



Audit and Review Unit
Professional Standards and Accountability Bureau

Use of Force Audit Report

August 2023

Report # UOF082023
(Data Sample – Jan-Jun 2023)

Submitted by PSAB: 09/05/2023.
Response from FOB: 10/05/2023
Final Report: 11/06/2023

Audit Team

This audit was managed and conducted by the Professional Standards and Accountability Bureau

Executive Summary

The Audit and Review Unit (ARU) of the Professional Standards and Accountability Bureau (PSAB) initiated a Use of Force Audit in August 2023. The audit covered the period from January 1st to June 30th, 2023. This audit is conducted to ensure that New Orleans Police Department (NOPD) officers' "Use of Force" and follow-up investigations are conducted in accordance with the rights secured or protected by the Constitution and laws of the United States. NOPD agrees to ensure that audits are conducted professionally and effectively, in order to elicit accurate and reliable information.

This process is regulated by Consent Decree (CD) paragraphs 54, 56, 67, 78, 79, 81, 86, 87, and 88. Also, Chapter 1.3.6 Reporting Use of Force, Chapter 1.7.1 Conducted Energy Weapon (CEW), Chapter 41.3.8 In Car Camera, Chapter 41.3.10 BWC.

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

- Level 1-4 Use of Force. The L1-L4 audit addresses twenty-eight (28) checklist questions.
- Unreported Use of Force. The Unreported Use of Force addresses four (4) checklist questions.

Number of Non-Compliant L1-L4 Checklist Questions (5):

Q04: Officer Force Statement(s) Submitted by ETOD - (83%)

Q10: Dash Cam (In Car Camera) was Activated Per Policy – (90%)

Q13: Each CEW cycle was Justified within Policy, if Activated (L2-L4) – (90%)

Q16: Photograph(s) taken of Officer Injuries (L1-L4). – (92%)

Q22B: Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date: – (61%)

Number of Non-Compliant L4 (Shooting-ASI) Checklist Questions (None):

Number of Non-Compliant Unreported Use of Force Questions (2):

Q5: Use of Force Reported – (88%)

Q6: EPR reflected a Use of Force – (88%)

Number of Completed Entries Used to Create L1-L3 Sample (65)

Number of Completed Entries Used to Create L4 Sample (5)

Number of Completed Entries Used to Create Unreported Use of Force Sample (23)

L1-L3 Sample Target to Audit (65):

The sample target represented 25% of available L1-L2 entries (208)

The sample target represented 50% of available L3 entries (4)

L4 Sample Target to Audit (5):

The sample target represented 100% of available L4 entries (5)

Unreported Use of Force Sample Target to Audit (23):

The sample target represented 88% of available Unreported Use of Force entries (23)

Scores of 95% or higher are considered substantial compliance. 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 Use of Force L1-L4 Audit is as follows: Overall – **95%**

The overall score of the Unreported Use of Force Audit is as follows: Overall – **95%**

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

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Introduction

The Auditing and Review Unit (ARU) of the Professional Standards and Accountability Bureau conducted an audit of Use of Force Level 1 to 4 incidents (Phase 1 audits). The time span to conduct the audit was from August 1, 2023, to August 31, 2023. Phase 2 audits, which involves reviews of the Use of Force Review Board (UOFRB) meetings and subsequent follow-up, are conducted after each scheduled meeting, and will be reported in a separate report.

Purpose

The Use of Force audit is conducted to verify departmental compliance with the Consent Decree and NOPD Operations Manual as it pertains to “Use of Force” and the subsequent investigations. Consent Decree (CD) paragraphs include 54, 56, 67, 78, 79, 81, 86, 87, and 88. The following are the NOPD Policy Chapters involved:

Chapter 1.3.6 Reporting Use of Force
Chapter 1.7.1 Conducted Energy Weapon (CEW)
Chapter 41.3.8 In Car Camera
Chapter 41.3.10 BWC

Scope

This audit assesses and documents whether the force employed by New Orleans Police Department (NOPD) officers is documented and recorded properly, and whether supervisors conducted thorough follow-up investigations. Once the review is completed, the audit manager will submit a report to the Deputy Chief of Field Operations Bureau (FOB), and the Captain of the Professional Standards and Accountability Bureau (PSAB) pointing out any deficiencies or confirming a thorough investigation. These audit reports will assist in ensuring officers and supervisors are informed of where opportunities for improvement exist as it relates to the proper reporting and documentation of Use of Force investigations in the future. A “final report” will also be sent to the appropriate monitor from the OCDM. The audit assesses the following aspects of officer and supervisor responsibilities:

- Whether involved officers appropriately complied with pre-use-of-force requirements (e.g., de-escalation, warnings)
- Whether audited uses of force are consistent with policy and law
- Whether involved officers appropriately complied with post-use-of-force requirements (e.g., immediate notifications, provision of medical aid)
- Whether the involved officers and witness officers completed required reports
- Whether supervisors responded to the scene of uses of force, when required
- Whether supervisors appropriately investigated uses of force, including reviews of available recordings
- Whether supervisors appropriately reviewed use-of-force reports
- Whether the chain of command appropriately reviewed use-of-force reports
- Whether potentially out-of-policy uses of force resulted in referral to Public Integrity Bureau
- Whether the Use of Force Review Board appropriately evaluated serious use of force incidents.

Phase I auditing will consist of reporting and investigating force; Phase II auditing will consist of assessing the Use of Force Review Board.

Methodology

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

Sample size – 25% of Level 1 and 2, 50% of Level 3 incidents, 100% of Level 4 incidents.

Documentation to be reviewed – All documents and investigative material contained within each individual FIT file, as well as associated police reports.

BWC/Video/Audio to be reviewed – All associated video footage for involved and/or witness officers, as well as Use of Force investigative rank, as needed to corroborate the written reports and statements.

Testing Instrument(s) – New Orleans Police Department Operations Manual Chapters aforementioned and twenty-eight (28) L1-L4 Checklist questions and twenty-six (26) L4 Shooting (ASI) Checklist questions.

Each individual incident file will be audited in its entirety via “double-blind” auditing process by two (2) members of the Auditing and Review Unit (ARU), to give a reliable and thorough review of each use of force incident.

Data

While the audit range is usually set for every three months (Quarterly), this review encompassed a period of twelve months. The FIT IPro system file dump provides the ARU team all item numbers that were investigated during that audit period. ARU then takes those item numbers and enters them into the EXCEL’s randomizer generator for items to be selected for review. ARU then reviews 25% of the L1-L2 items, 50% of the L3 items and all L4 (if reviewed) within the audit range.

This audit’s sample size consisted of 63 randomly selected L1-L2 case files, 2 L-3 case file, 5 L-4 case files, and 23 Unreported Use of Force case files for a total of 93. The sample is derived using EXCEL’s “RAND” function and using a weighted count from each District to parse the sample equitably. The raw data used was for the period of January to June of 2023.

Unreported Use of Force data is comprised of 3 separate data dumps from the EPR (Electronic Police Reports) data system.

- EPR dump of reports where an officer was injured for the audit range selected for review.
- EPR dump of reports where a suspect was injured for the same audit range.
- EPR dump of reports of resisting arrest for the same audit range.

Each report from the dumps is reviewed for information where an action might have led to a use of

force. The auditor will first check the Blue Team/IAPro system to see if the report had a reported use of force. Also, if the auditor determines there might be an unreportable use of force, the video is then reviewed as well. Any potential use of forces identified as unreported will be noted in report and sent to the District for further review and if necessary, will proceed with an investigation.

Initiating and Conducting the Use of Force Audit

The initial raw data was downloaded from the IAPro system on August 1, 2023, to prep the sample distribution file that would be utilized by ARU, for the current audit.

Orleans Parish Communications District (OPCD) was contacted to provide the required missing GIST emails associated with the selected unreported distribution sample items on August 9th.

During this audit prep, the sample was then parsed and distributed to the assigned auditors for initial review of allocation count in preparation for the audit.

Each item case file was then systematically reviewed via “double-blind” audit process by the Auditing and Review Unit, based on each case file’s compliance with the New Orleans Police Department Operations Manual Chapters, as it relates to “Use of Force” investigations. To facilitate this process, the team used the twenty-eight (28) point Use of Force audit checklist from the protocol document, as the tool to review and analyze the content of every case file.

List of Case Files Reviewed by Auditor

The following is a breakdown of the case files by auditors that conducted each “double-blind” review:

L1-L3 (Table 1)

Audit Team 1 (13)

Audit Team 2 (15)

Audit Team 3 (11)

Audit Team 4 (14)

Audit Team 5 (12)

Total: 65 L1–L3 Case Files

L4 – (Table 2)

Audit Team 1 (1)

Audit Team 2 (1)

Audit Team 3 (1)

Audit Team 4 (1)

Audit Team 5 (1)

Total: 5 L4 Case Files

Unreported Use of Force – (Table 3)

Auditor 1 (5)

Auditor 2 (6)

Auditor 3 (5)

Auditor 4 (3)

Auditor 5 (4)

Total: 23 Unreported Use of Force Case Files

Use of Force Scorecard Table 1 (L1-4)

The following checklist below was used by the auditing team to review each L1-L3 case file.

Use of Force Level 1 - 4 Checklist Audit (Table 1)

Report Period: August, 2023

ARU percentages for Consent Decree requirements for Use of Force Level 1-4 Checklist Audit for data reviewed between Jan-Jun 2023.

Check-List Questions	Score	Y	N	U	NA	Consent Decree #	NOPD Policy Chapters
1 Supervisor GIST Submitted by ETOD (L1-L3)	99%	69	1	0	0	87	Ch 1.3.6 p28, Ch. 1.3 p21(e), Ch. 1.7.1 p45
2 Force Statement(s) Found (L1-L3)	100%	69	0	0	1	78, 81	Ch 1.3.6 p16, p18
3 Boilerplate Language was avoided in Force Statement(s) (L1-L3)	99%	69	1	0	0	79	Ch 1.3.6 p17
4 Officer Force Statement(s) Submitted by ETOD (L1-L3)	83%	57	12	1	0	88	Ch 1.3.6 p6, p19
5 Reason(s) for Encounter Documented in Force Statement(s) (L1-L3)	100%	70	0	0	0	78	Ch 1.3.6 p16, Ch. 1.7.1, p36
6 Supervisor Responded to the Incident (L2-L4)	100%	22	0	0	48	84, 86(a)	Ch 1.3.6 p25, Ch. 1.7.1 p77, p80, p90
7 Force Details Documented (L1-L3)	100%	70	0	0	0	78	Ch 1.3.6 p16, Ch. 1.7.1, p36
8 BWC was Activated Per Policy (L1-L3)	96%	64	3	0	3	Ch 41.3.10	Ch 41.3.10 p11
8 N/D BWCs: BWCs Found: / BWCs Expected:	98%	172	176			Ch 41.3.11	Ch 41.3.10 p12
9 BWC was Reviewed by Supervisor (L1-L3)	99%	66	1	0	3	86(d)	Ch 1.3.6 p33, Ch. 41.3.10 p35
10 Dash Cam (In Car Camera) was Activated Per Policy (L1-L3)	90%	43	5	0	22	Ch 41.3.8	Ch 41.3.8 p14
11 Dash Cam (In Car Camera) was Reviewed by Supervisor (L1-L3)	100%	36	0	0	34	86(d)	Ch 1.3.6 p33
12 If CEW was Activated, it was within Policy L2-L3	100%	10	0	0	60	54	Ch 1.3.6 p28, p33
13 Each CEW cycle was Justified within Policy, if Activated (L2-L3)	90%	9	1	0	60	56	Ch 1.3.6 p31, Ch. 1.7.1, p.53, p57
14 CEW was Reviewed by Supervisor, if Activated (L2-L3)	100%	7	0	0	63	67	Ch 1.3.6 p33, Ch. 1.7.1 p 91, p104, p106, p113
15 Officer was Checked For Injuries (L1-L3)	100%	30	0	0	40	86(d)	Ch 1.3.6 p28, p33
16 Photograph(s) taken of Officer Injuries (L1-L3)	92%	11	1	0	58	86(d)	Ch 1.3.6 p33, Ch. 1.7.1 p107(c), p79, p80
17 Subject of Force was Checked For Injuries (L1-L3)	97%	37	1	0	32	86(a)	Ch 1.3.6 p28, p33, Ch. 1.7.1, p74, p78, p84
18 Photograph(s) taken of Subject of Force Injuries (L1-L3)	96%	25	1	0	44	86(d)	Ch 1.3.6 p33, Ch. 1.7.1 p107(c), p79, p80
19a Subject of Force Interviewed	96%	26	1	0	43	86(a)	Ch 1.3.6 p28
19b Subject of Force Interview Exists (L1-L3)	96%	25	1	0	44	86(a)	Ch 1.3.6 p28
20 Supervisor Avoided Leading Questions (L1-L3)	96%	22	1	2	45	86(f)	Ch 1.3.6 p28
21 Canvass for Civilian Witness(es) was Made (L1-L3)	100%	25	0	0	45	86(e)	Ch 1.3.6 p28, Ch. 1.7.1 p. 82
22A Supervisor's UoF Investigation Submitted within 72 hrs (L1-L3)	97%	66	2	1	1	88	Ch 1.3.6 p32
22B Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date:	61%	43	27	0	0	89	Ch 1.3.6 p32
23 Supervisor's UoF Extension Request Sent to Division Captain (L1-L3)	98%	49	1	6	14	88	Ch 1.3.6 p32
24 Reasonableness of Force was Documented (L1-L3)	100%	70	0	0	0	88(a)	Ch 1.3.6 p31, Ch. 1.7.1 p5, p46
25 Equip, Training or Policy Issues were Addressed by Supervisor (L1-L3)	96%	65	3	0	2	86(c), 88(a,d,e)	Ch 1.3.6 p28, p33
26 Report established officer had reasonable suspicion or probable cause to stop subject:	100%	70	0	0	0	122/123	Ch 1.2.4.1 p12
27 CEW force statements consistent w/videos	100%	9	0	0	61	67	Ch 1.3.6 p33, Ch. 1.7.1 p 91, p104, p106, p113
28 N/D # CEW cycles explained in force statement / Total # CEW cycles	100%	12	12			57	Ch 1.3.6 p31, Ch. 1.7.1, p.53, p57
Total	95%	1,234	63	10	662		

General Comments

ARU audited the Use of Force Level 1-4 sample list case files for the defined period, for completeness and accuracy as required by the Consent Decree.

For an explanation of the procedures and scoring system for this review, see the associated "Protocol" document.

For a list of relevant policies, contact ARU as needed.

For the audit results for each case file, see the accompanying RawData spreadsheets.

Scores below 95% are highlighted in red.

Use of Force Level 1 -4 Checklist Audit By District

Report Period: August, 2023

ARU percentages for Consent Decree requirements for Use of Force Level 1-4 Checklist Audit for data reviewed between Jan-Jun 2023.

Check-List Questions	1	2	3	4	5	6	7	8	SOD	Overall Score	
1	Supervisor GIST Submitted by ETOD (L1-L3)	100%	100%	100%	100%	100%	88%	100%	100%	100%	99%
2	Force Statement(s) Found (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
3	Boilerplate Language was avoided in Force Statement(s) (L1-L3)	100%	100%	100%	80%	100%	100%	100%	100%	100%	99%
4	Officer Force Statement(s) Submitted by ETOD (L1-L3)	86%	83%	100%	80%	100%	100%	71%	67%	67%	83%
5	Reason(s) for Encounter Documented in Force Statement(s) (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
6	Supervisor Responded to the Incident (L2-L4)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
7	Force Details Documented (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
8	BWC was Activated Per Policy (L1-L3)	86%	100%	100%	100%	100%	100%	86%	89%	100%	96%
8 N/D	BWCS: BWCs Found: / BWCs Expected:	95%	100%	100%	93%	100%	90%	100%	100%	100%	98%
9	BWC was Reviewed by Supervisor (L1-L3)	86%	100%	100%	100%	100%	100%	100%	100%	100%	99%
10	Dash Cam (In Car Camera) was Activated Per Policy (L1-L3)	67%	100%	100%	100%	90%	100%	71%	100%	100%	90%
11	Dash Cam (In Car Camera) was Reviewed by Supervisor (L1-L3)	100%	100%	-	100%	100%	100%	100%	100%	100%	100%
12	If CEW was Activated, it was within Policy_L2-L3	-	-	-	100%	100%	100%	100%	100%	100%	100%
13	Each CEW cycle was Justified within Policy, if Activated (L2-L3)	-	-	-	100%	100%	100%	67%	100%	100%	90%
14	CEW was Reviewed by Supervisor, if Activated (L2-L3)	-	-	-	100%	100%	100%	100%	100%	100%	100%
15	Officer was Checked For Injuries (L1-L3)	100%	100%	-	100%	100%	100%	100%	100%	100%	100%
16	Photograph(s) taken of Officer Injuries (L1-L3)	100%	-	-	-	100%	100%	100%	67%	100%	92%
17	Subject of Force was Checked For Injuries (L1-L3)	100%	80%	-	100%	100%	100%	100%	100%	100%	97%
18	Photograph(s) taken of Subject of Force Injuries (L1-L3)	100%	100%	-	100%	100%	100%	100%	75%	100%	96%
19a	Subject of Force Interviewed	100%	50%	-	100%	100%	100%	100%	100%	100%	96%
19b	Subject of Force Interview Exists (L1-L3)	100%	0%	100%	100%	100%	100%	100%	100%	100%	96%
20	Supervisor Avoided Leading Questions (L1-L3)	100%	-	100%	100%	100%	100%	100%	100%	100%	96%
21	Canvass for Civilian Witness(es) was Made (L1-L3)	100%	100%	100%	100%	-	100%	100%	100%	100%	100%
22A	Supervisor's UoF Investigation Submitted within 72 hrs (L1-L3)	100%	100%	100%	80%	100%	100%	100%	100%	100%	97%
22B	Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date:	57%	0%	25%	60%	80%	100%	100%	90%	11%	61%
23	Supervisor's UoF Extension Request Sent to Division Captain (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	83%	98%
24	Reasonableness of Force was Documented (L1-L3)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
25	Equip, Training or Policy Issues were Addressed by Supervisor (L1-L3)	100%	100%	100%	80%	100%	100%	100%	80%	100%	96%
26	Report established officer had reasonable suspicion or probable cause to stop subject:	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
27	CEW force statements consistent w/videos	-	-	-	100%	100%	-	100%	100%	100%	100%
28		-	-	-	100%	100%	100%	100%	100%	100%	100%
N/D	# CEW cycles explained in force statement / Total # CEW cycles	-	-	-	100%	100%	100%	100%	100%	100%	100%
	Total	94%	90%	95%	94%	98%	99%	96%	95%	92%	95%

General Comments

ARU audited the Use of Force Level 1-4 sample list case files for the defined period, for completeness and accuracy as required by the Consent Decree.

For an explanation of the procedures and scoring system for this review, see the associated "Protocol" document.

For a list of relevant policies, contact ARU as needed.

For the audit results for each case file, see the accompanying RawData spreadsheets.

Scores below **95%** are highlighted in **red**.

Use of Force Scorecard Table 2 (L4 ASI-Shooting)

The following checklist below was used by the auditing team to review each L4 case file.

There was no L4 checklist done for this audit period.

Unreported Use of Force Scorecard Table 3

The following checklist below was used by the auditing team to review each unreported use of force case file.

Use of Force - Un-Reported

Report Period: August, 2023

ARU percentages for Consent Decree requirements for Un-Reported Use of Force Checklist Audit.

Check-List Questions	Score	Y	N	U	NA
1 BWC Located for Incident	100%	17	-	-	6
4 BWC Reflected a Use of Force	100%	8	-	-	15
5 Use of Force Reported	88%	7	1	-	15
6 EPR reflected a Use of Force	88%	7	1	-	15
Total	95%	39	2	-	51

General Comments

ARU assessed the Unreported use of force for items for the defined period, for completeness and accuracy as required by the Consent Decree.

For an explanation of the procedures and scoring system for this review, see the associated "Protocol" document.

For a list of relevant policies, contact ARU as needed.

For the assessment results for each case file, see the accompanying RawData spreadsheets.

Scores below 95% are highlighted in red.

Case File Reviews – Table 1 Checklist (L1-4)

The below listed information reveals the outcome of the Audit Team's table 1 checklist reviews.

1. **Was the supervisor GIST submitted by ETOD?** The overall score for this category was **99%**. Of the 70 cases reviewed, all 69 were audited as positive, 1 was negative and none were N/A.
2. **Were the required force statement(s) found?** The overall score for this category was **100%**. Of the 70 cases reviewed, all 69 were audited as positive, none were negative, and 1 was N/A (not applicable).
3. **Was boilerplate language avoided in force statement(s)?** The overall score for this category was **99%**. Of the 70 cases reviewed, all 69 were audited as positive, 1 was negative and none were N/A (not applicable).
4. **Were officer force statement(s) submitted by ETOD?** The overall score for this category was **83%**. Of the 70 cases reviewed, 57 were audited as positive, 12 were negative and 1 was unknown.
5. **Were the reason(s) for encounter documented in force statement(s)?** The overall score for this category was **100%**. Of the 70 cases reviewed, 70 were audited as positive, none were negative, and none were N/A (not applicable).
6. **Did the supervisor respond to the incident, if required?** The overall score for this category was **100%**. Of the 70 cases reviewed, 22 were audited as positive, non were negative, and 48 were N/A (not applicable).
7. **Were the force details documented in the statement(s)?** The overall score for this category was **100%**. Of the 70 cases reviewed, 70 were audited as positive, none were negative, and none were N/A (not applicable).
8. **Was the BWC activated per policy?** The overall score for this category was **96%**. Of the 70 cases reviewed, 64 were audited as positive, 3 were negative, and 3 were N/A (not applicable).
- 8a. **BWCS: BWCs Found: / BWCs Expected:** The overall score for this category was **98%**. Of the 348 BWC's expected, 172 were audited as positive (BWC's found), 176 were negative (BWC's missing).
9. **Was the BWC reviewed by supervisor as required?** The overall score for this category was **99%**. Of the 70 cases reviewed, 66 were audited as positive, 1 was negative, and 3 were N/A (not applicable).
10. **Was the Dash Cam activated per policy?** The overall score for this category was revised to **90%**.

Of the 70 cases reviewed, 43 were audited as positive, 5 were negative, and 22 were N/A (not applicable).

11. **Was the dash cam reviewed by supervisor?** The overall score for this category was **100%**. Of the 70 cases reviewed, 36 were audited as positive, none were negative, and 34 were N/A (not applicable).
12. **If CEW was activated, was it within policy?** The overall score for this category was **100%**. Of the 70 cases reviewed, 10 were audited as positive, none were negative, and 34 were N/A (not applicable).
13. **Was each CEW cycle justified within policy, if discharged?** The overall score for this category was **90%**. Of the 70 cases reviewed, 9 were audited as positive, 1 was negative, and 60 were N/A (not applicable).
14. **Was CEW reviewed by supervisor, if activated?** The overall score for this category was **100%**. Of the 70 cases reviewed, 7 were audited as positive, none were negative, and 63 were N/A (not applicable).
15. **Was officer checked for injuries, if occurred?** The overall score for this category was **100%**. Of the 70 cases reviewed, 30 were audited as positive, none were negative and 40 were N/A (not applicable).
16. **Was photograph(s) taken of officer Injuries, if occurred?** The overall score for this category was **92%**. Of the 70 cases reviewed, 11 were audited as positive, 1 was negative, and 58 were N/A (not applicable).
17. **Was subject of force checked for injuries?** The overall score for this category was **97%**. Of the 70 cases reviewed, 37 were audited as positive, 1 was negative, and 32 were N/A (not applicable).
18. **Was photograph(s) taken of subject of force injuries, if occurred?** The overall score for this category was **96%**. Of the 70 cases reviewed, 25 were audited as positive, 1 were negative, and 44 were N/A (not applicable).
- 19a. **Was the subject of Force Interviewed?** The overall score for this category was **96%**. Of the 70 cases reviewed, 26 were audited as positive, 1 was negative, and 43 were N/A (not applicable).
19. **b. Does subject of force interview exist?** The overall score for this category was **96%**. Of the 70 cases reviewed, 25 were audited as positive, 1 was negative, and 44 were N/A (not applicable).
20. **Did supervisor avoid leading questions (L1-L4)?** The overall score for this category was **96%**. Of the 70 cases reviewed, 22 were audited as positive, 1 was negative, 2 were unknown, and 45 were N/A (not applicable).

21. **A canvass for witness(es) was conducted, if applicable (L1-L4)?** The overall score for this category was **100%**. Of the 70 cases reviewed, 25 were audited as positive, none were negative, and 45 were N/A (not applicable).
- 22a. **Was the supervisor's UoF investigation submitted within 72 hrs. of incident (L1-L4)?** The overall score for this category was **97%**. Of the 70 cases reviewed, 66 were audited as positive, and 2 were negative, 1 was unknown, and 1 was N/A (not applicable).
- 22b. **Was the supervisor's UoF report submitted to FIT within the required 21 days from Incident Date?** The overall score for this category was **61%**. Of the 70 cases reviewed, 43 were audited as positive, 27 was negative), and none were N/A (not applicable).
23. **Was the supervisor's UoF investigation request sent to division captain (L1-L4)?** The overall score for this category was **98%**. Of the 70 cases reviewed, 49 were audited as positive, 1 was negative, 6 was unknown, and 14 were N/A (not applicable).
24. **Was the reasonableness of force documented (L1-L4)?** The overall score for this category was **100%**. Of the 70 cases reviewed, all 70 were audited as positive, none were negative, and none were N/A (not applicable).
25. **Were Equip, Training or Policy Issues addressed by supervisor (L1-L4)?** The overall score for this category was **96%**. Of the 70 cases reviewed, 65 was audited as positive, 3 were negative, and 2 were N/A (not applicable).
26. **Did the report establish that the officer had reasonable suspicion or probable cause to stop the subject?** The overall score for this category was **100%**. Of the 70 cases reviewed, all 70 were audited as positive, none negative, and none were N/A (not applicable).
27. **Were the CEW force statements consistent with the videos?** The overall score for this category was **100%**. Of the 70 cases reviewed, 9 were audited as positive, none were negative, and 61 were N/A (not applicable).
28. **Number of CEW cycles explained in force statement / Total number of CEW cycles:** The overall score for this category was **100%**. Of the 12 cases reviewed, all 12 were audited as positive.

Case File Reviews – Table 2 Checklist (L4)

The below listed information reveals the outcome of the Audit Team’s table 2 checklist reviews. This table is primarily intended to cover police shootings, and not non-shooting events. However, for purposes of the audit, it was decided to review all L4 using the checklist. Most will be non-applicable if not related to a shooting. Per FIT, all L4 non-shooting events can be audited using the L1-L4 checklist, with FIT as the investigator, not the District.

Please note: There were no Level 4 Police Shootings audited during this period.

Unreported Use of Force – Checklist Table 3

The below listed information reveals the outcome of the Audit Team’s table 3 checklist reviews.

This audit was conducted using the three Use of Force randomized lists from the Use of Force Protocol for the audit period selected:

- List of EPR reports where an officer was identified as injured.
- List of EPR reports where a suspect was identified as injured.
- List of EPR reports of where a subject was identified as resisting arrest.

Number of Reports Where an Officer was Injured – 4

- Number of Reports where an officer was injured which did not have an associated FTN - **0**
- Of the **4** Officer injured reports none (**0**) were determined to be Unreported

Number of Reports Resisting Arrest – 2

- Number of Reports where resisting arrests which did not have an associated FTN - **0**
- Of the **2** Resisting Arrests reports none (**0**) were determined to be Unreported
-

Number of Reports of Injuries to Subject - 20

- Number of Reports where a suspect was injured and in custody which did not have an associated FTN - **1**
- Of the **20** incidents with injured in custody, one (1) was determined to be Unreported.

Scores of 95% or higher are considered substantial compliance. 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 unreported Use of Force Audit is as follows: Overall – **95%**

Compliance Score

L1-L4 Checklist- Based on the combined total of one-thousand, nine hundred and sixty (**1,960**) checklist items rated, from the sample size of seventy (**70**) case files audited; the “**overall score**” of this Use of Force case file checklist audit conducted by the Auditing and Review Unit was **95%**.

L4 Checklist- **There were no Level 4 shootings to perform an audit using this checklist.**

Unreported Use of Force- Based on the combined total of ninety-two (**92**) checklist items rated, from the sample size of (**23**) case files audited; the “**overall score**” of this Use of Force case file checklist audit conducted by the Auditing and Review Unit was **95%**.

Final Results

- The L-4 overall results of the August 2023 Use of Force audit have revealed that **all** checklist questions had compliance threshold scores **above 95%**.
- The Unreported Use of Force overall results of January Use of Force audit have revealed that **all** checklist questions had compliance threshold scores **above 95%**.
 - Note: A PSS Notify was sent for one potential unreported force. Following our report, the Rank initiated an FDI. PIB 2023-0497-R was initiated end of September 2023.
- The L1-L4 overall results of the January – June 2023 Use of Force audit have revealed that **5** of the **28** checklist questions had compliance threshold scores **below 95%**:

See L1-L4 details below:

1. **Q4. Were officer force statement(s) submitted by ETOD? The overall score for this category was 83%.** These items had late submittals for use of force statements.
2. **Q10. Was the Dash Cam activated per policy? The overall score for this category was 90%.** Dash Cam footage could not be located for the listed items.
3. **Q13. Was each CEW cycle justified within policy, if discharged? The overall score for this category was 90%.** CEW cycle could not be justified for this item.
4. **Q16. Was photograph(s) taken of officer Injuries, if occurred? The overall score for this category was 92%.** There were no photographs of the officers’ injuries for this item.
5. **Q22b. Was the supervisor’s UoF report submitted to FIT within the required 21 days from Incident Date? The overall score for this category was 61%.** There was no evidence that the above items reports were submitted to FIT by the 21 days required.

Conclusions (Final)

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

1. **Were officer force statement(s) submitted by ETOD?** This category is scored at **83%**. The primary driver of the force statements appearing to be late is the fact that statement revisions are NOT tracked, giving the impression that the force statements are late. No force statements were missing or otherwise unrecorded. A request was made by ARU to ensure that the original submitted statements or email are preserved to provide paper trail for when statements are submitted. This issue is addressed in the Recommendations Section under bullet number 3.
2. **Was the supervisor's UoF report submitted to FIT within the required 21 days from Incident Date?** This category is scored at **61%**. The primary factor in this being scored so low is based on the information found in IA Pro under routings. It was found that the information was not sent to FIT with the 21 days allotted. In some cases, there was no information to be found at all.

Recommendations

Following the Use of Force audit which covered January – June 2023, “opportunities for improvement” continue to be documented by the PSAB Audit and Review Unit (ARU). As previously identified by the Public Integrity Bureau (PIB), Force Investigation Team (FIT) in order for the Department to maintain or achieve 95% or better compliance rate, the following areas for improvement were communicated to the various Districts and Bureaus and are as follows:

1. Initial Blue Team entry SHALL be completed by **ETOD** of the supervisors next tour of duty. This shall include the involved officer’s and civilian's information and the types of force used by each.
2. Use of force reports and documents SHALL be sent over to FIT within 21 days.
3. Dash cams SHALL be activated prior to interacting with subjects.
4. Photographs of both Officer and Subject of force injuries SHALL be taken and attached. If the BWC was used to document the injuries the blue team narrative MUST state with who's BWC and under what item.
5. Must address if the use of force (CEW) was justified.

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

Use of Force Responses & PSAB Notes:

3rd District

3rd District Request: Supervisor approved use of force report submitted to FIT within the required 21 Days from Incident Date. **This Blue Team was late because upon Captain reviewing the report, she returned it because she requested an EPR be completed. The report was turned in by Sgt. on 6/23/23. It was returned to Sgt. for corrections while Sgt. was assigned to Essence Festival and the Traffic Unit and then the report was returned to Capt. on 7/15/2023 with the EPR. The report was then approved. There was no extension request because the sergeant did not believe he needed to complete a report.**

PSAB Response: No action taken, findings from ARU team stand. Upon the discovery of there being no EPR attached to the report an extension request should have been put in before exceeding allotted time per policy. Chapter 1.3.6, Paragraph 32, The 21-day period provides time for the investigating sergeant to complete the use of force investigation and the chain-of-command to review the use of force report, before submitting the report to the Force Investigation Team. (For example, a sergeant who obtains a written extension submits a completed force investigation to his/her lieutenant within seven (7) days after the use of force. The lieutenant has seven (7) days to review the report, return it for corrections, and submit it to his/her commander for approval. The commander has seven (7) days to review the report, return it for corrections, approve it and submit it to the Force Investigation Team.) (All extensions shall be placed into the IA Pro Investigative File).

3rd District Request: Supervisor approved use of force report submitted to FIT within the required 21 Days from Incident Date. **This report was turned in late because there were many hours of video to be reviewed along with the sergeant's normal daily duties.**

PSAB Response: No action taken, findings from ARU team stand. Chapter 1.3.6, Paragraph 32, The 21-day period provides time for the investigating sergeant to complete the use of force investigation and the chain-of-command to review the use of force report, before submitting the report to the Force Investigation Team. (For example, a sergeant who obtains a written extension submits a completed force investigation to his/her lieutenant within seven (7) days after the use of force. The lieutenant has seven (7) days to review the report, return it for corrections, and submit it to his/her commander for approval. The commander has seven (7) days to review the report, return it for corrections, approve it and submit it to the Force Investigation Team.) (All extensions shall be placed into the IA Pro Investigative File).

3rd District Request: Supervisor approved use of force report submitted to FIT within the required 21 Days from Incident Date. **This report was late because after a review from Captain, she returned it because the extension request was not included. Due to Sgt.'s days off and daily duties it was turned in late.**

PSAB Response: No action taken, findings from ARU team stand. Chapter 1.3.6, Paragraph 32, The 21-day period provides time for the investigating sergeant to complete the use of force investigation and the chain-of-command to review the use of force report, before submitting the report to the Force Investigation Team. (For example, a sergeant who obtains a written extension submits a completed force investigation to his/her lieutenant within seven (7) days after the use of force. The lieutenant has seven (7) days to review the report, return it for corrections, and submit it to his/her commander for approval. The commander has seven (7) days to review the report, return it for corrections, approve it and submit it to the Force Investigation Team.) (All extensions shall be placed into the IA Pro Investigative File).

PIB

PIB Request - Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date). **The incident occurred on 1/18/2023 and FIT responded to the scene, determining the level of force to be a four – strike to handcuffed subject. While FIT interviewed the subject of force, an allegation of excessive force was made against one of the involved officers. An FDI was initiated and investigated by FIT regarding this allegation. The FDI's due date was 5/3/2023 as a 60-day extension was granted by Civil Service. Upon completion of the FDI, the case was presented before the UOFRB on 5/12/2023, whose members deemed the officer's actions were within departmental policy, regulations, and guidelines. The Blue Team report was closed out as "UOF Justified" on 5/15/2023 reflecting the above determination by the UOFRB.**

PSAB Response: Action taken, correction in score has been made. Upon further review of Consent Decree Paragraph 107 that states, "FIT shall complete its administrative use of force investigation within 30 days from the use of force. Any request for an extension to this time limit must be approved by the Deputy Superintendent of PIB through consultation with the Superintendent. At the conclusion of each use of force investigation, FIT shall prepare an investigation report". It is taken into account that this case had an FDI associated with it and had to be present to the Use Of Force Review Board following the investigation.

SOD

SOD Request - Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date. **This Use of Force Investigation was a Level 4 Canine Bite. Handled by PIB. Sergeant assigned to FIT investigated this Use of Force. A copy of the Use of Force handled by Sergeant was submitted as Exhibit A.**

PSAB Response: Action taken, correction in scoring has been made. Due to this event being a level 4 it was redirected to FIT for them to investigate. Upon further review of Consent Decree Paragraph 107 that states, "FIT shall complete its administrative use of force investigation within 30 days from the use of force. Any request for an extension to this time limit must be approved by the Deputy Superintendent of PIB through consultation with the Superintendent. At the conclusion of each use of force investigation, FIT shall prepare an investigation report". It is taken into account that this case had to be present to the Use of Force Review Board following the investigation.

SOD Request - Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date. **This was a Level 2 Takedown with injury that was investigated by Sergeant who was assigned to VCAIT. This report was kicked back to Sergeant several times for corrections. Lieutenant also verbally counseled Sergeant about completing the Use of Force Report in the allotted time. Not submitted to PIB within 21 days. The sergeant was verbally counselled.**

PSAB Response: No action taken, findings from ARU team stand. Chapter 1.3.6, Paragraph 32, The 21-day period provides time for the investigating sergeant to complete the use of force investigation and the chain-of-command to review the use of force report, before submitting the report to the Force Investigation Team. (For example, a sergeant who obtains a written extension submits a completed force investigation to his/her lieutenant within seven (7) days after the use of force. The lieutenant has seven (7) days to review the report, return it for corrections, and submit it to his/her commander for approval. The commander has seven (7) days to review the report, return it for corrections, approve it and submit it

to the Force Investigation Team.) (All extensions shall be placed into the IA Pro Investigative File). Action was taken by SOD and the Sergeant was verbally counselled.

SOD Request - If the supervisor sent an extension request to the division captain, was the extension SUBMITTED AND APPROVED within 72 hours/ Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date. **There are two reports for this force Tracking Number. One was handled by Sergeant Anthony Rome and the other was handled by Sergeant. Also, the Audit stated Sergeant did not send an Extension Request but according to the Blue Team Report (SOD submitting the extension request). Not submitted to PIB within 21 days (needs clarity on which Use of Force this applies too).**

PSAB Response: No action will be taken by the ARU team, scoring will remain. Although the extension was submitted in a timely manner it was not approved within the 72-hour window. Per the extension request that was attached to IA Pro the extension was submitted on March 8, 2023, but not approved until March 14, 2023. Chapter 1.3.6, paragraph 28 "The supervisor will initially complete and document the preliminary investigation information into Blue Team Use of Force System by ETOD of the supervisor's NEXT Tour of Duty. The supervisor will have 72 hours to complete and input the remainder of the information into Blue Team and submit it through his/her chain of command to PIB. A District/Division Commander may authorize an extension to the 72-hour deadline, but this extension must be documented in the Blue Team application or a Form 105 before the initial deadline". Additionally, this use of force was not submitted to PIB within the 21-day time frame that is allotted. Chapter 1.3.6, paragraph 32 "The 21-day period provides time for the investigating sergeant to complete the use of force investigation and the chain-of-command to review the use of force report, before submitting the report to the Force Investigation Team. (For example, a sergeant who obtains a written extension submits a completed force investigation to his/her lieutenant within seven (7) days after the use of force. The lieutenant has seven (7) days to review the report, return it for corrections, and submit it to his/her commander for approval. The commander has seven (7) days to review the report, return it for corrections, approve it and submit it to the Force Investigation Team.) (All extensions shall be placed into the IA Pro Investigative File)".

SOD Request - Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date. **Not submitted to PIB within 21 days. SOD verbally counselled the Sergeant.**

PSAB Response: No action will be taken by the ARU team, scoring will remain. This use of force was not submitted within the 21 days per policy. Chapter 1.3.6, paragraph 32 "The 21-day period provides time for the investigating sergeant to complete the use of force investigation and the chain-of-command to review the use of force report, before submitting the report to the Force Investigation Team. (For example, a sergeant who obtains a written extension submits a completed force investigation to his/her lieutenant within seven (7) days after the use of force. The lieutenant has seven (7) days to review the report, return it for corrections, and submit it to his/her commander for approval. The commander has seven (7) days to review the report, return it for corrections, approve it and submit it to the Force Investigation Team.) (All extensions shall be placed into the IA Pro Investigative File)".

SOD Request - This Use of Force Report was handled by Sergeant who was assigned to the Fifth District. According to PIB, the report was handled by Sergeant who was assigned to the Fifth District. Sergeant submitted the report to DSA Sergeant and Lieutenant on March 23, 2023. On May 9, 2023, Lieutenant in Blue Team Report instructed DSA Sergeant to approve the report. The finished report was completed and sent to PIB on June 12, 2023, by Captain. The Special Operation Division did not handle this Use of Force.

PSAB Response: After reviewing the documents in IA Pro this item has been transferred from SOD to the 5th district. All scoring will be reflective of this.

SOD Request - #4 Officer Force Statement Submitted by ETOD/ #22B Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date. **According to the audit, all the officers did not submit their Use of Force Report. All four officers involved force statements attached to the Blue Team Report. No witness statements are required for Level 1 Use of Force Report. Not submitted in PIB within 21 days by SOD.**

PSAB Response: No action will be taken by the ARU team, scoring will remain. #4 All officers do have their force statements attached however, Arden Taylor has his signed and dated for February 16, 2023. The event date was February 13, 2023, per policy the force statement should have been turned in at the end of his tour of duty. Chapter 1.3.6, paragraph 15 Following a reportable Level 1 use of force incident, the officer using force shall: (a) Immediately notify his/her supervisor. (b) Complete a Force Statement prior to the end of his/her tour of duty (c) Complete an NOPD Incident Report on the underlying offense that required the

Use of Force. All critical information surrounding the officer's Level 1 Use of Force should be included in this report. (d) The Force Statement and all associated NOPD Incident Reports shall be provided to the same reviewing/approving supervisor prior to the officers' end of tour of duty. #22B This use of force was not submitted within the 21 days per policy. Chapter 1.3.6, paragraph 32 "The 21-day period provides time for the investigating sergeant to complete the use of force investigation and the chain-of-command to review the use of force report, before submitting the report to the Force Investigation Team. (For example, a sergeant who obtains a written extension submits a completed force investigation to his/her lieutenant within seven (7) days after the use of force. The lieutenant has seven (7) days to review the report, return it for corrections, and submit it to his/her commander for approval. The commander has seven (7) days to review the report, return it for corrections, approve it and submit it to the Force Investigation Team.) (All extensions shall be placed into the IA Pro Investigative File)".

SOD Request - Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date. **Not submitted to PIB within 21 days by SOD.**

PSAB Response: No action will be taken by the ARU team, scoring will remain. Chapter 1.3.6, paragraph 32 "The 21-day period provides time for the investigating sergeant to complete the use of force investigation and the chain-of-command to review the use of force report, before submitting the report to the Force Investigation Team. (For example, a sergeant who obtains a written extension submits a completed force investigation to his/her lieutenant within seven (7) days after the use of force. The lieutenant has seven (7) days to review the report, return it for corrections, and submit it to his/her commander for approval. The commander has seven (7) days to review the report, return it for corrections, approve it and submit it to the Force Investigation Team.) (All extensions shall be placed into the IA Pro Investigative File)".

SOD Request - Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date. **This was Use of Force that was handled by Sergeant. Not submitted to PIB within 21 days. According to PIB, DSA Sergeant. The report was then forwarded to Captain on February 18, 2023, and was approved by Captain on March 14, 2023. This report was not handled by SOD, the entire chain of command indicated in was handled by the Fifth District.**

PSAB Response: Action taken upon review the owner of this item has been changed to the 5th District. Scoring results will be reflective of this. Additionally, it should be noted that the "No" will remain as it

pertains to question 22B. Chapter 1.3.6, paragraph 32 “The 21-day period provides time for the investigating sergeant to complete the use of force investigation and the chain-of-command to review the use of force report, before submitting the report to the Force Investigation Team. (For example, a sergeant who obtains a written extension submits a completed force investigation to his/her lieutenant within seven (7) days after the use of force. The lieutenant has seven (7) days to review the report, return it for corrections, and submit it to his/her commander for approval. The commander has seven (7) days to review the report, return it for corrections, approve it and submit it to the Force Investigation Team.) (All extensions shall be placed into the IA Pro Investigative File)”.

SOD Request - According to the audit, all officers did not submit a Force Statement. According to policy, the only officer required to give a statement on a Level 1 is the involved officer. The officer involved submitted his Use of Force Statement and it was attached to the Blue Team Report.

PSAB Response: No action taken. The event date was March 10, 2023, per the reports that are in IA Pro and Blue Teams. However, when the officer submitted the force statement it was signed and dated March 14, 2023. Chapter 1.3.6, paragraph, 15 Following a reportable Level 1 use of force incident, the officer using force shall: (a) Immediately notify his/her supervisor. (b) Complete a Force Statement prior to the end of his/her tour of duty (c) Complete an NOPD Incident Report on the underlying offense that required the Use of Force. All critical information surrounding the officer’s Level 1 Use of Force should be included in this report. (d) The Force Statement and all associated NOPD Incident Reports shall be provided to the same reviewing/approving supervisor prior to the officers’ end of tour of duty.

SOD Request - Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date. **Not submitted to PIB within 21 days.**

PSAB Response: No action taken. Chapter 1.3.6, paragraph 32 “The 21-day period provides time for the investigating sergeant to complete the use of force investigation and the chain-of-command to review the use of force report, before submitting the report to the Force Investigation Team. (For example, a sergeant who obtains a written extension submits a completed force investigation to his/her lieutenant within seven (7) days after the use of force. The lieutenant has seven (7) days to review the report, return it for corrections, and submit it to his/her commander for approval. The commander has seven (7) days to review the report, return it for corrections, approve it and submit it to the Force Investigation Team.) (All extensions shall be placed into the IA Pro Investigative File)”.

SOD Request - Supervisor's approved use of force report submitted to FIT within the required 21 Days from Incident Date. **This Use of Force was involving the Deployment of a Canine (No Bite) and a Level 1. Not submitted to PIB within 21 days.**

PSAB Response: No action taken. Chapter 1.3.6, paragraph 32 “The 21-day period provides time for the investigating sergeant to complete the use of force investigation and the chain-of-command to review the use of force report, before submitting the report to the Force Investigation Team. (For example, a sergeant who obtains a written extension submits a completed force investigation to his/her lieutenant within seven (7) days after the use of force. The lieutenant has seven (7) days to review the report, return it for corrections, and submit it to his/her commander for approval. The commander has seven (7) days to review the report, return it for corrections, approve it and submit it to the Force Investigation Team.) (All extensions shall be placed into the IA Pro Investigative File)”.

4th District

4th District Response FTN authored by Sgt. (SFL202302404) Extension was not requested timely and report submitted beyond the 21 days allotted.

PSAB Response: No action taken, as the district agrees with PSAB's findings.

FTN authored by Sgt. (SFL202302403) Force statement was submitted beyond ETOD.

PSAB Response: No action taken, as the district agrees with PSAB's findings.

FTN authored by Sgt (SFL202302402) Boiler plate language and tactics.

PSAB Response: No action taken, as the district agrees with PSAB's findings.

Timothy A. Lindsey

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

Appendix C – Report Distribution

Deputy Supt. PSAB Bureau

Captain PSAB Bureau

Deputy Supt. PIB Bureau

Deputy Sup. FOB Bureau