Photographic Line-up Audit – February 2025 (Final)

(FOB and ISB)

Report # PL022025
Submitted by PSAB: March 5, 2025
Responses from Districts: March 14, 2025
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Audit Team
This audit was managed and conducted by the Audit and Review Section of the Professional Standards and Accountability Bureau

Executive Summary

The Audit and Review Unit (ARU) of the Professional Standards and Accountability Bureau (PSAB) completed a Photographic Line-up Audit in February of 2025. This audit excluded the 7th District as it was audited separately as part of the Consent Decree Sustainment agreement. Photographic Line-up Audits are conducted to ensure that New Orleans Police Department (NOPD) officers conduct photographic line-ups in accordance with the rights secured or protected by the Constitution and laws of the United States. NOPD agrees to ensure that photographic line-ups are conducted professionally and effectively, to elicit accurate and reliable information. To ensure compliance, this process adheres to Chapter 42.8.1 of the New Orleans Police Department's Operations Manual and Consent Decree (CD) paragraphs 171, 173, 174, 175, and 176.

This audit, which reviewed sample data from October 1, 2024, to January 31, 2025, was completed using the Photographic Line-up Audit Protocol. The basis for compliance of photographic line-ups is analyzed using twenty-two (22) CD checklist questions. The results from the checklist analysis are below:

Number of Non-Compliant Checklist Questions and Compliance Score (2):

Q14: Do the filler photographs (those that do not depict the suspect) generally fit the witness' description of the perpetrator, if available? – (**91%**). The previous audit score was 94%.
Q15: Filler photos generally resemble suspect features - **(74%).** The previous audit score was 74%.

Number of Compliant Checklist Questions (20):
See the details in "Reviews Checklist Scorecards Section."

Number of Logbook Entries Used to Create Sample (75):
The entries covered the period from October 1, 2024– January 31, 2025.

Sample Target to Audit (38):
The sample target represented 52% of the universe of photo line-ups for the period reviewed (75). There was one de-selection for this sample. (Outside Agency – Las Vegas PD administered line-up).

Single Photo Line-ups Audited (3):
The sample target represented 13% of the overall sample (39).

Scores of **95%** or higher are considered compliant. 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 Photographic Line-up Audit is as follows: Overall – **98% (Compliant).**

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

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Introduction

The Audit and Review Unit of the Professional Standards and Accountability Bureau conducted the previous Photographic Line-up Audit in October of 2024.

Purpose

Photographic Line-up Audits are completed to ensure photographic line-ups are conducted effectively and in accordance with the rights secured or protected by the Constitution and laws of the United States, to elicit accurate and reliable information. These requirements are regulated by the following policies of the New Orleans Police Department's Operations Manual:

Chapter 42.8.1 Eyewitness Identification - Photographic Line-ups

In addition, Consent Decree paragraphs 171 to 176 should be understood and referenced as needed.

This list is not all inclusive.

Objectives

This audit is designed to ensure that all photographic line-ups conducted by NOPD officers or detectives are done so in accordance with the U.S. Constitution, the Department of Justice (DOJ) Consent Decree and NOPD policies. All photographic line-ups administered must be documented in the photographic line-up log either electronically or in a written log. During the audit, while reviewing the log, auditors need to ensure that it was accurately completed. The audit qualitatively assesses photographic line-ups to ensure compliance, and each audit consists of a random sample of all photographic line-ups conducted by officers/detectives in the duty location, since the prior PSAB audit.

Generally, the auditor is responsible for verifying and documenting that the NOPD conducted a proper photographic line-up through:

1. Inspection of the photographic line-ups log to determine compliance with stated requirements. Documentation in the log should be evidence of compliance with the following:

    - Correct item number
    - Time of line-up
    - Date of line-up
    - Location of line-up
    - Identity of the person viewing
    - All photograph numbers
    - Name of administrator
    - Name of case detective

- Line-up result

2. Documentation must exist in each case file as evidence of compliance with the following:
    - The officer displaying the line-up was different from the investigating officer.
    - The officer displaying the line-up was not involved in the investigation.
    - The officer displaying the line-up was unaware of the suspect's photograph.
    - The report or the audio/video indicates eyewitnesses were admonished that the suspect might or might not be present in the line-up.
    - The case file includes all photographs used in the line-up.
    - All photos were marked and maintained as evidence in the case file.
    - The "filler" photographs (those that do not depict the suspect) generally fit the witness's description of the perpetrator.
    - The "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features.
    - The photographs are in color.
    - Photographs are initialized by the person being shown line-up when required for positive or negative identifications.
    - If a single photograph was displayed, the use of a single photo was appropriate. Note: There are times when a single photo is appropriate. For example, if a woman is the subject of domestic violence by her known boyfriend, they may show her a photo of the boyfriend only to ensure they are requesting a warrant for the correct person. If the victim does not know the name of the person who is the suspect, a photo line-up is required.
    - Statements made by individual viewing are documented in the report. (EPR or Form 277 – Eyewitness Identification Form)
    - The identities of other people present during the procedure are documented in the report. (EPR or Form 277)
    - All other pertinent information to the display procedure was documented in the police report. (EPR or Form 277)
    - A Form 277 exists in the case file.

Background

Photographic Line-up Audits have been conducted, whole or in part since May of 2016.

Methodology

Auditors qualitatively assess the administration of photo line-ups using the audit forms for the Photographic Line-up Audit (see Appendix A). Auditors analyze the following data sources:

1. Electronic or paper district log entries

a) The photo line-ups sample is derived from the NOPD Logbooks Tracking system which is used by detectives to record every line-up administered. This is the primary source for sampling.
b) Emailed internal district log entries
c) Electronic files on district shared drive

2. Photos used for the photographic line-up (These will be obtained from either the photos scanned into the digital case file or from photographs located in the officer's/detective's case file)
3. The Eyewitness Identification Form (Form 277) contained in the file
4. Electronic Police Reports (EPR)
5. Audio/Video recordings from the line-up

All documents and related photos that are in the sample, that are not audited, must be deselected. All deselections are recorded in the Deselection Log. For the current audit, one of the sample items was deselected. D-34306-22 was deselected resulting from the re-evaluation review by Homicide as it was noted that an outside agency conducted the line-up administration.

Auditors read the guidance in the audit forms on a regular basis. Changes to audit forms are clearly communicated to auditors by the audit supervisor. Auditors re-read policies when guidance in the audit forms recommend doing so or when the policy requirements are not apparent to the auditor to allow him/her to confidently score an audit criterion.

When audit results require comments, auditors thoroughly explain the evidence they observed that led to their determination of the result for the audit criteria in question. Drawing on their knowledge of NOPD policies, auditors note any policy violations they observe that are not specifically addressed in the Photographic Line-up Audit tools in the "Auditor Comments" section of the form.

Initiating and Conducting the Photographic Line-up Audit

By applying the audit forms as a guide, the auditors qualitatively assessed the Photographic Line-up data to determine whether officers/detectives substantively met the requirements of policy.

1. When the month for a duty location audit becomes due, the auditor will contact the duty location and schedule the date and time for the audit.
2. A week prior to the audit, the auditor will notify the duty location of the months to be reviewed (6 months – April through September, etc.) to ensure the duty location is prepared for the audit and all case files are available for review.
3. The day(s) prior to the audit, the auditor will ensure all required PSAB forms and worksheets (such as checklists) required to conduct the audit are available. This should include:
    - Auditor notes
    - Spreadsheet(s)
    - Immediate action report forms
4. Cases will be reviewed as chosen by the randomizer.
5. The auditor used the digital audit form to verify the existence of the required documentation while in the field.
6. The auditor inspected the selected documents provided by the district/unit as evidence of compliance or reviewed online data.
7. When the documentation was unavailable at the time of the audit, the district/unit was given until the end of the audit period to provide the documentation.

Audit Criteria

A. **The photographic log is complete & compliant (Q1-7) -** The log entry will include all required information. The photographic line-up log will be checked to ensure it contains the following checklist questions in summary:
    - Correct item number
    - Time of line-up
    - Date of line-up
    - Location of line-up
    - Identity of the person viewing
    - All Photograph numbers
    - Name of administrator

B. **The line-up administrator is not the case detective (Q8) -** The officer displaying the line-up was different from the investigating officer. This is determined when reviewing log entries or EPR documentation, as well as reviewing signatures on Form 277.

C. **Line-up administrator is not involved in the investigation (Q9)**

D. **Line-up administrator is unaware of suspect's photo (Q10)**

E. **Eyewitness informed that suspect might not be in the line-up (Q11)**

F. **Photos used are in the case file (Q12)** – All the photos were marked and maintained as evidence in the case file.

G. **Marked photos in case file if suspect selection is made (Q13)**

H. **The "filler" photographs (those that do not depict the suspect) generally fit the witness's description of the perpetrator (Q14)** - The "filler" photographs (those that do not depict the suspect) generally fit the witness's description of the perpetrator with no obvious differences.

I. **The "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features (Q15) –** The photographs (those that do not depict the suspect) resemble the suspect in significant features with no obvious differences.

J. **Photos used are in color (scanned or paper) (Q16) -** Each photograph must be printed or scanned in color and attached to the case file or in an electronic folder.

K. **If the witness identifies a photo, witness initials each photo (Q17) -** Photographs are initialed when required for positive or negative identifications.

L. **Single photo when used, was appropriate (Q18)**

M. **Does form 277 exist in the case file for this line-up (Q19) -** The photo line-up is accompanied by inclusion of the form.

N. **Did the person who administered the line-up sign the form 277 (Q20)**

O. **Is the witness' statement recorded verbatim on form 277 (Q21) -** Photographic line-up witness/victim statement listed verbatim.

P. **Are the name(s) of additional person(s) in the room during the line-up procedure recorded on Form 277? Or does the form document that no additional people were present (Q22) -** Others present during line-up review must be documented or, the form must state that there were no other people in the room during the presentation.

Once the auditors enter their audit results, the compliance rate for each of the requirements is determined. This final report documents whether the compliance rate for each requirement met the threshold for substantial compliance of 95%.

Reviews – Checklist Scorecards

Audit results data can be viewed in an attached excel spreadsheet; raw data based on individual questions on the Photographic Line-up Audit Forms.

Photographic Line-up Checklist Audit By District (Focused 7th District audit conducted separately)

Percent of line-ups that are in compliance by requirement

Report Period: February 2025
Sample Period: October 2024 - January 2025

	Check-List Questions	Score	Y	N	U	NA	NA Explanations	Consent Decree ¶
1	Is the item number recorded correctly in the log?	100%	38	0	0	0	None Needed	174
2	Is the date the line up was administered recorded in the log?	100%	38	0	0	0	None Needed	174
3	Is the time the lineup was administered recorded in the log?	100%	38	0	0	0	None Needed	174
4	Is the location in which the line-up was administered recorded in the log?	100%	38	0	0	0	None Needed	174
5	Is the name of the witness who viewed the line-up recorded in the log?	100%	38	0	0	0	None Needed	174
6	Does the log include identifying information for each photo used in the lineup?	100%	38	0	0	0	None Needed	174
7	Is the person who administered the line-up recorded in the log?	100%	38	0	0	0	None Needed	174
8	Is the person who administered the line-up different than the lead case detective?	100%	35	0	0	3	3 - The line-up administered is a single photo confirmation.	171
9	Is the officer displaying the lineup NOT involved in the investigation?	100%	35	0	0	3	3 - The line-up administered is a single photo confirmation.	171
10	Is the officer displaying the lineup unaware of the suspects photograph?	100%	35	0	0	3	3 - The line-up administered is a single photo confirmation.	171
11	Does the report or the audio/video indicates eyewitnesses were admonished that the suspect might or might not be present in the lineup?	100%	35	0	0	3	3 - The line-up administered is a single photo confirmation.	172
12	Are the photos used in this line-up filed; can you find them?	100%	38	0	0	0		176
13	Are all of the photos marked and maintained as evidence in the case file, if suspect selection is made?	100%	38	0	0	0		176
14	Do the filler photographs (those that do not depict the suspect) generally fit the witness's description of the perpetrator, if available?	91%	10	1	0	27	26 - No descriptive information pertinent to suspect given	173
15	Do the "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features?	74%	26	9	0	3	3-The line-up administered is a single photo confirmation.	173
16	If the photos are filed, if you could find them, are they in color?	100%	38	0	0	0		176
17	Are photographs initialed as required for positive or negative identifications?	97%	36	1	0	1	1- witness did not pick a photo at all from 6 pack	176
18	If a single photo was displayed, was the use of a single photo appropriate?	100%	3	0	0	35	35 - The lineup is not a single confirmation photo	176
19	Does a form 277 exist in the case file for this line-up?	100%	35	0	0	3	3 - The line-up administered is a single photo confirmation. Form 277 not required	172
20	Did the person who administered the line-up sign the form 277?	100%	35	0	0	3	3 - The line-up administered is a single photo confirmation. Form 277 not required	172
21	Is the witness' statement recorded verbatim on form 277?	97%	34	1	0	3	3 - The line-up administered is a single photo confirmation. Form 277 not required	175
22	Are the name(s) of additional person(s) in the room during the ID procedure recorded on Form 277? Or does the form document that no additional people were present?	100%	35	0	0	3	3 - The line-up administered is a single photo confirmation. Form 277 not required	175
	Total	**98%**	**734**	**12**	**0**	**90**		

PSAB randomly sampled photographic line-ups per District/Unit. If the District/Unit had five or less line-ups for the time period, PSAB reviewed all of them. If District had 20 or less, PSAB reviewed 5. If over 20, 25 percent were reviewed.

For guidance on meeting Consent Decree requirements for photographic line-ups, refer to the "Photographic Line-up Compliance Guide" at NOPD.org > Resources > Compliance Guides.

*Scores below 95% are highlighted in red.
**Only line-ups which result in the victim/witness identifying an individual are included for the column entitled "If Witness IDs a Photo, Witness Initials Each Photo." Line-ups resulting in no identification are not reviewed for this column.

Note: Photographic line-ups conducted with out-of-town individuals were de-selected for this review.

Photographic Line-up Checklist Audit By District (Focused 7th District audit conducted separately)

Report Period: February 2025

Percent of line-ups that are in compliance by requirement

Sample Period: October 2024 - January 2025

	Check-List Questions	1	2	3	4	5	6	7	8	Homicide	Child Abuse	Sex Crimes	ISB	Overall Score
1	Is the item number recorded correctly in the log?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
2	Is the date the line up was administered recorded in the log?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
3	Is the time the lineup was administered recorded in the log?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
4	Is the location in which the line-up was administered recorded in the log?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
5	Is the name of the witness who viewed the line-up recorded in the log?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
6	Does the log include identifying information for each photo used in the lineup?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
7	Is the person who administered the line-up recorded in the log?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
8	Is the person who administered the line-up different than the lead case detective?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
9	Is the officer displaying the lineup NOT involved in the investigation?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
10	Is the officer displaying the lineup unaware of the suspects photograph?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
11	Does the report or the audio/video indicates eyewitnesses were admonished that the suspect might or might not be present in the lineup?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
12	Are the photos used in this line-up filed; can you find them?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
13	Are all of the photos marked and maintained as evidence in the case file, if suspect selection is made?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
14	Do the filler photographs (those that do not depict the suspect) generally fit the witness's description of the perpetrator, if available?	0%	100%	100%	100%	100%	100%	-	100%	-	-	-	-	91%
15	Do the "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features?	40%	100%	20%	100%	100%	100%	-	60%	100%	100%	-	-	74%
16	If the photos are filed, if you could find them, are they in color?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
17	Are photographs initialed as required for positive or negative identifications?	100%	100%	100%	83%	100%	100%	-	100%	100%	100%	-	-	97%
18	If a single photo was displayed, was the use of a single photo appropriate?	-	-	-	100%	-	-	-	-	-	-	-	-	100%
19	Does a form 277 exist in the case file for this line-up?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
20	Did the person who administered the line-up sign the form 277?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
21	Is the witness' statement recorded verbatim on form 277?	80%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	97%
22	Are the name(s) of additional person(s) in the room during the ID procedure recorded on Form 277? Or does the form document that no additional people were present?	100%	100%	100%	100%	100%	100%	-	100%	100%	100%	-	-	100%
	Total	**95%**	**100%**	**96%**	**99%**	**100%**	**100%**	**-**	**98%**	**100%**	**100%**	**-**	**-**	**98%**

PSAB randomly sampled photographic line-ups per District/Unit. If the District/Unit had five or less line-ups for the time period, PSAB reviewed all of them. If District had 20 or less, PSAB reviewed 5. If over 20, 25 percent were reviewed.

For guidance on meeting Consent Decree requirements for photographic line-ups, refer to the "Photographic Line-up Compliance Guide" at NOPD.org > Resources > Compliance Guides.

*Scores below 95% are highlighted in red.
**Only line-ups which result in the victim/witness identifying an individual are included for the column entitled "If Witness IDs a Photo, Witness Initials Each Photo." Line-ups resulting in no identification are not reviewed for this column.

Note: Photographic line-ups conducted with out-of-town individuals were de-selected for this review.

The results of this audit were verified through a Photographic Line-ups review. This process has finished, and the Districts/Units have had an opportunity to review all the audit results and scorecards. If the Districts/Units identified any discrepancies or had any concerns, an Audit Re-Evaluation Request Form was submitted to PSAB documenting their concerns.

Photographic Line-ups - as noted above, requires that officers/detectives administer eyewitness photo line-ups in compliance within all U.S. laws, consent decree agreements and Department policies to ensure the trust and safety of individuals in the community, and provide counseling, redirection, and support to officers.

The compliance percentage for requirements in the Photographic Line-up Audit are as follows for the review of randomly sampled item numbers (up to 5 items per district/unit or 25% of count whichever is greater) utilizing the data sources listed in the **Methodology**:

(Q1-7) The photographic log is complete and compliant - The log entry will include all required information. The overall score for these questions was **100%**. The score is calculated using the 7 logbook related questions. The 38 samples totaled 266 possible responses. Of those 266 responses, 266 were scored “Yes”, none were scored “No”, and none were scored “N/A”.

(Q8) The line-up administrator is not the case detective - The officer administering the line-up was different from the investigating officer. The overall score for this question was **100%**. Of

those 38 responses, 35 were scored “Yes”, none were scored “No”, and 3 were scored “N/A” – confirmation photo only.

(Q9) Line-up administrator is not involved in the investigation - The officer administering the line-up was not involved in any way with the investigation. The overall score for this question was **100%**. Of those 38 responses, 35 were scored “Yes”, none were scored “No”, and 3 were scored “N/A” – confirmation photo only.

(Q10) Line-up administrator is unaware of suspect’s photo - The officer administering the line-up was different from the investigating officer. The overall score for this question was **100%**. Of those 38 responses, 35 were scored “Yes”, none were scored “No”, and 3 were scored “N/A” – confirmation photo only.

(Q11) Eyewitness admonished (informed) that suspect might not be in line-up - The officer administering the line-up was different from the investigating officer. The overall score for this question was **100%**. Of those 38 responses, 35 were scored “Yes”, none were scored “No”, and 3 were scored “N/A” – confirmation photo only.

(Q12) Photos used in the line-up are in the case file - All the photos are accessible as evidence in the case file. The overall score for this category was **100%**. The overall score for this question was **100%**. Of those 38 responses, 38 were scored “Yes”, none were scored “No”, and none were scored “N/A” – confirmation photo only.

(Q13) Marked photos are attached in the case file if suspect selection is made - All the photos were marked and maintained as evidence in the case file. The overall score for this question was **100%**. Of those 38 responses, 38 were scored “Yes”, none were scored “No”, and none were scored “N/A”.

(Q14) Photos depict people with no obvious differences (Part A) - The “filler” photographs (those that do not depict the suspect) generally fit the witness’s description of the perpetrator. The overall score for this category was **91%**. Of those 38 responses, 10 were scored “Yes”, 1 was scored “No”, and 27 were scored “N/A” – No descriptive info given to identify suspect documented in EPR/Supplements.

(Q15) Photos Depict People with No Obvious Differences (Part B) - The “filler” photographs (those that do not depict the suspect) resemble the suspect in significant features. The overall score for this category was **74%**. Of those 38 responses, 26 were scored “Yes”, 9 were scored “No”, and 3 were scored “N/A” – confirmation photo only.

(Q16) Photos used are in color (scanned or paper) - Each photograph must be printed or scanned in color and attached to the case file or in an electronic folder. The overall score for this question was **100%**. Of those 38 responses, 38 were scored “Yes”, none were scored “No”, and none were scored “N/A”.

(Q17) Are photographs initialized when required for positive or negative identifications - If the witness identifies a photo, the witness must initial each photo as required regardless of whether a positive or negative identification is made. The overall score for this category was **97%**. Of those

38 responses, 36 were scored “Yes”, 1 were scored “No”, and 1 was “N/A” – witness did not select a photo.

(Q18) Single photo use when appropriate - Single photographs are appropriate when identifying a suspect known to the witness/victim. The overall score for this category was **100%**. Of those 38 responses, 3 were scored “Yes”, and 35 were scored “N/A” – none were single confirmation photos.

(Q19) Does Form 277 exist in the case file for the line-up - The photo line-up is accompanied by inclusion of the form in the case file. The overall score for this category was **100%**. Of those 38 responses, 35 were scored “Yes”, and 3 were scored “N/A” – single confirmation photos.

(Q20) Did the person who administered the line-up sign the Form 277 - Signature of line-up administrator included. The overall score for this category was **100%**. Of those 38 responses, 35 were scored “Yes”, none were scored “No”, and 3 were scored “N/A” - single confirmation photos/form not required.

(Q21) Is the witness's statement recorded verbatim on Form 277 - Photographic line-up witness/victim statement is written verbatim as stated. The overall score for this category was **97%**. Of those 38 responses, 34 were scored “Yes”, 1 was scored “No”, and 3 were scored “N/A” – single confirmation photos only/form not required.

(Q22) Are the name(s) of additional person(s) in the room during the ID procedure recorded on Form 277? Or does the form document that no additional people were present - Form 277 identifies whether others were present during line-up review. The overall score for this category was **100%**. Of those 38 responses, 35 were scored “Yes”, none were scored “No” and 3 were scored “N/A” – single confirmation photos only/form not required.

Final Conclusions

After analysis of the photographic line-ups and assessment of scores throughout each district, PSAB ARU auditors assessed NOPD with a score of **98%.** The score from the prior audit score **was 96%.** Auditors have determined that NOPD is **compliant** with Chapter 42.8.1 and CD 171 – 176.

Recommendations – Overall, the logbooks databases are maintained. It is recommended that the detectives creating the line-ups understand Chapter 42.8.1 Section 17 and 18. The main deficiencies were due to the suspect or filler photos having significant features that were not consistent with one another. Photographic line-up policy and procedure training should be implemented within the NOPD's Daily Training Bulletin (DTB) to ensure continuation of compliance within Eyewitness Identification and Photographic Line-ups.

Process reminders should be thoroughly executed as a result.

1. This report will serve as a notification of district/unit performance during this audit.
2. Work with the Policy Standards Section to develop DTB's to address the training issues identified in this report.
3. Work with the Academy (ET&S) to ensure all in-service training for detectives and supervisors addresses the issues as stated in the report.

Overall, one (1) checklist question in this audit was below the threshold of **90%**.

The (Q15) "**Do the "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features**" **(74%)**. Deficiencies were due to the suspect/filler photos having distinctive features that are outliers.

In accordance with Chapter 42.8.1 Section 17, the filler photos must significantly resemble the suspect photo and vice versa. **The previous audit score was 86%.** To mitigate the issues with Q15, the filler photo features below must resemble the suspect: (a) Hair color, style, and length; (b) Facial hair color, style, and length; (c) Eye color; (d) Facial expressions (for example, some photographs should not include smiling individuals while other photographs in the line-up do not); (e) Markings, piercings, or tattoos that make the individual stand out; (f) Obvious age differences; (g) Obvious differences in skin color; and (h) Distinct accessories such as earrings or head gear.

Chapter 42.8.1 Section 18, If significant differences between the suspect's photograph and the filler photographs are unavoidable, the officer must redact aspects of all photos to eliminate the significant differences. For example, if one individual is wearing earrings and the others are not, an investigator should place a black dot / square over the bottom of the ears of all individuals depicted in the line-up to eliminate the significant difference in appearance.

Re-Evaluation Results

This section covers each district's review of any scores below the compliance threshold. All district review commentary and re-evaluation request; as well as PSAB response can be found below:

Homicide Re-evaluation Request

Regarding the administration of the photo line-up Homicide states that the following line-up was administered by an outside agency.

- Las Vegas Police Department administered the line-up from Nevada. This impacted Q13 (photos marked and maintained) and Q17 (photos initialed), respectively.

PSAB Response: PSAB confirmed that the line-up was conducted by an outside agency and deselected the item. Upon deselection, the unit scored improved to 100% in each category. No further action is required.

6th District Re-evaluation Request

Regarding the administration of the photo line-up the 6th District states that the following line-up was signed by the administrator and reviewer.

- The district supplied the signed copy of the Form277 where both the administrator and reviewer signed the document. This impacted Q20 (administrator signed document).

PSAB Response: PSAB confirmed that the form was completed and signed by all parties. As a result, the unit measure was changed, and their score improved from 67% to 100%. No further action is required.

3rd District Re-evaluation Request

Regarding the administration of the photo line-up the 6th District states the regarding filler photos.

- Third District received a score of 20 percent for Q15 "Photos Depict People with No Obvious Differences (Part B) - The "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features." Looking into the specific items listed in the raw data and specifically regarding NOPD this item number. The sergeant, of the Third District Investigations Unit, reviewed the lineup and noted that the "filler" photographs were inconsistent at the time that the line-up was entered into the log on 12/30/2024. At which time, he verbally counseled the police officer on the use of the line-up and the inconsistencies of the "filler" photographs. This counseling was done after the line-up had already been shown to both victims on 12/22/2024 and could not be corrected. We concede the scoring of this item number at this time with corrective actions completed regarding the deficiency.
- **PSAB Response:** PSAB noted the counseling done on the part of the district to address the deficiencies around filler photos. No further action is required.

2nd District Re-evaluation Request

Regarding the administration of the photo line-up the 6th District states the regarding filler photos.

- During a review of the scorecard the second district received a negative mark regarding Q14 (The "filler" photographs (those that do not depict the suspect) generally fit the witness's description of the perpetrator), specifically related to this item number. In that case the victim related that he had given a dollar to a man who asked for money at the Banks Meat

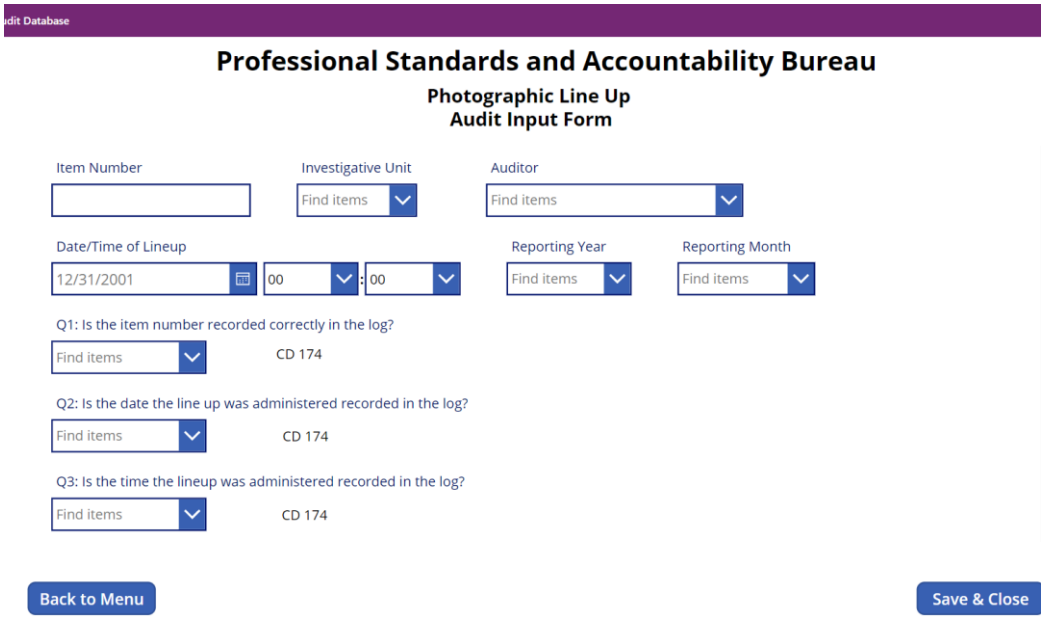
Market before taking an RTA to Fontainebleau Drive and S. Broad Street. The man who he gave money to had taken the bus with him and had followed him off the bus into the 1700 block of South Rendon. When the victim asked the man why he was following him, the man suddenly stabbed him several times before fleeing the area. The victim was transported to UMC. The detective found video footage of the victim giving money to a subject at the Banks Meat Market. While canvassing the area around the 1700 block of South Rendon, the detective observed the subject the victim had given money to on the security camera footage she had seen and, with the assistance of an additional officer, she stopped the subject. He was found to be in possession of a bloody knife and a dollar bill, which also had blood on it. It should be noted that the apprehension took place roughly two hours after the victim was found stabbed on S. Rendon Street. The subject's information was given to the LA Fusion Center which produced a six-person photographic line up with the subject and five fillers with similar physical and facial characteristics. Later that morning the victim, who was still at the hospital, was shown the six photographs and identified the suspect as the man who stabbed him. LA Fusion Center believed that they had produced a viable six-person photographic line up (that the fillers were consistent with the known suspect), and I reviewed the six photographs noting that the photographs were very similar to each other and are in compliance with Chapter 42.8.1 of NOPD policy. Could you take another look at the photo lineup in question and either reconsider the negative mark against the second district's score or could you offer addition reasons as to what was lacking in the line up? Thank you in advance for your consideration.

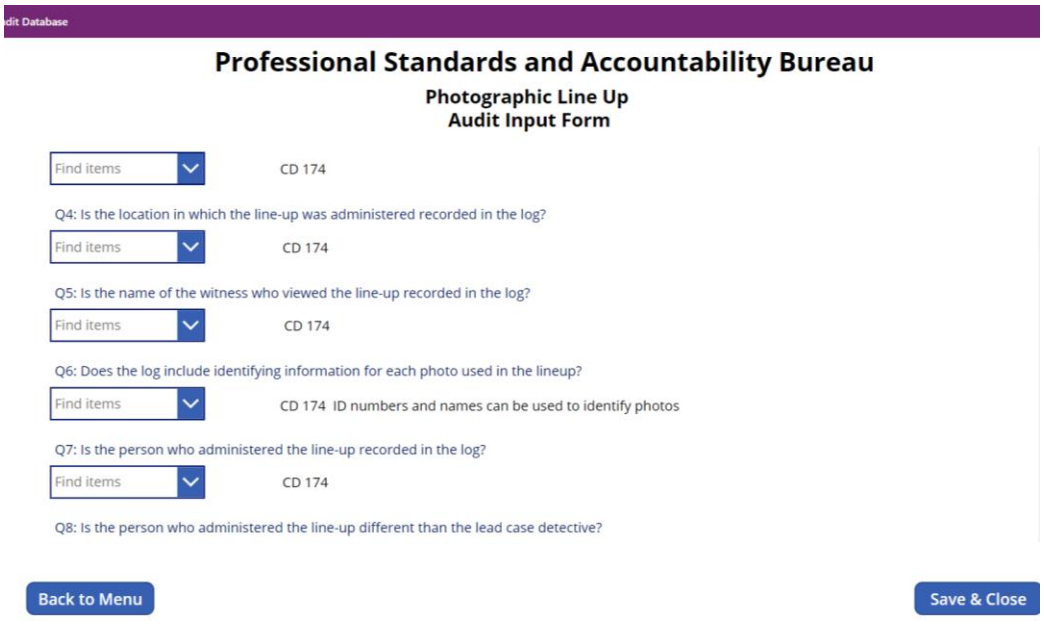
- **PSAB Response:** PSAB noted that Q14 was incorrect due to suspect being described as "clean shaven" by the victim and none of the filler photos fit that description. However, since the only photo available to the Fusion Center was of the suspect having facial hair, this was changed to NA improving the "District" score to 100% in the category. No further action is required.

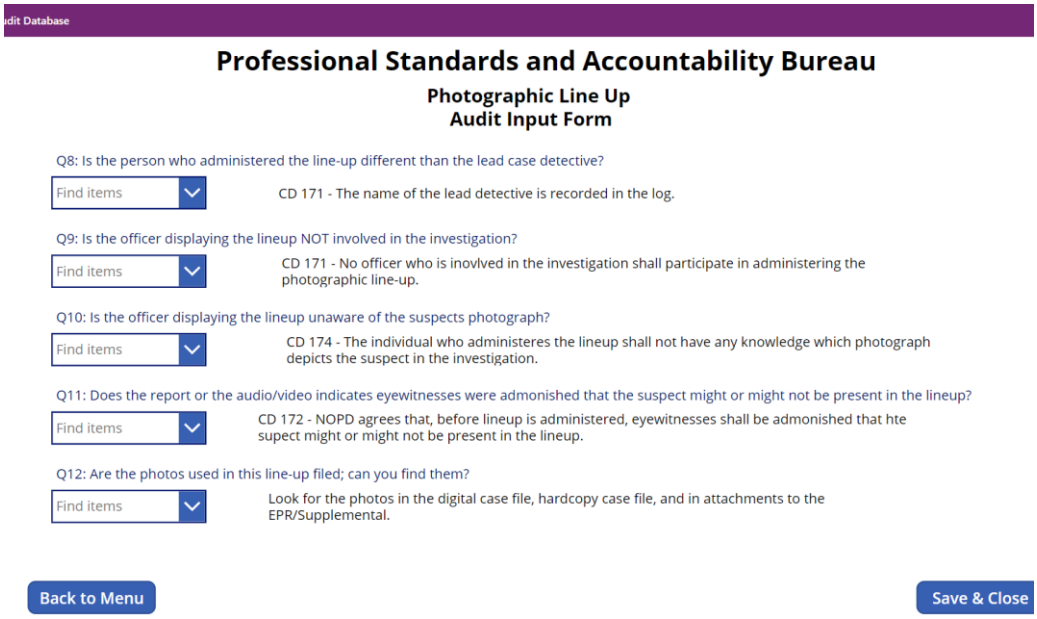
Timothy A. Lindsey
Innovation Manager
Auditing and Review Unit,
Professional Standards and Accountability Bureau

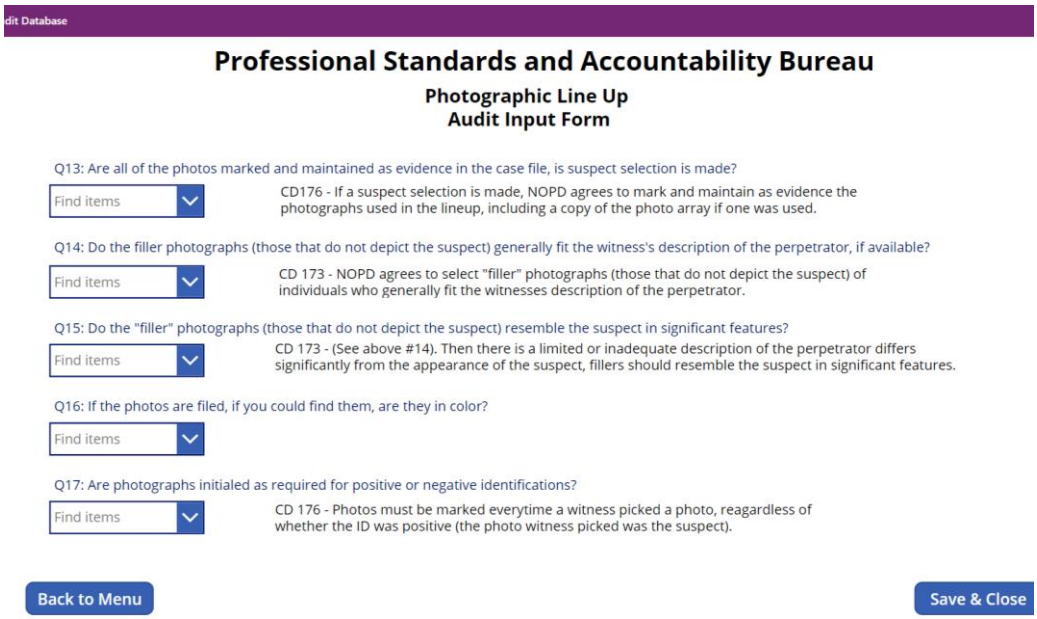
Appendix A – Photographic Line-up Audit Forms

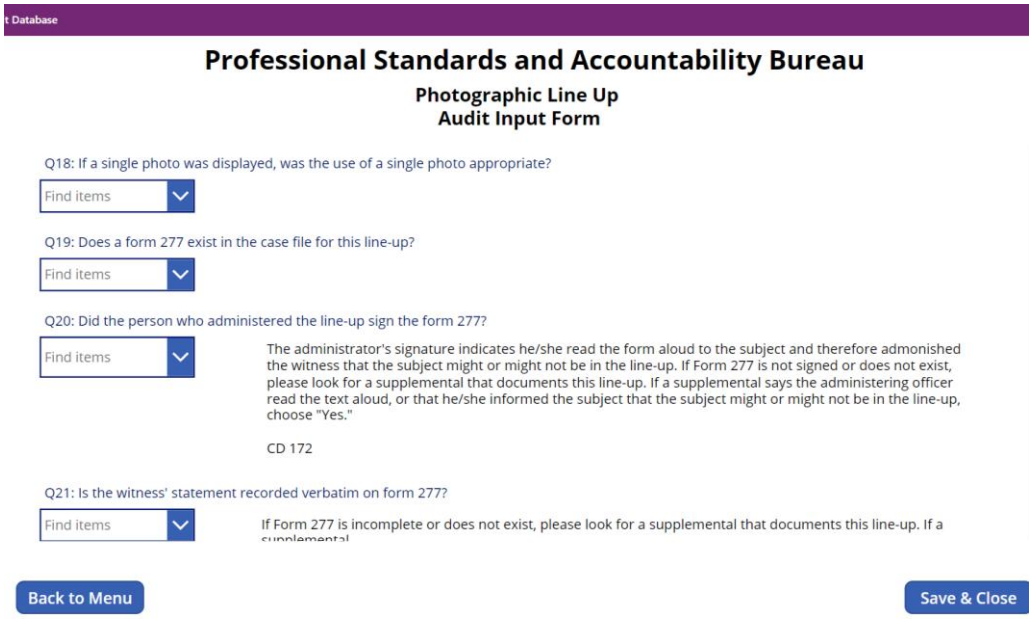
Photographic Line-up Audit Forms:

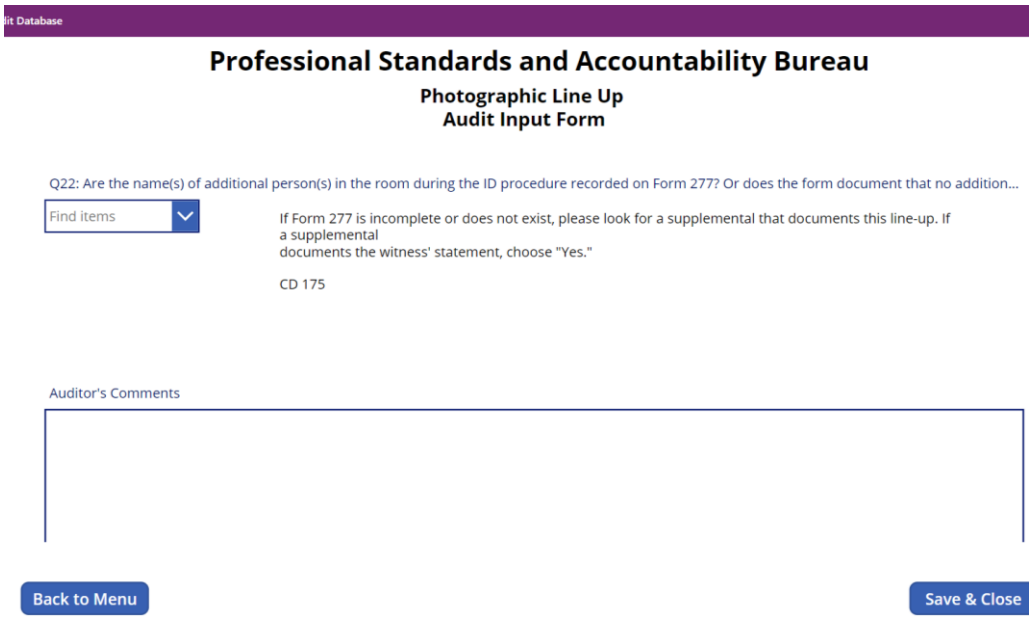





dit Database
Professional Standards and Accountability Bureau
Photographic Line Up
Audit Input Form
Q8: Is the person who administered the line-up different than the lead case detective?
Find items
CD 171 - The name of the lead detective is recorded in the log.
Q9: Is the officer displaying the lineup NOT involved in the investigation?
Find items
CD 171 - No officer who is inovlved in the investigation shall participate in administering the photographic line-up.
Q10: Is the officer displaying the lineup unaware of the suspects photograph?
Find items
CD 174 - The individual who administeres the lineup shall not have any knowledge which photograph depicts the suspect in the investigation.
Q11: Does the report or the audio/video indicates eyewitnesses were admonished that the suspect might or might not be present in the lineup?
Find items
CD 172 - NOPD agrees that, before lineup is administered, eyewitnesses shall be admonished that hte supect might or might not be present in the lineup.
Q12: Are the photos used in this line-up filed; can you find them?
Find items
Look for the photos in the digital case file, hardcopy case file, and in attachments to the EPR/Supplemental.
Back to Menu
Save & Close


dit Database
Professional Standards and Accountability Bureau
Photographic Line Up
Audit Input Form
Q13: Are all of the photos marked and maintained as evidence in the case file, is suspect selection is made?
Find items
CD176 - If a suspect selection is made, NOPD agrees to mark and maintain as evidence the photographs used in the lineup, including a copy of the photo array if one was used.
Q14: Do the filler photographs (those that do not depict the suspect) generally fit the witness's description of the perpetrator, if available?
Find items
CD 173 - NOPD agrees to select "filler" photographs (those that do not depict the suspect) of individuals who generally fit the witnesses description of the perpetrator.
Q15: Do the "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features?
Find items
CD 173 - (See above #14). Then there is a limited or inadequate description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.
Q16: If the photos are filed, if you could find them, are they in color?
Find items
Q17: Are photographs initialed as required for positive or negative identifications?
Find items
CD 176 - Photos must be marked everytime a witness picked a photo, reagardless of whether the ID was positive (the photo witness picked was the suspect).
Back to Menu
Save & Close


t Database
Professional Standards and Accountability Bureau
Photographic Line Up
Audit Input Form
Q18: If a single photo was displayed, was the use of a single photo appropriate?
Find items
Q19: Does a form 277 exist in the case file for this line-up?
Find items
Q20: Did the person who administered the line-up sign the form 277?
Find items
The administrator's signature indicates he/she read the form aloud to the subject and therefore admonished the witness that the subject might or might not be in the line-up. If Form 277 is not signed or does not exist, please look for a supplemental that documents this line-up. If a supplemental says the administering officer read the text aloud, or that he/she informed the subject that the subject might or might not be in the line-up, choose "Yes."
CD 172
Q21: Is the witness' statement recorded verbatim on form 277?
Find items
If Form 277 is incomplete or does not exist, please look for a supplemental that documents this line-up. If a
Back to Menu
Save & Close


lit Database
Professional Standards and Accountability Bureau
Photographic Line Up
Audit Input Form
Q22: Are the name(s) of additional person(s) in the room during the ID procedure recorded on Form 277? Or does the form document that no addition...
Find items
If Form 277 is incomplete or does not exist, please look for a supplemental that documents this line-up. If a supplemental
documents the witness' statement, choose "Yes."
CD 175
Auditor's Comments
Back to Menu
Save & Close

Appendix B – Report Distribution

Superintendent

Chief Deputy Superintendent – Field Operations Bureau

Deputy Superintendent – Professional Standards and Accountability Bureau

Deputy Superintendent - Investigations Support Bureau

Director – Education & Training Services (Academy)

Assistant City Attorney – Superintendent's Office