5, there were ten disposition categories from which NOPD officers selected one to describe the outcome of the stop or event. The categories of “Necessary Action Taken” are a catch-all for any type of action taken by the officer, including the actions represented by the other categories. For example, a suspicious person reported to CAD may be gone by the time an officer appears on the scene. In such a case, the officer should select the event disposition “Gone on Arrival” to indicate the absence of the suspicious person for whom the call was made. However, according to NOPD officials, there are times when the officer in such a situation will select “Necessary Action Taken” to indicate that he took appropriate action by visiting the scene. “Necessary Action Taken” and “Report to Follow” are both too broad in description to yield any useful information about the event of interest.

IV. CONCLUSION AND RECOMMENDATIONS

The policing strategy of stops and frisks is controversial: the practice supports community policing and can improve police productivity, but is vulnerable to abuse. Data show that police officers in a number of cities disproportionately stop and frisk members of a particular minority racial group, and more than 60% of United States citizens believe biased policing occurs.²¹ Because the public is sensitive to the practice of stops and frisks, police departments must ensure their use of the tactic is above reproach. Good data design and collection, confirmed with relevant and meaningful advanced statistical analysis, is a first step in achieving that goal.

There is no one-size-fits-all answer as to the kinds of data that should be collected, and what works for one police department may be less helpful for another. Police departments must dedicate time and resources to the design phase of their stops and frisks data collection. Each department must carefully consider its own objectives and the characteristics of the city it serves as part of the development of an adequate data collection strategy. Absent this deliberation, a data collection program is meaningless.

The NOPD should develop valid data collection methodologies that yield useful and relevant information amenable to independent analysis. In the absence of solid empirical evidence, there is no way to determine if the NOPD is conducting legally justified stops in an unbiased manner. In addition, good data, analyzed independently by professionals, should increase accountability and lead to improved community-police relations. The NOPD can begin to improve its field interview data collection by implementing the following recommendations.

RECOMMENDATION 1. THE FIC SHOULD BE REDESIGNED TO BE COMPLETED FOR ONE SUBJECT ONLY TO PROMPT NOPD OFFICERS TO COMPLETE A SEPARATE FIC FOR EACH PERSON STOPPED, CAPTURING SUBJECT AND ACTION-TAKEN INFORMATION TOGETHER. (ADDRESSES FINDING 1)

Officers currently complete one FIC per stop, even when it involves multiple persons, which makes it impossible to conduct any descriptive or predictive analyses involving subject and action-taken data for stops of two or more people. A separate FIC should be completed for each person stopped to ensure that every action taken against a subject is reported with the subject's identifying information. Collecting action-taken data by subject will enable data analysts to conduct predictive statistical tests, such as multiple regression analyses, for one- and multiple-person stops.

²¹ COPS, "How to correctly collect and analyze racial profiling data"; Ronald Weitzer, Steven A. Tuch, Perceptions of racial profiling: Race, class, and personal experience, *Criminology*, 40 (2), 435-456 (May 2002).

RECOMMENDATION 2. WHEN CONDUCTING A FIELD INTERVIEW, NOPD OFFICERS SHOULD COMPLETE THE FIC IN FULL, INCLUDING ITEMS THAT REQUIRE OFFICERS TO SPECIFY “YES” OR “NO” TO AN ACTION TAKEN (E.G. SEARCH VERSUS NO SEARCH); ALL INCOMPLETE FICS SHOULD BE RETURNED TO THE SUBMITTING OFFICER FOR REVIEW. (ADDRESSES FINDING 2)

NOPD Supervisors should be responsible for the completeness of the FICs. They should review officer submissions of FIC information to ensure the information pertains to an actual field interview and check that every field is completed. For example, the search field has two options: yes, a search occurred; and no, a search did not occur. Officers must select yes or no, instead of leaving the field unchecked.

NOPD officers also must be comprehensive and explicit in their report regarding whether or not a search occurred, the justification for a search, and the outcome of a search. This information enables analysis of the “hit rate” by identifying the number of searches that yielded weapons or contraband. One might expect officers to “hit” less when they use race as a factor for justification of the stop or search and “hit” more when they rely on specific, observed suspicious behaviors. In other words, stops are probably more productive when not based on irrelevant characteristics such as a person’s race.²² Lastly, the population of all persons stopped should be the benchmark against which the outcome data, such as the justification for conducting a search, are compared.

RECOMMENDATION 3. THE NOPD SHOULD UPDATE THE STOP-TYPE ITEM ON THE FIC AND REQUIRE OFFICERS TO ARTICULATE IN A DESCRIPTIVE NARRATIVE SPECIFIC, OBSERVABLE BEHAVIORS THAT LEGALLY JUSTIFY THE STOP. (ADDRESSES FINDING 3)

The ten categories of stop type included on the FIC card, and the lack of a detailed narrative justifying the initiation of a field interview, did not comply with the NOPD Operations Manual, which required officers to articulate the justification for the stop. Officers should be required to write in their own words a clearly articulated description of the justification for each stop that meets the standard of reasonable suspicion.

The NOPD should eliminate the category of “other” and aggregate redundant stop-type categories in the drop-down FIC menu. They should also place a blank text box beneath each stop-type category and require the officer to specify the exact violation or reason for suspicion. Stops and frisks are targeted interactions with suspicious individuals, and officers should be required to articulate explicitly why a field interview was conducted.

²² Harris, “The reality of racial disparity in criminal Justice.”

RECOMMENDATION 4. THE NOPD SHOULD WORK WITH THE COMMUNICATIONS DISTRICT TO UPDATE CAD DISPOSITION CATEGORIES BY INCLUDING THE OPTION OF “FIC COMPLETED” AND REMOVING THE OPTIONS OF “NECESSARY ACTION TAKEN” TO IMPROVE SPECIFICITY OF INFORMATION AND ENABLE CROSS-REFERENCING WITH THE NOPD FIC DATABASE. (ADDRESSES FINDING 4)

All citizen and officer reported incidents, including reports of suspicious persons, are reported to Central-Aided Dispatch (CAD) database, providing a complete summary of police activity at any given time. Central Dispatch assigns an item number to each event, and officers began submitting this item number with FICs in May 2011. This should enable CAD to serve as a useful reference for checking corresponding information in the FIC database. However, there is no disposition category in CAD that specifies whether an FIC was completed for the event or not.

NOPD should work with the Communications District to update the disposition options officers are allowed to choose to describe the outcome of an event. Specifically, there should be an “FIC” category so that officers can indicate when a suspicious person event has risen to the level of a suspicious person stop. The CAD disposition categories should be specific and mutually exclusive, and the “Necessary Action Taken” categories should be removed, so that officers can provide an accurate, unambiguous description of what actually happened.

V. OFFICIAL COMMENTS FROM THE CITY OF NEW ORLEANS

City ordinance section 2-1120(8)(b) provides that a person or entity who is the subject of a report shall have 30 working days to submit a written explanation or rebuttal of the findings before the report is finalized, and that such timely submitted written explanation or rebuttal shall be attached to the finalized report. On February 7, 2013, we provided the City and the New Orleans Police Department (NOPD) with an Internal Review Copy of this report, giving city officials the opportunity to comment on the report prior to the public release of the Final Report. A response received from the NOPD follows on pages 16 to 20 of this report.



DEPARTMENT OF POLICE

P.O BOX 51480
New Orleans, Louisiana 70151

“to protect and to serve”



Mitchell J. Landrieu
MAYOR

Ronal W. Serpas, Ph.D.
SUPERINTENDENT

February 27, 2013

Ed Quatrevaux, Inspector General
City of New Orleans
Office of the Inspector General
525 St. Charles Avenue
New Orleans, LA 70130-3049

RE: Inspection of the New Orleans Police Department Field Interview Data reported from January to June of 2011: Technical Assistance Provided to the Independent Police Monitor Division of the Office of Inspector General

Dear Inspector General Quatrevaux:

Attached please find our response to the revised Internal Review Draft of the ‘*Inspection of the New Orleans Police Department Field Interview Data reported from January to June of 2011*’ prepared by your office.

For background purposes, the FIC database in use today was originally developed by a City IT programmer assigned to the New Orleans Police Department. Unfortunately, budgetary cutbacks in late 2009 eliminated this position from our authorized strength. In an attempt to more accurately assess stop data associated with the FIC system, we were able to secure limited funding for contractual IT support in late 2010 which allowed us to make further make further improvements to the FIC system. These upgrades included:

1. Required “**Item Number**” field” was added to record a CAD generated incident number for each stop.
2. An “**Action Taken Info**” section was added for tracking the following sub-sets:
 - a. **Stop Result** (*Citation Issued; Verbal Warning; Arrest Made; No Action Taken*);
 - b. **Taken Against** (*Diver / Passenger*);
 - c. **Search Occurred** (*Yes / No*);
 - d. **Search Type** (*Vehicle; Pat-Down; Driver / Passenger*);
 - e. **Evidence Seized** (*Yes / No*);
 - f. **Evidence Type** (*Weapon; Drugs; Other*); and
 - g. **Legal Basis** (*Consent; Warrant; Probable Cause; Inventory; Incident to Arrest; Plain View*)

Over the past two years, additional modifications to the FIC system have been discussed inside the NOPD, including adding a searchable free-form ‘*narrative section*’ and developing a more robust system for making some of the ‘*Action Taken Info*’ identifiers mandatory as opposed to optional. As cited in the OIG report, internally we have also discussed adjustments that would provide our officers with the ability to complete one card per person. However, we discovered there were significant costs associated to this specific upgrade as other programs linked to the FIC system would also require modification. Due original system program design, the FIC number is currently the only means to associate multiple individuals who have been stopped together.

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In closing, we fully support the observations contained in the OIG's report and agree to work towards reprogramming the FIC data system in accordance with these recommendations as requisite funding becomes available.

Thank you for providing us with the opportunity to comment.

Sincerely,



Ronal W. Serpas
Superintendent of Police

cc: First Deputy Mayor & CAO Andrew Kopplin
Deputy Mayor Jerry Sneed
Commander James Treadaway
File

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



MANAGEMENT RESPONSE FORM

PLEASE COMPLETE THIS FORM AND RETURN AS SPECIFIED BELOW. SUPPLY YOUR RESPONSES IN THE SHADED BOXES.

PLEASE INDICATE YOUR AGREEMENT OR DISAGREEMENT WITH EACH OF THE FOLLOWING RECOMMENDATIONS BY SELECTING A RESPONSE FROM THE DROPDOWN BOX. IF YOU REJECT OR PARTIALLY ACCEPT THE RECOMMENDATION, PLEASE EXPLAIN WHY IN THE SPACE PROVIDED. PLEASE DESCRIBE EACH ACTION YOUR AGENCY WILL TAKE TO IMPLEMENT THE RECOMMENDATION, OR FIX THE PROBLEM, ALONG WITH THE NAME AND CONTACT INFORMATION OF THE PERSON(S) RESPONSIBLE FOR THE ACTION AND THE COMPLETION DATE (IF ONE IS ALREADY NOT PROVIDED).

RETURN THIS COMPLETED FORM TO [DR. SARAH FONTENELLE](mailto:sfontenelle@nolaog.org) AT [SFONTENELLE@NOLAOIG.ORG](mailto:sfontenelle@nolaog.org) BY **FEBRUARY 27, 2013.**

ENTER NAME HERE: **LT. CHRIS LEA**

RECOMMENDATION #1 REQUIRING IMMEDIATE ACTION:	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
1. THE FIC SHOULD BE REDESIGNED TO BE COMPLETED FOR ONE SUBJECT ONLY TO PROMPT NOPD OFFICERS TO COMPLETE A SEPARATE FIC FOR EACH PERSON STOPPED, CAPTURING SUBJECT AND ACTION-TAKEN INFORMATION TOGETHER.	LT. CHRIS LEA CLEA@NOLA.GOV 504-218-3322	Accept
IF YOU <u>REJECT</u> OR <u>PARTIALLY ACCEPT</u> RECOMMENDATION #1, PLEASE EXPLAIN WHY:		
DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #1 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
1.1 NOPD WITH WORK WITH CITY TO IDENTIFY IT REPROGRAMMING REEQUIREMENTS AND FUNDING SOURCE TO PROCEED WITH FIC DATA PROGRAM MODIFICATIONS IN ACCORDANCE WITH RECOMMENDATION STATEMENT.	LT. CHRIS LEA	TBD
1.2		

RECOMMENDATION #2 REQUIRING IMMEDIATE ACTION:	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
2. WHEN CONDUCTING A FIELD INTERVIEW, NOPD OFFICERS SHOULD COMPLETE THE FIC IN FULL, INCLUDING ITEMS THAT REQUIRE OFFICERS TO SPECIFY "YES" OR "NO" TO AN ACTION TAKEN (E.G. SEARCH VERSUS NO SEARCH); ALL INCOMPLETE FICS SHOULD BE RETURNED TO THE SUBMITTING OFFICER FOR REVIEW.	LT. CHRIS LEA CLEA@NOLA.GOV 504-218-3322	Accept
IF YOU <u>REJECT</u> OR <u>PARTIALLY ACCEPT</u> RECOMMENDATION #2, PLEASE EXPLAIN WHY:		
DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #2 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
2.1 POLICY CAN BE REVISED TO ADDRESS THIS ISSUE UNTIL PROGRAM CAN BE MODIFIED MAKING THIS A 'REQUIRED' FIELD (FUNDING NEEDED TO SUPPORT REPROGRAMMING FOR MANDATORY FIELD ENTRY).	LT. CHRIS LEA CLEA@NOLA.GOV 504-218-3322	TBD
2.2		

RECOMMENDATION #3 REQUIRING IMMEDIATE ACTION:	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
3. THE NOPD SHOULD UPDATE THE STOP-TYPE ITEM ON THE FIC AND REQUIRE OFFICERS TO ARTICULATE IN A DESCRIPTIVE NARRATIVE SPECIFIC, OBSERVABLE BEHAVIORS THAT LEGALLY JUSTIFY THE STOP.	LT. CHRIS LEA CLEA@NOLA.GOV 504-218-3322	Accept
IF YOU <u>REJECT</u> OR <u>PARTIALLY ACCEPT</u> RECOMMENDATION #3, PLEASE EXPLAIN WHY:		
DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #3 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
3.1 NOPD AGREES TO REVIEW & MODIFY STOP-TYPE DESCRIPTIVES AS APPROPRIATE AND TO ADD A NARRATIVE FIELD TO THE FIC WHEN FUNDING TO SUPPORT THIS MODIFICATION IS IDENTIFIED.	LT. CHRIS LEA	TBD
3.2		

RECOMMENDATION #4 REQUIRING IMMEDIATE ACTION:	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
4. THE NOPD SHOULD WORK WITH THE COMMUNICATIONS DISTRICT TO UPDATE CAD DISPOSITION CATEGORIES BY INCLUDING THE OPTION OF "FIC COMPLETED" AND REMOVING THE OPTIONS OF "NECESSARY ACTION TAKEN" TO IMPROVE SPECIFICITY OF INFORMATION AND ENABLE CROSS-REFERENCING WITH THE NOPD FIC DATABASE.	LT. CHRIS LEA CLEA@NOLA.GOV 504-218-3322	Accept
IF YOU <u>REJECT</u> OR <u>PARTIALLY ACCEPT</u> RECOMMENDATION #4, PLEASE EXPLAIN WHY:		
DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #4 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
4.1 NOPD WILL WORK WITH THE ORLEANS PARISH COMMUNICATIONS DISTRICT TO IDENTIFY A MEANS TO BETTER CAPTURE AND RECORD WITHIN THE CAD SYSTEM THOSE CONTACTS WHICH RISE TO THE LEVEL OF A "TERRY STOP" AND RESULT IN A FIC BEING GENERATED.	LT. CHRIS LEA	TBD
4.2		