

JUSTICE

# New Orleans police say their use of force data shows no racial disparities. We checked the numbers.

*The NOPD has used its bias-free policing audits to try to convince a federal judge to eventually terminate a yearslong reform agreement.*



by **MICHELLE LIU**  
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Credit: Illustration by Bethany Atkinson / Deep South Today

**S**ometimes, Sherry Cowart rewatches the video from the day her son Anthony was shot. She's seen the body camera footage so many times that she can re-enact it beat by beat, mimicking Anthony's movements as she remembers how he recoiled from the strike of a police officer's gun.

The video dates to March 10, 2021, when two New Orleans police officers spotted a white Jaguar parked illegally across from a gas station in New Orleans East. Anthony Cowart, 29 at the time, sat in the passenger seat.



One officer, Isaiah Shannon, **approached** the car with his gun drawn behind his back, later saying he suspected the Jaguar's occupants of selling drugs. Cowart exited the car and attempted to run. In the ensuing encounter, Shannon pistol-whipped Cowart, hitting him on the head before accidentally shooting him in the leg. Cowart was arrested for battery of a police officer, resisting arrest and two drug offenses, though a magistrate judge found **no probable cause** for his arrest and tossed the charges.

The gunshot wound took “a little time” to heal, his mother said, and left him walking with a limp. Beyond his physical injury, Anthony also found the experience traumatic, she said.

“It brought tears to my eyes,” Sherry Cowart said of her son's ordeal. “My child could've lost his life.”

On average, New Orleans Police Department officers pulled their guns on civilians about once every two days the year Cowart was shot. Like Cowart, most people who face down the barrel of an NOPD service weapon are Black.

NOPD data shows what appears to be a striking racial disparity in whom officers use force against. Since 2016, when the department began **publishing its use of force data online**, Black people have comprised more than 80% of use of force targets by the NOPD, though Black residents made up only about 55% to 60% of the city during that period.

An undated photo of Anthony Cowart. Credit: Courtesy Sherry Cowart

In the **aftermath** of Cowart's shooting, NOPD investigators found Shannon's use of force unjustified. The NOPD fired Shannon a few months later, a decision upheld by an appeals court last year.

But in a departmental audit — one that factors into a massive, court-ordered reform effort — incidents like this one, where a use of force was followed by an arrest, don't count toward an overall finding of racial disparity.

The NOPD uses arrests to help determine whether its use of force data may show evidence of biased policing. As long as the arrest rates are similar between demographic groups, there is no statistical indication of bias, regardless of how often force is used against any particular group.

The 2021 audit did briefly reference Cowart's case, identifying a disparity in the subcategory of firearm pointings, though it found that minorities were less likely to be arrested than white people after being subjected to force that year. But even that year, the audit found no indicators of bias in the department's overall uses of force. The NOPD has not found racial disparities in firearm pointings in any other year.

***In each year from 2016 through 2023, Black people accounted for more than 80% of uses of force.***

Cowart's shooting is just one of some 4,000 times in which New Orleans police officers used force in the line of duty since 2016. Of those, close to 1,800 instances — or 44% — involved officers' guns, according to an analysis by The Trace's [Gun Violence Data Hub](#).

Over that time period, the police department's use of force data has shown a consistent pattern of racial disparity. In each year from 2016 through 2023, Black people accounted for more than 80% of uses of force.

That disparity grows when focusing on police force incidents where at least one officer used a firearm by either pointing or shooting it, according to the Data Hub's analysis. Since 2016, nearly 88% of NOPD use of force incidents in which at least one police firearm was used involved Black civilians, compared to about 8% for white civilians. That rate has been nearly consistent every year.

The NOPD's own conflicting analyses, drawn from its own data, appear in reports intended to assess bias in some of the department's key policing areas. The department conducts these annual reports under a consent decree, the reform agreement enforced by a federal judge that is meant to bring the department in line with constitutional standards.

That agreement, in place since 2013, followed a scathing Department of Justice investigation identifying a pattern of unconstitutional practices, including racially biased policing.

The NOPD has used its audits on police bias to try to convince a federal judge that it should be allowed to begin the process of **exiting the consent decree**.

Yet in recent public meetings, neither NOPD officials nor a team of outside monitors appointed by the judge overseeing the consent decree offered an in-depth explanation on how the NOPD arrived at the conclusion that racial bias is no longer a serious problem.

The head of the NOPD's professional standards and accountability bureau, Deputy Superintendent Nick Gernon, and the lead federal monitor, Jonathan Aronie, both deflected questions from Verite News about the methodology behind the department's analyses.

"It really shows that the data does not really support bias," said David Douglass, a deputy monitor, at one of those meetings. "Admittedly, bias is a very data intensive issue...so we can't dive into the details here. Cause it is a sort of complex issue, but the picture that emerges is very clear."

Still, the NOPD's own **audits** and **presentations** in federal court show that the way the department measures racial disparities is more complicated than simply weighing the demographics of people subjected to force against the demographics of the city.

To some criminal justice reform advocates in the city, that has produced a distorted picture.

Regardless of the NOPD's position, racial disparities remain a "stark and persistent issue" in the department's use of force practices, said Elijah Appelson, a data analyst with the ACLU of Louisiana who reviewed the Data Hub's findings.

“From all the numbers I’ve seen, use of force is gigantic and it’s almost exclusively against Black people and Black men specifically,” Appelson said. “It does not show that they have reduced their bias whatsoever.”



David Douglass (second from right), deputy monitor for the New Orleans Police Department’s consent decree, speaks at a public meeting at the Loyola University New Orleans College of Law on Monday, Oct. 28, 2024. Credit: Michelle Liu / Verite News

**T**he legacy of policing in New Orleans has been marked by violence, racism, corruption and abuse, from the 1994 murder of Kim Groves to the department's chaotic response to the near destruction of the city in the wake of the flood levee failure following Hurricane Katrina, which led to a dozen federal convictions of officers for indiscriminately killing civilians or covering up other officers' misdeeds.

It was in the shadow of NOPD's post-Katrina conduct that Mitch Landrieu, newly inaugurated as the city's mayor, asked the DOJ's Civil Rights Division to investigate the department in 2010.

In a report released the following year, DOJ investigators found the city's police officers routinely used excessive force against civilians. The report condemned both shoddy policies surrounding use of force and careless handling of investigations into police shootings.

The DOJ report also cited the NOPD's use of force data. Of 27 instances in which NOPD officers intentionally fired their weapons at people between January 2009 and May 2010, all 27 subjects were African American. Likewise, when investigators sampled resisting arrest reports documenting uses of force in that same time period, they found that 84% of use of force subjects were African American.

That data showed "a troubling racial disparity that warrants a searching inquiry into whether racial bias influences the use of force at NOPD." The report led directly to the consent decree, a lengthy document that includes extensive sections on use of force and bias.

Since the consent decree took effect, however, the math used to determine what counts as a "racial disparity" has gotten a little more complicated.

Enacted in 2013, the federal agreement governs nearly all aspects of policing in New Orleans, including how officers use force and who they use it on. And over the last 11 years under federal watch, the department has instituted sweeping changes: limiting high-speed chases, mandating implicit bias training and making it easier for civilians to submit misconduct complaints in its policy book rewrite.

NOPD also overhauled its use of force policies and training and began requiring officers to document lower levels of force, such as firearm pointings. In 2016, the department started publishing use of force data online.

The database documents four different levels of force, from low-level uses such as pointing a firearm or stun gun at someone to potentially lethal uses such as shooting that firearm or using a neck hold. The vast majority of firearm-related incidents in the database occurred when an officer pointed a gun at someone, though the data also captures about 20 incidents involving firearm discharges.

Though NOPD reported some demographic data on use of force in earlier reports, it only began offering its current, more complex analysis of the data in its 2021 bias-free audit. According to the NOPD, the methodology was developed by **Matthew Ross**, an economist and “national expert in the area of empirically testing for racial and ethnic disparities” retained by the DOJ. (Ross declined to comment for this story, citing DOJ policy.)

The NOPD conducts bias-free audits to satisfy requirements for its consent decree. The audits examine use of force, along with traffic stops, pat downs and other policing areas, for potential racial or gender disparities, focusing on the “broad question of institutional bias,” as Susie Morgan, the federal judge overseeing the consent decree, put it.

In June, the agency explained to Morgan how it conducts these audits. The presentation capped off a yearslong argument the city has made that NOPD has checked enough boxes to terminate the consent decree.

Both the DOJ and a court-appointed independent monitor agreed that NOPD has made strides toward reducing bias, though the monitor has never officially deemed NOPD in compliance in that area: “The community can have faith that these are real tests looking at real data, reporting at real results,” a DOJ attorney told the federal judge at the hearing. (The DOJ did not respond to requests for comment for this story.)

The agency’s use of force analysis calculates arrest rates for different demographic groups following uses of force. But the analysis essentially treats any use of force as justified if it is followed by an arrest.

Under this rationale, higher rates of force against a minority group only qualify as indicators of bias if fewer members of that group are arrested.

As a result, NOPD audits using this methodology have found no racial disparities between Black and white people subjected to use of force — because NOPD officers were arresting white and Black people at roughly the same rate following uses of force. (The most recent audit did find gender disparities against women in use of force, something NOPD officials said was a “red flag.”)

# Uses of Force

*How did we do?*

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Race



Sex



A slide from a June 2024 presentation by the New Orleans Police Department on its bias-free policing audits. Credit: New Orleans Police Department

Rates of force by the NOPD have steadily increased since 2018, even as violent crime rates have declined in the past two years, the Data Hub found. And Black people account for the overwhelming number of arrests, about 78% of all arrests in the city since 2016.

“They seem to assume that the arrest justifies the use of force. But in law enforcement, arrest and use of force are correlated,” said Nicole Napolitano with the Center for Policing Equity, a national nonprofit that gathers and analyzes policing data. “That does not indicate that the reason for the use of force was justified, because you can engage in an arrest and also very excessive force,” Napolitano said.

According to NOPD data, about three out of every four use of force incidents end in arrest.

Napolitano, the center’s director of research strategy, said that comparing percentages of use of force that culminate in arrests by racial group “disguises a potential source of disparities upstream” — that officers might pay more attention to certain neighborhoods or people, which could make both arrests and use of force more likely for people of color.

Though some factors that contribute to officers mostly using force against Black people are within a police department’s control — like potentially deploying more officers to neighborhoods with more Black people — other factors aren’t, Napolitano added. Those factors could involve underlying educational and economic disparities, systemic mental health issues and neighborhood exposure to environmental toxins, all of which are correlated with race and can contribute to disparate policing outcomes.

“At no point, however, would an honest review of disparities include a comparison of percentages that obscure the deep divide in rates of force used against Black and [white] people in New Orleans,” Napolitano said.

The NOPD audit does offer a caveat: “One potential limitation of this test is that it will be biased against finding adverse treatment if arrests are used to justify use of force and this occurs differentially by race/ethnicity.”

Alex del Carmen, a criminologist at Tarleton State University who has worked as a federal monitor in New Orleans and Puerto Rico, said having more context for use of force data, like the circumstances that gave rise to use of force, can help determine questions of bias. He declined to comment specifically on the New Orleans consent decree.

“Don’t just give me numbers,” del Carmen said. “Tell me the reasons why the officer was or was not justified to use force.”

The agency notes that its bias-free audit is not meant to examine the actions of individual officers but to identify department-wide trends across time. Disparities found in those audits can help the department identify bias, whether at the level of individual officers or systemwide, like institutional racism. The audits also draw a distinction between disparities, or observed differences in outcomes, and bias, where the department's structures and processes or its individual officers treat people differently based on race. The NOPD does have separate processes to review officer behavior, like its **Use of Force Review Board** and its use of force audit.

The agency also looked at unreasonable force across demographic groups and did not see a difference in rates of unreasonable force, officials told the judge in June.

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**W**hat the experts and the law enforcement agencies can agree on is that there's no gold standard for measuring racial disparities in use of force. Though the FBI has established some standards for collecting use of force data, police agencies across the country still define and document force differently.

According to Napolitano, police departments often present information in ways that justify practices that already exist or changes that have already been implemented.

“That's common with a lot of police departments: If they have a say in the metrics, they often choose metrics that are kindest to them,” Napolitano said.

Though there isn't anything inherently problematic about police departments determining how to measure their own success, measuring disparities in use of force “should be designed to make visible the lived experiences of the communities most impacted by policing,” she said.

Stella Cziment heads the Office of the Independent Police Monitor, the city's designated police watchdog, which keeps tabs on the NOPD's use of force investigations but doesn't play a direct role in the consent decree. For Cziment, the differing ways of reading the data for bias illustrate how police agencies, academics and other researchers, experts and paid consultants — even journalists — have their own interests in determining what constitutes bias in policing.

The OIPM itself has found that although officers themselves use force at close to equal rates regardless of their own race, “African-American males are still significantly more likely to be subjects of force than any other demographic,” according to [a 2023 report](#).

Sarah Omojola, director of the Vera Institute for Justice’s Louisiana office, also reviewed both the Data Hub’s findings and the NOPD’s most recent bias-free audit presentation. She said the NOPD needs to look further into its data “and figure out how these disparities are occurring.”

“Police officers are human, and we all exist in the societal scheme that is the United States, and race and decisions based off race and bias come into everything all of us do,” Omojola said. “So it’s impossible that bias isn’t coming into these decisions about who to stop, who to arrest and who to use force on.”



New Orleans Police Department Deputy Superintendent Nicholas Gernon listens to Gentilly resident Aarafa Payne during a Thursday, Oct. 10 meeting on the city's potential exit from the consent decree. Credit: Arielle Robinson/Verite News

Gernon, the deputy chief, acknowledged that identifying and reducing bias is “a never-ending task” for the department: “In some ways, this box will never be checked, and it’s a little unsatisfying to say that, but that’s the reality of it,” Gernon told the judge in June. “We cannot stand here and claim to our community that we will ever eliminate all biases within our society, including things such as systemic racism. To make this promise would be fairly naive or insincere.”

In September, the DOJ and the city of New Orleans jointly asked Morgan, the judge presiding over the consent decree, to move the city to a two-year “sustainment” period as an off-ramp from federal oversight, citing the audit findings as indicative of progress.

Morgan and the monitoring team are currently soliciting public feedback as she weighs whether to approve the city and the DOJ’s joint plan for an eventual exit from the consent decree. And the monitors have observed that the department has drastically remade itself since it came under federal oversight, including on use of force policies: “When we first started, NOPD couldn’t tell us how many uses of force they had,” said Jonathan Aronie, the lead monitor, at a recent meeting. “There was no data to rely on.”

In public meetings held by the court-appointed monitors about the potential wind-down period this month, some community groups opposing an end to federal oversight have voiced skepticism and frustration over the NOPD’s bias-free audit findings, with some people holding up signs stating “DISPARITY IS BIAS.”

One of those groups, New Orleans for Community Oversight of Police, has pointed to the Independent Police Monitor’s seemingly contradictory findings on use of force as evidence of racially biased policing at the NOPD.

“I want y’all to stop using the data to get out of this consent decree,” said Kristi Dayemo, a member of the group, at a recent public meeting held by the federal monitors. “It is not a reason.”

Aronie has acknowledged that the racial disparities that community groups have pointed to are indeed “real.” He notes that such disparities are present not just in New Orleans, but across the country. The consent decree recognizes the difficulties of solving such bias, Aronie said, so it focuses on the “structures,” not the numbers.

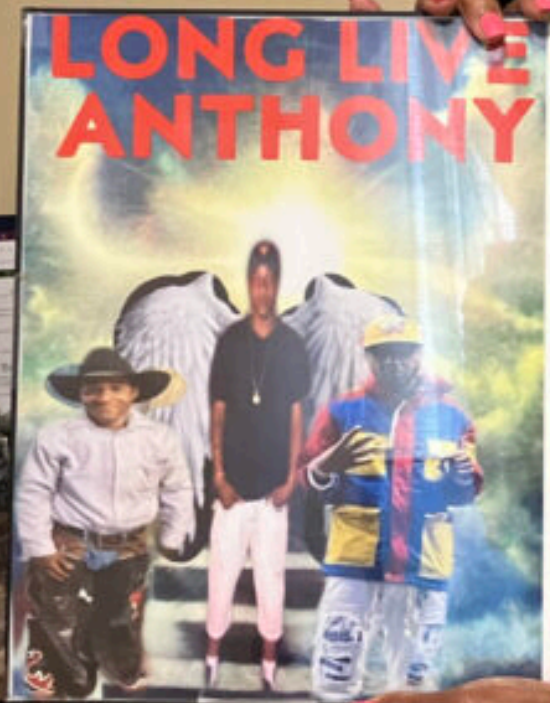
“Maybe part of the point is we haven’t done a good enough job letting everyone else see the methodology as well as we should,” Aronie told Verite News. “There’s clearly a disconnect between the robustness that actually went into that analysis and people’s perception of the robustness. ... That’s one of the takeaways I’m going to be bringing back to Judge Morgan.”

Data can only go so far in shaping people’s subjective experiences and perceptions of policing in the city, Cziment said.

“At the end of the day, if people feel that Black people are more likely to be targeted for force or to experience force, then I don’t really care how many experts you put in front of me,” Cziment said. “To me, that is also information that is worthy of being weighed and considered.”

For Sherry Cowart, reflecting on what happened to her son Anthony leads her to recall the NOPD’s past reputation for violence among its officers and the encounters her children have had with police over the years.

Asked her opinion of the department after more than a decade under court oversight, she said NOPD has somewhat improved by holding officers accountable for shootings. But she’s still skeptical: “They’re better now, but they’ll still do what they do,” she said.



Anthony Cowart filed a lawsuit against Shannon, the officer who shot him, and the city in 2022. But he never saw his efforts come to fruition; he died in an unrelated accident in March 2023.

In an interview, Shannon said that he now works in logistics after his firing from NOPD and lives in Slidell. Shannon had no complaints or problems with the training he received on use of force and bias-free policing under the consent decree, he said. And he defended his decision to unholster his gun as he walked toward Cowart that day.

“How do I say this without sounding crazy?” Shannon said. “As a Black officer ... having lived in certain areas and hung out in certain areas, I know where the bad element is — I guess they put it like that — and I know who the bad element is. I guess that’s the best way I can put it. But I can’t say that profiling and [bias] played a part in anything that I was doing.”

Sherry Cowart is still attempting to pursue Shannon in court following Anthony’s death, she said: “I’m not going to condone any police putting their hands on my sons.”

*This story was made possible by the [Gun Violence Data Hub](#), an initiative of [The Trace](#). [Ava Sasani](#) of [The Trace](#) contributed to this report.*