



Controlled Electric Weapon (CEW) Audit Report December 2023

Report # CEW122023
(Data Sample – Jan 2023-Oct 2023)

Submitted by PSAB: December 12, 2023
Response from FOB: January 11, 2023
Final Report: January 29, 2023
Revised: February 9, 2024

Audit Team

This audit was managed and conducted by the Professional Standards and Accountability Bureau – Audit and Review Unit (ARU).

Executive Summary

The Audit and Review Unit (ARU) of the Professional Standards and Accountability Bureau (PSAB) initiated a Controlled Electric Weapon (CEW) Audit in May 2023. The audit covered the period from January 1st, 2023, to October 31st, 2023. This audit is conducted to ensure that New Orleans Police Department (NOPD) officers' deployment of CEW's 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, 57, 67, 78, 79, 81, 86. Also, Chapter 1.3.6 Reporting Use of Force, Chapter 1.7.1 Conducted Energy Weapon (CEW), and Chapter 41.3.10 BWC.

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

- CEW Use of Force. The CEW audit addresses ten (10) checklist questions.

Number of Non-Compliant CEW Checklist Questions (1):

- **Q8:** CEW force statements consistent w/ video - **(94%)**

Number of Completed Entries Used to Create the CEW Sample (18)

The initial sample included 2 items previously audited. Those were de-selected.

Sample Target to Audit (16):

The sample target represented **100%** of available CEW entries less the entries that were part of previous Use of Force audit.

The overall score of the CEW Audit is as follows: Overall – **99%**

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

Table of Contents

<i>Audit Team</i>	1
Executive Summary	2
Introduction.....	4
Initiating and Conducting the CEW Audit	6
List of Case Files Reviewed by Auditor.....	7
CEW Scorecard	8
Compliance Score	11
<i>Initial Results</i>	11
Conclusions & Recommendations	12
CEW Responses & PSAB Notes:.....	13
Appendix C – Report Distribution	14

Introduction

The Auditing and Review Unit (ARU) of the Professional Standards and Accountability Bureau previously conducted an audit of CEW incidents in May 2023. The time span to conduct the current audit was from December 4, 2023, to December 8, 2023.

Purpose

The CEW audit is conducted to verify Departmental compliance with the Consent Decree and NOPD Operations Manual as it pertains to the use of CEWs and the subsequent investigations.

Consent Decree (CD) paragraphs include 54, 58, 67, 78, 79, 81, and 87. 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 41.3.10 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 related to use of CEWs. 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 opportunities for improvement as it relates to the proper reporting and documentation of CEW use 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-CEW requirements (e.g., de-escalation, warnings)
- Whether audited CEW use is consistent with policy and law
- Whether involved officers appropriately complied with post-CEW requirements (e.g., immediate notifications, provision of medical aid)
- Whether the involved officers and witness officers completed required reports
- Whether supervisors appropriately investigated, including reviews of available recordings
- Whether supervisors appropriately reviewed reports

Methodology

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

Sample size – 100% of CEW incidents not previously audited as part of a Use of Force audit.

Documentation to be reviewed – All documents and investigative material contained within each individual Force Investigation Team (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 or supervisor, as needed to corroborate the written reports and statements.

Testing Instrument(s) – New Orleans Police Department’s Operations Manual Chapters aforementioned and ten (10) Checklist questions.

Each individual incident file will be audited in its entirety via a single review auditing process by one (1) member 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 10 months (January 2023 – October 2023). 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 removes items previously audited. ARU then reviews 100% of the items within the audit range.

This audit’s sample size consisted of 16 selected case files. The raw data used was for the period of January of 2023 to October 2023.

Initiating and Conducting the CEW Audit

The initial raw data was downloaded from the IAPro system on November 30, 2023, 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 “single review” audit process by the Auditing and Review Unit, based on each case file’s compliance with the New Orleans Police Department’s Operations Manual Chapters, as it relates to “CEW” investigations. To facilitate this process, the team used the ten (10) point CEW audit checklist, as the tool to review and analyze the content of every case file.

Number of Case Files Reviewed by Auditor

The following is a breakdown of the case files by auditors that conducted each review:

CEW

Taneva Bowers (2)	Bianca Harris (2)	Lonnal Lamb (1)	Cardell Silas (2)
--------------------------	--------------------------	------------------------	--------------------------

Danta Lewis (2)	Chelsea Albritton (1)	Christopher Porter (2)	Melinda Foy (2)
------------------------	------------------------------	-------------------------------	------------------------

Jovan Berry (2)

Total: 16 CEW Case Files

CEW Scorecards

The following scorecards below were used by the auditing team to review each CEW case file.

CEW (Conducted Electrical Weapon) Audit Summary

Report Period: Dec, 2023

ARU percentages for Consent Decree requirements for CEW Audit for data reviewed between Jan 2023 - Oct 2023.

Audit Questions	Score	Y	N	U	NA	NA Explanations	Consent Decree #	NOPD Policy Chapters
1 BWC was activated as required by officer who made scene	100%	16	0	0	0	None	83/330	Ch 41.3.10 p11
2 Did Supervisor review the BWC if stated in report	100%	16	0	0	0	None	86(d)	Ch 1.3.6 p33, Ch. 41.3.10 p35
3 Force Statement Found for all CEW officers	100%	16	0	0	0	None	78, 81	Ch 1.3.6 p16, p18
4 Force Details Documented in statement to describe force used	100%	16	0	0	0	None	78	Ch 1.3.6 p16, Ch. 1.7.1, p36
5 CEW activated (deployed) according to policy	100%	16	0	0	0	None	54	Ch 1.3.6 p28, p33
6 CEW Reviewed by Supervisor as required if video exists separately from BWC.	-	0	0	0	16	16 - No CEW video available for supervisor review. Supervisor reviewed CEW through BWC.	67/83/84	Ch 1.3.6 p33, Ch. 1.7.1 p 91, p104, p106, p113
7 Each Cycle Justified	100%	16	0	0	0	None	57	Ch 1.3.6 p16, Ch. 1.7.1, p36
8 CEW force statements consistent w/ video	94%	15	1	0	0	None	78, 81	Ch 1.3.6 p33, Ch. 1.7.1 p 91, p104, p106, p113
9 # CEW cycles explained in force statement / Total # CEW cycles	100%	18	0				58	Ch 1.3.6 p31, Ch. 1.7.1, p.53, p57
10 Supervisor GISTS submitted before ETOD	100%	16	0	0	0	None	87	Ch 1.3.6 p28, Ch. 1.3 p21(e), Ch. 1.7.1 p45
Total	99%	145	1	0	16			

General Comments
 ARU audited the CEW(Conducted Electrical Weapon) case files for the defined period, for completeness and accuracy as required by the Consent Decree. CEW's reviewed as part of the Use of Force audit or prior CEW audit, were **excluded** from this review.
 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.

CEW (Conducted Electrical Weapon) District Audit

Report Period: Dec, 2023

ARU percentages for Consent Decree requirements for CEW Audit for data reviewed between Jan 2023 - Oct 2023.

Audit Questions	1	2	3	4	5	6	7	8	SOD	Overall Score	
1	BWC was activated as required by officer who made scene	100%	-	100%	100%	-	100%	100%	100%	100%	100%
2	Did Supervisor review the BWC if stated in report	100%	-	100%	100%	-	100%	100%	100%	100%	100%
3	Force Statement Found for all CEW officers	100%	-	100%	100%	-	100%	100%	100%	100%	100%
4	Force Details Documented in statement to describe force used	100%	-	100%	100%	-	100%	100%	100%	100%	100%
5	CEW activated (deployed) according to policy	100%	-	100%	100%	-	100%	100%	100%	100%	100%
6	CEW Reviewed by Supervisor as required if video exists separately from BWC	-	-	-	-	-	-	-	-	-	-
7	Each Cycle Justified	100%	-	100%	100%	-	100%	100%	100%	100%	100%
8	CEW force statements consistent w/ video	50%	-	100%	100%	-	100%	100%	100%	100%	94%
9	# CEW cycles explained in force statement / Total # CEW cycles	100%	-	100%	100%	-	100%	100%	100%	100%	100%
10	Supervisor GISTS submitted before ETOD	100%	-	100%	100%	-	100%	100%	100%	100%	100%
	Total	94%	-	100%	100%	-	100%	100%	100%	100%	99%

General Comments
 ARU audited the CEW(Conducted Electrical Weapon) case files for the defined period, for completeness and accuracy as required by the Consent Decree.
 CEW's reviewed as part of the Use of Force audit or prior CEW audit., were **excluded** from this review.
 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**.

Case File Reviews – CEW

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

1. **Was BWC activated as required by officer who made scene?** The overall score for this category was **100%**. Of the 16 cases reviewed, all 16 were audited as positive.
2. **Did supervisor review the BWC if stated in report?** The overall score for this category was **100%**. Of the 16 cases reviewed, all 16 were audited as positive.
3. **Were force statements found for all CEW officers?** The overall score for this category was **100%**. Of the 16 cases reviewed, all 16 were audited as positive.
4. **Were force details documented in statement to describe the force used?** The overall score for this category was **100%**. Of the 16 cases reviewed, all 16 were audited as positive.
5. **Was CEW activated (deployed) according to policy?** The overall score for this category was **100%**. Of the 16 cases reviewed, 16 were audited as positive, and none were negative.
6. **Was CEW reviewed by supervisor as required if video exists separately from BWC?** The overall score for this category is **N/A**. Of the 16 cases reviewed, none of the cases had CEW videos associated with the incident. All 16 CEW incidents were reviewed by supervisors using BWC footage applicable to the incident.
7. **Was each CEW cycle Justified?** The overall score for this category was **100%**. Of the 16 cases reviewed, 16 were audited as positive, none were negative.
8. **Were CEW force statements consistent w/ video?** The overall score for this category was **94%**. Of the 16 cases reviewed, 15 were audited as positive, 1 was negative (1st).
9. **# CEW cycles explained in force statement / Total # CEW cycles:** The overall score for this category was **100%**. Of the 18 CEW cycles used, all 18 were audited as positive (cycles explained force statement).
10. **Supervisor GISTs submitted before ETOD?** The overall score for this category was **100%**. Of the 16 cases reviewed, 16 were audited as positive.

Compliance Score

CEW Audit- Based on the combined total of one hundred and sixty-two (**162**) checklist items rated, from the sample size of sixteen (**16**) case files audited; the “**overall score**” of this CEW audit conducted by the Auditing and Review Unit was **99%**.

Results (Final)

- The overall results of the December 2023 CEW audit have revealed that one (1) of the **10** checklist questions had compliance threshold scores **below** 95%:

See CEW details below:

1. **Q8 CEW force statement consistence with video? The overall score for this category was 94% (1st).**

Conclusions (Final)

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

1. **None**

Recommendations (Final)

Following the CEW audit which covered January 2023, - October 2023, “opportunities for improvement” are documented by the PSAB Audit and Review Unit (ARU). As previously identified by the Public Integrity Bureau’s (PIB’s) 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. When officers are activating and deploying CEW devices, it is important to ensure that it is done within policy. Officers should continue to be reminded to exhaust any less intrusive means, only utilizing CEWs when those methods have proven to be ineffective.
2. When articulating the events leading up to the use of force, it is imperative that the officer’s statement continues to align with the BWC footage.
3. The Audit and Review Unit team recommends the CEW policy (chapter1.7.1), and Reporting Use of Force policy (chapter 1.3.6) is reviewed during rollcall. This is to ensure the officers understanding of when they shall and shall not activate their CEWs and how to properly document uses of force, is reinforced.

CEW Responses & PSAB Notes:

District Re-evaluation Requests and PSAB Responses:

SOD Review: CEW activated (deployed) according to policy.

SOD Action: After the review Unit determined that the officer did act within policy 1.7.1 (CEW)

(4) CEWs are authorized for use when: (a) A subject who may be lawfully detained or apprehended poses an imminent risk of harm to the officer(s), the subject, or others; (b) Attempts to subdue the subject with less intrusive means have been or will likely be ineffective; AND (c) There is an objectively reasonable expectation that it would be unsafe for officers to approach the suspect within contact range.

(5): Nothing in the policy prevents officers from taking reasonable steps to protect themselves or others when taking a person into protective civil custody, in accordance with Louisiana Revised Statute Title 28, Section 53(L)(3).

(28) Unless prohibited by circumstances or officer safety concerns, a VERBAL WARNING of the intended use of a CEW **should** precede each CEW application.

Policy 1.3 (6): NOPD officers, regardless of the type of force or weapon used, shall abide by the following requirements:(a) Officers shall use verbal advisements, warnings, and persuasion, **when possible**, before resorting to force. The term “**when possible**” includes exigent circumstances as described by the officer to limit potential harm to others.

SOD requests that the CEW activated per policy be changed to compliant.

PSAB Response: PSAB reviewed the force statement and policy documents and verified that the officer was not required to issue any warnings prior to deploying his taser. An adjustment to the Unit score was made. Score improved from 0% to 100%.

1st District Review: CEW activated (deployed) according to policy and Each Cycle Justified.

1st District Action: The arresting officer, was attempting to arrest a subject without incident. The subject was asked several times by the officer and the other officer on scene to place his hands behind his back. Subject continually ignored commands and paced back and forth. **The subject did not clench his fists as stated by the auditor**, but that is not the only actions that can be considered resistance. The subject beat on his chest and closed the gap of space between himself and the officers several. This could be read as a subjects attempt to escape arrest. It is also my understanding that, according to policy, taser usage is below any other hands-on use of force on the use of force continuum. The explanation for this is that the taser causes less damage than, hands fists feet without any trauma from exterior forces. It is my opinion that the auditor's decision to mark this item not in non-compliance is incorrect.

PSAB Response: PSAB reviewed the force statement and policy documents and verified that the subject was making aggressive chest beating movements and kept moving toward officers and a reason officers may have felt threatened. This can represent a reason to keep clear and use a taser. An adjustment to the Unit score was made. Score improved from 50% to 100%.

Attachments: Excel Raw Data Spreadsheets January 2023 – October 2023.

Timothy A. Lindsey

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

Bianca L Harris

**Auditor
Professional Standards and Accountability Bureau**

Appendix C – Report Distribution

Superintendent - NOPD

Deputy Supt. PSAB Bureau

Captain PSAB Bureau

Deputy Sup. FOB Bureau

Deputy Supt. PIB Bureau