



Auditing and Review Unit  
Professional Standards and Accountability  
Bureau

# Search Warrant Audit – July 2023 (NOPD)

Report# SW082023

Submitted by PSAB: 8/25/2023

Response from FOB/ISB: 9/12/2023

Report: 10/4/2023

*Previous Audit Conducted: August 2022*

## **Audit Team**

This audit was managed and conducted by the Audit and Review Unit

---

## Executive Summary

---

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 2022 and June 2023. 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 **97%**. The previous audit score was 99%. The primary deficiency is with regard to search warrants not being documented in the “NOPD Logbooks” system as required. The current score for this category question was **63%** versus the previous audit score of 83%. Detectives will require formal notice of this deficiency. Training with In-service Training classes or Daily Training Bulletins (DTBs) are to be utilized to reinforce close and effective oversight. Of the 94 audit items reviewed, 35 items were identified as “non-compliant” as they were not entered nor referenced in any of the Search Warrant Logbooks.

- Twenty-four (24) missing search warrant log entries were from Field Operations Bureau (FOB).
- Search Warrant Risk Assessments were conducted for items considered high risk along with their corresponding Operations Plans. ARU identified 3 high risk warrants, along with 2 moderate risk warrants. Out of the 5 search warrants identified as high or moderate risk; all were residence, structure, home or building related. PSAB determined that all 5 were appropriately assessed.
- **58** entries did not have any BWC recordings. These entries were reviewed and were listed as No Risk. (9 Auto, 35 Records/Data, 7 Persons, and 7 Structures).
- **2** entries had no available documentation other than the warrants: (Both were Records requests)
- **35** entries had BWC recordings that were reviewed (29 No Risk; 2 Moderate, 3 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.

Table of Contents

Executive Summary..... 2

Introduction ..... 4

- Purpose ..... 4
- Objectives..... 4
- Background ..... 4
- Methodology..... 4

Initiating and Conducting the SW Audit ..... 6

Reviews - Scorecards..... 7

Conclusion..... 9

Appendix A – SW Audit Forms ..... 15

Appendix B – Report Distribution..... 21

---

## Introduction

---

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 2022 and June 2023. 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.

---

## Initiating and Conducting the SW Audit

---

The final **SW** sample size for this audit was determined to be **94** items due to stratification and rounding.

1. The universe of Search Warrants was exported into an excel spreadsheet. This included 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 were then assigned a unique reference code using the item number and ID. The unique item codes were assigned a random number using Excel's random number function (RAND).
2. Documents were sampled starting from the smallest random number assigned and continuing from smallest to largest until the required sample size is reached.
3. Sample sizes were representative of the Department, not each district/division, when reporting publicly. For reference, during July 2022-June 2023, NOPD's Search Warrants universe amounted to 6,402 documents after removing all duplications. Per the sample size calculator provided to NOPD by the Los Angeles Police Department Auditing Unit, a sample size of about 94 documents was representative of this population size when doing a one- tailed test, with a 95% degree of confidence, and a 4% error rate.
4. When reporting publicly, audit results were stratified by division/district; the number of audit results per division/district were proportionate to the actual activity by the division/district. The results included at least one item from each division/district with activity during the reporting time period to ensure all districts/divisions with activity were included in public reports.
5. Randomly sampled documents that do not document a search warrant by NOPD were to be deselected. When a document was deselected, the auditor continued to the document with the next lowest random number to replace it.

## SW Audit Summary Table

Search Warrant Audit Form Table - August, 2023 (Sample Range- July, 2022 -June, 2023)														
Audit Form #	CD #	Metric	Compliance Rate	Y	N	N/A	U	Total Reviewed						
1	140	Logged <i>(Entered into Logbooks)</i>	63%	59	35	0	0	94						
2	136	Reviewed Before Filing	100%	94	0	0	0	94						
3	140	Log Includes Officer <i>(credit CloudGavel entry)</i>	100%	94	0	0	0	94						
4	140	Log Includes Supervisor <i>(credit CloudGavel entry)</i>	100%	94	0	0	0	94						
5	140	Log Includes Item Number <i>(credit CloudGavel entry)</i>	100%	94	0	0	0	94						
6	140	Warrant Includes Application/Affidavit	100%	94	0	0	0	94						
7	135	Application/Affidavit has Probable Cause	100%	94	0	0	0	94						
8	135	Probable Cause in Application/Affidavit Consistent with Reports	100%	94	0	0	0	94						
9	135	Application/Affidavit Specifies Place or Thing	100%	94	0	0	0	94						
10	135	Application/Affidavit Specifies Target Items	100%	94	0	0	0	94						
11	135	No Avoidable Mistakes in Application/Affidavit	97%	69	2	23	0	94						
12	136	No Boilerplate in Application/Affidavit	100%	94	0	0	0	94						
13	No Boilerplate in App Comments													
14	Ch 1.2.4.2 p. 3-4	No Knock Requested	-	0	0	94	0	94						
	Ch 1.2.4.2 p. 3-4	No Knock Needed Per Policy	-	0	0	94	0	94						
16	No Knock Needed Comments													
17	Ch 1.2.4.2 p38	No Knock Granted by Judge	-	0	0	94	0	94						
18		Risk Assessment Appropriate	100%	57	0	37	0	94						
19		Appropriate Risk Level Count	High	Moderate Risk	No Risk	NA- Not Executed	Unknown							
19a			3	2	82	7	0	94						
20	Risk Assessment Appropriate Comments													
21	138	Operational Plan Exists	100%	5	0	89	0	94						
22	138	Operational Plan Prepared in Advance	100%	5	0	89	0	94						
23	138	Supervisor Assisted with Operational Plan	100%	5	0	89	0	94						
24	Ch 1.2.4.2	Operational Plan Covers Appendix A	100%	5	0	89	0	94						
25	Ch 1.2.4.2	Operational Plan Sufficient	100%	5	0	89	0	94						
26	Operational Plan Comments													
27		BWC Complete Numerator and Denominator		Num	Demon									
28	Ch. 1.2.4.2 p 25	BWC Complete	98%	86	88									
29	BWC Complete Comments													
30	123, 136	Reports and Videos Consistent	100%	35	0	59	0	94						
31	Reports and Videos Consistent Comments													
32	Ch. 1.2.4.2 p 20	Knock Announce Wait	100%	6	0	88	0	94						
33	Ch. 1.2.4.2 p 21	No Knock On Scene Reassessment Documented in EPR	-	0	0	94	0	94						
34	Ch. 1.2.4.2 p 24	No Knock Authority Announced After Entry	-	0	0	94	0	94						
35	Ch. 1.2.4.2 p 23ai	Unplanned No Knock Changed Circumstances Documented	-	0	0	94	0	94						
36	Ch. 1.2.4.2 p 23aii	Unplanned No Knock Facts Preventing Judge Approval Documented	-	0	0	94	0	94						
37	Ch. 1.2.4.2 p 23aiii	Unplanned No Knock Facts Preventing Command Approval Documented	-	0	0	94	0	94						
38	Ch. 1.2.4.2 p 23b	Unplanned No Knock Reviewed and Approved by Deputy Chief	-	0	0	94	0	94						
39	Ch. 1.2.4.2 p 23c	Unplanned No Knock Facts Given to Judge	-	0	0	94	0	94						
45	150	Evidence Documented SW	96%	24	1	67	2	94						
46	150	Evidence Submitted Immediately SW	96%	24	1	67	2	94						
47	150	Evidence Description Matches Video SW	100%	19	0	72	3	94						
40	138	Supervisor Present for Execution	96%	24	1	58	11	94						
41	Non-Occupants Detained			-	2	1	91	0	94					
42	Non-Occupants Detained Details (Comments)													
43	139, Ch. 1.2.4.2 P26	Non-Occupants Detained No Longer than Necessary	100%	1	0	92	1	94						
44	139, Ch. 1.2.4.2 P27	Reasonable Suspicion for Detaining Non-Occupants	100%	2	0	92	0	94						
48	138	After Action Report Exists	100%	5	0	89	0	94						
49	138	After Action Report Documented by Supervisor	100%	5	0	89	0	94						
50	138	After Action Report w/in 24 Hrs.	100%	5	0	89	0	94						
51	Ch 1.2.4.2 p 43	After Action Report Contains Required Elements	100%	5	0	89	0	94						
52	Ch 1.2.4.2 p 43	After Action Report Sufficient	100%	5	0	89	0	94						
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													
		Compliance Score	97%	1310	40	2203	19							

# SW – Audit Detail by District Table

Search Warrant Audit Form Table - August, 2023 (Sample Range- July, 2022 -June, 2023)																	Overall Compliance
Audit Form #	CD #	Metric	1	2	3	4	5	6	7	8	SOD	Homicide	SVS	Narcotics	SID	Other	
1	140	Logged <i>(Entered into Logbooks)</i>	38%	50%	71%	80%	67%	43%	69%	85%	75%	31%	100%	-	-	100%	63%
2	136	Reviewed Before Filing	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	-	100%	100%
3	140	Log Includes Officer <i>(credit CloudGavel entry)</i>	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	-	100%	100%
4	140	Log Includes Supervisor <i>(credit CloudGavel entry)</i>	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	-	100%	100%
5	140	Log Includes Item Number <i>(credit CloudGavel entry)</i>	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	-	100%	100%
6	140	Warrant Includes Application/Affidavit	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	-	100%	100%
7	135	Application/Affidavit has Probable Cause	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	-	100%	100%
8	135	Probable Cause in Application/Affidavit Consistent	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	-	100%	100%
9	135	Application/Affidavit Specifies Place or Thing	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	-	100%	100%
10	135	Application/Affidavit Specifies Target Items	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	-	100%	100%
11	135	No Avoidable Mistakes in Application/Affidavit	100%	100%	100%	100%	100%	71%	100%	100%	100%	100%	100%	-	-	100%	97%
12	136	No Boilerplate in Application/Affidavit	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%
19a	"	Appropriate Risk Level Count -High	0	0	0	0	0	0	0	3	0	0	0	0	0	0	3
19b	"	Appropriate Risk Level Count -Moderate	0	0	0	0	1	0	0	0	0	1	0	0	0	0	2
19c	"	Appropriate Risk Level Count -None	8	4	7	5	8	7	13	10	4	15	6	0	0	2	89
19c	"	Appropriate Risk Level Count -Unknown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20	Risk Assessment Appropriate Comments																
21	138	Operational Plan Exists	-	-	-	-	100%	-	-	100%	-	100%	-	-	-	-	100%
22	138	Operational Plan Prepared in Advance	-	-	-	-	100%	-	-	100%	-	100%	-	-	-	-	100%
23	138	Supervisor Assisted with Operational Plan	-	-	-	-	100%	-	-	100%	-	100%	-	-	-	-	100%
24	Ch 1.2.4.2	Operational Plan Covers Appendix A	-	-	-	-	100%	-	-	100%	-	100%	-	-	-	-	100%
25	Ch 1.2.4.2	Operational Plan Sufficient	-	-	-	-	100%	-	-	100%	-	100%	-	-	-	-	100%
26	Operational Plan Comments																
27	BWC Complete Numerator and Denominator																
28	Ch. 1.2.4.2 p 25	BWC Complete	100%	88%	100%	100%	100%	100%	100%	95%	100%	100%	-	-	-	100%	98%
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%	-	-	-	-	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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
45	150	Evidence Documented SW	100%	100%	100%	-	100%	100%	100%	80%	100%	-	100%	-	-	100%	96%
46	150	Evidence Submitted Immediately SW	100%	100%	100%	-	100%	100%	100%	80%	100%	-	100%	-	-	100%	96%
47	150	Evidence Description Matches Video SW	100%	100%	100%	-	-	-	100%	100%	100%	-	-	-	-	100%	100%
40	138	Supe Present for Execution	100%	100%	100%	100%	100%	100%	75%	100%	100%	100%	-	-	-	100%	96%
41	Non-Occupants Detained (incident count)		0	0	0	0	1	0	1	0	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%
44	139, Ch. 1.2.4.2 P27	Reasonable Suspicion for Detaining Non-Occupants	-	-	-	-	100%	-	100%	-	-	-	-	-	-	-	100%
48	138	After Action Report Exists	-	-	-	-	100%	-	-	100%	-	100%	-	-	-	-	100%
49	138	After Action Report Documented by Supervisor	-	-	-	-	100%	-	-	100%	-	100%	-	-	-	-	100%
50	138	After Action Report w/in 24 Hrs.	-	-	-	-	100%	-	-	100%	-	100%	-	-	-	-	100%
51	Ch 1.2.4.2 p 43	After Action Report Contains Required Elements	-	-	-	-	100%	-	-	100%	-	100%	-	-	-	-	100%
52	Ch 1.2.4.2 p 43	After Action Report Sufficient	-	-	-	-	100%	-	-	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, 146, 151	Non-Compliance Addressed by Supervisor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
58	Supervisory Review Comments SW																
59	Auditor Comments SW																
60	Reviewer Comments SW																
Compliance Score			95%	97%	98%	98%	97%	95%	97%	98%	98%	95%	100%	#DIV/0!	#DIV/0!	100%	97%



---

## Conclusion

---

### 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 **61%**, a difference from the previous score of 83%.

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.

## District Re-Evaluation Results

### 2<sup>nd</sup> District

**2<sup>nd</sup> District Review:** 2nd District Lt., Upon review of the recent scorecard, the Second District showed that three items were not entered into the logbooks. The items were not entered by the Sgt. and a verbal counselling was done on him.

**Actions taken by 2<sup>nd</sup> District:** Sgt. was verbally counselled regarding items not being entered into the logbooks.

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

**2<sup>nd</sup> District Review:** 2nd District Lt., Upon review of the recent scorecard, Item comes back to a traffic stop in the 5100 block of Press Dr. marked up NAT by 345A. Can you have someone look at that item and adjust our score?

**Actions taken by 2<sup>nd</sup> District:** Can you have someone look at that item and adjust our score?

**PSAB Response:** ARU determined that the item was associated with the 3<sup>rd</sup> District. That item was moved to the 3<sup>rd</sup> District.

### 3<sup>rd</sup> District

**3<sup>rd</sup> District Review:** 3rd District DSA Sergeant, reviewed item in the above listed Audit Report, which was not entered into the logbooks on the L: Drive.

**Actions taken by 3<sup>rd</sup> District:** Vehicle Search Warrant by Officer, approved by the Sgt. The Sgt. has entered Officer's warrant into the "L" Drive.

**PSAB Response:** ARU confirmed that the item was entered in the logbooks now. No change to the score as the District entered the item post-audit.

**3<sup>rd</sup> District Review:** 3rd District DSA Sergeant reviewed items in the above listed Audit Report, which was not entered into the logbooks on the L: Drive.

**Actions taken by 3<sup>rd</sup> District:** The cases were followed up by Homicide Detectives.

**PSAB Response:** ARU confirmed that the items were entered in the logbooks now by Homicide. No change to the score as the Homicide/District entered the items post-audit. However, these items were moved under Homicide for the audit.

**3<sup>rd</sup> District Review:** 3rd District DSA Sergeant reviewed item in the above listed Audit Report, which

was marked non-compliant for No Avoidable Mistakes (originally listed wrong target address); and Non-occupants detained.

**Actions taken by 3<sup>rd</sup> District:** The cases were followed up by Homicide Detectives.

**PSAB Response:** ARU confirmed that the item target address was corrected in Cloudgavel prior to searching. No change to the score as the Homicide/District did have initial search warrant with wrong address. Also, the non-occupants question was updated to NA as there were none detained. However, this item was moved under Homicide for the audit.

#### **4<sup>th</sup> District**

**4<sup>th</sup> District Review:** 4th District Lt. reviewed the report and determined this search warrant was prepared and executed by SOD/VCAIT.

**Actions taken by 4<sup>th</sup> District:** Request item be moved to SOD.

**PSAB Response:** ARU confirmed that the item was SOD and moved to Unit.

**4<sup>th</sup> District Review:** 4th District Lt. reviewed the report and determined this search warrant was prepared and executed by APR.

**Actions taken by 4<sup>th</sup> District:** Request item be moved to APR.

**PSAB Response:** ARU confirmed that the item was APR and moved to de-selection log. This item has been deselected due to the investigating officer being assigned to the APR unit and therefore not having proper access to the logbook. The item number has been deleted from the Share Point.

**4<sup>th</sup> District Review:** 4th District Lt. - Report reviewed. Determined this item was a homicide where a fourth district officer completed the initial report. There's weren't any actions taken by the initial reporting officer that would have led to the preparation of a search warrant. Homicide arrived on scene and assumed the lead on this incident.

**Actions taken by 4<sup>th</sup> District:** Request item be moved to Homicide.

**PSAB Response:** ARU confirmed that the item was Homicide and moved to Unit.

**4<sup>th</sup> District Review:** 4th District Lt. - Upon reviewing the search warrant, the victim returned to his residence and located what he positively identified as the perpetrator's phone, which is mentioned in the warrant along with the fact that he was the victim of an aggravated battery, which corroborates with facts and circumstances in the report.

**Actions taken by 4<sup>th</sup> District:** Reviewed L drive and located all search warrants associated.

**PSAB Response:** ARU confirmed that the item was in log and "PC in App Consistent with Reports" were both changed to Yes.

**4<sup>th</sup> District Review:** 4th District Lt. - Op Plan Exists No; Op Plan Prepared in Advance. No; Supervisor Assisted with Op Plan. No; Reviewed the report and determined the perpetrator fled the scene (weapon in hand) and exited the building entirely, which would categorize this search warrant as a "No Risk", therefore not requiring an Op Plan and by default eliminating the subsequent requirements (Supervisor Assisted with Op Plan & Op Plan prepared in advance.)

**Actions taken by 4<sup>th</sup> District:** Revise the item to No Risk.

**PSAB Response:** ARU confirmed that the item was "No Risk" and changed the form appropriately to Yes.

## **5<sup>th</sup> District**

**5<sup>th</sup> District Review:** 5<sup>th</sup> District DSA, Bianca Boone, reviewed several items in the above listed Audit Report, which was marked non-compliant for not being entered into the logbooks on the L: Drive.

**Actions taken by 5<sup>th</sup> District:** On September 6, 2023, the Sergeant reviewed the auditor's comments which states the Detective authored and executed a search warrant on a residence. On September 6, 2023, the Sergeant reviewed Detective body worn camera video which revealed he mistakenly stated item, which belongs to the 8th District. The Detective meant to state another item number which was the correct item number. The search warrant was authored by Detective, reviewed, and approved by the Sergeant, and approved by Judge. The search warrant was executed by 5th District detectives at the location and supervised by Sergeant on 1/26/2023 at 11:35 am. The DSA Sergeant reviewed the Access Logbook on the L: Drive and learned Sergeant did not enter the search warrant into the logbook.

DSA Sergeant notified Lieutenant of the NOPD policy Chapter 1.2.4.2 Search Warrants, paragraph 9 which states all supervisory members of the Department shall utilize the Warrant Log when recording the review and execution of search warrants. The Lieutenant advised he would conduct policy review with the platoon supervisors at roll call to prevent any deficiencies in the future.

The DSA Sergeant entered the search warrant into the Access Logbook on 9/6/2023.

**PSAB Response:** No further action required by PSAB or ARU.

**Actions taken by 5<sup>th</sup> District:** On September 6, 2023, the DSA Sergeant reviewed the auditor's comments which states the Detective authored a search warrant for Lojack GPS information on 6/23/2023 and authored another search warrant on 8/3/2023 for records. This item number was a homicide which occurred in the 5th District on 4/17/2023. The incident report was authored by 5th District Officer. See the picture of the incident details below. However, both search warrants were authored and executed by Homicide Detective and reviewed by his supervisor Sergeant. 5th District would not be responsible for entering information on search warrants conducted, executed, or reviewed by other

districts. The 5th District would be in compliance with this item number.

**PSAB Response:** ARU moved the search warrant audit entry to Homicide.

**Actions taken by 5<sup>th</sup> District:** On September 6, 2023, the DSA Sergeant reviewed the auditor's comments which states that the officer authored a search warrant of a residence under item on 2/3/2023 at the location of North Claiborne Avenue. The search warrant was reviewed by the Sergeant and approved by Judge. The DSA Sergeant reviewed the report under item number authored by Officer. The officer documented that she and other 5th District units assisted SWAT in executing a search warrant. This incident also involved another item number. The DSA Sergeant reviewed the report under item number authored by Officer for a signal 37D, aggravated assault domestic.

The Officer authored a search warrant which was reviewed and approved by the Sergeant and Judge. The search warrant was executed by 5th District officers and NOPD SRT Team and supervised by Sergeant under item number. The DSA Sergeant reviewed the Access Logbook on the L: Drive and learned Sergeant did not enter the search warrant into the logbook. DSA Sergeant notified Lieutenant of NOPD policy Chapter 1.2.4.2 Search Warrants, paragraph 9 which states all supervisory members of the Department shall utilize the Warrant Log when recording the review and execution of search warrants. Lieutenant advised he would conduct policy review with the platoon supervisors at roll call to prevent any deficiencies in the future.

DSA Sergeant Boone entered the search warrant into the Access Logbook on 9/6/2023.

**PSAB Response:** No further action required by PSAB or ARU.

**Actions taken by 5<sup>th</sup> District:** On September 6, 2023, the DSA Sergeant reviewed the auditor's comments which states that the Detective authored a search warrant for video footage from a ring camera on 7/31/2023. The search warrant was reviewed and approved by a Sergeant and Judge.

The DSA Sergeant reviewed the Access Logbook on the L: Drive and learned the Sergeant did not enter the search warrant into the logbook.

The DSA Sergeant notified the Lieutenant of the NOPD policy Chapter 1.2.4.2 Search Warrants, paragraph 9 which states all supervisory members of the Department shall utilize the Warrant Log when recording the review and execution of search warrants. The Lieutenant advised he will conduct policy review with his DIU supervisors at their weekly meeting to prevent any deficiencies in the future.

The DSA Sergeant entered the search warrant into the Access Logbook on 9/6/2023.

**PSAB Response:** No further action required by PSAB or ARU.

**Actions taken by 5<sup>th</sup> District:** On September 6, 2023, the DSA Sergeant reviewed the auditor's comments which states that White Collar Crimes Unit Detective authored a search warrant on 5/15/2023 which

was reviewed by his supervisor Sergeant and approved by the Judge. The incident report was authored by 1<sup>st</sup> District Officer on 11/7/2021. However, the incident occurred in the 5th District. See the picture of the incident details below.

The search warrants were authored and executed by White Collar Crimes Unit Detective and reviewed by his supervisor Sergeant. 5th District would not be responsible for entering information on search warrants conducted, executed, or reviewed by other districts. The 5th District would be in compliance with this item number.

**PSAB Response:** ARU moved the search warrant audit entry to the 1<sup>st</sup> District.

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

## Appendix A – Search Audit Form

### Audit Form Attachment:

Search Warrant Audit Form - Input New

BackSubmit

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.

Find items

Reporting Month

Find items

Reporting Year

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.

Find items

Logged

Was this search warrant or search warrant application logged?

Find items

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

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."

### 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.

### 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

### 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

### Supe 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

### 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.

### 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?

### 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 there 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?

Find items

#### Supervisor Aware Non-Compliance

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

Find items

#### 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

Find items

#### 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

Find items

#### After Action Report Sufficient

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

Find items

#### After Action Report Comments

### Supervisory Info

#### Supervisory Review Comments SW

#### Auditor Comments SW

#### Reviewer Comments SW

---

## **Appendix B – Report Distribution**

---

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