



Audit and Review Section
Professional Standards and Accountability Bureau

Photographic Line-up Audit - November 2022

(FOB and ISB)

Public Version

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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 (PSAB) completed a Photographic Line-up Audit in November 2022. Photographic Line-up Audits are conducted to ensure that New Orleans Police Department (NOPD) officers conduct Photographic Line-ups in accordance with the rights secured or protected by the Constitution and laws of the United States. NOPD agrees to ensure that Photographic Line-ups are conducted professionally and effectively, to elicit accurate and reliable information. This process is references Consent Decree (CD) paragraphs 171, 173, 174, 175 and 176 and Chapter 42.8.1 of the New Orleans Police Department’s Operations Manual to ensure compliance.

This audit, which reviewed sample data from April1, 2022, to September 30, 2022, was completed using the Photographic Line-up Audit Protocol. The basis for compliance of Photographic Line-ups is analyzed using a twenty-two (22) CD checklist questions. The results from the checklist analysis are below:

Number of Non-Compliant Checklist Questions (2):

Q14: Filler Photos generally fit the witness’s Description - **(89%)** issues are due to inconsistencies with the witness’s description of the suspect (i.e., height, build, skin tone, etc.). This **changed** from **95%** in last audit.

Q15: Filler Photo's Generally Resemble Suspect Features - **(76%)** issues primarily with distinguishing marks (tattoos, moles, eyebrow slits) not being uniform. This **changed** from **94%** in last audit.

Number of Compliant Checklist Questions (20):

See the details in “Reviews Checklist Scorecards Section”

Number of Logbook Entries Used to Create Sample (191, includes 22 EPR entries):

The entries covered the period from April 1st to September 30th

Sample Target to Audit (71):

The sample target represented 35% of available incidents (191). One de-selection (SOD) had no replacement.

Single Photo Line-ups Audited (4):

The sample target represented 11% of overall sample (71).

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

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

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Introduction

The Audit and Review Unit of the Professional Standards and Accountability Bureau conducted the last Photographic Line-up Audit in May of 2022.

Purpose

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

Chapter 42.8.1 Eyewitness Identification - Photographic Line-ups

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

This list is not all inclusive.

Objectives

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

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

1. Inspection of the Photographic Line-ups log to determine compliance with stated requirements. Documentation in log must should be evidence of compliance with the following:
 - Correct item number
 - Time of lineup
 - Date of lineup
 - Location of lineup
 - Identity of the viewing person
 - All Photograph numbers
 - Name of administrator
 - Name of case detective
 - Line-up result

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

Background

Photographic Line-up Audits have been conducted, whole or in part since May of 2016. This Photographic Line-up Audit was conducted in **November 2022**.

Methodology

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

1. Electronic or paper district log entries
 - a) Logbooks MS Access DB is primary source
 - b) Emailed internal district log entries
 - c) Electronic files on district shared drive

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

All documents and related photos that are in the sample and are not audited must be deselected. All deselections are recorded in the Deselection Log. A review of the Deselection Log revealed two (2) items deselected for this audit. Item one (C-33923-22) was deselected because although a photographic lineup was conducted, it was conducted by an outside jurisdiction. The selection was not replaced due to no availability of a photo lineup from the district. Item two (H-27380-21) was deselected due to the lead detective not properly filing the photographic lineup. The detective received disciplinary actions and SFL was given. The selection was replaced by another from the same district.

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

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

Initiating and Conducting the Photographic Line-up Audit

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

1. When the month for a duty location audit becomes due, the auditor will contact the duty location and schedule the date and time for the audit.
2. A week prior to the audit, the auditor will notify the duty location of the months to be reviewed (6 months – April through September, etc.) to ensure the duty location is prepared for the audit and all case files are available for review.
3. The day(s) prior to the audit, the auditor will ensure all required PSAB forms and worksheets (such as checklists) required to conduct the audit are available. This should include:
 - Auditor notes
 - Spreadsheet
 - Immediate action report forms
4. Cases will be reviewed as chosen by the randomizer.
5. The auditor used the digital audit form to verify the existence of the required documentation while in the field.
6. The auditor inspected the selected documents provided by the district/unit as evidence of compliance or reviewed online data.
7. When the documentation was unavailable at the time of the audit, the district/unit was given until the end of the audit period to provide the documentation.
8. **Audit Criteria**
 - A. **Photographic Log is Complete & Compliant (Q1-7)** - The log entry will include all required information. The photographic lineup log will be checked to ensure it contains the following checklist questions in summary:
 - Correct item number
 - Time of lineup
 - Date of lineup
 - Location of lineup
 - Identity of the viewing person
 - All Photograph numbers
 - Name of administrator
 - B. **The Line-up Administrator is Not the Case Detective (Q8)** - The officer displaying the lineup was different from the investigating. This is determined when reviewing log entries or EPR documentation, as well as reviewing signatures on Form 277.
 - C. **Line-up Administrator is not involved in the Investigation (Q9)**
 - D. **Line-up Administrator is unaware of Suspects' Photo (Q10)**
 - E. **Eyewitness admonished (informed) that Suspect Might Not be in Line-up (Q11)**
 - F. **Photos Used are in the Case File (Q12)** – All the photos were marked and maintained as evidence in the case file.
 - G. **Marked Photos in Case File If Suspect Selection Made (Q13)**
 - H. **The “filler” photographs (those that do not depict the suspect) generally fit the witness’s description of the perpetrator (Q14)** - The “filler” photographs (those that

do not depict the suspect) generally fit the witness's description of the perpetrator with no obvious differences.

- I. **The "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features (Q15)** – The photographs (those that do not depict the suspect) resemble the suspect in significant features with no obvious differences.
- J. **Photos Used are in Color (Scanned or Paper) (Q16)** - Each photograph must be printed or scanned in color and with the case file or in electronic folder.
- K. **If Witness ID's a Photo, Witness Initials Each Photo (Q17)** - Photographs are initialed when required for positive or negative identifications.
- L. **Single Photo When Used, was Appropriate (Q18)**
- M. **Does a Form 277 Exist in the Case File for this Line-up (Q19)** - The photo line-up is accompanied by inclusion of the form.
- N. **Did the person who administered the line-up sign the form 277 (Q20)**
- O. **Is the witness' statement recorded verbatim on form 277 (Q21)** - Photographic line-up witness/victim statement listed verbatim.
- P. **Are the name(s) of additional person(s) in the room during the ID procedure recorded on Form 277? Or does the form document that no additional people were present (Q22)** - Other(s) present during line-up review.

- 9. Once the auditors entered their audit results, the compliance rate for each of the requirements was determined. This final report documents whether the compliance rate for each requirement met the threshold for substantial compliance (95%).

Reviews – Checklist Scorecards

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

Photographic Line-Up Checklist Scorecard

Review Period: April 2022 - September, 2022

Percent of line-ups that are in compliance by requirement

Check-List Questions	Score	Y	N	U	NA	Consent Decree #
1 Is the item number recorded correctly in the log?	100%	69	-	-	2	174
2 Is the date the line up was administered recorded in the log?	100%	69	-	-	2	174
3 Is the time the lineup was administered recorded in the log?	99%	68	1	-	2	174
4 Is the location in which the line-up was administered recorded in the log?	100%	69	-	-	2	174
5 Is the name of the witness who viewed the line-up recorded in the log?	99%	68	1	-	2	174
6 Does the log include identifying information for each photo used in the lineup?	100%	69	-	-	2	174
7 Is the person who administered the line-up recorded in the log?	99%	68	1	-	2	174
8 Is the person who administered the line-up different than the lead case detective?	100%	65	-	-	6	171
9 Is the officer displaying the lineup NOT involved in the investigation?	100%	66	-	-	5	171
10 Is the officer displaying the lineup unaware of the suspects photograph?	100%	66	-	-	5	171
11 Does the report or the audio/video indicates eyewitnesses were admonished that the suspect might or might not be present in the lineup?	100%	62	-	-	9	172
12 Are the photos used in this line-up filed; can you find them?	100%	70	-	-	1	176
13 Are all of the photos marked and maintained as evidence in the case file, if suspect selection is made?	100%	66	-	-	5	176
14 Do the filler photographs (those that do not depict the suspect) generally fit the witness's description of the perpetrator, if available?	89%	34	4	-	33	173
15 Do the "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features?	76%	51	16	-	4	173
16 If the photos are filed, if you could find them, are they in color?	97%	68	2	-	1	176
17 Are photographs initialed as required for positive or negative identifications?	98%	64	1	-	6	176
18 If a single photo was displayed, was the use of a single photo appropriate?	100%	4	-	-	67	176
19 Does a form 277 exist in the case file for this line-up?	99%	66	1	-	4	172
20 Did the person who administered the line-up sign the form 277?	97%	64	2	-	5	172
21 Is the witness' statement recorded verbatim on form 277?	97%	65	2	-	4	175
22 Are the name(s) of additional person(s) in the room during the ID procedure recorded on Form 277? Or does the form document that no additional people were present?	98%	64	1	-	6	175
Total	98%	1,355	32	-	175	

PSAB randomly sampled up to 5 photographic line-ups per District/Unit between Apr'22 and Sep'22. If the District/Unit had five or less line-ups for the time period, PSAB reviewed all of them. If District had 20 or less, PSAB reviewed 5. If over 20, 25 percent were reviewed.

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

*Scores below 95% are highlighted in red.

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

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

Photographic Line-up Checklist Audit By District

Review Period: April 2022 - September, 2022

Percent of line-ups that are in compliance by requirement

Check-List Questions	1	2	3	4	5	6	7	8	Homicide	Child	Sex	Overall
										Abuse	Crimes	
1 Is the item number recorded correctly in the log?	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
2 Is the date the line up was administered recorded in the log?	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
3 Is the time the lineup was administered recorded in the log?	100%	100%	100%	100%	80%	100%	100%	100%	100%	100%	100%	99%
4 Is the location in which the line-up was administered recorded in the log?	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
5 Is the name of the witness who viewed the line-up recorded in the log?	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	75%	99%
6 Does the log include identifying information for each photo used in the lineup?	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
7 Is the person who administered the line-up recorded in the log?	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	75%	99%
8 Is the person who administered the line-up different than the lead case detective?	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
9 Is the officer displaying the lineup NOT involved in the investigation?	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
10 Is the officer displaying the lineup unaware of the suspects photograph?	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
11 Does the report or the audio/video indicates eyewitnesses were admonished that the suspect might or might not be present in the lineup?	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
12 Are the photos used in this line-up filed; can you find them?	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
13 Are all of the photos marked and maintained as evidence in the case file, if suspect selection is made?	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
14 Do the filler photographs (those that do not depict the suspect) generally fit the witness's description of the perpetrator, if available?	100%	100%	100%	89%	100%	100%	100%	67%	-	100%	-	89%
15 Do the "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features?	100%	80%	100%	82%	40%	75%	40%	69%	80%	100%	75%	76%
16 If the photos are filed, if you could find them, are they in color?	86%	80%	100%	100%	100%	100%	100%	100%	100%	100%	100%	97%
17 Are photographs initialed as required for positive or negative identifications?	100%	80%	100%	100%	100%	100%	100%	100%	100%	100%	100%	98%
18 If a single photo was displayed, was the use of a single photo appropriate?	-	-	-	100%	-	-	-	-	-	100%	-	100%
19 Does a form 277 exist in the case file for this line-up?	100%	80%	100%	100%	100%	100%	100%	100%	100%	100%	100%	99%
20 Did the person who administered the line-up sign the form 277?	100%	80%	100%	91%	100%	100%	100%	100%	100%	100%	100%	97%
21 Is the witness' statement recorded verbatim on form 277?	100%	100%	100%	100%	100%	75%	80%	100%	100%	100%	100%	97%
22 Are the name(s) of additional person(s) in the room during the ID procedure recorded on Form 277? Or does the form document that no additional people were present?	100%	75%	100%	100%	100%	100%	100%	100%	100%	100%	100%	98%
Total	99%	94%	100%	98%	96%	97%	96%	97%	99%	100%	96%	98%

PSAB randomly sampled up to 5 photographic line-ups per District/Unit between Apr '22 and Sep '22. If the District/Unit had five or less line-ups for the time period, PSAB reviewed all of them. If District had 20 or less, PSAB reviewed 5. If over 20, 25 percent were reviewed.

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

*Scores below 95% are highlighted in red.

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

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

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

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

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

1. **Photographic Log is Complete & Compliant (Q1-7)** - The log entry will include all required information. The overall score for these questions was **99%**. The score is calculated using the 7 logbook related questions. The 71 samples totaled 497 possible responses. Of those 497 responses, 480 were scored "Yes", 3 were scored "No", and 14 were scored "N/A". The "No" score results are as follows:
 2. **The Line-up Administrator is Not the Case Detective (Q8)** - The officer administering the lineup was different from the investigating officer. The overall score for this question was **100%**. Of those 71 responses, 65 were scored "Yes" and 6 were scored "N/A".
 3. **Line-up Administrator is not involved in the Investigation (Q9)** - The officer administering the lineup was not involved in any way with the investigation. The overall score for this category was **100%**. Of those 71 responses, 66 were scored "Yes" and 5 were scored "N/A".
 4. **Line-up Administrator is unaware of Suspects' Photo (Q10)** - The officer administering the lineup was different from the investigating officer. The overall score for this category was **100%**. Of those 71 responses, 66 were scored "Yes" and 5 were scored "N/A".
 5. **Eyewitness admonished (informed) that Suspect Might Not be in Line-up (Q11)** - The officer administering the lineup was different from the investigating officer. The overall score for this category was **100%**. Of those 71 responses, 62 were scored "Yes" and 9 were not applicable.
 6. **Photos Used are in the Case File (Q12)** – All the photos are accessible as evidence in the case file. The overall score for this category was **100%**. Of those 71 responses, 70 were scored "Yes" and 1 was scored "N/A".
 7. **Marked Photos in Case File If Suspect Selection Made (Q13)** - All the photos were marked and maintained as evidence in the case file. The overall score for this category was **100%**. Of those 71 responses, 66 were scored "Yes" and 5 were scored "N/A".
 8. **Photos Depict People with No Obvious Differences Part A (Q14)** - The "filler" photographs (those that do not depict the suspect) generally fit the witness's description of the perpetrator. The overall score for this category was **89%**. Of those 71 responses, 34 were scored "Yes", 4 were scored "No" and 33 were scored "N/A".
 9. **Photos Depict People with No Obvious Differences Part B (Q15)** - The "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features. The overall score for this category was **76%**. Of those 71 responses, 51 were scored "Yes", 16 were scored "No" and 4 were scored "N/A".
- Photos Used are in Color (Scanned or Paper) (Q16)** - Each photograph must be printed or scanned in color and with the case file or in electronic folder. The overall score for this category was **97%**. Of those 71 responses, 68 were scored "Yes", 2 were scored "No" and 1 was scored "N/A".

10. Are **Photographs initialed when required for positive or negative identifications (Q17)** - If witness ID's a photo, the witness must initial each photo as required regardless of whether a positive or negative identification is made. The overall score for this category was **98%**. Of those 71 responses, 64 were scored "Yes", 1 was scored "No" and 6 were "N/A".
11. Single **Photo When Used, was Appropriate (Q18)** – single photographs are appropriate when identifying a suspect known to the witness/victim. The overall score for this category was **100%**. Of those 71 responses, 4 were scored "Yes" and 67 were scored "N/A".
12. **Does a Form 277 Exist in the Case File for this Line-up (Q19)** - The photo line-up is accompanied by inclusion of the form in the case file. The overall score for this category was **99%**. Of those 71 responses, 66 were scored "Yes", 1 was scored "No" and 4 were scored "N/A".
13. **Did the person who administered the line-up sign the Form 277 (Q20)** - Signature of line-up administrator included. The overall score for this category was **97%**. Of those 71 responses, 64 were scored "Yes", 2 were scored "No" and 5 were not applicable.
14. **Is the witness' statement recorded verbatim on Form 277 (Q21)** - Photographic line-up witness/victim statement is written verbatim as stated. The overall score for this category was **97%**. Of those 71 responses, 65 were scored "Yes", 2 were scored "No" and 4 were "N/A".
15. **Are the name(s) of additional person(s) in the room during the ID procedure recorded on Form 277? Or does the form document that no additional people were present (Q22)** - The Form 277 identifies whether other(s) were present during line-up review. The overall score for this category was **98%**. Of those 71 responses, 64 were scored "Yes" positive, 1 was scored "No", and 6 were scored "N/A".

Conclusion

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

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

Overall, two (2) checklist questions in this audit were below the compliance threshold of **95%**.

(Q14) “Do the filler photographs (those that do not depict the suspect) generally fit the witness's description of the perpetrator, if available?” (89%) signifies areas of improvement. Deficiencies were directly related to similar features of the filler photos differing from the witness’s description without any explanation of the justification for the differences. The score fluctuated from the last audit **(95%)**.

The **(Q15) “Do the "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features” (75%)** signifies areas of improvement. Deficiencies were due to the suspect/filler photos having distinctive features that are outliers. In accordance with Chapter 42.8.1 Section 17, the filler photos must significantly resemble the suspect photo and vice versa. The score fluctuated from the last audit **(94%)**.

To mitigate the issues with Q15, the filler photo features below must resemble the suspect:

(a) Hair color, style, and length; (b) Facial hair color, style, and length; (c) Eye color; (d) Facial expressions (for example, some photographs should not include smiling individuals while other photographs in the line-up do not); (e) Markings, piercings, or tattoos that make the individual stand out; (f) Obvious age differences; (g) Obvious differences in skin color; and (h) Distinct accessories such as earrings or head gear.

If any of the above differs, the detective should redact the distinction and place the redaction on all photos consistently. If redaction is not possible for the photos, the detective should request a new set of photos through the Louisiana State Police Fusion Center, ThinkStream, or Cop Link database to meet the standards of the policies and procedures set forth in Chapter 42.8.1.

The deficiencies and recommendations set forth in this report are forwarded to the Dean and Captain of the Academy for the purpose of implementation of corrective actions via in-service training.

Re-Evaluation Results

District Review

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

District 2:

- **(Q3):** Auditors scored “No” that the administered time of the photographic lineup was not recorded in the logbook. The district commented the following for re-evaluation:
“Upon review of the photographic line-up audit, it showed the second district received an 80% for question #3 as it pertains to "Is the time the line-up was administered, recorded in the log"? Sgt. and I reviewed the logbook, and it showed the time was recorded in the logbook.”
 - **PSAB Response:** The Auditor reviewed the form 277 for the item number and compared the time written on the form to the time associated within the logbook. The auditor determined that the times were consistent of one another.
 - **District Score Revision:** The district score for Q3 was revised to **100%** compliance.

District 3:

- **(Q1):** Auditors scored “No” to whether the lineup was recorded in the logbook. The district commented the following regarding the score re-evaluation:
“In March of 2022, several vehicles were stolen and burglarized in which multiple items were taken. Throughout the course of the investigations, Detective developed a suspect and showed a lineup in which all 4 cases were tied together. The narrative of all four cases were similar and involved the same investigations. While 2 items do in fact mention a lineup, the lineups were executed under different Item numbers. No lineups were shown for 2 items, yet two were shown for different Items. The items are documented in the “L” Drive and “G” Drive.”
 - **PSAB Response:** The Auditor reviewed the item numbers and confirmed that the item number was associated with the photo lineup administration. The auditor also confirmed that the other item was logged in the logbook's lineup correctly. The auditor revised all scores of “No” to “N/A” for item number. In the future, Auditors advise detective to reference the any item number of the photographic lineup if mentioned in conjunction with another item number.
 - **District Score Revision:** The district score for Q1 was revised to **100%** compliance.

District 4:

- **(Q4):** Auditors scored “No” to whether the photographic lineup associated with the item number location was recorded in the logbook. The district requested a review of the result due to the district finding the location in the logbook.
 - **PSAB Response:** The auditor compared the location documented on form 277 to the logbook entry and found that the locations were consistent. The auditor revised Q4 to “Yes”. The district score for Q4 was revised to **100%**.

District 5:

- **(Q14, Q15):** Auditor scored “No” to whether the witness’s description of the suspect generally depicts the filler photographs. The auditor also scored “No” to whether the filler photos generally depict the suspect. The district requested a re-evaluation of the score for Q14. The district accepted the score for Q15. The statement from the district is below:

“Sergeant reviewed the electronic police reports under item#. Sergeant read the initial report and learned the victim described the suspect as an "unknown male, approximately 6'3 with a stocky build" and "wearing all-black clothing."

In the supplemental report, Detective interviewed the victim, who described the suspect as a black male, in his '30s, with a mustache and dark complexion, possibly "maybe my complexion, maybe a little lighter," "about 5'11, heavier than me wearing a black/dark hoodie." The victim was very slender in build. The victim provided no approximate weight.

Sergeant reviewed the six single-color photographic lineups on the 5th District G: Drive and noticed all the suspect's identification appeared to have the same physical characteristics, except for person #1. Person #1 was the only person with a tattoo on his neck. No other person in the lineup had tattoos.

Sergeant could not complete a supervisor's feedback log on Detective because, at the time of the audit, Detective was no longer on the job. However, Sergeant notified DIU Sergeant, who advised that he would discuss the deficiencies with his DIU person crimes detectives at their meeting to prevent any deficiencies in the future.”

 - **PSAB Response:** The auditor reviewed the response and concluded that the additional information presented was verified to be present in the Supplemental EPR. The district score for Q14 has been revised to a score of “Yes”. For Q15, the district accepted the score and handed out the proper actions. No further actions are required.
- **(Q3):** Auditor scored “No” to whether the time the lineup was administered was inputted in the log. The district requested re-evaluation with the following statement:

“Sergeant reviewed the electronic police reports under item#. Sergeant read the initial report and learned the victim had known the suspect. Detective conducted a follow-up investigation and interviewed the victim, who stated he spoke with the suspect on the phone and inadvertently offended the suspect. He did not know the suspect and only knew him through mutual friends. Due to the victim's statement given to Detective contradicting his initial statement, Detective elected to complete a six single-color photographic lineup. Detective presented the photographic lineup to the victim, where he positively identified the suspect.”

 - **PSAB Response:** The auditor reviewed form 277 and logbook entry. The times differ between the for 277 and the logbook. The statement given by the district explained that the time difference was due to the changing of the type of lineup administered. The change of the type of lineup administered is not justification for the differential of the time between the logbook and form 277. The Auditor determined that item in question for Q3 will retain the score of “No”. It is recommended that the times on all forms are accurate with logbook entries to ensure consistency throughout the

department.

- **(Q15):** The auditor scored “N/A” to whether the filler photos generally depict the suspect. The district commented the following statement:
“Sergeant did not have to review item#. After reviewing the reviewer's comments, Sergeant learned that the District did not have to respond because question #15 was changed to N/A.”
 - **PSAB Response:** Auditor reviewed the lineup for the item number and determined that the filler photos did depict the suspect. Although one filler appeared to be of a white male his features did generally resemble the suspect. The auditor revised the score for Q15 to “Yes”.
- **(Q15):** The auditor scored “No” for whether the filler photos generally depict the suspect. The district commented the following statement:
“Sergeant reviewed the six single-color photographic lineups and noticed person #6 was the only suspect with a tattoo on his face. The victim identified person #6 as the suspect. However, the person identified by the witness was not the suspect. Sergeant issued Detective a redirection SFL ID# SFL202215544 for the six single-color photographic lineup where the suspect in the photo lineup appeared clean-shaven, and the men had facial hair in two filler photos.”
 - **PSAB Response:** The Districts has accepted the score and has issued the proper actions. No further actions are required.
- **(Q15):** The auditor scored “No” to whether the filler photos generally depict the suspect. The district commented the following statement:
“Sergeant reviewed the six single-color photographic lineup on the 5th District G: Drive and noticed persons #1, 4, & 5 were clean-shaved, and persons #2, 3, & 6 all had facial hair. The Louisiana State Police Analytical & Fusion Exchange Unit created the lineup. Detective did not make the lineup.
Detective investigated an auto theft under an item#. Sergeant issued Detective a counseling SFL ID# SFL202215545 for the six single-color photographic lineups where the suspect in the photo lineup appeared clean-shaven, and the men had facial hair in two filler photos.”
 - **PSAB Response:** The Districts has accepted the score and has issued the proper actions. No further actions are required.

District 6:

- **(Q7, Q21):** The auditor scored “No” to whether the person who administered the lineup was recorded in the log. The auditor also scored “No” to whether the witness statement was recorded verbatim on form 277. The district commented the following statement requesting reevaluation to both Q3 and Q21:
“On October 21, 2022, Sgt. was emailed deficiencies as it related to this item not being entered into the logbooks. Sgt. entered the information into the L-Drive and entered Det. as the lineup administrator as was documented on the form 277. Det. replied back on the 24th of October acknowledging receipt of the email and replied to the entry would be done on the following workday. Sgt. entered all of the required information (all pink boxes) into the L Drive on October 25, 2022.

Because the witness did not identify the subject responsible for this incident, Sgt. assumed it was a moot point to add their verbiage as there was no critical information to include onto the form 277. Lt. verbally counseled Sgt. on mandated instructions involving Photographic lineups via SFL.”

- **PSAB Response:** The auditor reviewed the item number log and the form 277 to confirm consistency. The auditor determined that the lineup administer was consistent in both locations. The auditor determined that the score for item in question, Q7 be revised to “Yes”. In regard to Q21, Chapter 42.8.1 Section 50(f) states: “The administering officer shall complete all sections of Form 277, documenting the following: (f) Record the critical parts of what the witness said verbatim;”. The auditor determined that item # in Q21 will retain the score of “No”. It is recommended that regardless of positive identification that all critical parts of the witness statement are documented verbatim.

District 7:

- **(Q15):** Auditors scored “No” to whether the photographic lineup filler photographs resemble the suspect in significant features. The district requested review of the item number with the following statement below:

“Each filler picture depicts a light skinned black male, with short to medium length hair, facial hair that is kept close to the face (No long beards), there are no visible markings, scars or tattoos on the face or necks of any of the photos depicted. Three of the subjects depicted have white t-shirts while three have dark colored t-shirts. I believe that the photo lineup depicts filler subjects who are like that of the suspect.”

- **PSAB Response:** The Auditor reviewed the individual photos shown in the lineup for the item number to determine if the filler photos resemble the suspect in similar features. Upon review, the auditor found that filler photo one in the lineup has an accessory of earrings present in the photo. Earrings are a significant and distinctive feature. In accordance with Chapter 42.8.1 Section 18, “If significant differences between the suspect’s photograph and the filler photographs are unavoidable, the officer must redact aspects of all photos to eliminate the significant differences. For example, if one individual is wearing earrings and the others are not, an investigator should place a black dot / square over the bottom of the ears of all individuals depicted in the line-up to eliminate the significant difference in appearance.” The significant differences (earrings) between the filler and suspect photo were not redacted. It is determined that item number in Q15 will sustain the score of “No”.

District 8:

- **(3 Lineups) (Q14, Q15):** The auditor scored “No” to whether the witness’s description of the suspect generally depict the filler photos. The auditor also scored “No” to whether the filler photos generally depict the suspect. The district commented the following statement regarding score reevaluation:

“All three were Juvenile Lineups which are much more difficult as we rely solely on the Fusion Center. The pool for fillers is much smaller. It is very difficult to get all six with exact skin tone and/or all with mouth opened or closed. The unkempt hair is the only one that does stand out.”

- **PSAB Response:** The auditor reviewed the reevaluation statement and the photo lineups. For one photo lineup Photo #1 teeth are showing while all other mouths are closed. That feature is a significant difference and Significant difference, in accordance with Chapter 42.8.1 Section 18, should be redacted on all photos. In the This is to ensure consistency throughout the lineup. In the other lineup, the suspect and filler photos differ in hairstyle. In accordance with Chapter 42.8.1 Section 17, “the fillers shall resemble the suspect’s photograph in significant features, such as (a) Hair color, style, and length;” The auditor determined that the score for all lineups under item number in Q14 and Q15 will retain the score “No”.
- **(2 lineups) (Q14):** Auditors scored “No” to whether the witness’s description of the suspect generally fit the filler photos. The district commented the following statement regarding re-evaluation of the score:

“While the victim did describe the perpetrator as having medium length hair, the only photo available to the officers of the suspected perpetrator at the time showed him with short hair. In this instance it was more prudent to ensure the fillers match the actual photo we had of the suspect as opposed to what the victim described. Had we used (5) fillers with medium length hair, the suspect would have stood out as being the only one with short hair.”

 - **PSAB Response:** The auditor evaluated the response, reviewed the lineups and policy, and determined that the circumstances for the filler photos not matching the description have been verified. The auditor revised the score for all I-03852-22 Q14 to “N/A”.

Homicide:

- **F-14576-22 (Q15):** The auditor scored “No” to whether the filler photos generally depict the suspect. The district commented the following statement for score re-evaluation:

“The auditor noted that the filler photos did not resemble the suspect. It should be noted that the lineup was generated by the State Police Fusion Center and not the detective. After reviewing the lineup, we believe that the individuals depicted have enough physical similarities to ensure that the lineup was not tainted. For instance, photos 2, 3, & 6 have visible tattoos on their necks, while 1, 4, & 5 are inconclusive. All of the subjects have nearly identical haircuts, facial hair, and they’re all attired in a white t-shirt as well. We respectfully request that you reevaluate this audit.”

 - **PSAB Response:** The auditor reviewed the lineup and found that photo #6 has a tattoo/markings the right side under the eye. This is a significant difference between the suspect photo and the other filler photos. Also, although inconclusive, the neck tattoos on the suspect (photo 3) and all filler photos should have been redacted to hold consistency throughout the lineup. In accordance with Chapter 42.8.1 Section 18, “If significant differences between the suspect’s photograph and the filler photographs are unavoidable, the officer must redact aspects of all photos to eliminate the significant differences.” The auditor determined item in Q15 will retain the score “No”.

Sex Crimes/Child Abuse:

- **(Q8-Q11):** The auditor scored “No” to whether the lineup administrator was not the lead detective, not involved in the case, unaware of the suspect’s photo, and informed the witness that the suspect may not be in the lineup. After review, the auditor determined that

a confirmation photo was justifiably administered. The Auditor revised the score of “N/A” for Q8 – Q11.

- **(Q5) and (Q7):** Auditor scored “No” to whether the witness who viewed the lineup is logged into the logbook. The auditor also scored “No” to whether the lineup administrator was logged into the logbook. The unit response to the item numbers are listed below:
This clerical error has been corrected in the Logbooks. The name on the Form 277 and the Logbooks are the same.”
For the other item, the district supervisor stated that the correct administrator has been inputted into the logbook correctly.
 - **PSAB Response:** The Unit has issued the proper actions. No further actions are required.

Process reminders should be thoroughly executed as a result.

1. This report will serve as notification of district/unit performance during this audit.
2. Work with Policy Standards Section to develop DTB’s to address the training issues identified in this report.

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

Appendix A – Photographic Line-up Audit Forms

Photographic Line-up Audit Forms:

Professional Standards and Accountability Bureau
Photographic Line Up Audit Input Form

Item Number:

Investigative Unit: ▼

Auditor: ▼

Date/Time of Lineup: :

Reporting Year: ▼

Reporting Month: ▼

Q1: Is the item number recorded correctly in the log?
 ▼ CD 174

Q2: Is the date the line up was administered recorded in the log?
 ▼ CD 174

Q3: Is the time the lineup was administered recorded in the log?
 ▼ CD 174

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Professional Standards and Accountability Bureau
Photographic Line Up Audit Input Form

▼ CD 174

Q4: Is the location in which the line-up was administered recorded in the log?
 ▼ CD 174

Q5: Is the name of the witness who viewed the line-up recorded in the log?
 ▼ CD 174

Q6: Does the log include identifying information for each photo used in the lineup?
 ▼ CD 174 ID numbers and names can be used to identify photos

Q7: Is the person who administered the line-up recorded in the log?
 ▼ CD 174

Q8: Is the person who administered the line-up different than the lead case detective?

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Professional Standards and Accountability Bureau

Photographic Line Up Audit Input Form

Q8: Is the person who administered the line-up different than the lead case detective?

Find items CD 171 - The name of the lead detective is recorded in the log.

Q9: Is the officer displaying the lineup NOT involved in the investigation?

Find items CD 171 - No officer who is involved in the investigation shall participate in administering the photographic line-up.

Q10: Is the officer displaying the lineup unaware of the suspects photograph?

Find items CD 174 - The individual who administers the lineup shall not have any knowledge which photograph depicts the suspect in the investigation.

Q11: Does the report or the audio/video indicates eyewitnesses were admonished that the suspect might or might not be present in the lineup?

Find items CD 172 - NOPD agrees that, before lineup is administered, eyewitnesses shall be admonished that the suspect might or might not be present in the lineup.

Q12: Are the photos used in this line-up filed; can you find them?

Find items Look for the photos in the digital case file, hardcopy case file, and in attachments to the EPR/Supplemental.

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Professional Standards and Accountability Bureau

Photographic Line Up Audit Input Form

Q13: Are all of the photos marked and maintained as evidence in the case file, is suspect selection is made?

Find items CD176 - If a suspect selection is made, NOPD agrees to mark and maintain as evidence the photographs used in the lineup, including a copy of the photo array if one was used.

Q14: Do the filler photographs (those that do not depict the suspect) generally fit the witness's description of the perpetrator, if available?

Find items CD 173 - NOPD agrees to select "filler" photographs (those that do not depict the suspect) of individuals who generally fit the witnesses description of the perpetrator.

Q15: Do the "filler" photographs (those that do not depict the suspect) resemble the suspect in significant features?

Find items CD 173 - (See above #14). Then there is a limited or inadequate description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.

Q16: If the photos are filed, if you could find them, are they in color?

Find items

Q17: Are photographs initialed as required for positive or negative identifications?

Find items CD 176 - Photos must be marked everytime a witness picked a photo, reardless of whether the ID was positive (the photo witness picked was the suspect).

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Professional Standards and Accountability Bureau

Photographic Line Up Audit Input Form

Q18: If a single photo was displayed, was the use of a single photo appropriate?

Find items

Q19: Does a form 277 exist in the case file for this line-up?

Find items

Q20: Did the person who administered the line-up sign the form 277?

Find items

The administrator's signature indicates he/she read the form aloud to the subject and therefore admonished the witness that the subject might or might not be in the line-up. If Form 277 is not signed or does not exist, please look for a supplemental that documents this line-up. If a supplemental says the administering officer read the text aloud, or that he/she informed the subject that the subject might or might not be in the line-up, choose "Yes."

CD 172

Q21: Is the witness' statement recorded verbatim on form 277?

Find items

If Form 277 is incomplete or does not exist, please look for a supplemental that documents this line-up. If a supplemental

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Photographic Line Up Audit Input Form

Q22: Are the name(s) of additional person(s) in the room during the ID procedure recorded on Form 277? Or does the form document that no addition...

Find items

If Form 277 is incomplete or does not exist, please look for a supplemental that documents this line-up. If a supplemental documents the witness' statement, choose "Yes."

CD 175

Auditor's Comments

Appendix B – Report Distribution

Superintendent

Chief Deputy Superintendent – Field Operations Bureau

Deputy Superintendent – Professional Standards and Accountability Bureau Deputy

Superintendent - Investigations Support Bureau

Assistant City Attorney – Superintendent's Office