

Eye on Surveillance
PO Box 4155
New Orleans, LA 70178
info@eyeonsurveillance.org



Jun 11, 2024

Judge Susie Morgan
Orleans Parish District Attorney's Office
619 S. White St.
New Orleans, LA 70119
efile-morgan@laed.uscourts.gov

Dear Honorable Judge Morgan,

We are writing to bring to your immediate attention a serious violation of the Consent Decree by the Orleans Parish District Attorney's Office and the involvement of the New Orleans Police Department (NOPD) in this matter. By their usage of predictive policing technology, which violates Chapter 147 of the New Orleans Municipal Code [Section 147-2](#) [1], the DA and NOPD are violating Chapter 8 (Bias-Free Policing) and Chapter 18 (Transparency and Oversight) of the Consent Decree. These issues risk the City not being able to exit the Consent Decree.

DA and NOPD are partnering on an illegal predictive policing program

On April 29, 2024, we sent a cease and desist letter to District Attorney Jason Williams regarding the illegal use of predictive policing technology by his office. Chapter 147 of the New Orleans Municipal Code, specifically [Section 147-2](#) [1], unequivocally prohibits the use of such technology by any city official or entity. Despite this clear prohibition and our formal request, the District Attorney's Office has not ceased this illegal practice and has failed to respond to our letter.

In an interview published by WDSU news on [May 29, 2024](#) [2], District Attorney Williams discussed the DA's office's use of predictive policing technology as part of a new initiative called NO DICE (New Orleans Data-informed Community Engagement), which aims to curb violence in specific communities by utilizing risk terrain modeling, a technique within the broader field of predictive policing, to assign risk values to certain environmental factors. Through collaboration between the NOPD and the DA's office, this risk assessment data is used to direct law enforcement efforts. However, as Williams himself noted in the article, community feedback has long identified problematic areas. For example, he mentioned a store in the Treme community that has been the subject of complaints since the 1980s. This persistent feedback from community members highlights that the issues were already well-known, contradicting the need for predictive policing software. The use of such technology is not only illegal under the current municipal code but also redundant given the existing community insights.

Predictive policing violates bias-free policing and transparency

Chapter XVIII Transparency and Oversight has the intent to “maintain systems that are meant to be sustained after the completion of this Agreement”. The DA and NOPD are knowingly violating a law that was passed with overwhelming community support. New Orleans will not sustain itself if politicians are not held accountable for following city law. Eye on Surveillance has not been provided with any information in response to our cease and desist letter and there has been no transparency from the DA or NOPD about this illegal predictive policing program. This is particularly alarming because we worked with DA Williams who then as council president, sponsored the ordinance he is now violating in his current role.

The lack of transparency from the DA and NOPD regarding the illegal predictive policing program not only violates Chapter XVIII on Transparency and Oversight but also contradicts the mandates of Section VIII of the Consent Decree. Section VIII explicitly prohibits policing tactics or strategies based on bias, requiring all police activities to ensure equal protection under the law. However, the algorithms used for predictive policing and risk terrain modeling are based on data produced by the NOPD, which is inherently biased due to the department's documented history of biased policing practices.

In [October 2023](#) [3], the Consent Decree Monitor released a special report on the deprioritization of calls for service and its impact on “gone on arrival” (GOA) dispositions and “Code 2” response times. The report concluded that the increase in GOAs is disproportionately impacting domestic violence calls, casting doubt on whether the NOPD is policing “free of gender bias” as required by the Consent Decree. Furthermore, the report noted that GOAs are not evenly distributed across the city, resulting in longer wait times for police responses in certain districts.

When these biased data points are fed into predictive policing and risk terrain modeling algorithms, the resulting predictions and strategies are inherently flawed. The biased data perpetuates and exacerbates discriminatory practices. As a result, predictive policing technology not only fails to ensure equal protection under the law, as mandated by the Consent Decree but also actively reinforces and amplifies existing biases within the NOPD.

The District Attorney's Office is covered by the Consent Decree

Based on DA William's interview with WDSU, it's clear that the predictive policing program is a joint venture with NOPD. This predictive policing program makes the DA's office one that is “reviewing the operations of NOPD” (Consent Decree, Paragraph 8) and therefore makes it a binding party to the Consent Decree.

Putting NOPD's involvement to the side, the DA's office is also covered by the Consent Decree because its interests are aligned with the Consent Decree. The Consent Decree is between the City and the DOJ and any city body with interests that are aligned with the Consent Decree can be a covered entity.

Given these developments, we respectfully request your immediate intervention to address and rectify these violations by ensuring that NOPD does not collaborate with the DA's office in using this illegal and biased technology. The Consent Decree is clear in its mandate for bias-free policing and transparency. The use of predictive policing technology by the DA's office and NOPD directly undermines these requirements. The community feedback and long-standing complaints about specific problematic areas demonstrate that the use of such technology is not only illegal but also unnecessary.

We urge you to take swift action to prevent further violations of the Consent Decree and to protect the rights of the citizens of New Orleans. Thank you for your prompt attention to this urgent issue.

Best Regards,
Eye on Surveillance

[1] -
https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PTIICO_CH14_7SUTEDAPR_S147-2PRSUTE

[2] -
<https://www.wdsu.com/article/district-attorneys-credits-no-dice-for-helping-drive-down-crime-in-communities/60872532>

[3] -
[https://nopdconsent.azurewebsites.net/Media/Default/Documents/Docket%20Items/12-1924%20\(USA\)%20OCDM%20Special%20Report.pdf](https://nopdconsent.azurewebsites.net/Media/Default/Documents/Docket%20Items/12-1924%20(USA)%20OCDM%20Special%20Report.pdf)