



Auditing and Review Unit

Professional Standards and Accountability  
Bureau

# Search Warrant Audit – August 2022

(NOPD) **PUBLIC VERSION**

Report# SW082022

Submitted by PSAB: 9/30/2022

Response from FOB/ISB: 10/7/2022

Report: 10/12/2022

## **Audit Team**

This audit was managed and conducted by the Audit and Review Unit of the Professional Standards and Accountability Bureau

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## Executive Summary

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The Audit and Review Unit (ARU) of the Professional Standards and Accountability Bureau conducted an audit of Search Warrants (SW) related to search warrants created between July 2021 and June 2022. The audit is designed to measure compliance to NOPD policies and the Consent Decree, thereby ensuring that all search warrants are created and executed consistent with those policies and constitutional law. The audit also ensures all search warrants are documented appropriately, and the documentation is complete and accurate.

### Search Warrant – Audit

Search Warrants - Scorecard has an overall score of **99%**. It shows continuous improvement over previous OCDM audit score of 97%. The primary deficiency with regard to search warrants not being documented in the logbooks as required was **83%** versus the previous audit score of 88%. Specific training with In-service Training classes or Daily Training Bulletins (DTBs) to be utilized to reinforce close and effective oversight. Of the 93 audit items reviewed, 15 items were identified as “non-compliant” as they were not entered nor referenced in any of the Search Warrant Logbooks. PSAB currently studying alternate logbooks standardization to eliminate duplication/and or accidental exclusions of warrants.

15 missing search warrant log entries were from the Field Operations Bureau (FOB).

- Search Warrant Risk Assessments were conducted for items considered high risk along with their corresponding Operations Plans. ARU identified 1 high risk warrant, along with 4 moderate risk warrants. Out of the 5 search warrants identified as high or moderate risk; all were resident, structure, home or building related. PSAB determined that all 5 were appropriately assessed.
- **69** entries did not have any recordings. These entries were reviewed and were listed as No Risk. (12 primarily Auto, 45 primarily Records, 3 primarily Persons, and 9 primarily Structures).
- **24** entries had recordings that were reviewed where BWC was available (19 No Risk; 4 Moderate, 1 High)

PSAB shall advise FOB that all missing search warrant log entries should have corresponding entries in the Supervisor Feedback Log (SFL). PSAB recommends the involved Bureaus take corrective action and at a minimum, note all missing BWC recordings for warrant execution in the SFL involving auto, persons or structures. PSAB recommends both FOB and ISB provide Bureau level directives to outline a schedule for supervisory review above the level of sergeant/lieutenant for search warrant policy reviews to ensure the requirements of Chapter 1.2.4.2 – Search Warrants and the associated forms and reports are met.

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## Introduction

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The Audit and Review Unit (ARU) of the Professional Standards and Accountability Bureau conducted an audit of Search Warrants (SW) related to warrants created between July 2021 and June 2022. This audit is designed to ensure that all search warrants are conducted and executed consistent with NOPD policy and constitutional law, are documented appropriately, that the documentation is complete and accurate, and that search warrants carried out are done so with fairness and limited scope as needed.

### Purpose

The Search Warrants audit is completed to ensure requests, approvals, and execution are constitutional and are within policy. Search Warrants are regulated by, but not limited to, the following Chapters: 1.2.4 – Search and Seizure; 1.2.4.1 – Stops/Terry Stops; 1.2.4.2 – Search Warrant Content, Forms and Reviews, 41.3.10 Body Worn Camera.

### Objectives

This audit is designed to ensure that all Search Warrants comply with NOPD policy and constitutional law. Also, to ensure all are documented appropriately, the documentation is complete and accurate. This audit procedure entails the review of search warrants as codified in the Search Warrants protocol.

### Background

This comprehensive Search Warrant (SW) Audit utilizing the standard protocol has now been further enhanced to ensure all relevant issues regarding the last audit have been addressed. In July of 2021 the initial Search Warrant audit was conducted by OCDM. The auditing process this review followed is based on the previous design and with the added double-blind audit process. This resulting audit was more detailed, and a deeper diving review of the search warrant process under-taken by officers.

### Methodology

Auditors qualitatively assessed each warrant using the SW form outlined in the attachments to ensure each search warrant is compliant with legal requirements and NOPD policy. Auditors watched video and read search warrant applications, supporting affidavits or declarations, search warrants, warrant log entries, and evidence documents, and risk assessment/threat analysis forms to ensure officers had a valid legal basis to execute a search warrant, that documentation was complete and accurate, and that sufficient planning took place to reduce risk of warrant service.

All documents and related items that are in the sample and were not audited because there is no stop, search or arrest were to be deselected. All deselections were recorded in the Deselection Log.

Auditors searched for and reviewed all documentation related to the search warrant sampled. This involved:

1. Reading the police reports.
2. Reviewing video; Evidence.com

3. Reviewing CloudGavel (Warrants Management System) for documents and other associated information.

If video is available for the warrant execution, auditors watched as needed. Auditors also watched videos recorded by other officers on scene to observe all interactions.

Auditors read the guidance in the audit forms on a regular basis. Changes to audit forms were clearly communicated to auditors by the audit supervisor. Auditors re-read policies when guidance in audit forms recommended, they do so or when the policy requirements were not clear enough to the auditor to allow them to confidently score an audit criterion.

When audit results required comments, auditors thoroughly explained the evidence that they observed that led to their Response of the result for the audit criteria in question. For example, if an auditor scored "Reports and Videos Consistent" with a "No" indicating non-compliance, they explained how the video shows something that is not consistent with the report.

Drawing on their knowledge of NOPD policies, auditors noted any policy violations they observed that were not specifically addressed in the SW audit tools in the "Notify PSS" section of the form.

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## Initiating and Conducting the SW Audit

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The final **SW** sample size for this audit was determined to be **93** items due to stratification and rounding.

1. The universe of Search Warrants is exported into an excel spreadsheet. This includes data from CloudGavel (3<sup>rd</sup> Party warrant management system), Electronic Police Reports (EPR) and Warrant Log data from the MS Access Logbooks file. The three (3) individual data tabs are then assigned a unique reference code using the item number and ID. The unique item codes are assigned a random number using Excel's random number function (RAND).
2. Documents are sampled starting from the smallest random number assigned and continuing from smallest to largest until the required sample size is reached.
3. Sample sizes are representative of the Department, not each district/division, when reporting publicly. For reference, during July 2021-June 2022, NOPD's Search Warrants universe amounted to 5,322 documents after removing all duplications. Per the sample size calculator given to NOPD by the Los Angeles Police Department Auditing Unit, a sample size of about 93 documents is representative of a population of 5,322 when doing a one- tailed test, with a 95% degree of confidence, and a 4% error rate.
4. When reporting publicly, audit results are stratified by division/district; the number of audit results per division/district are proportionate to the actual activity by the division/district. The results include at least one item from each division/district with activity during the reporting time period to ensure all districts/divisions with activity are included in public reports.
5. Randomly sampled documents that do not document a search warrant by NOPD will be deselected. When a document is deselected, the auditor will continue to the document with the next lowest random number to replace it.

## SW Audit Summary Table

Search Warrant Audit Form Table - August, 2022 (Sample Range- July, 2021 -June, 2022)								
Audit Form #	CD #	Metric	Compliance Rate	Y	N	N/A	U	Total Reviewed
	140							
1		Logged	83%	74	15	4	0	93
2	136	Reviewed Before Filing	100%	92	0	1	0	93
3	140	Log Includes Officer	100%	92	0	1	0	93
4	140	Log Includes Supervisor	100%	89	0	4	0	93
5	140	Log Includes Item Number	100%	92	0	1	0	93
6	140	Warrant Includes App	100%	92	0	1	0	93
7	135	App has PC	100%	91	0	2	0	93
8	135	PC in App Consistent with Reports	100%	91	0	1	1	93
9	135	App Specifies Place or Thing	100%	92	0	1	0	93
10	135	App Specifies Target Items	100%	92	0	1	0	93
11	135	No Avoidable Mistakes in App	96%	47	1	45	0	93
12	136	No Boilerplate in App	100%	92	0	1	0	93
13		No Boilerplate in App Comments						
14	Ch 1.2.4.2 p. 3-4	No Knock Requested	-	0	57	36	0	93
15	Ch 1.2.4.2 p. 3-4	No Knock Needed Per Policy	-	0	0	93	0	93
16		No Knock Needed Comments						
17	Ch 1.2.4.2 p38	No Knock Granted by Judge	-	0	0	93	0	93
18		Risk Assessment Appropriate	100%	67	0	26	0	93
19		Appropriate Risk Level Count	High 1	Moderate Risk 4	No Risk 82	NA- Not Executed 4	Unknown 2	93
20		Risk Assessment Appropriate Comments						
21	138	Op Plan Exists	100%	4	0	87	2	93
22	138	Op Plan Prepared in Advance	100%	4	0	87	2	93
23	138	Supe Assisted with Op Plan	100%	4	0	87	2	93
24	Ch 1.2.4.2	Op Plan Covers Appendix A	100%	4	0	87	2	93
25	Ch 1.2.4.2	Op Plan Sufficient	100%	4	0	87	2	93
26		Op Plan Comments						
27		BWC Complete Numerator and Denominator		Num	Denom			
28	Ch 1.2.4.2 p 25	BWC Complete	99%	88	89			
29		BWC Complete Comments						
30	123, 136	Reports and Videos Consistent	100%	24	0	68	1	93
31		Reports and Videos Consistent Comments						
32	Ch 1.2.4.2 p 20	Knock Announce Wait	100%	6	0	85	2	93
33	Ch 1.2.4.2 p 21	No Knock On Scene Reassessment Documented in EPR	-	0	0	91	2	93
34	Ch 1.2.4.2 p 24	No Knock Authority Announced After Entry	-	0	0	91	2	93
35	Ch 1.2.4.2 p 23ai	Unplanned No Knock Changed Circumstances Documented	-	0	0	91	2	93
36	Ch 1.2.4.2 p 23aiii	Unplanned No Knock Facts Preventing Judge Approval Documented	-	0	0	91	2	93
37	Ch 1.2.4.2 p 23aiiii	Unplanned No Knock Facts Preventing Command Approval Documented	-	0	0	91	2	93
38	Ch 1.2.4.2 p 23b	Unplanned No Knock Reviewed and Approved by Deputy Chief	-	0	0	91	2	93
39	23c	Unplanned No Knock Facts Given to Judge	-	0	0	91	2	93
40	138	Supe Present for Execution	100%	18	0	73	2	93
41		Non-Occupants Detained	-	2	11	77	3	93
42		Non-Occupants Detained Details (Comments)						
43	139, Ch 1.2.4.2 P26	Non-Occupants Detained No Longer than Necessary	100%	2	0	88	3	93
44	139, Ch 1.2.4.2 P27	RS for Detaining Non-Occupants	100%	1	0	89	3	93
45	150	Evidence Documented SW	100%	22	0	65	6	93
46	150	Evidence Submitted Immediately SW	100%	20	0	65	8	93
47	150	Evidence Description Matches Video SW	100%	18	0	72	3	93
48	138	After Action Report Exists	100%	4	0	87	2	93
49	138	After Action Report Documented by Supervisor	100%	4	0	87	2	93
50	138	After Action Report w/in 24 Hrs	100%	4	0	87	2	93
51	Ch 1.2.4.2 p 43	After Action Report Contains Required Elements	100%	4	0	87	2	93
52	Ch 1.2.4.2 p 43	After Action Report Sufficient	100%	3	0	88	2	93
53		After Action Report Comments						
54		Non-Compliance Should Have Been Addressed SW						
55		Supervisor Reviewed Video SW						
56		SFLIDs-CNTRL Nos SW						
57	137, 144, 146, 151	Non-Compliance Addressed by Supervisor						
58		Supervisory Review Comments SW						
59		Auditor Comments SW						
60		Reviewer Comments SW						
<b>Compliance Score</b>			<b>99%</b>	<b>1253</b>	<b>16</b>	<b>2202</b>	<b>63</b>	

# SW – Audit Detail by District Table

Search Warrant Audit Form Table - August, 2022 (Sample Range- July, 2021 - June, 2022)																		
Audit Form #	CD #	Metric	1	2	3	4	5	6	7	8	SOD	Homicide	SVS	Narcotics	SID	Other	Overall Compliance	
1	140	Logged	83%	80%	71%	100%	75%	86%	30%	78%	100%	100%	100%	100%	100%	100%	100%	83%
2	136	Reviewed Before Filing	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
3	140	Log Includes Officer	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
4	140	Log Includes Supervisor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
5	140	Log Includes Item Number	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
6	140	Warrant Includes App	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
7	135	App has PC	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
8	135	PC in App Consistent with Reports	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
9	135	App Specifies Place or Thing	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
10	135	App Specifies Target Items	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
11	135	No Avoidable Mistakes in App	100%	100%	100%	100%	100%	100%	100%	80%	100%	100%	100%	100%	100%	100%	100%	96%
12	136	No Boilerplate in App	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
13 No Boilerplate in App Comments																		
14	Ch 1.2.4.2 p. 3-4	No Knock Requested	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
15	Ch 1.2.4.2 p. 3-4	No Knock Needed Per Policy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16 No Knock Needed Comments																		
17	Ch 1.2.4.2 p. 3-4	No Knock Granted by Judge	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18	Ch 1.2.4.2 p38	Risk Assessment Appropriate	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
19a	"	Appropriate Risk Level Count -High	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
19b	"	Appropriate Risk Level Count -Moderate	0	0	0	0	1	0	0	3	0	0	0	0	0	0	0	4
19c	"	Appropriate Risk Level Count -None	6	5	7	4	3	7	10	6	3	23	8	1	1	2	86	
19c	"	Appropriate Risk Level Count -Unknown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2
20 Risk Assessment Appropriate Comments																		
21	138	Op Plan Exists	-	-	-	-	-	-	-	100%	100%	-	-	-	-	-	-	-
22	138	Op Plan Prepared in Advance	-	-	-	-	-	-	-	100%	100%	-	-	-	-	-	-	100%
23	138	Supu Assisted with Op Plan	-	-	-	-	-	-	-	100%	100%	-	-	-	-	-	-	100%
24	Ch 1.2.4.2	Op Plan Covers Appendix A	-	-	-	-	-	-	-	100%	100%	-	-	-	-	-	-	100%
25	Ch 1.2.4.2	Op Plan Sufficient	-	-	-	-	-	-	-	100%	100%	-	-	-	-	-	-	100%
26 Op Plan Comments																		
27 BWC Complete Numerator and Denominator																		
28	Ch 1.2.4.2 p 25	BWC Complete	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	100%	-	-	-	99%
29 BWC Complete Comments																		
30	123, 136	Reports and Videos Consistent	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	100%	-	-	-	100%
31 Reports and Videos Consistent Comments																		
32	Ch 1.2.4.2 p 20	Knock Announce Wait	-	-	100%	-	100%	-	-	100%	100%	-	-	-	-	-	-	100%
33	Ch 1.2.4.2 p 21	No Knock On Scene Reassessment Documented in EPR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
34	Ch 1.2.4.2 p 24	No Knock Authority Announced After Entry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Ch 1.2.4.2 p 23ai	Unplanned No Knock Changed Circumstances Documented	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
36	Ch 1.2.4.2 p 23aii	Unplanned No Knock Facts Preventing Judge Approval Documented	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
37	Ch 1.2.4.2 p 23aiii	Unplanned No Knock Facts Preventing Command Approval Documented	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
38	Ch 1.2.4.2 p 23b	Unplanned No Knock Reviewed and Approved by Deputy Chief	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
39	Ch 1.2.4.2 p 23c	Unplanned No Knock Facts Given to Judge	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40	138	Supu Present for Execution	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	100%	-	-	-	100%
41	Non-Occupants Detained (incident count)		0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	2
42 Non-Occupants Detained Details (Comments)																		
43	139, Ch 1.2.4.2 P26	Non-Occupants Detained No Longer than Necessary	-	-	-	-	-	-	-	100%	100%	-	-	-	-	-	-	100%
44	139, Ch 1.2.4.2 P27	RS for Detaining Non-Occupants	-	-	-	-	-	-	-	100%	-	-	-	-	-	-	-	100%
45	150	Evidence Documented SW	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	100%	-	-	-	100%
46	150	Evidence Submitted Immediately SW	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	100%	-	-	-	100%
47	150	Evidence Description Matches Video SW	100%	100%	100%	100%	-	100%	100%	100%	100%	100%	-	100%	-	-	-	100%
48	138	After Action Report Exists	-	-	-	-	-	-	-	100%	100%	-	-	-	-	-	-	100%
49	138	After Action Report Documented by Supervisor	-	-	-	-	-	-	-	100%	100%	-	-	-	-	-	-	100%
50	138	After Action Report w/in 24 Hrs	-	-	-	-	-	-	-	100%	100%	-	-	-	-	-	-	100%
51	Ch 1.2.4.2 p 43	After Action Report Contains Required Elements	-	-	-	-	-	-	-	100%	100%	-	-	-	-	-	-	100%
52	Ch 1.2.4.2 p 43	After Action Report Sufficient	-	-	-	-	-	-	-	100%	100%	-	-	-	-	-	-	100%
53 After Action Report Comments																		
54 Non-Compliance Should Have Been Addressed SW																		
55 Supervisor Reviewed Video SW																		
56 SFLIDs- CNTRL Nos SW																		
57 137, 144, Non-Compliance Addressed by Supervisor 146, 151																		
58 Supervisory Review Comments SW																		
59 Auditor Comments SW																		
60 Reviewer Comments SW																		
<b>Compliance Score</b>			<b>99%</b>	<b>99%</b>	<b>98%</b>	<b>100%</b>	<b>98%</b>	<b>99%</b>	<b>95%</b>	<b>98%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>99%</b>



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## Conclusion

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### Results

The results of this audit were verified through two processes:

1. Double-blind auditor peer review
2. Audit supervisor review

In the double-blind auditor peer review, two auditors independently assessed each warrant and completed the initial SW Audit form entries. The two auditors then discussed and resolved any discrepancies between the two sets of results. Any discrepancy that could not be resolved was escalated to their supervisor who then resolved the discrepancy, and who may have also drawn on the expertise of others, including but not limited to the PSAB Deputy Superintendent, the PSAB Captain, other PSAB Innovation Managers, members of the Education and Training Division, members of the District Attorney's office, members of the Office of the Consent Decree Monitor, and members of the Department of Justice.

During the Audit Supervisor review, an Innovation Manager reviewed the resolved audit results for accuracy and completeness. Any issues were sent back to auditors for corrections and the interaction is documented on the audit forms.

The following deviation from compliance was identified in the SW audit results:

Warrants should be logged into the Logbooks MS Access database once a warrant has been submitted. Logged entries scored **83%**, a difference from the previous score of 88%.

Only material policy deficiencies identified in the review process were forwarded to the PSS Captain via the "Notify PSS" protocol for follow-up, redirection, or disciplinary action if needed. None were forwarded for this audit.

All auditing deficiencies identified in the review process were documented in the PSAB report and scorecards and sent directly to the various districts for review and action if needed. Note the districts which responded back to PSAB with their follow-up actions and re-evaluations.

### Recommendations

1. Continue to work with the Bureaus to provide additional training on:
  - a. Using the Logbooks database ensuring the warrants properly Logged
  - b. Utilizing BWC's specifically when searching structures, vehicles, or persons.
2. Continue to work with Policy Standards Section to develop DTB's to address deficiencies.

## Re-Evaluation Results

**2nd District Review:** 2nd District DSA Sergeant reviewed item in the listed Audit Report, which revealed we were not in compliance with June 2022 Search Warrant Audit. Item was erroneously entered two times.

**Actions taken by 2<sup>nd</sup> District:** The Sergeant observed that this item was put in incorrectly but was not able to take the incorrect item number out, so he reentered the correct item number into the log.

**PSAB Response:** ARU confirmed that the item was entered in the logbooks transposed. The duplicated item was removed from the logbooks. No change to the score as the District was not scored non-compliant for this entry.

**Homicide Review:** Item is in draft status and was not ever submitted to a reviewer, which means the warrant in question is incomplete (initial draft) and has not been submitted for review. A supervisor would not have this information in his or her dashboard until the detective submits the completed warrant for review. This information would not be placed into the Logbook due to it being incomplete and in draft status.

**Actions taken by Homicide:** Request that PSAB make item not applicable to be logged into the logbooks as warrant still in initial draft status.

**PSAB Response:** After reviewing the online warrant system CloudGavel, ARU confirmed that the officer did not forward the search warrant to a reviewer. In the document review under the Warrants Notes, there was no timeline tree beyond the officer. This has been updated from “No” to “Not Applicable” (NA) for the item being logged into the logbooks. In future audits, this type of draft warrant will not be audited and will be de-selected.

**Homicide Review:** Not a standard New Orleans Police Department item number; it does not correlate with any of the Homicide Section’s assigned cases. Therefore, the item would not be in the Homicide logbooks.

**Actions taken by Homicide:** Request that PSAB make item not applicable to be logged into the logbooks as warrant was initiated as part of FBI and New Orleans Joint Task Force.

**PSAB Response:** After receiving the hard-copy confidential warrant from FOB via the CloudGavel system, ARU confirmed that the warrant was not related to any homicide case and therefore would not be in the associated logbooks. This has been updated from No and NA. In future audits, this type of warrant will not be audited and will be de-selected.

**5<sup>th</sup> District Review:** On Friday, September 30, 2022, DSA Sergeant received an email from Captain, PSAB, regarding the Professional Standards and Accountability Bureau Administration August 2022 Search Warrant Audit Draft. After reviewing the audit, Sergeant Boone learned that the 5th District

received a 75% audit grade for the search warrant not being logged. There was no BWC footage for the detective executing the search warrant and locating the weapon. In the Search Warrant audit, it was discovered under item, signal 34S which occurred on 2/22/2021 in the 2000 block of Congress Street.

The report was documented by unit 545C, manned by officers. The incident involved a juvenile who suffered from a gunshot wound to his abdomen. During the investigation, the detective learned the weapon involved in the shooting was possibly located inside the residence's primary bedroom in a storage bin. The detective authored a search warrant to retrieve the weapon. The PSAB June 2022 Search Warrant Audit Draft documented that the search warrant had not been logged into the New Orleans Police Department 5th District Arrest and Search Warrant Logbook. Also, the search warrant and execution of the search warrant was not recorded on any responding supervisors' or officers' body-worn camera. Section #31 of the audit documented that "Detective not wearing a BWC." However, detectives were not issued BWCs until July 24, 2022.

On Sunday, the sergeant reviewed the 5th District "Arrest and Search Warrant Log" and discovered that the search warrant was not entered into the log. The sergeant found that the detective authored and executed the search warrant signed by the C-Platoon supervising sergeant. The sergeant reviewed all officers' and rank body-worn camera videos. The execution of the search warrant was not recorded on body-worn cameras on any officers or supervisors on the scene.

**Actions taken by 5<sup>th</sup> District:**

- (1) District DSA sergeant issued supervising sergeant a counseling supervisor feedback log ID on 10/3/2022.

"Policy violation Chapter: 1.2.4.2, Search Warrants under Policy Statement and paragraph 9: Warrant Documentation states that all supervisory members of the department shall utilize the warrant log when recording the review and execution of search warrants. Warrant Log paragraph 11 states that each district/unit and specialized unit shall document the following in the warrant log: (a) Each search warrant; (b) The case file (item number) where a copy of the warrant is maintained. (c) The officer who applied for the search warrant; (d) Each supervisor who reviewed and approved or disapproved the application for a search warrant; and (e) Documentation if disapproved, including why it was disapproved and what remedial actions, if any, were taken by the supervisor (disciplinary or training). The supervisor shall document corrective action in the Supervisor Feedback Log (see 35.1.7 – Non-Disciplinary Responses to Minor Violations) or by initiating a formal disciplinary investigation (see 52.1.1 – Misconduct Intake and Complaint Investigation) and note the corrective action in the Compliance Log. Risk Determination, Planning, Execution, And Documentation paragraph 40, states that for Moderate Risk searches that are not executed by SOD, the supervisor shall: (a) Fill out the Warrant Log accurately and completely. Develop an operational plan for the execution of the search warrant before executing the search warrant. Some of the factors that should be evaluated and planned for are listed in Appendix A of this Chapter; (b) The operational plan must be documented with a digital timestamp, proving the plan was developed prior to executing the search warrant. Digital timestamps can be accomplished by: (i) recording the plan on BWC; (ii) documenting the plan in the Warrant log; (iii) using a Departmental date and time stamping machine, which cannot be altered by the user. Every page of the plan must be stamped; (iv) Using a "tamperproof" document

date and time stamp in the document; or (v) taking a digital photo of the plan. (c) Be present for the execution of the search warrant and ensure adequate police resources (including EMS) are present to meet the needs identified in the operational planning, including crisis scenarios. (d) Complete an after-action report in the Warrant Log.”

**(2)** The DSA sergeant issued the detective a counseling supervisor feedback log ID on 10/3/2022.

“Chapter: 1.2.4.2, Search Warrants, and paragraph 19, which states the Warrant Return (Form 117R) is to be executed within one day after the execution of the search warrant or within one day of the expiration, by statute, of the search warrant if not executed. Also, Chapter: 41.3.10, Body–Worn Camera (“BWC”), under Required Activation Of The BWC, paragraph 11 states this policy is intended to achieve an appropriate balance between the benefits of BWC devices and civilians’ reasonable expectations of privacy. The BWC shall be manually only activated for legitimate law enforcement purposes. Manual activation of the BWC is required for the following situations: (a) All field contacts involving actual or potential criminal conduct within video or audio range; (b) Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops); (c) Emergency responses; (d) Vehicle pursuits; (e) Suspicious vehicles; (f) Arrests and transports; (g) Vehicle searches; (h) Consent to search; (i) Physical or verbal confrontations or use of force; (j) Pedestrian checks/Terry Stops; (k) DWI investigations, including field sobriety tests; (l) Domestic violence calls; (m) Statements made by individuals in the course of an investigation or complaint; (n) Advisements of Miranda rights; (o) Seizure of evidence; (p) Swat rolls; (q) Execution of all Search Warrants (including No-Knock) and Arrest Warrants; (r) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording; (s) Engages in mass civil demonstrations and / or riot control; (t) Any other legitimate law enforcement contact where the officer believes that a recording of an incident would be appropriate; and (u) All calls for service.”

**PSAB Response:** No further action required.

*Timothy A. Lindsey*

**Innovation Manager, Auditing**

**Professional Standards and Accountability Bureau**

# Appendix A – Search Audit Form

Audit Form Attachment:

## Search Warrant Audit Form - Input New

Back

Submit

### Identifying Info

Reviewer

Find items

Item Number

Enter the item number from the sampling spreadsheet.

Related Item Numbers including Other Identifying Info

Please attempt to find all related item numbers and list them here, as well as other pertinent identifying information.

District/Division

Please enter the District or Division to which the primary officer is assigned.

Reporting Month

Reporting Year

Find items

Find items

Find items

### Warrant Info

CD 127: If you suspect an officer relied on information he or she knew to be materially false or incorrect to apply for the search warrant, contact your supervisor. CD 127 reads: NOPD officers shall not use race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, or gender identity in exercising discretion to ... seek a search warrant, except as part of an actual and apparently credible description of a specific suspect or suspects in any criminal investigation.

Search Warrant Type

What type of search warrant or search warrant application is this? You can pick more than one. If this search warrant or search warrant application is for a body cavity search, you must also complete the SSA Incident, SSA Subject, and Strip/Cavity audit forms.

Logged

Was this search warrant or search warrant application logged?

Reviewed Before Filing

Was the search warrant or search warrant application reviewed by the supervisor before the officer filed the search warrant affidavit/application?

- If the search warrant processed through CloudGavel, choose "Yes"
- If paper and a log entry exists, and the Date of Review is the same date or earlier than the Warrant Date, select "Yes"
- If paper and no log entry exists, select "No Log Entry". CD 136

Find items

Find items

Find items

Does the search warrant include a copy of the search warrant application or affidavit? CD 135

**App has PC**

Does the search warrant application/affidavit include a clear description of the reason(s) [legal basis, probable cause] for the request to search? CD 135

**PC in App Consistent with Reports**

Is the Probable Cause description in the search warrant application/affidavit generally consistent with the police report(s)?

**App Specifies Place or Thing**

Is the search warrant application/affidavit specific about the items or possible evidence that are the purpose/target of the search? See search warrant lesson plan for guidance on "specificity." And discuss with experienced officers. CD 135

**App Specifies Target Items**

Is the search warrant application/affidavit specific about the items or possible evidence that are the purpose/target of the search? See search warrant lesson plan for guidance on "specificity." And discuss with experienced officers. CD 135

**No Avoidable Mistakes in App**

Compare the return of search to the application/affidavit. Does it appear there were no avoidable mistakes in the application/affidavit? An incorrect address in the application/affidavit is an example of an avoidable mistake. CD 135

**No Boilerplate in App**

Does the search warrant application/affidavit avoid the use of boilerplate language?

- Yes - No Boilerplate Language.
- No - Boilerplate Language Used.

CD 136

**No Boilerplate in App Comments**

**No Knock Requested**

Did the officer seek a no knock warrant?

**No Knock Needed Per Policy**

If the officer sought a no knock warrant, did the officer have reasonable suspicion that the potentially lethal risks of entering unannounced are outweighed by the risk of not entering? E.g. were there clear facts and circumstances establishing that the officers or another person would be harmed unless they made immediate, unannounced entry, and that risk of harm outweighed the potentially lethal risks of entering unannounced? Ch 1.2.4.2 paras. 3-4

**No Knock Needed Comments**

**No Knock Granted by Judge**

If the officer requested a no knock warrant, did the judge grant it?

Find items ▼

Find items ▼

Find items ▼

Find items ▼

Find items ▼

Find items ▼

Find items ▼

Find items ▼

## Risk Assessment


### Risk Assessment Appropriate

Based on all information available to you, is the risk assessment appropriate? See Ch 1.2.4.2 p38, risk assessment form, and other documentation. The No-risk section of the Warrant Log is all that is required for no-risk warrants. Risk assessment forms are required for moderate and high-risk warrants. If a risk assessment does not exist and the search warrant was not executed, choose "Not Executed."

Find items 

### Appropriate Risk Level

Based on all the information available to you, including the the risk assessment form, policy, and guidance, what risk level is appropriate? The risk assessment form, the log, and policy define the risk levels.

Find items 

### Risk Assessment Appropriate Comments

## Operational Plan

### Op Plan Exists

If the search warrant was executed, is there an operational plan for this search warrant? If this is a no-risk search warrant, choose "No-Risk." If this is a moderate-risk search warrant and the SOD did not execute the warrant, use the information in the log to verify that the operational plan exists. If SOD executed the warrant, look for a corresponding SOD SWAT report. CD 138

Find items 

### Op Plan Prepared in Advance

If the search warrant was executed, does documentation show the operational plan occurred before the search warrant was executed? If executed by SOD, does the SWAT Report show the Planning Details: Briefing Date/Time is before the Entry Details: Execution Date/Time? If this is a no-risk search warrant, choose "No-Risk." CD 138

Find items 


### Supervisor Assisted with Op Plan

If the search warrant was executed, does documentation show a supervisor assisted with creating the operational plan? If executed by SOD, does the SWAT Report document the supervisor that assisted with the operational plan? (Planning Details: Planning Supervisor is not blank) If this is a no-risk search warrant, choose "No-Risk." CD 138

Find items 


### Op Plan Covers Appendix A

If an operational plan exists, does it cover the risk and planning factors in Appendix A of Ch 1.2.4.2? Check all that are covered.

Find items 

### Op Plan Sufficient

If an operational plan exists, is it sufficient? I.E. did it sufficiently cover all the relevant topics in Appendix A of Ch 1.2.4.2?

Find items 

### Op Plan Comments

### Video/BWC Info

**BWC Complete Num**

Document the number of officers participating in the execution of the search warrant who had complete video in the numerator.

**BWC Complete Denom**

Document the number of officers participating in the execution of the search warrant in the denominator. If the search warrant was not executed, enter 0/0. Ch. 1.2.4.2 p 25

**BWC Complete Comments**

**Reports and Videos Consistent**

Are the reports and videos significantly consistent? CD 123, 136

**Reports and Videos Consistent Comments**

### Execution Info

**Knock Announce Wait**

Did the officer(s) knock and announce their presence and wait for a reasonable time for the occupants to answer the door when executing the search warrant? Ch. 1.2.4.2 p 20

**No Knock On Scene Reassessment Documented in EPR**

If the officer requested no knock entry in the search warrant application and the judge granted it, does the EPR document that the officer affirmatively assessed whether a no-knock entry remained necessary at the time of warrant service? Ch. 1.2.4.2 p 21

**No Knock Authority Announced After Entry**

If this was a no-knock entry, did the officers announce their authority loudly and clearly once they made entry? Ch. 1.2.4.2. p 24

**Unplanned No Knock Changed Circumstances Documented**

If this was an unplanned no knock entry, did the officer document the changed circumstances that constituted exigent circumstances and necessitated the unannounced entry? Ch. 1.2.4.2 p 23 a i

**Unplanned No Knock Facts Preventing Judge Approval Documented**

If this was an unplanned no knock entry, did the officer document the facts that prevented seeking judicial approval? Ch. 1.2.4.2. p 23 a ii

**Unplanned No Knock Facts Preventing Command Approval Documented**

If this was an unplanned no knock entry, did the officers document the facts that prevented seeking command level approval, if applicable? Ch. 1.2.4.2 p 23 a iii

**Unplanned No Knock Reviewed and Approved by Deputy Chief**

If this was an unplanned no knock entry, did the relevant deputy chief review and approve documentation of the changed circumstances and supervisory approval or the reasons no approval was sought? Ch. 1.2.4.2 p 23 b

**Unplanned No Knock Facts Given to Judge**

If this was an unplanned no knock entry, was documentation of the changed circumstances and the reasons it was not practical to seek judicial authorization in advance provided to the judge? Ch. 1.2.4.2 p



**Supervisor Present for Execution**

Does video show a supervisor was present for the execution of the search warrant? CD 138

**Non-Occupants Detained**

Does video or documentation show any nonoccupants detained during the execution of the search warrant?

**Non-Occupants Detained Details**

**Non-Occupants Detained No Longer than Necessary**

If so, does video show they were detained for only the amount of time necessary to secure the area or to determine whether they were occupants of the premises being searched? CD 139, Ch. 1.2.4.2 P26

**RS for Detaining Non-Occupants**

If video shows non-occupants were detained for longer than reasonably necessary to secure the area or to determine if they were occupants, does the EPR document reasonable suspicion that the person was involved in criminal activity or posed a danger to officer safety? CD 139, Ch. 1.2.4.2 P27

**Evidence Info**

**Evidence Documented SW**

If evidence was seized, was it documented with a CE+P receipt? A CE+P receipt should be attached to an EPR. They can also be in DTS. CD 150

**Evidence Submitted Immediately SW**

If evidence was seized, was it submitted to CE+P before ETOD? Review the Chain of Custody History report in BEAST and the units CAD activity. The date/time the item was "submitted into property" must be before ETOD. CD 150

**Evidence Description Matches Video SW**

If evidence was seized, does the description on the receipt match the evidence as seen on video? CD 123

**Evidence Description Matches Video SW**

If evidence was seized, and there is a CE+P receipt, does the description on the receipt match the evidence as seen on video? CD 123

**After Action Info**

**After Action Report Exists**

Does an after action report exist for this search warrant? After action reports are required for moderate and high-risk warrants. They are not required for no-risk warrants. If the search warrant was executed by SOD, the SOD Tactical Report for the search warrant includes the after action report. CD 138

**After Action Report Documented by Supervisor**

Does the log/SWAT Report show the After Action Report was documented by a Supervisor? CD 138

**After Action Report w/in 24 Hrs**

Was the warrant log entry submitted, including a complete After Action Report Section, within 24 hours after the search warrant was executed? CD 138

### Supervisory Info

#### Non-Compliance Should Have Been Addressed SW

Did you find any non-compliance related to this incident in the sections above?

#### Supervisor Aware Non-Compliance

Did the supervisor know or should have known about the non-compliance?

#### SFLIDs-CNTRL Nos SW

Please list the SFLIDs for any corresponding SFLs or Control numbers for any corresponding FDIs?

#### Non-Compliance Addressed by Supervisor

Did a supervisor address all the non-compliance you found above? CD 137, 144, 146, 151

#### After Action Report Contains Required Elements

Does the after-action report cover the relevant assessment topics? Check all that are covered.  
Ch 1.2.4.2 p 43

#### After Action Report Sufficient

Does the after-action report sufficiently address the execution of the search warrant?

#### After Action Report Comments

### Supervisory Info

#### Supervisory Review Comments SW

#### Auditor Comments SW

#### Reviewer Comments SW

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## **Appendix B – Report Distribution**

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Superintendent

Chief Deputy Superintendent Field Operations Bureau

Deputy Superintendent Investigation Services Bureau

Deputy Superintendent Professional Standards and Accountability Bureau

Deputy Superintendent Public Integrity Bureau

Deputy Superintendent Management Services Bureau

City Attorney's Office

Assistant City Attorney