



Use of Force Audit Report January 2024

Report # UOF012024
(Data Sample – July 2023 - December 2023)

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Final Report: March 20, 2024

Audit Team

This audit was managed and conducted by the Professional Standards and Accountability Bureau

Executive Summary

The Audit and Review Unit (ARU) of the Professional Standards and Accountability Bureau (PSAB) initiated a Use of Force Audit in January 2024. The audit universe covered the period from July 1st to December 31, 2023. This audit is conducted to ensure that New Orleans Police Department (NOPD) officers' "Use of Force" and follow-up investigations are conducted in accordance with the rights secured or protected by the Constitution and laws of the United States. NOPD agrees to ensure that audits are conducted professionally and effectively, in order to elicit accurate and reliable information.

This process is regulated by Consent Decree (CD) paragraphs 54, 56, 67, 78, 79, 81, 86, 87, and 88. Also, Chapter 1.3.6 Reporting Use of Force, Chapter 1.7.1 Conducted Energy Weapon (CEW), Chapter 41.3.8 In Car Camera, Chapter 41.3.10 BWC.

This audit was conducted on the following levels of force using the Use of Force Protocol:

- Level 1-4 Use of Force. The L1-L4 audit addresses twenty-eight (28) checklist questions.
- Unreported Use of Force. The Unreported Use of Force addresses four (4) checklist questions.

Number of Non-Compliant L1-L4 Checklist Questions (6):

- Q4:** Officer Force Statement(s) Submitted by ETOD - **(76%)**
Q10: Dash Cam (In Car Camera) was Activated Per Policy – **(92%)**
Q11: Dash Cam (In Car Camera) was Reviewed by Supervisor (L1-L4) – **(94%)**
Q22A: Supervisor's UoF Investigation Submitted within 72 hrs. (L1-L4)- **(91%)**
Q22B: Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date: – **(48%)**
Q23: Supervisor's UoF Investigation Submitted within 72 hrs. (L1-L4) – **(84%)**

Number of Non-Compliant L4 (Shooting-ASI) Checklist Questions (None to audit):

Number of Non-Compliant Unreported Use of Force Questions (0):

Number of Completed Entries Used to Create L1-L3 Sample (120)

Number of Completed Entries Used to Create L4 Sample (2)

Number of Completed Entries Used to Create Unreported Use of Force Sample (376)

L1-L4 (Non-ASI) Sample Target to Audit (34):

The sample target represented 25% of available L1-L2 entries (118)

The sample target represented 50% of available L3 entries (2)

The sample target represented 100% of available L4 entries (2)

Unreported Use of Force Sample Target to Audit (346):

The sample target represented 94% of available Unreported Use of Force entries (368)

Scores of 95% or higher are considered substantial compliance. Supervisors should address any noted deficiencies with specific training through In-service Training classes or Daily Training Bulletins

(DTBs). This training should be reinforced by close and effective supervision in addition to Supervisor Feedback Logs entries.

The overall score of the Use of Force L1-L4 Audit is as follows: Overall – **94%**

The overall score of the Unreported Use of Force Audit is as follows: Overall – **100%**

More detailed results are embedded in the Scorecards and Conclusion sections.

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Introduction

The Auditing and Review Unit (ARU) of the Professional Standards and Accountability Bureau conducted an audit of Use of Force Level 1 to 4 incidents (Phase 1 audits). The time span to conduct the audit was from January 5, 2024, to January 22, 2024. Phase 2 audits, which involves reviews of the Use of Force Review Board (UOFRB) meetings and subsequent follow-up, are conducted after each scheduled meeting, and will be reported in a separate report.

Purpose

The Use of Force audit is conducted to verify departmental compliance with the Consent Decree and NOPD Operations Manual as it pertains to “Use of Force” and the subsequent investigations.

Consent Decree (CD) paragraphs include 54, 56, 67, 78, 79, 81, 86, 87, and 88. The following are the NOPD Policy Chapters involved:

Chapter 1.3.6 Reporting Use of Force

Chapter 1.7.1 Conducted Energy Weapon (CEW)

Chapter 41.3.8 In Car Camera

Chapter 41.3.10 BWC

Scope

This audit assesses and documents whether the force employed by New Orleans Police Department (NOPD) officers is documented and recorded properly, and whether supervisors conducted thorough follow-up investigations. Once the review is completed, the audit manager will submit a report to the Deputy Chief of Field Operations Bureau (FOB), and the Captain of the Professional Standards and Accountability Bureau (PSAB) pointing out any deficiencies or confirming a thorough investigation. These audit reports will assist in ensuring officers and supervisors are informed of where opportunities for improvement exist as it relates to the proper reporting and documentation of Use of Force investigations in the future. A “final report” will also be sent to the appropriate monitor from the OCDM. The audit assesses the following aspects of officer and supervisor responsibilities:

- Whether involved officers appropriately complied with pre-use-of-force requirements (e.g., de-escalation, warnings)
- Whether audited uses of force are consistent with policy and law
- Whether involved officers appropriately complied with post-use-of-force requirements (e.g., immediate notifications, provision of medical aid)
- Whether the involved officers and witness officers completed required reports
- Whether supervisors responded to the scene of uses of force, when required
- Whether supervisors appropriately investigated uses of force, including reviews of available recordings
- Whether supervisors appropriately reviewed use-of-force reports
- Whether the chain of command appropriately reviewed use-of-force reports
- Whether potentially out-of-policy uses of force resulted in referral to Public Integrity Bureau
- Whether the Use of Force Review Board appropriately evaluated serious use of force incidents.

Phase I auditing will consist of reporting and investigating force; Phase II auditing will consist of assessing the Use of Force Review Board.

Methodology

Population source – IAPro Force Investigation Team (FIT) Incident List (NOPD source file)

Sample size – 25% of Level 1 and 2, 50% of Level 3 incidents, 100% of Level 4 incidents.

Documentation to be reviewed – All documents and investigative material contained within each individual FIT file, as well as associated police reports.

BWC/Video/Audio to be reviewed – All associated video footage for involved and/or witness officers, as well as Use of Force investigative rank, as needed to corroborate the written reports and statements.

Testing Instrument(s) – New Orleans Police Department Operations Manual Chapters aforementioned and twenty-eight (28) L1-L4 Checklist questions and twenty-six (26) L4 Shooting (ASI) Checklist questions.

Each individual incident file will be audited in its entirety via “double-blind” auditing process by two (2) members of the Auditing and Review Unit (ARU), to give a reliable and thorough review of each use of force incident.

Data

While the audit range is usually set for every three (3) months (Quarterly), this review encompassed a period of six (6) months. The FIT IAPro system file dump provides the ARU team all item numbers that were investigated during that audit period. ARU then takes those item numbers and enters them into the EXCEL’s randomizer generator for items to be selected for review. ARU then reviews 25% of the L1-L2 items, 50% of the L3 items and all L4 (if reviewed) within the audit range.

This audit’s sample size consisted of 30 randomly selected L1-L2 case files, 2 L-3 case file, 2 L-4 case files, and 350 Unreported Use of Force case files for a total of 384. The sample is derived using EXCEL’s “RAND” function and using a weighted count from each District to parse the sample equitably. The raw data used was for the period of July to December of 2023.

Unreported Use of Force data is comprised of 4 separate data dumps from the EPR (Electronic Police Reports) data system.

- EPR dump of reports where an officer was injured for the audit range selected for review.
- EPR dump of reports where a suspect was injured for the same audit range.
- EPR dump of reports where injury in custody is reported for the same audit range.
- EPR dump of reports of resisting arrest for the same audit range.

Each report from the dumps is reviewed for information where an action might have led to a use of force. The auditor will first check the Blue Team/IAPro system to see if the report had a reported use of force. Also, if the auditor determines there might be an unreportable use of force, the video is then reviewed as well. Any potential use of forces identified as unreported will be noted in report and sent to the District for further review and if necessary, will proceed with an investigation.

Initiating and Conducting the Use of Force Audit

The initial raw data was downloaded from the IPro system on January 4, 2024, to prep the sample distribution file that would be utilized by ARU, for the current audit.

During this audit prep, the sample was then parsed and distributed to the assigned auditors for initial review of allocation count in preparation for the audit.

Each item case file was then systematically reviewed via “double-blind” audit process by the Auditing and Review Unit, based on each case file’s compliance with the New Orleans Police Department Operations Manual Chapters, as it relates to “Use of Force” investigations. To facilitate this process, the team used the twenty-eight (28) point Use of Force audit checklist from the protocol document, as the tool to review and analyze the content of every case file.

List of Case Files Reviewed by Auditor

The following is a breakdown of the case files by auditors that conducted each “double-blind” review:
L1-L3 (Table 1)

Audit Team 1. (3); Audit Team 2. (2); Audit Team 3. (3); Audit Team 4. (4); Audit Team 5. (2); Audit Team 6. (2)

Audit Team 7. (5); Audit Team 8. (4); Audit Team 8. (5); Audit Team 9. (1); Audit Team 10. (1); Audit Team 11. (1)

Total: (32) L1–L3 Case Files

L4 – (Table 2)

Audit Team 1. (1); Audit Team 2. (1)

Total: (2) L4 Case Files

Use of Force Scorecard Table 1 (L1-4)

The following checklist below was used by the auditing team to review each L1-L3 case file.

Use of Force Level 1 - 4 Checklist Audit (Table 1)

Report Period: January, 2024

ARU percentages for Consent Decree requirements for Use of Force Level 1-4 Checklist Audit for data reviewed between Jul-Dec 2023.

Check-List Questions	Score	Y	N	U	NA	NA Explanations	Consent Decree #	NOPD Policy Chapters
1 Supervisor GIST Submitted by ETOD (L1-L4)	100%	34	0	0	0	None	87	Ch 1.3.6 p28, Ch. 1.3 p21(e), Ch. 1.7.1 p45
2 Force Statement(s) Found (L1-L4)	100%	34	0	0	0	None	78, 81	Ch 1.3.6 p16, p18
3 Boilerplate Language was avoided in Force Statement(s) (L1-L4)	97%	33	1	0	0	None	79	Ch 1.3.6 p17
4 Officer Force Statement(s) Submitted by ETOD (L1-L4)	76%	26	8	0	0	None	78	Ch 1.3.6 p6, p19
5 Reason(s) for Encounter Documented in Force Statement(s) (L1-L4)	100%	34	0	0	0	None	78	Ch 1.3.6 p16, Ch. 1.7.1, p36
6 Supervisor Responded to the Incident (L2-L4)	100%	13	0	0	21	21 - L1 events; supervisors not required to make scene.	84, 86(a)	Ch 1.3.6 p25, Ch. 1.7.1 p77, p80, p90
7 Force Details Documented (L1-L4)	97%	33	1	0	0	None	78	Ch 1.3.6 p16, Ch. 1.7.1, p36
8 BWC was Activated Per Policy (L1-L4)	97%	30	1	0	3	2 - Paid Detail; 1 Detective assisting officers	Ch 41.3.10	Ch 41.3.10 p11
8 N/D BWCs: BWCs Found: / BWCs Expected:	96%	88	92			None	Ch 41.3.11	Ch 41.3.10 p12
9 BWC was Reviewed by Supervisor (L1-L4)	100%	31	0	0	3	2 - Paid Detail; 1 Detective assisting officers (No BWC)	86(d)	Ch 1.3.6 p33, Ch. 41.3.10 p35
10 Dash Cam (In Car Camera) was Activated Per Policy (L1-L4)	92%	23	2	0	9	2 - Officer were on paid detail; 4 -Warrant Executions by SOD officers in specialized vehicles not equipped with ICC; 1-Officer was on foot patrol; 2-Involved officer was in a unmarked vehicle not equipped with ICC.	Ch 41.3.8	Ch 41.3.8 p14
11 Dash Cam (In Car Camera) was Reviewed by Supervisor (L1-L4)	94%	16	1	0	17	9 - Dash Cam unavailable because no dashcam exist; 2 - Dashcam was not activated per policy; 6 - Dashcam was not relevant for review due to the use of force occurring outside the vicinity of the dashcam.	86(d)	Ch 1.3.6 p33
12 If CEW was Activated, it was within Policy (L2-L4)	-	0	0	0	34	No CEWs audited	54	Ch 1.3.6 p28, p33
13 Each CEW cycle was Justified within Policy, if Activated (L2-L4)	-	0	0	0	34	No CEWs audited	56	Ch 1.3.6 p31, Ch. 1.7.1, p53, p57
14 CEW was Reviewed by Supervisor, if Activated (L2-L4)	-	0	0	0	34	No CEWs audited	67	Ch 1.3.6 p33, Ch. 1.7.1 p 91, p104, p106, p113
15 Officer was Checked For Injuries (L1-L4)	100%	24	0	0	10	10 - UoF did not involve officer contact (Level 1 Firearm Exhibited)	86(d)	Ch 1.3.6 p28, p33
16 Photograph(s) taken of Officer Injuries (L1-L4)	100%	9	0	0	25	25 - No injuries resulted from the use of force incident	86(d)	Ch 1.3.6 p33, Ch. 1.7.1 p107(c), p79, p80
17 Subject of Force was Checked For Injuries (L2-L4)	100%	29	0	0	5	5 - Level 1 Use of Force that did not involve physical contact and supervisor not required to make the scene.	86(a)	Ch 1.3.6 p24, Ch. 1.7.1, p74, p78, p84
18 Photograph(s) taken of Subject of Force Injuries (L1-L4)	100%	13	0	0	21	21 - Use of Force did not result in physical/ visible injury.	86(d)	Ch 1.3.6 p33, Ch. 1.7.1 p107(c), p79, p80
19a Subject of Force Interviewed	96%	25	1	0	8	8 - Subject of force refused/unavailable for interview; level 1 use of force does not require interview	86(a)	Ch 1.3.6 p28
19b Subject of Force Interview Exists (Recorded) (L1-L4)	100%	22	0	0	12	8 - Subject of force refused/unavailable for interview; level 1 use of force does not require interview; 4 - Recording of subject interview does not exist due to prohibited circumstances (i.e. Hospitals, subject was a juvenile)	86(a)	Ch 1.3.6 p28
20 Supervisor Avoided Leading Questions (L2-L4)	100%	22	0	0	12	12 - Supervisor interview unavailable due to no recording of interview; 1 - Supervisor	86(f)	Ch 1.3.6 p24
21 Canvass for Civilian Witness(es) was Made (L2-L4)	100%	15	0	0	19	19 - Per Chapter 1.3.6 Paragraph 24 (b) a canvass for witnesses are only required for level 2 use of force.	86(e)	Ch 1.3.6 p24, Ch. 1.7.1 p. 82
22A Supervisor's UoF Investigation Submitted within 72 hrs (L1-L4)	91%	31	3	0	0	None	88	Ch 1.3.6 p32
22B Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date:	48%	16	17	0	1	1 - The use of force was considered a Level 4 and the incident was handled by FIT	89	Ch 1.3.6 p32
23 Supervisor's UoF Extension Request Sent to Division Captain (L1-L4)	84%	27	5	0	2	2 - No extension request was made for the use of force report.	88	Ch 1.3.6 p32
24 Reasonableness of Force was Documented (L1-L4)	100%	34	0	0	0	None	88(a)	Ch 1.3.6 p31, Ch. 1.7.1 p5, p46
25 Equip, Training or Policy Issues were Addressed by Supervisor (L1-L4)	100%	34	0	0	0	None	86(c), 88(a,d,e)	Ch 1.3.6 p28, p33
26 Report established officer had reasonable suspicion or probable cause to stop subject:	100%	34	0	0	0	None	122/123	Ch 1.2.4.1 p12
27 CEW force statements consistent w/videos	-	0	0	0	0	None (No CEWs audited)	67	Ch 1.3.6 p33, Ch. 1.7.1 p 91, p104, p106, p113
28 N/D # CEW cycles explained in force statement / Total # CEW cycles	-	0	0			None (No CEWs audited)	57	Ch 1.3.6 p31, Ch. 1.7.1, p.53, p57
Total	94%	642	40	-	270			

General Comments
 ARU audited the Use of Force Level 1-4 sample list case files for the defined period, for completeness and accuracy as required by the Consent Decree.
 For an explanation of the procedures and scoring system for this review, see the associated "Protocol" document.
 For a list of relevant policies, contact ARU as needed.
 For the audit results for each case file, see the accompanying RawData spreadsheets.
 Scores below 95% are highlighted in red.

Use of Force Level 1-4 Checklist Audit By District

Report Period: January, 2024

ARU percentages for Consent Decree requirements for Use of Force Level 1-4 Checklist Audit for data reviewed between Jul-Dec 2023.

Check-List Questions	1	2	3	4	5	6	7	8	SOD	Overall Score
1 Supervisor GIST Submitted by ETOD (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
2 Force Statement(s) Found (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
3 Boilerplate Language was avoided in Force Statement(s) (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	83%	97%
4 Officer Force Statement(s) Submitted by ETOD (L1-L3)	67%	100%	67%	100%	50%	100%	67%	100%	50%	76%
5 Reason(s) for Encounter Documented in Force Statement(s) (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
6 Supervisor Responded to the Incident (L2-L4)	-	-	-	-	100%	100%	100%	100%	100%	100%
7 Force Details Documented (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	83%	97%
8 BWC was Activated Per Policy (L1-L3)	100%	100%	100%	100%	100%	100%	83%	100%	100%	97%
8 N/D BWCs: BWCs Found: / BWCs Expected:	100%	100%	100%	100%	100%	100%	81%	100%	97%	96%
9 BWC was Reviewed by Supervisor (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
10 Dash Cam (In Car Camera) was Activated Per Policy (L1-L3)	100%	100%	100%	100%	0%	100%	83%	100%	100%	92%
11 Dash Cam (In Car Camera) was Reviewed by Supervisor (L1-L3)	100%	-	100%	100%	-	100%	67%	100%	100%	94%
12 If CEW was Activated, it was within Policy L2-L3	-	-	-	-	-	-	-	-	-	-
13 Each CEW cycle was Justified within Policy, if Activated (L2-L3)	-	-	-	-	-	-	-	-	-	-
14 CEW was Reviewed by Supervisor, if Activated (L2-L3)	-	-	-	-	-	-	-	-	-	-
15 Officer was Checked For Injuries (L1-L3)	-	100%	100%	100%	100%	100%	100%	100%	100%	100%
16 Photograph(s) taken of Officer Injuries (L1-L3)	-	-	100%	-	100%	-	100%	100%	100%	100%
17 Subject of Force was Checked For Injuries (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
18 Photograph(s) taken of Subject of Force Injuries (L1-L3)	100%	-	-	100%	100%	-	100%	100%	100%	100%
19a Subject of Force Interviewed	100%	100%	100%	100%	100%	100%	83%	100%	100%	96%
19b Subject of Force Interview Exists (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
20 Supervisor Avoided Leading Questions (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
21 Canvass for Civilian Witness(es) was Made (L1-L3)	100%	-	-	-	100%	100%	100%	100%	100%	100%
22A Supervisor's UoF Investigation Submitted within 72 hrs (L1-L3)	100%	100%	100%	100%	100%	100%	83%	80%	100%	91%
22B Supervisor's approved use of force report submitted to FTI within the required 21 Days from Incident Date:	67%	50%	100%	50%	0%	100%	33%	40%	20%	48%
23 Supervisor's UoF Extension Request Sent to Division Captain (L1-L3)	67%	100%	100%	75%	100%	100%	80%	100%	83%	84%
24 Reasonableness of Force was Documented (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
25 Equip, Training or Policy Issues were Addressed by Supervisor (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
26 Report established officer had reasonable suspicion or probable cause to stop subject:	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
27 CEW force statements consistent w/videos	-	-	-	-	-	-	-	-	-	-
28 # CEW cycles explained in force statement / Total # CEW cycles	-	-	-	-	-	-	-	-	-	-
N/D	-	-	-	-	-	-	-	-	-	-
Total	95%	97%	98%	96%	90%	100%	91%	96%	91%	94%

General Comments

ARU audited the Use of Force Level 1-4 sample list case files for the defined period, for completeness and accuracy as required by the Consent Decree.

For an explanation of the procedures and scoring system for this review, see the associated "Protocol" document.

For a list of relevant policies, contact ARU as needed.

For the audit results for each case file, see the accompanying RawData spreadsheets.

Scores below 95% are highlighted in red.

Use of Force Scorecard Table 2 (L4 ASI-Shooting)

The following checklist below was used by the auditing team to review each L4 case file.

There was no L4 checklist done for this audit period.

Unreported Use of Force Scorecard Table 3

The following checklist below was used by the auditing team to review each unreported use of force case file.

Use of Force - Un-Reported

Report Period: January, 2024

ARU percentages for Consent Decree requirements for Un-Reported Use of Force Checklist Audit.

Check-List Questions	Score	Y	N	U	NA	NA Explanations
1 BWC Located for Incident, if occurred	100%	13	-	-	333	7;2;4;319 EPR/BWC determined no use of force;1 Non-NOPD
4 BWC Reflected Use of Force; if occurred	100%	13	-	-	333	7;2;4;319 EPR/BWC determined no use of force;1 Non-NOPD
5 Use of Force Reported, if occurred	100%	13	-	-	333	7;2;4;319 EPR/BWC determined no use of force;1 Non-NOPD
6 EPR reflected Use of Force, if occurred	100%	13	-	-	333	7;2;4;319 EPR/BWC determined no use of force;1 Non-NOPD
Total	100%	52	-	-	1,332	

General Comments:

ARU assessed the Unreported use of force for items for the defined period, for completeness and accuracy as required by the Consent Decree. For an explanation of the procedures and scoring system for this review, see the associated "Protocol " document. For a list of relevant policies, contact ARU as needed. Data was retrieved from the following EPR categories: Injuries in Custody, Resisting Arrest, Police Injured, Suspect Injured. Universe totaled 368. For the assessment results for each case file, see the accompanying RawData spreadsheets. Scores below 95% are highlighted in red.

Case File Reviews – Table 1 Checklist (L1-4)

The below listed information reveals the outcome of the Audit Team's table 1 checklist reviews.

1. **Was the supervisor GIST submitted by ETOD?** The overall score for this category was **100%**. Of the 34 cases reviewed, all 34 were audited as positive, none were N/A (not applicable).
2. **Were the required force statement(s) found?** The overall score for this category was **100%**. Of the 34 cases reviewed, all 34 were audited as positive, none were N/A (not applicable).
3. **Was boilerplate language avoided in force statement(s)?** The overall score for this category was **97%**. Of the 34 cases reviewed, 33 were audited as positive and 1 was audited as negative (C-27379-23) none were N/A (not applicable).
4. **Were officer force statement(s) submitted by ETOD?** The overall score for this category was **76%**. Of the 34 cases reviewed, 26 were audited as positive, 8 were negative (G-01896-23, I-16603-23, K-18218-23, H-06314-23, I-13222-23, G-27338-23, G-28687-23, H-19258-23) and none were N/A (not applicable)..
5. **Were the reason(s) for encounter documented in force statement(s)?** The overall score for this category was **100%**. Of the 34 cases reviewed, 34 were audited as positive, none were negative, and none were N/A (not applicable).
6. **Did the supervisor respond to the incident, if required?** The overall score for this category was **100%**. Of the 34 cases reviewed, 13 were audited as positive, none were negative, and 21 were N/A (not applicable) where supervisors are not required to make scene for L-1 events.
7. **Were the force details documented in the statement(s)?** The overall score for this category was **97%**. Of the 34 cases reviewed, 33 were audited as positive, 1 was audited as negative (C-27379-23), and none were N/A (not applicable).
8. **Was the BWC activated per policy?** The overall score for this category was **97%**. Of the 34 cases reviewed, 30 were audited as positive, 1 were negative (I-01785-23), and 3 were N/A (not applicable) due to 2 Officers being on paid detail and 1 Detective was not required to wear BWC.
- 8a. **BWCS: BWCs Found: / BWCs Expected:** The overall score for this category was **96%**. Of the 92 BWC's expected, 88 were audited as positive (BWC's found), 4 were negative (BWC's missing). None were N/A (not applicable).
9. **Was the BWC reviewed by supervisor as required?** The overall score for this category was **100%**. Of the 34 cases reviewed, 31 were audited as positive, none were negative, and 3 were N/A (not applicable) due to 2 Officers being on paid detail and 1 Detective was not required to wear BWC.
10. **Was the Dash Cam activated per policy?** The overall score for this category was revised to **92%**. Of the 34 cases reviewed, 23 were audited as positive, 2 were negative (I-26263-23, I-18928-23), and 9 were N/A (not applicable) due to 2 - Officers were on paid detail; 4 -Warrant Executions by SOD

officers in specialized vehicles not equipped with ICC; 1-Officer was on foot patrol; 2-Involved officer was in an unmarked vehicle not equipped with ICC..

11. **Was the dash cam reviewed by supervisor?** The overall score for this category was **94%**. Of the 34 cases reviewed, 16 were audited as positive, 1 was negative (K-18218-23), and 17 were N/A (not applicable) due to 9 - Dash Cam unavailable because no dashcam exist, 6 - Dashcam was not relevant for review due to the use of force occurring outside the vicinity of the dashcam.
12. **If CEW was activated, was it within policy?** The overall score for this category was **N/A**. Of the 34 cases reviewed, no CEW's were audited.
13. **Was each CEW cycle justified within policy, if discharged?** The overall score for this category was **N/A**. Of the 34 cases reviewed, no CEW's were audited.
14. **Was CEW reviewed by supervisor, if activated?** The overall score for this category was **N/A**. Of the 34 cases reviewed, no CEW's were audited.
15. **Was officer checked for injuries, if occurred?** The overall score for this category was **100%**. Of the 34 cases reviewed, 24 were audited as positive, none were negative and 10 were N/A (not applicable) due to UoF did not involve officer contact (Level 1 Firearm Exhibited).
16. **Was photograph(s) taken of officer Injuries, if occurred?** The overall score for this category was **100%**. Of the 34 cases reviewed, 9 were audited as positive, None were negative and 25 were N/A (not applicable) due to no injuries resulted from the use of force incident.
17. **Was subject of force checked for injuries?** The overall score for this category was **100%**. Of the 34 cases reviewed, 29 were audited as positive, none were negative, and 5 were N/A (not applicable) due to no injuries resulting from the use of force incident.
18. **Was photograph(s) taken of subject of force injuries, if occurred?** The overall score for this category was **100%**. Of the 34 cases reviewed, 13 were audited as positive, none were negative, and 21 were N/A (not applicable) due to Use of Force not resulting in physical/ visible injury.
- 19a. **Was the subject of Force Interviewed?** The overall score for this category was **96%**. Of the 34 cases reviewed, 25 were audited as positive, 1 was negative (I-01785-23), and 8 were N/A (not applicable) due to subject of force refused/unavailable for interview; level 1 use of force does not require interview
- 19b. **Does subject of force interview exist?** The overall score for this category was **100%**. Of the 34 cases reviewed, 22 were audited as positive, None were negative, and 12 were N/A (not applicable) due to 8 subjects of force refused/unavailable for interview; level 1 use of force does not require interview; 4 - Recording of subjects interview does not exist due to prohibited circumstances (i.e., Hospitals, subject was a juvenile).
20. **Did supervisor avoid leading questions (L1-L4)?** The overall score for this category was **100%**. Of the

34 cases reviewed, 22 were audited as positive, none were negative, and 12 were N/A (not applicable) due to supervisor interview unavailable due to no recording of interview.

21. **A canvass for witness(es) was conducted, if applicable (L1-L4)?** The overall score for this category was **100%**. Of the 34 cases reviewed, 15 were audited as positive, none were negative, and 19 were N/A (not applicable) due to Per Chapter 1.3.6 Paragraph 24 (h) a canvass for witnesses is only required for level 2 use of force.
- 22a. **Was the supervisor's UoF investigation submitted within 72 hrs. of incident (L1-L4)?** The overall score for this category was **91%**. Of the 34 cases reviewed, 31 were audited as positive, and 3 were negative (K-18218-23, I-17495-23, H-02060-23), no were N/A (not applicable).
- 22b. **Was the supervisor's UoF report submitted to FIT within the required 21 days from Incident Date?** The overall score for this category was **48%**. Of the 34 cases reviewed, 16 were audited as positive, 17 was negative (I-26263-23, G-01896-23, G06072-23, I-16603-23, G-23894-23, I-01785-23, G-17394-23, K-18218-23, G-01868-23, C-27379-23, H-06314-23, G-29886-23, I-13402-23, H-02060-23, H-13579-23, G-05709-23, H-17565-23), and 1 was N/A (not applicable) due to the use of force being considered a Level 4 and the incident was handled by FIT.
23. **Was the supervisor's UoF investigation extension request sent to division captain (L1-L4)?** The overall score for this category was **84%**. Of the 34 cases reviewed, 27 were audited as positive, 5 was negative (I-16603-23, C-27379-23, I-17495-23, G-29886-23, I-19983-23) 2 were N/A (not applicable) due to no extension request was made for the use of force report.
24. **Was the reasonableness of force documented (L1-L4)?** The overall score for this category was **100%**. Of the 34 cases reviewed, all 34 were audited as positive, none were negative, and none were N/A (not applicable).
25. **Were Equip, Training or Policy Issues addressed by supervisor (L1-L4)?** The overall score for this category was **100%**. Of the 34 cases reviewed, 34 was audited as positive, none were N/A (not applicable).
26. **Did the report establish that the officer had reasonable suspicion or probable cause to stop the subject?** The overall score for this category was **100%**. Of the 34 cases reviewed, all 34 were audited as positive, nonnegative, and none were N/A (not applicable).
27. **Were the CEW force statements consistent with the videos?** The overall score for this category was **N/A**. Of the 34 cases reviewed, none involved CEW audit.
28. **Number of CEW cycles explained in force statement / Total number of CEW cycles:** The overall score for this category was **N/A**. due to none of the 34 cases reviewed involved CEW audit.

Case File Reviews – Table 2 Checklist (L4 ASI)

The below listed information reveals the outcome of the Audit Team’s table 2 checklist reviews. This table is primarily intended to cover police shootings, and not non-shooting events. However, for purposes of the audit, it was decided to review all L4 using the checklist. Most will be non-applicable if not related to a shooting. Per FIT, all L4 non-shooting events can be audited using the L1-L4 checklist, with FIT as the investigator, not the District.

Please note: There were no Level 4 Police Shootings audited during this period.

Unreported Use of Force – Results

The below listed information reveals the outcome of the Audit Team’s table 3 checklist reviews.

This audit was conducted using the three Use of Force randomized lists from the Use of Force Protocol for the audit period selected:

- List of EPR reports where an officer was identified as injured.
- List of EPR reports where a suspect was identified as injured.
- List of EPR reports where suspect injured in custody.
- List of EPR reports of where a subject was identified as resisting arrest.

Number of Reports Where an Officer was Injured – 6 (universe)

- Number of Reports where an officer was injured which did not have an associated FTN – Four **(4)**
- Of the **4** Officer remaining injured reports none **(0)** were determined to be Unreported; two **(2)** were identified as Reported (FTN), two **(2)** were determined to be no use of force.

Number of Reports Resisting Arrest – 4 (universe)

- Number of Reports where resisting arrests which did not have an associated FTN – three **(3)**
- Of the three **(3)** remaining Resisting Arrests reports none **(0)** were determined to be Unreported; two **(1)** were identified as Reported (FTN), two **(2)** were determined to be no use of force.

Number of Reports of Injuries in Custody – 13 (universe)

- Number of Reports where a suspect was injured and in custody which did not have an associated FTN – twelve **(12)**
- Of the twelve **(12)** remaining Injuries in Custody reports none **(0)** were determined to be Unreported; five **(5)** were identified as Reported (FTN), seven **(7)** were determined to be no use of force.

Number of Reports of Suspect Injured – 345 (universe)

- Number of Reports where a suspect was injured which did not have an associated FTN - three-hundred and twenty-seven **(327)**
- Of the three-hundred and twenty-seven **(327)** remaining Suspect Injured reports none **(0)** were determined to be Unreported; Seven **(7)** were identified as Reported (FTN), three-hundred nineteen **(319)** were determined to be no use of force, one **(1)** involved non-NOPD officer.

Scores of 95% or higher are considered substantial compliance. Supervisors should address any noted deficiencies with specific training through In-service Training classes or Daily Training Bulletins

(DTBs). This training should be reinforced by close and effective supervision in addition to Supervisor Feedback Logs entries.

The overall score of the unreported Use of Force Audit is as follows: Overall – **100%**

Compliance Score

L1-L4 Checklist- Based on the combined total of nine hundred and fifty-two (**952**) checklist items rated, from the sample size of thirty-four (**34**) case files audited; the **“overall score”** of this Use of Force case file checklist audit conducted by the Auditing and Review Unit was **94%**.

L4 Checklist- **There were no Level 4 shootings to perform an audit using this checklist.**

Unreported Use of Force- Based on the combined total of one thousand, three-hundred and eighty-four (**1,384**) checklist items rated, from the sample size of (**346**) case files audited; the **“overall score”** of this Use of Force case file checklist audit conducted by the Auditing and Review Unit was **100%**.

Results

- The Unreported Use of Force overall results of January 2024 Use of Force audit have revealed that **all** checklist questions had compliance threshold scores **above 95%**.
- The L1-L4 overall results of the July 2023 – January 2024 Use of Force audit have revealed that **6** of the **28** checklist questions had compliance threshold scores **below 95%**:

See L1-L4 details below:

1. **Q4. Were officer force statement(s) submitted by ETOD? The overall score for this category was 76%.** These items had late submittals for use of force statements.
2. **Q10. Was the Dash Cam activated per policy? The overall score for this category was 92%.** Dash Cam footage could not be located for the listed items.
3. **Q11. Was Dash Cam (In Car Camera) being Reviewed by Supervisor? The overall score for this category was 94%.** Supervisor is not listed in audit trail as a reviewer of the ICC camera.
4. **Q22A. Supervisor's UoF Investigation Submitted within 72 hrs.? The overall score for this category was 91%.** There is no evidence that the supervisor submitted the investigation or requested extension within 72 hours.
5. **Q22b. Was the supervisor's UoF report submitted to FIT within the required 21 days from Incident Date? The overall score for this category was 48%.** There was no evidence that the above items reports were submitted to FIT by the 21 days required.
6. **Q23. Was the supervisor's UoF Extension Request Sent to Division Captain? The Overall score for the category was 84.** No evidence that the above extension request was submitted to Division Captain.

Conclusions (Final)

The following findings are as follows for those areas where compliance was **below 90%**:

1. **Q4: Were officer force statement(s) submitted by ETOD?.** This category is scored at **76%**.

2. **Q22B: Was the supervisor’s UoF report submitted to FIT within the required 21 days from Incident Date?** This category is scored at **48%**.
3. **Q23: Was the supervisor's UoF Extension Request Sent to Division Captain?** This category is scored at **84%**.

Recommendations

Following the Use of Force audit which covered July 2023 – December 2023, “opportunities for improvement” continue to be documented by the PSAB Audit and Review Unit (ARU). As previously identified by the Public Integrity Bureau (PIB), Force Investigation Team (FIT) in order for the Department to maintain or achieve 95% or better compliance rate, the following areas for improvement were communicated to the various Districts and Bureaus and are as follows:

1. Initial Blue Team entry **shall** be completed by **ETOD** of the supervisors next tour of duty. This **shall** include the involved officer’s and civilian's information and the types of force used by each.
2. Use of force reports and documents **shall** be sent over to FIT within 21 days.
3. Dash cams **shall** be activated prior to interacting with subjects.

Continuing to take this action will ensure that all Use of Force case files are compliant and within policy guidelines.

Use of Force Responses & PSAB Notes:

SOD

SOD Request: (regarding two items) - Officers did not complete Force Statement by ETOD) This Use of Force took place on a SWAT Roll which included a barricaded subject who was armed with a firearm. Officers were contacted by district officers, who advised Lieutenant Kenny Prepetit of the situation. Lieutenant Prepetit, based on the information given to him by district officers, declared a Swat Roll. All officers involved were then notified of the call out. During this event, Gas was deployed inside of the residence. All offices involved were exposed to the gas and had to decontaminate. The SWA roll also lasted several hours and did not end until the next day. Based upon the length of the SWAT Roll and being exposed to gas, the officers were instructed by ranking officers to decontaminate. they were also advised by Sergeant that he would get their force statements on a later date. Because of the events that took place, it is unrealistic to have officers who were exposed to gas to go back to SOD Compound and complete force statements. If they did this, they would contaminate the compound with gas. Also, because the event lasted several hours, it was more logical to have the officers do the statement the next day. They also had to download videos, review the videos and properly tag said videos. SOD is not like the district officers; many of our Use of Force reports are because of high-risk warrant or SWAT

PSAB Response: A use of force was determined to have occurred after incident, due to suspect complaining of injury a week later. Once it was determined a UoF occurred, the required statements were done that same day. Question has been changed to compliant.

Action Taken: ARU response update to reflect a compliant score.

SOD Request: (regarding one item)- A: Officer did not turn in force statement by ETOD / B: Not approved by Supervisor within 21 days.) This Use of Force Investigation was handled by a Lieutenant who is not assigned to SOD, she is assigned to ISB. This was a High-Risk warrant executed by SOD for VCAIT. This was a Level 2 (takedown without injury) because the arrested subject resisted, and a distraction device was deployed inside of the residence. SOD does after action reports on all SWAT Rolls and High-Risk Warrants. The officers involved must return to SOD and review their BWC Footage.

PSAB Response: Upon reviewing the documentation and BWC evidence, the auditor determined the following did not meet the criteria of compliance:

1. Officer did not submit his UOF statement until 8/9/2023. The event occurred on 8/7/2023. Per Chapter 1.3.6 Paragraph 15 of the Reporting Use of Force, 15. Following a reportable Level 1 use of force incident, the officer using force shall: (a) Immediately notify his/her supervisor (b) Complete a Force Statement prior to the end of his/her tour of duty (c) Complete an NOPD Incident Report on the underlying offense that required the Use of Force. All critical information surrounding the officer's Level 1 Use of Force should be included in this report. (d) The Force Statement and all associated NOPD Incident Reports shall be provided to the same reviewing/approving supervisor prior to the officers' end of tour of duty.
2. The supervisor's approved use of force report was not submitted to FIT within 21 days. The event

occurred on 8/7/2023. The Blue team report was created on 9/7/2023 and received on 9/7/2023. The Report was not submitted to FIT until 9/29/2023. Per Chapter 1.3.6 of the Reporting Use of force Policy, 31. Completed use of force reports shall be submitted to the PIB - Force Investigation Team through Blue Team for review and approval no later than 21 days after the initial Blue Team entry is submitted.

Action Taken: ARU score remains unchanged. Upon reviewing Chapter 1.3.6 Paragraph 19 of the Reporting Use of Force, it does not mention grace periods regarding reporting timelines.

SOD Request (regarding one item) - Offices did not turn in force statement by ETOD) This Use of Force Investigation was handled by the Public Integrity Bureau Force Investigation Team (FIT). It was a K-9 deployment which involved a bite by the dog. Again, because of the investigation it is unlikely the force statement will be turned in by ETOD. The K-9 handler must download and review his Body Worn Camera Footage. Because this is a Level 4 Investigation, the officer should review all footage prior to writing his force statement to PIB. I would consider this to be same as a Level 4 investigation that involves a firearm.

PSAB Response: Upon review of the documentation and BWC related to this incident, the Auditor determined the following did not meet the criteria for compliance:

1. Officers did not submit their UOF statement by EOTD. The incident occurred on 7/29/2023 2:49 AM, and the statement was submitted on 7/30/2023.

Per Chapter 1.3.6 Paragraph 19 of the Reporting Use of Force, 19. All Involved Officers or Witness Officers shall provide their Force Statements and the corresponding NOPD Incident Report to the same reviewing/approving supervisor prior to each officer's end of tour of duty.

Action Taken: ARU score remains unchanged. Upon reviewing Chapter 1.3.6 Paragraph 19 of the Reporting Use of Force, it does not mention grace periods in regard to reporting timelines.

SOD Request (regarding one item) - Supervisor did not apply for an Extension / B. Boilerplate language in Force Statements / C. Supervisor approved within 21 days.) This Use of Force investigation was not handled by SOD, it was handled by a Lieutenant who was assigned to ISB. This was a High-Risk warrant executed by SOD. The officers involved must download videos and review them prior to writing force statements. Because SOD does not operate like district personnel, most of the Force Investigations are because of High-Risk warrants and SWAT rolls. Tier is a debriefing after every event and an After-Action Report is written. The Lieutenant, because she is not assigned to SOD, the process might take longer than EOTD to get the statements.

PSAB Response: Upon reviewing the documentation and BWC evidence, the auditor determined the following did not meet the criteria of compliance:

1. The supervisor's approved use of force report was not submitted to FIT within 21 days. The event occurred on 8/11/2023. The Blue team report was created on 8/24/2023 and received on 9/11/2023. The Report was not submitted to FIT until 9/29/2023.

- a. Per Chapter 1.3.6 of the Reporting Use of force Policy, 31. Completed use of force reports shall be submitted to the PIB - Force Investigation Team through Blue Team for review and approval no later than

21 days after the initial Blue Team entry is submitted.

2. Officer failed to explain the UOF in detail.

a. Per paragraph 13 of Chapter 1.3.6 13. Officers shall not make conclusory statements, including the use of “boilerplate” or “pat” language (e.g., “suspect made a furtive movement” or “suspect took a fighting stance”) in statements and reports documenting use of force. A specific description of an individual’s action(s) that led to the perceived need for a use of force response by an officer must be clearly articulated.

3. Officer failed to detail the force that occurred in his force statement.

a. Per paragraph 12 of Chapter 1.3.6 12. Depending on the level of reportable use of force, as set forth below, an Involved Officer (IO) and/or Witness Officer (WO) may be required to prepare a Force Statement. The officer shall independently prepare his or her Force Statement and include facts known to the officer, to include:

(a) A detailed account of the force incident from the officer’s perspective.

(b) The reason for the initial police presence, e.g.: response to (nature of) call, on view suspicious activity (describe the suspicious activity), flagged by a citizen (nature of citizen’s concern), shots fired, or screams heard, etc.

(c) A specific description of the acts that led to the use of force.

(d) The specific description of resistance encountered.

(e) A description of every type of force used or observed.

Action taken: ARU score remains unchanged. Upon reviewing Chapter 1.3.6 of the Reporting Use of Force, it does not mention exceptions for SOD regarding report submission timelines.

SOD Request: (regarding two items) – Supervisor did not approve report within 21 days.) I cannot determine where the delay in supervisor approval occurred. These violations will be addressed with the ranking officers to make sure this does not happen again. YOU also have in RED “No CEW involved in the UOF”, is this a violation?

PSAB Response: No CEW involved on the UOF means that a CEW was not used during this UOF. It is not a violation.

Action Taken: ARU score remains unchanged.

7th District

7th District Response - After careful review of the Use of Force Audit and findings, the Seventh District concurred with all results. We could not dispute any of them. With that being said, we noticed supervisors stopped requesting extension request when completing Use of Forces and audit revealed they did not review body worn camera footage. Supervisors are now required to submit an extension request immediately upon being assigned a Use of Force Incident. Supervisor will be required to submit to make a copy of the BWC audit trail a part of the Use of Force Report as an attachment.

PSAB Response: None needed

Action Taken: ARU score remains unchanged. No further action needed.

Attachments: Excel Raw Data Spreadsheets July 2023 – December 2023.

Timothy A. Lindsey

**Innovation Manager, Auditing
Professional Standards and Accountability Bureau**

Christopher J. Porter

**Auditor
Professional Standards and Accountability Bureau**

Appendix C – Report Distribution

Deputy Supt. PSAB Bureau

Captain PSAB Bureau

Deputy Supt. PIB Bureau

Deputy Sup. FOB Bureau