



Audit and Review Unit
Professional Standards and Accountability Bureau

Use of Force Audit Report 2nd Half 2021 (July – December)

Report # UOF022022

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Final Report: March 23, 2022

Audit Team

This audit was managed and conducted by the Professional Standards and Accountability Bureau individuals listed below:

Timothy Lindsey, Innovation Manager - Auditing

Lanitra Lacey, Auditor

Betty Johnson, Auditor

Chelsea Albritton, Auditor

Mekensie Maxwell, Auditor

Jessica Jones, Auditor

Executive Summary

The Audit and Review Unit (ARU) of the Professional Standards and Accountability Bureau (PSAB) completed a Use of Force Audit in February 2022. The audit covered the period from July 1st to December 31st. 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 include 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 1-3 Use of Force. The L1-L3 audit addresses twenty-five (25) checklist questions.
- Level 4 Use of Force. The L4 audit addresses twenty-one (21) checklist questions.

Number of Non-Compliant L1-L3 Checklist Questions (6):

Q04: Officer Force Statement(s) Submitted by ETOD - (66%)

Q16: Photograph(s) taken of Officer Injuries – (75%)

Q18: Photograph(s) taken of Subject of Force Injuries – (93%)

Q21: Canvass for Civilian Witness(es) was Made – (92%)

Q22: Supervisor's UoF Investigation Submitted within 72 hrs. – (88%)

Q23: Supervisor's UoF Extension Request Sent to Division Captain – (92%).

Number of Non-Compliant L4 Checklist Questions (None):

Number of Completed Entries Used to Create L1-L3 Sample (149)

Number of Completed Entries Used to Create L4 Sample (4)

L1-L3 Sample Target to Audit (42):

The sample target represented 25% of available L1-L2 entries (148)

The sample target represented 50% of available L3 entries (1)

L4 Sample Target to Audit (4):

The sample target represented 100% of available L4 entries (4)

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-L3 Audit is as follows: Overall – **95%**

The overall score of the Use of Force L4 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 15th, 2022, to February 11th, 2022. 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-five (25) L1-L3 Checklist questions and twenty-one (21) L4 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 months (Quarterly), this review encompassed a period of six 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 41 randomly selected L1-L2 case files, 1 L-3 case file, and 4 L-4 case files for a total of 46. 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 2021.

Initiating and Conducting the Use of Force Audit

The initial raw data was downloaded from the IAPro system on January 7th, 2022, to prep the sample distribution file that would be utilized by ARU, for the current audit.

Orleans Parish Communications District (OPCD) was contacted to provide the required GIST emails associated with the selected distribution sample items on January 7th.

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-five (25) 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)

Chelsea Albritton & Lanitra Lacey (10)

G-19704-21	G-21223-21	H-11008-21	H-20305-21
H-36991-21	I-18161-21	I-33718-21	J-19217-21
K-04960-21	K-12188-21		

Betty Johnson & Mekensie Maxwell (11)

G-31497-21	G-36957-21	G-38310-21	H-27167-21
J-24357-21	K-08333-21	K-13153-21	L-02818-21
L-10063-21	G-00437-21	H-32750-21	

Chelsea Albritton & Jessica Jones (5)

H-28176-21	H-37091-21	I-15045-21	J-24380-21
J-35199-21			

Betty Johnson & Lanitra Lacey (4)

H-12153-21	J-15928-21	L-17962-21	L-34115-21
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Betty Johnson & Jessica Jones (4)

H-17309-21	I-29490-21	J-14586-21	K-21367-21
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Mekensie Maxwell & Jessica Jones (8)

G-17184-21	H-09926-21	H-11792-21	H-12501-21
I-14275-21	I-19858-21	J-18886-21	K-00043-21

Total: 42 L1–L3 Case Files

L4 – (Table 2)

Lanitra Lacey, Chelsea Albritton & Jessica Jones (4)

J-00748-21	H-33260-21	J-07132-21	H-25983-21
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Use of Force Scorecard Table 1 (L1-3)

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

Use of Force Level 1 -3 Checklist Audit (Table 1) Review Period: July - December, 2021

ARU percentages for Consent Decree requirements for Use of Force Level 1-3 Checklist Audit.

Check-List Questions	Score	Y	N	U	NA	Consent Decree #	NOPD Policy Chapters
1 Supervisor GIST Submitted by ETOD (L1-L3)	100%	42	-	-	-	87	Ch 1.3.6 p28, Ch. 1.3 p21(e), Ch. 1.7.1 p45
2 Force Statement(s) Found (L1-L3)	98%	41	1	-	-	78, 81	Ch 1.3.6 p16, p18
3 Boilerplate Language was avoided in Force Statement(s) (L1-L3)	100%	42	-	-	-	79	Ch 1.3.6 p17
4 Officer Force Statement(s) Submitted by ETOD (L1-L3)	66%	27	14	-	1	88	Ch 1.3.6 p6, p19
5 Reason(s) for Encounter Documented in Force Statement(s) (L1-L3)	100%	42	-	-	-	78	Ch 1.3.6 p16, Ch. 1.7.1, p36
6 Supervisor Responded to the Incident (L2-L4)	100%	29	-	-	13	84, 86(a)	Ch 1.3.6 p25, Ch. 1.7.1 p77, p80, p90
7 Force Details Documented (L1-L3)	100%	42	-	-	-	78	Ch 1.3.6 p16, Ch. 1.7.1, p36
8 BWC was Activated Per Policy (L1-L3)	95%	36	2	-	4	Ch 41.3.10	Ch 41.3.10 p11
9 BWC was Reviewed by Supervisor (L1-L3)	100%	38	-	-	4	86(d)	Ch 1.3.6 p33, Ch. 41.3.10 p35
10 Dash Cam (In Car Camera) was Activated Per Policy (L1-L3)	96%	26	1	-	15	Ch 41.3.8	Ch 41.3.8 p14
11 Dash Cam (In Car Camera) was Reviewed by Supervisor (L1-L3)	96%	26	1	-	15	86(d)	Ch 1.3.6 p33
12 If CEW was Activated, it was within Policy L2-L3	100%	4	-	-	38	54	Ch 1.3.6 p28, p33
13 Each CEW cycle was Justified within Policy, if Activated (L2-L3)	100%	3	-	-	39	56	Ch 1.3.6 p31, Ch. 1.7.1, p.53, p57
14 CEW was Reviewed by Supervisor, if Activated (L2-L3)	100%	4	-	-	38	67	Ch 1.3.6 p33, Ch. 1.7.1 p 91, p104, p106, p113
15 Officer was Checked For Injuries (L1-L3)	95%	20	1	-	21	86(d)	Ch 1.3.6 p28, p33
16 Photograph(s) taken of Officer Injuries (L1-L3)	75%	6	2	-	34	86(d)	Ch 1.3.6 p33, Ch. 1.7.1 p107(c), p79, p80
17 Subject of Force was Checked For Injuries (L1-L3)	100%	29	-	-	13	86(a)	Ch 1.3.6 p28, p33, Ch. 1.7.1, p74, p78, p84
18 Photograph(s) taken of Subject of Force Injuries (L1-L3)	93%	13	1	-	28	86(d)	Ch 1.3.6 p33, Ch. 1.7.1 p107(c), p79, p80
19 Subject of Force Interview Exists (L1-L3)	100%	22	-	-	20	86(a)	Ch 1.3.6 p28
20 Supervisor Avoided Leading Questions (L1-L3)	100%	21	-	-	21	86(f)	Ch 1.3.6 p28
21 Canvass for Civilian Witness(es) was Made (L1-L3)	92%	12	1	-	29	86(e)	Ch 1.3.6 p28, Ch. 1.7.1 p. 82
22 Supervisor's UoF Investigation Submitted within 72 hrs (L1-L3)	88%	36	5	-	1	88	Ch 1.3.6 p32
23 Supervisor's UoF Extension Request Sent to Division Captain (L1-L3)	92%	34	3	2	3	88	Ch 1.3.6 p32
24 Reasonableness of Force was Documented (L1-L3)	95%	39	2	1	-	88(a)	Ch 1.3.6 p31, Ch. 1.7.1 p5, p46
25 Equip, Training or Policy Issues were Addressed by Supervisor (L1-L3)	98%	41	1	-	-	86(c), 88(a,d,e)	Ch 1.3.6 p28, p33
Total	95%	675	35	3	337		

General Comments

ARU audited the Use of Force Level 1-3 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)

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

Use of Force Level 4 Checklist Audit (Table 2) Review Period: July - December, 2021

ARU percentages for Consent Decree requirements for Use of Force Level 4 Checklist Audit.

Check-List Questions	Score	Y	N	U	NA
A1 Assigned Investigators to the case as required (Administrative /Criminal)	100%	4	-	-	-
A2 Scene Secured, if required (including Security Perimeter, Security Log and Crime Scene Log)	-	-	-	-	4
A3 Notifications made as needed (Chief of Police, NOPD Personnel, District Attorney, Forensics, IPM, OCDM)	100%	4	-	-	-
A4 Public Safety Statement released	100%	2	-	-	2
A5 Involved and witness members and employees Identified and includes (Meeting wih, transporting to PIB or other location, separating from others)	100%	4	-	-	-
A6 Subject of Force identified and located; examined for injuries and interviewed as being Mirandized.	100%	4	-	-	-
A7 Identified other withness officers an location if known	100%	1	-	-	3
A8 Identified other withness officers and location if known	100%	3	-	-	1
A9 Weapons secured and inspected if used (ammunition, round count, uniform, force tools, body armor)	100%	2	-	-	2
B1 All photographs and video including (subject of force, officers (involved and witness). Incident location, crime scene sketch, FARRO video)	100%	4	-	-	-
B2 Medical Examiner if death involved (Bag and Secure deceased hands and Reports - Initial and Final)	-	-	-	-	4
B3 Officer Weapon & Force Tools (recovered involved officer weapon/force tools, inspection and countdown of rounds)	100%	2	-	-	2
B4 Officer uniform and accessories noted (uniform, belt(s), leather gear, force tools)	100%	4	-	-	-
B5 Subject of Force clothing and weapons noted (including medical reports)	100%	1	-	-	3
B6 Items sent to crime lab documented (guns, force tools, phone(s), blood, DNA, GSR, nail clippings, hair, other)	-	-	-	-	4
C1 Officer criminal statement documented (date of interview, informed IPM, OCDM, prepared questions, and ensured A/V equipment working)	-	-	-	-	4
C2 Officer Compel Statement documented (date of interview, informed IPM, OCDM, prepared questions, and ensured A/V equipment working)	-	-	-	-	4
C3 Violations documented if any (criminal, policy, tactics, officer safety)	100%	1	-	-	3
D1 Communications recovered as needed (emails, MVU, BWC, taser download, taser video, CAD, AFT gun trace, phones)	100%	4	-	-	-
D2 Criminal Aspects: criminal interview, DA consultation, DA charge/declination	100%	1	-	-	3
D3 Administrative Aspects: (compel interview, policy, procedure, tactics, decision point analysis)	100%	3	-	-	1
Total	100%	44	-	-	40

Case File Reviews – Table 1 Checklist (L1-3)

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 42 cases reviewed, all 42 were audited as positive.
2. **Were the required force statement(s) found?** The overall score for this category was **98%**. Of the 42 cases reviewed, 41 were audited as positive, and 1 was negative (I-15045-21).
3. **Was boilerplate language avoided in force statement(s)?** The overall score for this category was **100%**. Of the 42 cases reviewed, all 42 were audited as positive.
4. **Were officer force statement(s) submitted by ETOD?** The overall score for this category was **63%**. Of the 42 cases reviewed, 26 were audited as positive, and 15 were negative (1st - L-02818-21, L-10063-21), (2nd - G-19704-21, J-19217-21), (8th - J-18886-21, G-17184-21, H-09926-21), (5th - G-36957-21, G-38310-21), (6th - J-24380-21), (4th - H-17309-21), (SOD - L-17962-21, J-15928-21), (7th - H-32750-21, G-00437-21) and 1 was NA.
5. **Were the reason(s) for encounter documented in force statement(s)?** The overall score for this category was **100%**. Of the 42 cases reviewed, 42 were audited as positive.
6. **Did the supervisor respond to the incident, if required?** The overall score for this category was **100%**. Of the 42 cases reviewed, 29 were audited as positive, and 13 were N/A (not applicable).
7. **Were the force details documented in the statement(s)?** The overall score for this category was **100%**. Of the 42 cases reviewed, 42 were audited as positive.
8. **Was the BWC activated per policy?** The overall score for this category was **95%**. Of the 42 cases reviewed, 36 were audited as positive, 2 were negative (1st - L-02818-21), (8th - G-17184-21), and 4 were N/A (not applicable)
9. **Was the BWC reviewed by supervisor as required?** The overall score for this category was **100%**. Of the 42 cases reviewed, 38 was audited as positive, and 4 were N/A (not applicable).
10. **Was the Dash Cam activated per policy?** The overall score for this category was **96%**. Of the 42 cases reviewed, 26 were audited as positive, 1 was negative (8th - K-00043-21), and 15 were N/A (not applicable).
11. **Was the dash cam reviewed by supervisor?** The overall score for this category was **96%**. Of the 42 cases reviewed, 26 were audited as positive, 1 was negative (8th - K-00043-21), and 15 were N/A (not applicable).
12. **If CEW was activated, was it within policy?** The overall score for this category was **100%**. Of the 42 cases reviewed, 4 were audited as positive, and 38 were N/A (not applicable).
13. **Was each CEW cycle justified within policy, if discharged?** The overall score for this category was **100%**. Of the 42 cases reviewed, 3 were audited as positive, and 39 were N/A (not applicable).
14. **Was CEW reviewed by supervisor, if activated?** The overall score for this category was **100%**. Of the 42 cases reviewed, 4 were audited as positive, and 38 were N/A (not applicable).
15. **Was officer checked for injuries, if occurred?** The overall score for this category was **95%**. Of the 42 cases reviewed, 20 were audited as positive, 1 was negative (8th - H-09926-21), and 21 were N/A (not applicable).
16. **Was photograph(s) taken of officer Injuries, if occurred?** The overall score for this category

was **67%**. Of the 42 cases reviewed, 6 were audited as positive, 3 were negative (8th - I-19858-21, H-09926-21), (4th - H-17309-21), and 33 were N/A (not applicable).

17. **Was subject of force checked for injuries?** The overall score for this category was **100%**. Of the 42 cases reviewed, 29 were audited as positive, and 13 were N/A (not applicable).
18. **Was photograph(s) taken of subject of force injuries, if occurred?** The overall score for this category was **93%**. Of the 42 cases reviewed, 13 were audited as positive, 1 was negative (8th - H-12501-21), and 28 were N/A (not applicable).
19. **Does subject of force interview exist?** The overall score for this category was **100%**. Of the 42 cases reviewed, 22 were audited as positive, and 20 were N/A (not applicable).
20. **Did supervisor avoid leading questions (L1-L3)?** The overall score for this category was **100%**. Of the 42 cases reviewed, 21 were audited as positive, and 21 were N/A (not applicable).
21. **A canvass for witness(es) was conducted, if applicable (L1-L3)?** The overall score for this category was **92%**. Of the 42 cases reviewed, 12 were audited as positive, 1 was negative (8th -J-19858-21), and 29 were N/A (not applicable).
22. **Was the supervisor's UoF investigation submitted within 72 hrs. of incident (L1-L3)?** The overall score for this category was **88%**. Of the 42 cases reviewed, 36 were audited as positive, and 5 were negative (8th -J-19858-21, G-17184-21, H-09926-21), (SOD - L-34115-21), (7th -G-00437-21) and 1 was N/A (not applicable).
23. **Was the supervisor's UoF investigation request sent to division captain (L1-L3)?** The overall score for this category was **92%**. Of the 42 cases reviewed, 34 were audited as positive, and 3 were (3rd - K-04960-21), (SOD - L-34115-21), (7th - G-31497-21) and 5 Unknown/N/A.
24. **Was the reasonableness of force documented (L1-L3)?** The overall score for this category was **93%**. Of the 42 cases reviewed, 38 were audited as positive, and 3 were negative (1st - H-11008-21, 5th - G-38310-21, SOD - J-15928-21) and 1 unknown.
25. **Were Equip, Training or Policy Issues addressed by supervisor (L1-L3)?** The overall score for this category was **98%**. Of the 42 cases reviewed, 41 was audited as positive, and 1 negative (1st - H-27167-21).

Case File Reviews – Table 2 Checklist (L4)

The below listed information reveals the outcome of the Audit Team's table 2 checklist reviews.

- A1 **Assigned Investigators to the case as required (Administrative /Criminal)?** The overall score for this category was **100%**. Of the 4 cases reviewed, all 4 were audited as positive.
- A2 **Scene Secured, if required (including Security Perimeter, Security Log and Crime Scene Log)?** The overall score for this category was **N/A**.
- A3 **Notifications made as needed (Chief of Police, NOPD Personnel, District Attorney, Forensics, IPM, OCDM)?** The overall score for this category was **100%**. Of the 4 cases reviewed, all 4 were audited as positive.
- A4 **Public Safety Statement released?** The overall score for this category was **100%**. Of the 4 cases reviewed, 2 were audited as positive, and 2 were N/A (not applicable).
- A5 **Involved and witness members and employees Identified and includes (Meeting with, transporting to PIB or other location, separating from others)?** The overall score for this category was **100%**. Of the 4 cases reviewed, all 4 were audited as positive.
- A6 **Subject of Force identified and located; examined for injuries and interviewed as being Mirandized?** The overall score for this category was **100%**. Of the 4 cases reviewed, all 4 were audited as positive.
- A7 **Identified other witness officers and location if known?** The overall score for this category was **100%**. Of the 42 cases reviewed, 38 was audited as positive, and 4 were N/A (not applicable).
- A8 **Identified other witness(es) and secure their positions and statements?** The overall score for this category was **100%**. Of the 4 cases reviewed, 3 were audited as positive, and 1 was N/A (not applicable).
- A9 **Weapons secured and inspected if used (ammunition, round count, uniform, force tools, body armor)?** The overall score for this category was **100%**. Of the 4 cases reviewed, 2 were audited as positive, and 2 was N/A (not applicable).
- B1 **All photographs and video including (subject of force, officers (involved and witness). Incident location, crime scene sketch, FARRO video)?** The overall score for this category was **100%**. Of the 4 cases reviewed, all 4 were audited as positive.
- B2 **Medical Examiner if death involved (Bag and Secure deceased hands and Reports - Initial and Final)?** The overall score for this category was **N/A**.
- B3 **Officer Weapon & Force Tools (recovered involved officer weapon/force tools, inspection, and countdown of rounds)?** The overall score for this category was **100%**. Of the 4 cases reviewed, 2 were audited as positive, and 2 were N/A (not applicable).
- B4 **Officer uniform and accessories noted (uniform, belt(s), leather gear, force tools)?** The overall score for this category was **100%**. Of the 4 cases reviewed, all 4 were audited as positive.
- B5 **Subject of Force clothing and weapons noted (including medical reports)?** The overall score for this category was **100%**. Of the 4 cases reviewed, 1 was audited as positive, and 3 were N/A (not applicable).
- B6 **Items sent to crime lab documented (guns, force tools, phone(s), blood, DNA, GSR, nail clippings, hair, other)?** The overall score for this category was **N/A**.

- C1 **Officer criminal statement documented (date of interview, informed IPM, OCDM, prepared questions, and ensured A/V equipment working)?** The overall score for this category was **N/A**.
- C2 **Officer Compel Statement documented (date of interview, informed IPM, OCDM, prepared questions, and ensured A/V equipment working)?** The overall score for this category was **N/A**.
- C3 **Violations documented if any (criminal, policy, tactics, officer safety)?** The overall score for this category was **100%**. Of the 4 cases reviewed, 1 was audited as positive, and 3 were N/A (not applicable).
- D1 **Communications recovered as needed (emails, MVU, BWC, taser download, taser video, CAD, AFT gun trace, phones)?** The overall score for this category was **100%**. Of the 4 cases reviewed, all 4 were audited as positive.
- D2 **Criminal Aspects: criminal interview, DA consultation, DA charge/declination?** The overall score for this category was **100%**. Of the 4 cases reviewed, 1 was audited as positive, and 3 were N/A (not applicable).
- D3 **Administrative Aspects: (compel interview, policy, procedure, tactics, decision point analysis)?** The overall score for this category was **100%**. Of the 4 cases reviewed, 3 were audited as positive, and 1 was N/A.

Compliance Score

L1-L3 Checklist- Based on the combined total of one-thousand, and fifty (**1,050**) checklist items rated, from the sample size of forty-two (**42**) case files audited; the **“overall score”** of this Use of Force case file checklist audit conducted by the Auditing and Review Unit was **95%**.

L4 Checklist- Based on the combined total of eighty-four (**84**) checklist items rated, from the sample size of four (**4**) case files audited; the **“overall score”** of this Use of Force case file checklist audit conducted by the Auditing and Review Unit was **100%**.

Final Results

The L-4 overall results of the 2nd Half 2021 Use of Force audit have revealed that **all** checklist questions had compliance threshold scores **above 95%**.

The L1-L3 overall results of the 2nd Half 2021 Use of Force audit have revealed that **6** of the 25 checklist questions had compliance threshold scores **below 95%**:

See **L1-L3 details below:**

Q4. Were officer force statement(s) submitted by ETOD? The overall score for this category was 66%. (1st - L-02818-21, L-10063-21), (2nd - J-19217-21), (8th - J-18886-21, G-17184-21, H-09926-21), (5th - G-36957-21, G-38310-21), (6th - J-24380-21), (4th - H-17309-21), (SOD - L-17962-21, J-15928-21), (7th - H-32750-21, G-00437-21). These items had late submittals for use of force statements.

Q16. Was photograph(s) taken of officer Injuries, if occurred? The overall score for this category was 75%. (8th - I-19858-21, H-09926-21). Photographs of potential officer injuries were not located in IAPro nor seen on BWC.

Q18. Was photograph(s) taken of subject of force injuries, if occurred? The overall score for this category was 93%. (8th - H-12501-21). Photographs of injuries were not located in IAPro.

Q21. A canvass for witness(es) was conducted, if applicable (L1-L3)? The overall score for this category was 92%. (8th -J-19858-21).

Q22. Was the supervisor's UoF investigation submitted within 72 hrs. of incident (L1-L3)? The overall score for this category was 88%. (8th -J-19858-21, G-17184-21, H-09926-21), (SOD - L-34115-21), (7th -G-00437-21). The listed items appeared to show reports dated past the 72 hrs. limit and no extension listed in IAPro.

Q23. Was the supervisor's UoF investigation extension request sent to division captain (L1-L3)? The overall score for this category was 92%. (3rd - K-04960-21), (SOD - L-34115-21), (7th - G-31497-21). The listed items had no extension email attached in IAPro.

Final Conclusions

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

1. **Were officer force statement(s) submitted by ETOD?** While this score was initially scored at **63%**, re-evaluation adjustments improved the score to **66%**. The primary driver of the force statements appearing to be late is the fact that statement revisions are NOT tracked, giving the impression that the force statements are late. No force statements were missing or otherwise unrecorded. A request was made by ARU to ensure that the original submitted statements or email are preserved to provide paper trail for when statements are submitted. This issue is addressed in the Recommendations Section under bullet number 3.
2. **Was photograph(s) taken of officer Injuries, if occurred?** While this score was initially scored at **67%**, re-evaluation adjustments improved the score to **75%**. The primary driver for lack of photographs of officer injuries appears to be the officers refusing treatment and/or do not submit to photographs due to fact claiming no injuries. All encounters should be properly photographed where there is clear indication in reports that an officer was struck, or otherwise had force applied against them. The audit revealed instances of officers being spit on, kicked, hit, and scratched without having photos (or BWC) taken as result of on scene investigations. This issue is addressed in the Recommendations Section under bullet number 4.
3. **Was the supervisor's UoF investigation submitted within 72 hrs. of incident (L1-L3)? 88%.** The primary issues were with lack of documentation via email or other correspondence requesting an extension if needed. This would support the reason an investigation was submitted late. This issue is addressed in the Recommendations Section under 1 and 2.

Recommendations

Following the Use of Force audit which covered July - December 2021, “opportunities for improvement” have been documented by the PSAB Audit and Review Unit (ARU) as identified by the Public Integrity Bureau Force Investigation Team (FIT) in order for the Department to maintain or achieve 95% or better compliance rate. The areas for improvement have been 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 officers and civilian's information and the types of force used by each.
2. Use of force extensions SHALL be requested immediately and attached to the Blue Team report.
3. All use of force statements/witness statements SHALL be completed by ETOD signed and dated and attached to the blue team.
4. Photographs of both Officer and Subject of force injuries SHALL be taken and attached. If the BWC was used to document the injuries the blue team narrative MUST state with who's BWC and under what item.
5. Level 2 and above require a canvass for witnesses.
6. Must address Tactics, Training and Policy for every use of force. If there are no issues this must be stated.
7. Must address if the use of force was reasonable.

Taking this action would hopefully ensure that all Use of Force case files are complete.

Use of Force Responses & PSAB Notes:

Regarding #4 - J-19217-21 – Late Force Statements

2nd District DSA, Sergeant Derek Burke, reviewed the above listed Audit Report, which revealed we were not in compliance with Force Statements Not Submitted by ETOD. On 3-7-22, DSA Burke had conducted an inspection on item J-19217-21, which revealed this report was authored by Sgt. Samuel Dupre. The force statements were written and signed by ETOD, however after Sgt. Dupre reviewed the BWC footages on the next day and the day after, the force statements were returned for corrections. The officers made the corrections and re-signed with later dates. With this in mind, the 2nd District respectfully request our score be reevaluated.

PSAB Response - We would need the **original signed force statements to give credit**. Without a paper trail, anyone could claim the same; that they submitted it on time but had to do corrections and then re-submitted it. **No change made.**

Regarding #4 - G-19704-21 – Late Force Statements

2nd District DSA, Sergeant Derek Burke, reviewed the above listed Audit Report, which revealed we were not in compliance with Force Statements Not Submitted by ETOD. On 3-7-22, DSA Burke had conducted an inspection on item G-19704-21, which revealed this report was authored by Sgt. Samuel Davis of PIB. The reason the force statement was not signed by ETOD is because the Involved Officer, Lieutenant Yolanda Jenkins, was working a Paid Detail on the date of the incident and did not sign the force statement until she returned for regular duty. With this in mind, the 2nd District respectfully request our score be reevaluated.

PSAB Response - **Agreed to adjust** as the incident report does state officer was working off duty detail.

Regarding #4 - H-17309-21 - Late Force Statements

4th District - Sgt. Kjellin advised that all officers that were involved in the incident did turn in their Use of Statements in prior to ETOD on 8/14/21; to the best of his knowledge this is a clerical error.

PSAB Response - there were 4 force statements (2 were submitted on time and dated 8/14/21) and (2 were submitted on 8/24/21 and dated as such). While there could possibly be clerical errors for one of those (date was printed), the other had a hand-written approved date of 8/24/21 as well. Clerical errors should be noted and corrected prior to submission into the system. **No change made.**

Regarding #16 - H-17309-21 - No Officer Photos

4th District - Sgt. Kjellin advised that in Blue Team, he only marked where the officers stated where they were either spit on, kicked or struck. This was only used as a reference point and for injuries. All officers reported that they did not get injured and refused medical treatment. The reason no photographs of any of the officers was taken was because no officer reported any injuries or had no visible sign of any injuries. He also did not observe any officer involved display any signs that they were injured in any fashion.

PSAB Response – **Agreed to adjust** as photos of officers not required as they indicated no injuries and a L1.

Regarding #4 - G-36957-21 - Late Force Statements

5th District - The use of force incident occurred on 7/30/2021. Under item number **G-36957-21** (F.T.N. # 2021-0233), there were statements written by Officers Melvin Labeaud dated 8/8/2021 and Landon Tillery dated 7/31/2021.

PSAB Response – **No Change**

Regarding #4 - G-38310-21 - Late Force Statements

5th District - The use of force incident occurred on 8/3/2021. Under item number G-38310-21 (F.T.N. # 2021-0234), Officers Melvin Labeaud and Alexandra Paciullo dated their statements on 9/6/2021. Officer Edward Camacho's statement was dated 8/8/2021, and Officer Williams dated on time, 8/3/2021. Officers Labeaud, Paciullo, and Camacho were not involved in using force and only arrived on the scene after the subject had been detained. These officers did not witness the use of force. Officer Williams's Use of force statement was dated 8/3/2021. Officer Williams was turned into her supervisor, Sergeant Kenneth Gill, on 8/3/2021, and Sergeant Gill uploaded the attachment on this date. Officers Labeaud and Landon Tillery are still assigned to the 5th District night watch. Officers Paciullo and Camacho are assigned to other districts. We will reach out to the officers for an explanation as to why the statements were submitted late. Corrective action will be taken depending on their response. I do not want to complete an S.F.L. on the officers until I get an explanation. S.F.L.'s are NOT retractable. It is possible the officers submitted their statements on time, were returned for correction, and redated when they submitted the corrected version.

PSAB Response – **No Change**

Regarding #24 - G-38310-21- Reasonableness of Force

5th District - The use of force was submitted through the chain of command and reviewed by PIB FIT Sgt. Sam Davis on Aug 25, 2021. Sgt. Davis approved the report and deemed the force reasonable. The L-1 was effective, and the officers sustained no injuries or arrested subject. See attached Use of Force Report. District: No corrective action is needed.

PSAB Response – **Agreed to adjust** after further review by FIT and PSS determined that the L1 force was appropriate as no neck hold was determinable.

Attachments:

Excel Raw Data Spreadsheets 2nd Half 2021.

**Timothy A. Lindsey, Innovation Manager, Auditing
Professional Standards and Accountability Bureau**

Appendix C – Report Distribution

Deputy Supt. PSAB Bureau

Captain PSAB Bureau

Deputy Supt. PIB Bureau

Deputy Sup. FOB Bureau