



Audit and Review Unit
Professional Standards and Accountability Bureau

Controlled Electric Weapon (CEW) Audit Report May 2023

Report # CEW052023
(Data Sample – Jan 2022-Mar 2023)

Submitted by PSAB: May 10, 2023
Response from FOB: May 11, 2023
Final Report: May 16, 2023

Audit Team

This audit was managed and conducted by the Professional Standards and Accountability Bureau Auditing 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, 2022, to March 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 nine (10) checklist questions.

Number of Non-Compliant CEW Checklist Questions (none):

Number of Completed Entries Used to Create the CEW Sample (35)

L1-L3 Sample Target to Audit (35):

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 – **98%**

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 CEW incidents. The time span to conduct the audit was from April 28th, 2023, to May 8th, 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.

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 “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 one year (2022) and 1st Quarter (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 35 selected case files. The raw data used was for the period of January of 2022 to March 2023.

Initiating and Conducting the CEW Audit

The initial raw data was downloaded from the IAPro system on April 15th, 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 “double-blind” 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.

Count of Case Files Reviewed

The following is a count of the case files reviewed by auditors:

Total: 35 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) Summary Audit

Report Period: May, 2023

ARU percentages for Consent Decree requirements for CEW Audit for data reviewed between Jan 2022 - Mar 2023.

Audit Questions	Score	Y	N	U	NA	Consent Decree #	NOPD Policy Chapters	
1	BWC was activated as required by officer who made scene	100%	31	0	0	4	Ch 41.3.10	Ch 41.3.10 p11
2	Did Supervisor review the BWC if stated in report	97%	30	1	0	4	86(d)	Ch 1.3.6 p33, Ch. 41.3.10 p35
3	Force Statement Found for all CEW officers	100%	34	0	0	1	78, 81	Ch 1.3.6 p16, p18
4	Force Details Documented in statement to describe force used	100%	34	0	0	1	78	Ch 1.3.6 p16, Ch. 1.7.1, p36
5	CEW activated (deployed) according to policy	97%	33	1	0	1	54	Ch 1.3.6 p28, p33
6	CEW Reviewed by Supervisor as required if video exists separately from BWC	100%	15	0	0	20	67	Ch 1.3.6 p33, Ch. 1.7.1 p 91, p104, p106, p113
7	Each Cycle Justified	97%	32	1	0	2	57	Ch 1.3.6 p16, Ch. 1.7.1, p36
8	CEW force statements consistent w/ video	97%	32	1	0	2	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	98%	40	1			58	Ch 1.3.6 p31, Ch. 1.7.1, p.53, p57
10	Supervisor GISTS submitted before ETOD	100%	35	0	0	0	87	Ch 1.3.6 p28, Ch. 1.3 p21(e), Ch. 1.7.1 p45
	Total	98%	316	5	0	35		

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 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: May, 2023

ARU percentages for Consent Decree requirements for CEW Audit for data reviewed between Jan 2022 - Mar 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	80%	-	100%	100%	100%	100%	100%	100%	-	97%
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	80%	-	100%	100%	100%	100%	100%	100%	-	97%
6 CEW Reviewed by Supervisor as required if video exists separately from BWC	-	-	100%	100%	100%	100%	100%	100%	-	100%
7 Each Cycle Justified	80%	-	100%	100%	100%	100%	100%	100%	-	97%
8 CEW force statements consistent w/ video	80%	-	100%	100%	100%	100%	100%	100%	-	97%
9 # CEW cycles explained in force statement / Total # CEW cycles	83%	-	100%	100%	100%	100%	100%	100%	-	98%
10 Supervisor GISTS submitted before ETOD	100%	-	100%	100%	100%	100%	100%	100%	-	100%
Total	88%	-	100%	100%	100%	100%	100%	100%	-	98%

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 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 35 cases reviewed, all 35 were audited as positive.
2. **Did supervisor review the BWC if stated in report?** The overall score for this category was **94%, adjusted up to 97%**. Of the 35 cases reviewed, (29 adjusted to 30) were audited as positive, and (2 adjusted to 1) was negative (1st), and 4 were N/A (not applicable).
3. **Were force statements found for all CEW officers?** The overall score for this category was **100%**. Of the 35 cases reviewed, 34 were audited as positive and 1 was N/A (not applicable).
4. **Were force details documented in statement to describe the force used?** The overall score for this category was **100%**. Of the 35 cases reviewed, 34 were audited as positive and 1 was N/A (not applicable).
5. **Was CEW activated (deployed) according to policy?** The overall score for this category was **97%**. Of the 35 cases reviewed, 33 were audited as positive, and 1 was negative (1st), and 1 was N/A (not applicable).
6. **Was CEW reviewed by supervisor as required if video exists separately from BWC?** The overall score for this category was **100%**. Of the 35 cases reviewed, 15 were audited as positive, and 20 were N/A (not applicable).
7. **Was each CEW cycle Justified?** The overall score for this category was **97%**. Of the 35 cases reviewed, 32 were audited as positive, 1 was negative (1st), and 2 were N/A (not applicable).
8. **Were CEW force statements consistent w/ video?** The overall score for this category was **97%**. Of the 35 cases reviewed, 32 were audited as positive, 1 was negative (1st), and 2 were N/A (not applicable).
9. **# CEW cycles explained in force statement / Total # CEW cycles:** The overall score for this category was **98%**. Of the 41 CEW cycles used, 40 were audited as positive (cycles explained force statement), 1 was negative (cycles not explained in statement) (1st).
10. **Supervisor GISTs submitted before ETOD?** The overall score for this category was **100%**. Of the 35 cases reviewed, 35 were audited as positive, and none were N/A (not applicable).

Compliance Score

CEW Checklist- Based on the combined total of three hundred and fifteen (**356**) checklist items rated, from the sample size of thirty-five (**35**) case files audited; the “**overall score**” of this CEW case file checklist audit conducted by the Auditing and Review Unit was **98%**.

Results (Final)

- The overall results of the May 2023 CEW audit have revealed that none of the **10** checklist questions had compliance threshold scores **below 95%**:

See CEW details below:

1. **Q2. Did Supervisor review the BWC if stated in report? The overall score for this category was 94% and following District review is 97% (1st).** This item had no supervisor review of BWCs as noted in audit trail and detective was counseled.

Conclusions (Final)

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

1. **Q number2**. This score was scored at **94%**. Following District review, the score was adjusted to **97%**. No further action required.

Recommendations

Following the CEW audit which covered January 2022, - March 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. Must ensure that BWCs are reviewed in a timely and effective manner by the supervisor.

Continuing to take this action will ensure that all Use of Force case files are complete.

CEW Responses & PSAB Notes:

District Re-evaluation Requests and PSAB Responses

1st District Review: After the review of blue team report under the item in question, it was learned that the officer was investigated for BWC violations during the use of force incident. The audit team also found discrepancies between the officer's force statement and the video of the incident. The officer's use of the taser was also found to not be within NOPD policy.

1st District Action: The District Sergeant Administrator (DSA) issued a redirection for the deficiencies found under an **SFL**. Also, the District Lt. conducted verbal counseling with the affected supervisor Sgt.

PSAB Response: No action required by PSAB as the District took corrective action to counsel the officer as needed.

1st District Review: District Sergeant Administrator (DSA) was informed by the author of Blue team report under the item in question, he did in fact review the CEW footage and provided the audit trail.

1st District Action: The audit trail documents were provided to the PSAB audit team on Thursday 5/11/23.

PSAB Response: PSAB reviewed the audit trail documents and verified that the supervisor did review the BWC as required. An adjustment to the district score was made. Score improved from 60% to 80%.

Attachments:

Excel Raw Data Spreadsheets January 2022– Mar 2023.

**Innovation Manager, Auditing
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