

**Office of the Independent Police Monitor  
City of New Orleans  
2018 Annual Report:  
OIPM Use of Force Monitoring  
and Review Activities**



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## INDEPENDENT POLICE MONITOR MISSION AND RESPONSIBILITIES

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The Office of the Independent Police Monitor (OIPM) is an independent, civilian police oversight agency created by the voters in a 2008 charter referendum and which opened its doors for the first time in August of 2009. Its mission is to improve police service to the community, civilian trust in the NOPD, and officer safety and working conditions. The OIPM has six broad responsibilities:

- 1) To ensure that all complaints regarding police misconduct are classified and investigated or mediated at the appropriate level and that those investigations are fairly, timely and thoroughly handled; to ensure that discipline is fair, timely, appropriate and upheld upon appellate scrutiny. To make information about this review process available to the public.
- 2) To monitor NOPD investigations into use of force to identify violations of civil rights, concerns of officer tactics and safety, risks to life, liberty and property, and adherence to law and policy.
- 3) To review and analyze aggregate data from complaints, investigations, community concerns and public policy in crafting recommendations aimed toward improving the quality of services by the NOPD.
- 4) To reach out to inform the community about the OIPM, to listen and respond to broader community concerns, and prepare the community for engagement in NOPD policy and practice.
- 5) To mend police/community relationships by fostering effective police/community partnerships.
- 6) To collect police commendations, review and monitor police training and supervision issues and support a healthy and safe working environment for NOPD employees.

The OIPM is responsible for monitoring the New Orleans Police Department and only the New Orleans Police Department. Although OIPM works with other criminal justice system actors, it is not responsible for oversight of any other agency. However, OIPM is mindful of the impact of these other criminal justice actors upon the operations of NOPD and will attempt to analyze that impact in future reports. OIPM accomplishes its mission by focusing on three main activities: complaint and disciplinary system monitoring and review; use of force monitoring and review; and subject-specific analyses or audits. Our recommendations to improve NOPD's accountability systems originate from these activities.



## A NOTE FROM THE INDEPENDENT POLICE MONITOR

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Pursuant to New Orleans City Code Section 2-1121 (16) (the Police Monitor's Ordinance) The Office of Independent Police Monitor (OIPM) publishes an annual report each year. The Police Monitor's Ordinance provides as follows:

The independent police monitor shall be required to issue at least one public report each year, by May 30, to the ethics review board and New Orleans City Council detailing its monitoring and review activities and the appropriate statistical information from the internal investigations office, and other divisions of the New Orleans Police Department. The independent police monitor shall be required to report upon problems it has identified, recommendations made and recommendations adopted by the New Orleans Police Department. The report shall also identify commendable performance by the New Orleans Police Department and improvements made by the department to enhance the department's professionalism, accountability, and transparency.

This **"2018 OIPM Use of Force Monitoring and Review Activities"** is part of that report.

Herein the OIPM will publish the OIPM's statistics and the outcome of each case.

The OIPM would like to acknowledge the invaluable assistance of the Public Integrity Bureau (PIB) of NOPD for helping OIPM to meet its statutory obligations. The working relationship between the OIPM and PIB was especially noteworthy this year. PIB cleared its decks to meet with the OIPM and provide thoughtful and insightful feedback regarding the OIPM's Annual Report. In my nine years as the Independent Police Monitor, these discussions concerning the Annual Report and the OIPM recommendations were the most collaborative I have seen and the resulting pledges to work towards the same goals makes me excited to take on this work in 2019. The self-critiquing growth and internal betterment of the NOPD over these almost nine years, but especially during the Consent Decree, speaks to the leadership of this important and special bureau and the men and women that work therein. On behalf of the OIPM, I thank PIB for their efforts in strengthening this report and look forward to achieving these goals together in 2019.



## 2018 OIPM USE OF FORCE MONITORING AND REVIEW ACTIVITIES

The OIPM is required by City Code § 2-1121 to monitor the quality and timeliness of NOPD’s investigations into use of force and in-custody deaths.

In 2018, there were five Critical Incidents, which is the same number of Critical Incidents in 2017. Four of these Critical Incidents were Officer Involved Shootings (OIS), down from 5 OISs in 2017. The other critical incident was an in-custody death. Of the four OISs, three were negligent discharges of an officer’s weapon and one involved the shooting of two dogs. *That means that the NOPD did not shoot at, critically injure or kill any civilians in 2018.* OIPM is encouraged that over the years except 2014 and 2018, the number of critical incidents has decreased and hopes this will continue to be a trend in New Orleans. In both 2014 and 2018 the number of critical incidents was the same as the previous year. OIPM would like to acknowledge the hard work of NOPD in helping to reduce these incidents. The following table contains the types of Critical Incidents recorded in 2018 by the OIPM.

**TABLE 1: 2018 CRITICAL INCIDENTS - 5 INCIDENTS**

NOPD ASI #/FTN #/Item #	Date of Incident	Type of Incident
Item:1803-0686 (Slidell PD) ASI: 2018-01	3-8-2018 / 6:30 P.M.	OIS Negligent Discharge
Item: 1807-1172 (Slidell PD) ASI: 2018-02	7-16-2018 / 6:39 A.M.	OIS Negligent Discharge
H-09174-18 / ASI: 2018-03	8-8-2018 / 6:56 A.M.	OIS Shooting of Dogs
J-02617-18 / FTN: 2018-0360	10-2-2018 / 9:52 P.M.	In Custody Death
J-21502-18/ ASI: 2018-04	10-18-2018 / 5:30 P.M.	OIS Negligent Discharge

The OIPM responded to all five of the Critical Incidents in 2018. Being able to review the scene and receive a walkthrough and be briefed was essential for the OIPM to determine if the initial part of the investigation was being conducted properly. Reviewing the scene and receiving a walkthrough was also essential for the OIPM to make recommendations to improve the quality of NOPD critical incident investigations, accordingly.



## TRENDS IN CRITICAL INCIDENTS 2011-2018

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The following table provides a comparison of Critical Incidents since 2011, which is the first year that the OIPM began fully responding to Critical Incidents. The OIPM will continue to track Critical Incident trends.

**TABLE 2: CRITICAL INCIDENTS 2011-2018**

Year	Total CIs	OISs	Hospitalizations	ICD	Head Trauma	Other	Deaths
2011	19	19	0	0	0	0	2
2012	22	20	1	1	0	0	3
2013	17	12	1	2	0	2	2
2014	17	11	3	2	2	2	4
2015	14	12	1	1	0	0	5
2016 <sup>1</sup>	8	7	1	1	0	0	1
2017	5	5	1	0	0	0	1
2018	5	4	0	1	0	0	0
<b>Totals</b>	<b>107</b>	<b>90</b>	<b>8</b>	<b>8</b>	<b>2</b>	<b>4</b>	<b>18</b>

## NOPD POLICY

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The NOPD must decide in each critical incident whether the officer's use of deadly force violated NOPD policy. NOPD submits all critical firearm discharge cases to the Orleans Parish District Attorney's office for review. The Orleans Parish District Attorney must decide whether the law has been violated.

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<sup>1</sup> In 2016 there was an Officer Involved Shooting that ended with the person dying later at the hospital from a self-inflicted gunshot while in custody: A.S. I. 2016-0005, Item#: H- 22654-16. Therefore, that case is reflected in two categories in the chart: OIS and ICD. That case was reviewed by the Use of Force Review Board (UFRB) in 2018. Details about the case can be found in Appendix A of this report – June 2018.



The United States Supreme Court ruled that under the Fourth Amendment to the United States Constitution, police officers may only use that force which is reasonable and necessary to accomplish a lawful police objective such as an arrest, entry, or detention.<sup>2</sup> Additionally, under Louisiana law, police officers may be justified in using deadly force when authorized by their duties/law, in defense of a life, in defense of property, or to prevent great bodily harm.<sup>3</sup>

Under NOPD policy, a police officer has the authority to use deadly force under the appropriate Constitutional and state law standards. Additionally, NOPD policy requires officers to use an alternative to force, such as verbal persuasion, if reasonable under the circumstances.

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## USE OF FORCE REVIEW BOARD

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In the 2012 Consent Decree, NOPD agreed to “develop and implement a Use of Force Review Board (UFRB) to review all serious uses of force and other Public Integrity Bureau’s Force Investigation Team (FIT) investigations.”<sup>4</sup> According to the Consent Decree, the UFRB is to review FIT investigations, hear presentations from the lead investigator, determine whether force violated NOPD policies, and refer to PIB for discipline if the policy was violated. Additionally, the UFRB is to “determine whether the incident raises policy, training, equipment, or tactical concerns, and refer such incidents to the appropriate unit within NOPD to ensure they are resolved.”<sup>5</sup>

The Federal Consent Decree, Section I, paragraph 109 required the NOPD to establish a “Use of Force Review Board.” The Consent Decree also laid out what the role of the Board would be and named the members of the Board. On December 6, 2015, NOPD implemented a chapter of its Operations Manual which codified a “Use of Force Review Board.”<sup>6</sup> According to the Operations Manual,

The Use of Force Review Board (UFRB) serves as a quality control mechanism to ensure timely reviews of all serious use of force investigations to determine the appropriateness of the investigative

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<sup>2</sup> *Graham v. Connor*, 490 U.S. 386 (1989).

<sup>3</sup> Louisiana Revised Statutes 14:18, et. seq.

<sup>4</sup> *United States v. City of New Orleans*, E.D. La. 12-cv-1924, R. Doc. 2-1 at 32.

<sup>5</sup> *Id.* at 33.

<sup>6</sup> NOPD Ops. Manual Chapter 1.3.7.

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findings, and to quickly appraise use of force incidents from a tactics, training, policy, and agency improvement perspective.<sup>7</sup>

The voting members of the UFRB are the Deputy Superintendents of Field Operations Bureau, Public Integrity Bureau, and Investigations and Support Bureau.<sup>8</sup> Other NOPD deputy chiefs and commanders serve as non-voting members, and outside groups like OIPM and the Office of the Consent Decree Monitor have been invited to observe, listen and participate in discussion.

At each of the approximately monthly UFRB hearings, PIB investigators from FIT make presentations regarding critical incidents involving NOPD officers and make a recommendation to the Board about whether the use of force was justified or not justified. In 2018, OIPM noted that FIT seemed to be conducting more thorough and complete investigations since the unit was formed in 2015. Although FIT is currently a small unit, six persons, they respond to the scene of every critical incident and review every use of force reported by NOPD officers. That includes Levels 1, 2, 3 and 4 cases. In 2018, some of the things that the FIT team discovered during their investigations led to healthy policy and training considerations by the UFRB.

After the presentations from FIT, the Board and other present representatives then discuss the use of force. During the discussion period, the OIPM is asked to provide any information and/or recommendations it wants to the Board. The Board then votes whether the use of force was justified or not. Often the Board makes recommendations about needed training practices or considers whether changes to policy are needed.

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#### A. OIPM ASSESSMENT OF THE UFRB PROCESS

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Based on what it observed in 2018, OIPM believes the UFRB is a positive and healthy self-critical undertaking which assists NOPD in reforming its use of force actions, investigations, training, policies and adjudications.

The UFRB is engaged in high-level discussions about the cases that come before them. In several cases in 2018, the UFRB required officers involved in a use of force to be retrained on tactics, weapons handling, and NOPD policy. As a follow-up to several of those cases, the UFRB required training staff from the police academy to attend the hearings and provide reports and updates on the progress the officers were making regarding training.

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at ¶ 2.



The UFRB reviewed sixteen (16) cases in 2018. Appendix A contains a narrative for each of the cases that came before the UFRB in 2018. Below are highlights of two cases that came before the UFRB in 2018. These cases were highlighted because they feature Departmental changes in training that will affect the entire NOPD. The cases also spotlight some of the policy considerations and other safety measures the NOPD will be thinking about and implementing going forward.

**Case 1<sup>9</sup>:** An officer received a call for service regarding an attempted suicide. The suspected person had allegedly consumed alcohol, crack cocaine and heroin and was refusing to come out of the residence. After the officer who was C.I.T. certified spent a considerable amount of time talking with the suspected person, the suspected person voluntarily walked to the ambulance and got inside of it. The suspected person became agitated upon learning he was being transported to the hospital instead a mental health facility and threatened to fight everyone. He then freed himself from the E.M.S. gurney and fled out the back of the ambulance. The officer pursued him on foot and drew his taser (C.E.W.). The suspected person dropped to his knee, covered his head and said “don't taze me.” The officer deployed his C.E.W., striking the suspected person. The suspected person then suffered from a seizure.

The Board determined the use of the taser by the officer to not be in policy, but decided his actions were justified based on the “totality of the circumstances.”<sup>10</sup> This led to a robust discussion about the concern of NOPD officers interacting and engaging with citizens in a mental health crisis. NOPD discussed its C.I.T. training<sup>11</sup> for officers and its training on de-escalation techniques.

In this case the Board recognized that the officer did exactly what his C.I.T. training was supposed to do and that based on his actions that is how he was able to get the suspected person out of the house and into the ambulance. However, based on the tactics that were utilized by the officer, once the suspected person was in the ambulance the Board felt that the officer should have transitioned from C.I.T. and taken appropriate police action to secure him.

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<sup>9</sup> For more detailed information on the case, *see* Appendix A.

<sup>10</sup> OIPM did not agree with the Board’s finding in this case that the force was justified based on the “totality of the circumstances.” OIPM is concerned that finding an officer’s actions regarding use of force out of policy but then finding their actions justified sends a mixed message to officers about what is acceptable behavior in the NOPD. OIPM did agree with the Board that the officer did an excellent job using his C.I.T. training to get the suspected person out of the house and into the ambulance.

<sup>11</sup> C.I.T. stands for Crisis Intervention Training. Under this program, officers receive 40 hours of intense training from mental health experts focused on techniques and best practices for minimizing the use of force against individuals in crisis due to mental illness or a behavioral disorder.

Currently the Training Academy teaches de-escalation and civilians teach C.I.T. The trainings are done separately. There was a recognition from the Board that these two trainings need to be merged or build upon each other in some way. This is important because there was a concern that officers may have confusion around when to stop C.I.T. efforts and proceed to take police action. Based on this discussion, the Board made a recommendation to the Commander of the Training Academy to improve this training for officers and starting in 2019 the training will address switching from C.I.T. mode to taking police action.

**Case 2<sup>12</sup>:** This case involved several officers and a Sergeant responding to a call for service involving an alleged domestic battery and trying to get a suspected person in an NOPD police car. This case was particularly alarming for several reasons (1) the amount of time it took to get the suspected person in handcuffs and into the police car and (2) the quantity and kind of force that was used to accomplish that goal.

Prior to the Sergeant arriving it took several attempts and approximately 5-7 officers to get the suspected person in handcuffs. When the Sergeant arrived, he attempted to talk to the handcuffed suspected person. When talking was not successful the Sergeant attempted to force (push) the unsuspected person into the vehicle but was unsuccessful. The Sergeant then placed leg restraints (shackles) on the suspected person's feet believing this would allow them to get him in the vehicle. The suspected person was still able to get out of the vehicle. The Sergeant then used his expandable baton to strike the suspected person in the leg two times and one time in the back/spine. He then pushed the suspected person into the vehicle. The suspected person again refused to place his feet in the vehicle. The Sergeant extended his baton and struck the suspected person 10 more times in the legs. The Sergeant then removed the suspected person from the vehicle and attached handcuffs between the shackles and the handcuffs and placed him in a hog tie.

While being transported to the hospital for injuries to his legs, the suspected person who was on his stomach and hog tied in the back of an NOPD police car, verbalized several times to the NOPD officer driving him that he was having trouble breathing.

The Board made several findings in this case. Below is a brief description of some of the findings and actions taken by the Board:

- A. The use of the expandable baton on the suspected person by the Sergeant was determined to not be within policy and not justified.

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<sup>12</sup> For more detailed information on the case, *see* Appendix A.



- B. The placing of the suspected person by the Sergeant in a hog tie position in the back of the NOPD police car was not within policy and was not justified.
- C. The Board also had a lengthy discussion about officer and civilian safety when trying to get unwilling/combative people into the back of a NOPD police car. Based on this discussion the Board asked the Training Academy to develop 3 trainings for the entire department: (1) training on transporting unwilling subjects, (2) use of restraint devices (Hobble straps and leg shackles) and (3) potential asphyxia and agitated delirium.
- D. There was vigorous discussion about the utility of the current NOPD car fleet and why it was harder to get unwilling/combative subjects into the various types of cars the department utilizes. The Force Investigation Team had done some research on this issue and presented it to the Board during their presentation.
- E. There was also discussion about what types of leg restraints would be beneficial for NOPD officers to use in a real time situation such as the case that was before the Board. The training academy was asked to research various leg restraints to see which type(s) would be beneficial to NOPD officers and bring back a recommendation to the Board at a future UFRB hearing.
- F. During this incident several officers' body worn cameras (BWC) fell off numerous times. The Commander of the Professional Standards & Accountability Bureau brought several examples of BWC mounts and made recommendations regarding which ones would be best for the department. The Board acted on the recommendation of the Commander and authorized a testing phase for the suggested mounts in one district to ensure that the new BWC mounts would work for the department.

It is this kind of forward thinking and robust recommendations by the Board as demonstrated in these two cases that will hopefully keep citizens and NOPD officers safe.

Three years into the process of the UFRB convening, OIPM continues to watch the UFRB grow in terms of self-reflection and willingness to engage with areas of needed improvement.



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## B. OIPM INVOLVEMENT AND RESULTS FROM THE UFRB PROCESS

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OIPM has integrated itself into the UFRB process. This has provided an opportunity for OIPM to engage with various NOPD divisions – PIB, Field Operations, Policy, etc. – regarding issues of significant public concern.

Prior to each UFRB, OIPM investigators review the file of a critical incident and then meet or correspond with members of PIB to discuss identified areas of concern. For example, OIPM reviewers have discussed the OIPM’s questions and concerns regarding sequestration of involved officers at critical incident scenes.

PIB has been responsive in discussing these issues with OIPM and then raising many of them during the UFRB hearings. OIPM has also raised its concerns directly at the UFRB hearings, to varying levels of receptivity.

OIPM’s participation in the UFRB process has yielded important results by identifying patterns/concerns about use of force. One such pattern involves the role of supervising officers at a use of force scene. In some cases, the supervising officer engaged in the force and/or did not help his supervisee officers de-escalate the situation. A pattern that OIPM flagged for NOPD in 2017 remains a concern in 2018; the lack of or untimely sequestration by supervisors of involved officers at critical incident scenes. The OIPM has also noted in some cases where the current NOPD policy does not match the requirements of the Consent Decree. In those instances, OIPM reviewers have provided written documentation to the UFRB and the Professional Standards & Accountability Bureau. The OIPM will continue to monitor these concerns and conduct a thorough review for a future report.

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### NOPD DETERMINATIONS FOR 2018

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PIB provided the OIPM with the following criminal and administrative dispositions for the Critical Incidents, and use of force incidents, which occurred in 2018 and were reviewed by the UFRB in 2018.

Appendix B contains a narrative for each of the cases included herein.



**TABLE 3: NOPD DETERMINATIONS**

<b>NOPD Item#/ASI # or FTN #</b>	<b>Date of UFRB</b>	<b>Incident Type</b>	<b>Justified</b>	<b>Within Policy</b>	<b>OPDA Actions (Officer and Civilian)</b>
A.S.I. 2018-0001 FTN: 2017-0222 Slidell Police Dept: 803-0686	May 10, 2018	Negligent Discharge	N/A <sup>13</sup>	YES	The incident occurred in St. Tammy Parish. Therefore, the Orleans Parish District Attorney's Office (OPDA) was not involved in any decision making regarding potential criminal charges against Officer Wise.
A.S.I. 2018-02 Item: G-19231-18 Slidell PD: 1807-1172	December 13, 2018	Negligent Discharge	N/A <sup>14</sup>	YES	The incident occurred in St. Tammy Parish. Therefore, the Orleans Parish District Attorney's Office (OPDA) was not involved in any decision making regarding potential criminal charges against Captain Hargrove.
H-09174-18 ASI: 2018-03	February 14, 2018	OIS Dog Shooting	YES	YES	The OPDA was notified of the incident by NOPD for review. After review, the Orleans Parish District Attorney's Office did not file criminal charges against any of the officers involved in the use of force.
J-02617-18 / FTN: 2018-0360	Pending	In custody Death	Pending	Pending	
J-21502-18/ ASI: 2018-04	December 13, 2018	Negligent Discharge	N/A <sup>15</sup>	YES	The OPDA was notified of the incident by NOPD for review. After review the Orleans Parish District Attorney's Office did not file criminal charges against Officer Morris.

<sup>13</sup> In the case of a negligent discharge of a weapon by an officer the UFRB does not vote regarding justification.

<sup>14</sup> *Id.*

<sup>15</sup> In the case of a negligent discharge of a weapon by an officer the UFRB does not vote regarding justification.



## APPENDIX A – ALL CASES REVIEWED BY THE UFRB IN 2018<sup>16/17</sup>

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### January 2018

#### Case One:

A. **NOPD Item#/ASI#/ FTN#:** A.S.I#: 2017-0004 Item#: I-06855-17

B. **Date of UFRB:** January 11, 2018

C. **Incident Type:** Negligent Discharge

D. **Summary of the Case:**

On September 6, 2017, at 7:45 A.M., Officer Koelling, assigned to SCIS was in the process of test firing a semi-automatic, AK-47 style rifle, into the analysis water tank for bullet and retrieval purposes. During the process a spent casing jammed in the ejection port. As Officer Koelling attempted to remove the jammed casing, the bolt slammed forward and the rifle fired, causing an accidental discharge.

E. **Justified:** N/A<sup>18</sup>

F. **Within Policy:** YES

G. **BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

1) **Training:** Firearms handling and safety training.

#### Case Two:

A. **NOPD Item#/ASI#/ FTN#:** FTN: 2017-0222 Item: E- 00734-17

B. **Date of UFRB:** January 11, 2018

C. **Incident Type:** Multiple C.E.W. Usage

D. **Summary of the Case:**

On May 1, 2017, at 1 :49 P.M. Seventh District General Assignment Task Force Officers Millon and McNeil conducted a traffic stop and encountered a subject who refused to submit to an arrest by the officers and resisted by jumping into the open front cab area of his vehicle and attempted to grasp at unknown objects. The subject eventually attempted to flee from the officers on foot.

During the incident, the officers utilized a C.E.W. four times upon the subject who was unhandcuffed and still resisting by attempting to flee from the officers. The officers were able to place the subject into handcuffs. The subject again

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<sup>16</sup> The UFRB reviews cases upon completion of the case's investigation and when the criminal case is closed. Therefore, it is not unusual for the UFRB to review cases that happened prior to the current calendar year that the Board is hearing the case.

<sup>17</sup> There was no UFRB held in the months of February 2018 and April 2018.

<sup>18</sup> In the case of a negligent discharge of a weapon by an officer the UFRB does not vote regarding justification.



attempted to stand and flee, where the C.E.W. was administered for a fifth and final time by Officer McNeil.

E. **Justified:** NO

F. **Within Policy:** NO

G. **BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

- 1) **Policy Violation:** Rule 2: Moral Conduct; Paragraph 6, Unauthorized Force.
- 2) **Training:** Officer: N/A because no longer on the police force. Officer McNeil was killed in the line of duty before the case was reviewed by the UFRB.

**Case Three:**

A. **NOPD Item#/ASI#/FTN#:** FTN: 2017-0403 Item: H-11965-17

B. **Date of UFRB:** January 11, 2018

C. **Incident Type:** C.E.W. Usage on Handcuffed Person

D. **Summary of the Case:**

On August 9, 2017, at approximately 8:35 PM, Officer Kalpas and Detective Richardson were escorting a male to Officer Kalpas's vehicle which was parked in the sally port area of NOPD Headquarters near the Gravier Street exit. At the time of the incident the male was under arrest for sexual battery, a felony offense. The male was placed in handcuffs with his hands behind his back. As Officer Kalpas turned his back on the male to unlock his patrol car, without either officer having physical contact with him, the male attempted to escape custody by running out of the sally port towards Broad Street. Officer Kalpas and Detective Richardson both began to chase the male. Officer Kalpas, while running, deployed his C.E.W. at the male, who was still in handcuffs. The probe deployment of the C.E.W. made contact with the male and caused him to fall forwards on the sidewalk. As a result of the fall the male suffered abrasions to the left side of his face, his left shoulder, and his left abdomen. The male was then taken back into custody and transported to University Medical Center to be treated before being brought to Central Lockup.

E. **Justified:** YES

F. **Within Policy:** NO

G. **BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

- 1) **Policy Violation:** *Officer Kalpas* **Rule 4:** Performance of Duty; Para 4: Neglect of Duty C(6).
- 2) **Training:** Counseling was given to Officers Kalpas and Richardson regarding proper escorting of prisoners.



## March 2018

### **Case One:**

**A. NOPD Item#/ASI#/FTN#:** FTN: 2017- 0563 Item: J-36278 · 18

**B. Date of UFRB:** March 8, 2018

**C. Incident Type:** C.E.W. Usage on Handcuffed Person

#### **D. Summary of the Case:**

On October 29, 2017, at 12:40 AM, Officer Agustin deployed her C.E.W. against a handcuffed subject in the 700 block of Canal Street. Moments before the C.E.W. deployment, the subject escaped from Officer Agustin's custody after she allowed him to retrieve money from his truck. Officer Agustin was working a paid detail in Lakeview. Officer Agustin conducted a traffic stop for illegal displaying of a license plate. Mr. Barrios was able to move his handcuffs from the back to the front while in the police vehicle. Officer Agustin deployed her C.E.W. and the subject continued to flee until apprehended by additional units. Only one probe made contact.

**E. Justified:** NO

**F. Within Policy:** NO

#### **G. BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

**1) Policy Violations:** (a) **Rule 2:** Moral Conduct; Paragraph 6, Unauthorized Force, (b) **Rule 4:** Performance of Duty, Para 4: Neglect of Duty, C (6) and (c) **Rule 4:** Performance of Duty, Para 4: Neglect of Duty, C (7)

**2) Training:** (a) Street Survival, (b) C.E.W. and (c) Defensive tactics.

**3) Additional Action:** Officer Agustin was immediately removed from the district and required to attend retraining conducted by the Training Academy.

### **Case Two:**

**A. NOPD Item#/ASI#/FTN#:** FTN: 2017-0530 Item: J-12217-17

**B. Date of UFRB:** March 8, 2018

**C. Incident Type:** C.E.W. Usage

#### **D. Summary of the Case:**

On October 10, 2017, at 9:00 A.M., Officer Cauthron was dispatched to investigate a simple battery. Officer Cauthron proceeded to the location as a 1-person unit. She arrived prior to the arrival of any additional units. Upon arrival Officer Cauthron observed a male lying on the sidewalk. Officer Cauthron spoke with the homeowner who stated the male lying on the sidewalk attempted to enter his residence. Officer Cauthron said after she spoke with the homeowner she attempted to speak with the male on the sidewalk. The male on the sidewalk was asleep. He suddenly awakened and stood up. The male began to walk towards her, while stating "I want to die." This caused Officer Cauthron to retreat. Officer Cauthron drew her C.E. W. from the holster, she then gave the



male verbal commands that she would tase him. The male did not stop his advance. Officer Cauthron deployed her C.E.W. while the male continued to advance. The probes struck the male in the chest and stomach, causing the male to fall to the ground. The male immediately stood back up and again began to advance towards Officer Cauthron. Officer Cauthron continued to retreat and attempted to reload her C.E.W. She held the trigger for a total of 26 seconds. The connection was broken when the male fell to the ground therefore there was not a complete circuit.

E. **Justified:** YES

F. **Within Policy:** YES

G. **BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

1) **Training:** (a) Street Survival, (b) C.E.W. and (c) Defensive tactics.

2) **Additional Action:** Officer Cauthron was immediately removed from the district and required to attend retraining conducted by the Training Academy.

**Case Three:**

A. **NOPD Item#/ASI#/FTN#:** FTN: 2017-0648 Item: L- 30320-18

B. **Date of UFRB:** March 8, 2018

C. **Incident Type:** C.E.W. Usage on Handcuffed Person

D. **Summary of the Case:**

On December 27, 2017, at 10:46 A.M., Officers McLaurin and Balderas were transporting a woman to University Hospital, for psychiatric evaluation. While enroute the officers pulled to the shoulder lane of I-10 in order to seat belt the woman. As the door opened, the woman attempted to flee the vehicle and would not return to the rear seat. Officer McLaurin deployed her C.E.W. and delivered 2 cycles, before being able to place the woman back in the vehicle.

E. **Justified:** YES

F. **Within Policy:** YES

G. **BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

1) **Policy Violation:** Redirection for violating NOPD CHAPTER: 71.1 Prisoner Transportation and Guarding by not seat belting the subject.

2) **Recommendations:** (1) District notifications regarding Chapter 71.1 regarding seat belting of subjects and (2) Chapter 1.3.6 Use of Force Reporting regarding sequestration of officers involved in a use of force.



## May 2018

- A. **NOPD Item#/ASI#/FTN#:** A.S.I.: 2018-0001, FTN: 2017-0222, Slidell Police Dept: 803-0686
- B. **Date of UFRB:** May 10, 2018
- C. **Incident Type:** Negligent Discharge
- D. **Summary of the Case:**

On March 8, 2018, Officer Donald Wise had an accidental discharge while at his home. Officer Wise went to retrieve a package from his front door, with his firearms in his hand. As Officer Wise was walking from the living room to the garage the package slipped and as he attempted to grab the slipping package and firearm, he discharged a round into the floor.
- E. **Justified:** N/A<sup>19</sup>
- F. **Within Policy:** YES
- G. **BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**
  - 1) **Training:** Weapons handling and safety training.

## June 2018

- A. **NOPD Item#/ASI#/FTN#:** A.S. I. 2016-0005 Item: H- 22654-16
- B. **Date of UFRB:** June 14, 2018
- C. **Incident Type:** OIS – Civilian Death
- D. **Summary of the Case:**

On August 21, 2016, at around 3:21 P.M., numerous members of the New Orleans Police Department and Louisiana State Police (LSP), responded to the area of Duels Street and Allen Street on a Signal 108 (Officer Needs Assistance - Life in Danger). LSP Trooper Clark, unit B59, requested assistance after he attempted to stop a stolen Toyota Camry whose occupants bailed from the Camry near the same intersection. One of the Camry's rear seat occupants (driver side) fired a Glock 17 9mm semi-automatic handgun seven times at Trooper Clark as he and the other occupants bailed from the Camry and fled on foot towards Hope Street. While Trooper Clark's police vehicle sustained damage from the suspected person's gunfire, Trooper Clark was not injured from the gunfire. A perimeter was established and during the search for the occupants, LSP Trooper Pineda, unit N21, located the suspected person at an address on Hope Street, Apartment A. The suspected person fired his same handgun at Trooper Pineda, striking Pineda once in the left arm. Trooper Pineda returned fire three times from his department-issued Glock 17 9mm semi-automatic handgun, but it was not ballistically confirmed if the suspected person sustained injury from Trooper

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<sup>19</sup> In the case of a negligent discharge of a weapon by an officer the UFRB does not vote regarding justification.



Pineda's expended rounds. The suspected person continued his flight through the rear yards of Hope Street to the 2000 block of Law Street.

Once in the 2000 block of Law Street, the suspected person headed westbound towards New Orleans Street. Upon arriving at the intersection of New Orleans Street and Law Street, the suspected person observed two uniformed police officers approaching him from the 2600 block of New Orleans Street. The suspected person fired multiple rounds at the officers from his same handgun and attempted to cross the street. First District B-Platoon NOPD Officer Rotton fired fifteen rounds at the suspected person from his department-issued Bushmaster XMI 5 .223 caliber semi-automatic patrol rifle. As this occurred, Fifth District B-Platoon Officers Jones (driver) and Williams (passenger) arrived at the same intersection, parking their marked police vehicle in the 2500 block of New Orleans Street, on the eastern side of Hardin Park. Officer Williams exited the police vehicle, crouched down and fired his department-issued Glock 22 .40 caliber semi-automatic handgun once at the suspected person. It was not ballistically confirmed if the suspected person sustained injury from Officer Williams' expended round.

The suspected person fell to the ground at the northwestern intersection of New Orleans Street and Law Street after being struck through the right lateral hip area by a round fired from Officer Rotton's patrol rifle. The suspected person then placed his Glock 17 9mm semi-automatic handgun to the rear right-side of his head and fired one round into his skull. LSP Sergeant Guidry, NOPD Detective Davis, along with NOPD Officer L. Johnson approached the suspected person's body. Sergeant Guidry kicked the suspected person's firearm away from his hand with his (Guidry's) foot. Officer Johnson then grabbed the suspected person' by his legs and pulled him back towards the 1900 block of Law Street, away from the firearm that lay on the asphalt. Officer Rotton then kicked the suspected person's firearm further away from his body into a grassy area near the curb. New Orleans Emergency Medical Services (EMS) were requested for both the suspected person and Trooper Pineda. EMS transported the suspected person to University Medical Center, where he was pronounced dead. EMS also transported Trooper Pineda to University Medical Center for treatment of his gunshot wound.

**E. Justified: YES**

**F. Within Policy: YES**



## G. BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)

- 1) **Training:** *Officer Rotton*-- Weapons handling and safety training.
- 2) **Commendation:** On Thursday, December 14, 2017, at around 5:30 P.M., Officer Rotton received a Medal of Merit for his actions during this incident.

### July 2018

A. **NOPD Item#/ASI#/FTN#:** FTN 2018-0120 Item: D-04468-18

B. **Date of UFRB:** July 12, 2018

C. **Incident Type:** Strikes to a Handcuffed Person

#### D. **Summary of the Case:**

On April 4, 2018, at about 3: 19 P.M., Officer Gex (assigned to the F.B.I. task force) requested assistance. The request for assistance was help in stopping a Chevy Avalanche occupied by several masked subjects who attempted shooting occupants of a black Acura. As the vehicle entered the 7th district, a marked 7th District vehicle manned by Officers Nguyen, Yates and Huguley attempted to stop the Avalanche. The vehicle refused to stop and fled with the officers in pursuit. The pursuit continued into the Skyview subdivision.

Additional 7th district units assisted in the pursuit, until the subjects fled the vehicle on foot. Officers Million and Sartain arrived in the Skyview subdivision and engaged in a foot pursuit of the subjects. Two subjects were apprehended by 7th district officers. One of those subjects (M.J.) was handcuffed while a firearm that he had discarded was retrieved by Officer Sartain. M.J. was compliant when handcuffed until he moved his handcuffs to the front and began struggling with Officer T. Johnson of the 7th District. Officer Millon and Sartain attempted to aid Officer Johnson in controlling M.J. A request for additional units was made because of the large crowd which was forming.

M.J. bit Officer Johnson and Officer Millon. Officer Millon struck M.J. twice to get M.J. to release the bite. M.J. again became combative as the officers attempted to place him in the vehicle. M.J. then head-butted Officer Huguley as he attempted to assist placing him in the vehicle. Officer Huguley responded by delivering one strike to M.J.'s chest. M.J. also bit Officer Huguley.

E. **Justified:** YES

F. **Within Policy:** YES



**G. BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

- 1) **Policy Violations:** (a) *Officer McGuire* – Verbal Counselling on Chapter 1.3.1.1 Handcuffing and Chapter 71.1 Prisoner Transport.  
(b) *Officer S. Jones* – Verbal Counselling on Chapter 1.3.1.1 Handcuffing and Chapter 71.1 Prisoner Transport.
- 2) **Training:** (a) *Officer Johnson* receive 4 hours of handcuffing training provided by the academy.  
(b) *Officer Million* receive 4 hours of handcuffing training provided by the academy.

**August 2018**

**Case One:**

**A. NOPD Item#/ASI#/FTN#:** FTN 2018-0122 Item: D- 05210-18

**B. Date of UFRB:** August 9, 2018

**C. Incident Type:** Multiple C.E.W. Cycles -15 Seconds

**D. Summary of the Case:**

On April 5, 2018, at 4:30 A.M., 5th District Officer Rush responded to a signal 103 (disturbance call) at an address on Law Street. During the call for service Officer Rush deployed her C.E.W. against a male subject suffering from what appeared to be a mental crisis. Officer Rush cycled her C.E.W. three (3) times, for a total of 15 Seconds.

Upon review of Officer Rush's body-worn camera and C.E.W. video it was revealed Officer Rush appeared to be within policy as she first deployed her C.E.W., however the second and third application appeared to be a violation of the C.E.W. policy and current training. The subject appeared to present passive and active resistance only by not allowing the officers to handcuff him. Officer Rush also activated her C.E. W. the second and third cycle without verbal warning as required by department policy.

**E. Justified:** NO

**F. Within Policy:** NO

**G. BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

- 1) **Policy Violations:** *Officer Rush:* (a) Rule 4: Performance of Duty Paragraph 4: Neglect of Duty sub C - 6 to wit CHAPTER: 1.3 TITLE: USE OF FORCE sub paragraph 30. Force to overcome passive re-sistance and (b) Rule 4: Performance of Duty Paragraph 4: Neglect of Duty sub C - 6 to wit CHAPTER 1.7.1 Use of Force, paragraph 4: sub paragraph. 27



- 2) **Training:** (a) *Officer Rush*— (1) Handcuffing, (2) Conducted Electrical Weapon, and (3) Situational Awareness.  
(b) *Officer Buckle*— (1) Handcuffing, (2) Conducted Electrical Weapon, and (3) Situational Awareness.

**Case Two:**

**A. NOPD Item#/ASI#/ FTN#:** FTN 2018-0050 Item: B-J 2322-18

**B. Date of UFRB:** August 9, 2018

**C. Incident Type:** Strikes to a Handcuffed Person

**D. Summary of the Case:**

On February 11, 2018, at 1:44 A.M., Officer Gantner and additional units responded to a suspicious person call in the 6000 Block of Wickfield Drive. The suspicious person was inside of a school bus. The subject was removed from the bus and handcuffed. While in handcuffs Officer Gantner struck the subject to his hands with her flashlight. Sergeant Baker responded to the scene to assist the officers regarding this incident.

**E. Justified:** NO

**F. Within Policy:** NO

**G. BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

- 1) **Policy Violations:** (a) Rule 4: performance of duty; C (6), Failing to comply with instructions, oral or written, from an authoritative source; to wit Chapter 1.3, paragraph 21. Authorized impact weapons and (b) Rule 4: performance of duty; C (6), Failing to comply with instructions, oral or written, from an authoritative source; to wit Chapter 41.3.10, paragraph 10 (i), Body worn camera
- 2) **Training:** (a) *Officer Gantner*---Verbal counseling on the proper selection and use of an impact weapon.  
(b) *Sergeant Baker* --- One on one training from F.I.T. Lieutenant on supervisor responsibilities for use of force reporting.

**September 2018**

**A. NOPD Item#/ASI#/ FTN#:** FTN 2018-0196 Item: E-28527-18

**B. Date of UFRB:** September 13, 2018

**C. Incident Type:** Multiple C.E.W. Cycles -15 Seconds

**D. Summary of the Case:**

On May 23, 2018, Officer Weidman responded to a call for service in the 9200 Block of Forshey Street. The incident resulted in a Level- 2 use of force that was later upgraded to a Level -4. The use of force involved Officers Weidman (C.E.W. deployment). The other officers at the scene were Gueldner, St. Charles and Lt. Kramer. The officers responded to an attempted suicide. The suspected person



had allegedly consumed alcohol, crack cocaine and heroin and was refusing to come out of the residence. After the officer who was C.I.T. certified spend a considerable amount of time with the suspected person, he voluntarily walked to the ambulance and got inside of it. The suspected person became agitated upon learning he was being transported to the hospital instead a mental health facility and threatened to fight everyone. He then freed himself from the E.M.S. gurney and fled out the back of the ambulance. The officer pursued him on foot and drew his taser (C.E.W.) The suspected person dropped to his knee, covered his head and said "don't taze me." The officer deployed his C.E.W., striking the suspected person. The suspected person then appeared to suffer from a seizure.

**E. Justified:** YES

**F. Within Policy:** NO

**G. BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

**1) Policy Violations:** (a) Rule 2 Moral Conduct, Paragraph 6: Unauthorized Force and (b) Chapter 1.7.1, C.E.W. Not providing a verbal warning and using force against a compliant individual.

**2) Training:** (a) *Department Wide* ---Transitioning from C.I.T. to police action; (b) *Officer Weidman* -- (i) C.I.T. refresher, (ii) De-escalation refresher, (iii) Room clearing and (iv) Handcuffing of a combative subject; (c) *Officer Gueldner*---(i) C.I.T. refresher, (ii) De-escalation refresher, (iii) Room clearing and (iv) Handcuffing of a combative subject and (d) *Officer St. Taylor*--(i) C.I.T. refresher, (ii) De-escalation refresher, (iii) Room clearing and (iv) Handcuffing of a combative subject.

#### October 2018

**A. NOPD Item#/ASI#/ FTN#:** FTN 2018-0230 Item: F- 24303-18

**B. Date of UFRB:** October 11, 2018

**C. Incident Type:** Strikes to a Handcuffed Person and Hog Tying

**D. Summary of the Case:**

7th District officers Balderas and Moore responded to a call for service regarding a domestic battery. The victim said her husband struck her in the face and took her cellphone. A second call was received by the husband saying his wife took his money and refused to return it. The officers determined the husband to be the primary aggressor. The officers attempted to arrest the husband but were unsuccessful. The husband displayed passive, active, and aggressive resistance as they officers attempted to handcuff him.

Additional officers arrived and eventually were able to get the husband in handcuffs. He refused to enter the police vehicle and said they would have to kill him. The officers picked the husband up and carried him to the police vehicle.



When at the vehicle the husband would not get in. The husband stood up and kicked his way back out the vehicle several times. He said he was not going back to jail.

Sgt. Smothers arrived on the scene and attempted to talk to the husband and have him enter the police vehicle. The husband would not comply. Sgt. Smothers attempted to force (push) the husband into the vehicle but was also unsuccessful.

Sergeant Smothers placed leg restraints (shackles) on the husband's feet to try and get him in the vehicle. The husband was still able to get out of the vehicle. Sgt. Smothers used his expandable baton to strike the husband in the leg two times and one time in the back. He then pushed the husband into the vehicle. The husband again refused to place his feet in the vehicle. Sgt. Smothers extended his baton and struck the husband 10 more times in the legs. Sgt. Smothers then removed the husband from the vehicle and attached handcuffs between the shackles and the handcuffs (hog tie).

While being transported to the hospital for injuries to his legs, the suspected person who was on his stomach and hog tied in the back of an NOPD police car, verbalized several times to the NOPD officer driving him that he was having trouble breathing.

**E. Justified:** NO

**F. Within Policy:** NO

**G. BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

**1) Policy Violations:** (a) *Sergeant Smothers* -- (i) Rule 2 Moral Conduct, Paragraph 6: Unauthorized Force and (ii) Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c) 6: Failing to comply with instructions, oral or written from any authoritative source to wit: NOPD Chapter 1.3.1.1: Handcuffing and Restraint Devices, Paragraph 20(d); (b) *Sergeant Young* -- Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c) 6: Failing to comply with instructions, oral or written from any authoritative source to wit: NOPD Chapter 1.3.1.1: Handcuffing and Restraint Devices, Paragraph 20(d); and (c) *Officer Wallis* - Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c)6: Failing to comply with instructions, oral or written from any authoritative source to wit: NOPD Chapter 1.3.6: Reporting Use of Force, Paragraph 21.

**2) Training:** *Department Wide* ---(a) Transporting unwilling subjects and (b) Use of restraint devices (Hobble Straps and Leg Shackles).



## November 2018

**A. NOPD Item#/ASI#/FTN#:** FTN 2018-0224 Item: F-19794-18

**B. Date of UFRB:** November 8, 2018

**C. Incident Type:** Multiple C.E.W. Cycles

**D. Summary of the Case:**

On June 17, 2018, at about 1:59 A.M., Officers Clark, Majors and Sergeant Torregano responded to an apartment complex in the 3500 block of Garden Oaks Dr. for a domestic battery.

The suspected person was hiding in a closet when officers arrived on scene. As the officers attempted to detain the suspected person, he ran towards Sgt. Torregano in an attempt to flee. He was pulled away by Officers Majors and Clark who attempted to handcuff him. The suspected person continued to resist by pulling his arms away. The officers were not able to place the suspected person in handcuffs. He was then struck 3 times in the head by Sgt. Torregano using his hands. The suspected person continued to resist by pulling his arms away and trying to flee. Officer Major then deployed his C.E.W. striking the suspected person and having no effect. The suspected person then ran out of the apartment.

The suspected person attempted to evade the officers by hiding behind a wooden fence. Officer Clark located the suspected person and deployed his C.E.W. for 3 cycles. FIT was called out due to 4 cycles total being used (1 Officer Major + 3 Officer Clark).

**E. Justified:** NO

**F. Within Policy:** NO

**G. BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

1) **Policy Violation:** *Officer Clark* -- Rule 2: Moral Conduct; Paragraph 6, Unauthorized Force, Employees shall not use or direct unjustifiable physical abuse, violence, force or intimidation against any person.

2) **Training:** (a) *Officer Clark* ---(i) Use of force decision making and (ii) Deployment considerations for the C.E.W. and (b) *Officer Torregano* -- Use of Force statement preparation.

## December 2018

**Case One:**

**A. NOPD Item#/ASI#/FTN#:** A.S.I. 2018-02 Item: G-19231-18 Slidell PD: 1807-1172

**B. Date of UFRB:** December 13, 2018

**C. Incident Type:** Negligent Discharge

**D. Summary of the Case:**



The incident occurred at a Sonics restaurant in Slidell, Louisiana on July 16, 2018, at about 6:30 a.m. Captain Hargrove of PIB was assigned to the range to requalify with his firearm. While Captain Hargrove was at Sonics, he attempted to break down his firearm, while he was seated in the driver seat of his department issued vehicle. Captain Hargrove did not remove the live round from the chamber as he broke down the weapon. Upon pulling the trigger the firearm discharged.

E. **Justified:** N/A<sup>20</sup>

F. **Within Policy:** NO

G. **BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

- 1) **Policy Violations:** (a) Rule 4, Performance of Duty, Paragraph 4 Neglect of Duty (a) Each employee, because of his grade and assignment, is required to perform certain duties and assume certain responsibilities. An employee's failure to properly function in either or both of those areas constitutes a ne-glect of duty; (b) Rule 4, Performance of Duty, Paragraph 4 Neglect of Duty (c) 6. Failing to comply with in-structions, oral or written, from any authoritative source, to wit Chapter 61. 7 paragraph 48(c) Traffic Crash reports should not be taken for traffic crashes occurring on private property, unless: There is property damage of \$500 or more and (c) Chapter 1.4.2 Firearms requalification. The captain was beyond his qualifications for 2017 and 2018 and should have qualified in the month of May. Failure to qualify was recommended to be resolved through non-disciplinary means in Insight by Commander Williams.
- 2) **Training:** (a) Lieutenant of F.I.T sent an instructional video to Captain Hargrove explaining the steps to properly unload and disassemble the Glock 23 and (b) Attend a 2-hour handgun safety class with a firearms instructor. This training will cover loading/unloading, checking for safety prior to handling etc.

**Case Two:**

A. **NOPD Item#/ASI#/FTN#:** A.S.I. 2018-04 Item: G-19231-18

B. **Date of UFRB:** December 13, 2018

C. **Incident Type:** Negligent Discharge

D. **Summary of the Case:**

On Wednesday, October 17, 2018, at around 5:30 P.M., 4th District Power Watch Officer Morris inspected his equipment in the station's parking lot, 2405

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<sup>20</sup> In the case of a negligent discharge of a weapon by an officer the UFRB does not vote regarding justification.

Sanctuary Drive, prior to beginning his scheduled tour of duty. This equipment inspection included the officer's personally owned secondary handgun, a Taurus model 85 .38 caliber revolver. Officer Morris carried this handgun in a "Comfort Tac" nylon/ spandex ankle holster.

While Officer Morris stood near his and his partner's, Officer Rico, assigned police vehicle (B 15113), Officer Morris held the holster containing the handgun (pointed towards the ground) in his left hand. The officer, using his right hand, unsnapped the holster's retention strap and pulled the handgun from the holster. During this process, Officer Morris discharged one round from the handgun towards the parking lot's asphalt surface. No injuries or property damage resulted from Officer Morris' firearm discharge. It was later learned Officer Morris' secondary weapon was not an authorized weapon as per departmental policy.

E. **Justified:** N/A<sup>21</sup>

F. **Within Policy:** NO

G. **BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**

- 1) **Policy Violations:** (a) *Officer Morris* --- Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (c) 6: Failing to comply with instructions, oral or written from any authoritative source to wit: NOPD Chapter 1.4: Authorized Firearms, Paragraph 24 ( e ); (b) *Senior Officer Matthews* --- Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (a): Each employee, because of their grade and assignment, is required to perform certain duties and assume certain responsibilities. An employee's failure to properly function in either or both of those areas constitutes a neglect of duty to wit: NOPD Chapter I .4: Authorized Firearms, Paragraph 24 (e) and (c) *Senior Officer Rochon* --- Rule 4: Performance of Duty, Paragraph 4: Neglect of Duty, (a): Each employee, because of their grade and assignment, is required to perform certain duties and assume certain responsibilities. An employee's failure to properly function in either or both of those areas constitutes a neglect of duty to wit: NOPD Chapter 1.4: Authorized Firearms, Paragraph 24 (e).
- 2) **Policy Considerations:** The addition of a space on the trip sheet to allow officers to show they are carrying a secondary weapon on duty. Including random inspections of secondary weapons.

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<sup>21</sup> In the case of a negligent discharge of a weapon by an officer the UFRB does not vote regarding justification.

- 3) **Training:** (a) *Department Wide* --- Currently, commissioned personnel wishing to qualify with a secondary handgun only need to demonstrate proficiency with firing the weapon from a traditional shooting stance, NOPD should examine the feasibility of requiring commissioned personnel wishing to carry a secondary handgun in a concealed manner (ankle holster, etc.) to also demonstrate their proficiency drawing and firing the handgun from the re-spective holster in a concealed manner and (b) *Officer Morris* --- Attend a 2 hour block of instruction on firearms safety.
- 4) **Equipment Considerations:** No minimum standards currently exist for a secondary handgun holster in terms of retention capabilities, quality, durability, etc. The range instructor performing the secondary weapon qualification procedure should ensure the holster to be used in carrying this secondary weapon meets certain minimum standards for retention capabilities, quality, durability, etc. This is being addressed by the Weapons Evaluation Committee.



## APPENDIX B - OIPM CRITICAL INCIDENTS FOR 2018

	Date/Time	2018 Critical Incidents Summaries
1.	3-8-2018/ 6:30 P.M.	Officer Wise was in bed at his Slidell home when the doorbell rang. Officer Wise armed himself with a personally owned Glock 43 9mm semi-automatic handgun and opened the front door. Officer Wise observed a package left at his doorstep, retrieved the package, and closed the door. While carrying the package through the living room to the attached garage, Officer Wise, who still had the firearm in his hand, felt the firearm slip and grabbed the firearm to prevent it from falling. Upon grabbing the firearm, Officer Wise discharged one round into his living room's wooden floor. No injuries were reported.
2.	7-16-2018/ 6:39 A.M.	Captain Hargrove was parked in the Sonic Drive-In restaurant, 61105 Airport Road in Slidell, LA, practicing the break-down procedure of his department-issued Glock 23 .40 caliber semi-automatic handgun. Upon squeezing the weapon's trigger (part of the procedure), Captain Hargrove discharged one round into his police vehicle. No injuries were reported.
3.	8-8-2018/ 6:56 A.M.	Officers Newsome, Aleman and Taylor, Jr. responded to a call for service in the 5100 block of Touro Street involving three German Shepherds chasing kids in the area. As the officers approached the area where the dogs were located, the rear yard of an abandoned residence (5124 Touro St), the dogs ran towards the officers while barking. Officer Newsome fired his department-issued firearm four times at the dogs, while Officer Aleman fired his department-issued firearm two times at the dogs. Two dogs were injured; one was euthanized, while the other was in stable condition. The third dog was not injured. Officer Taylor, Jr. used no reportable force during the incident. No other injuries were reported.
4.	10-2-2018/ 9:52 P.M.	Officer Pierre was dispatched on a call for service in the 800 block of Independence Street regarding an unknown African-American male wearing a blue shirt and shorts in the neighborhood screaming for help while holding a shiny object in his hands. This individual fled on foot towards Dauphine Street prior to the officer's arrival. Officer Pierre began canvassing the area for this individual.



		<p>Around 9:57 p.m., Officers Schwartz and Harrington were dispatched to a residential burglary in progress on Dauphine Street regarding an individual, under the influence of narcotics, attempting to force entry into the residence. Officer Pierre noticed the alleged perpetrator's description from this burglary matched the individual's description from his call for service and proceeded to Dauphine Street. Upon arrival at Dauphine Street, Officers Pierre, Harrington and Schwartz encountered the individual in the resident's driveway. The individual was armed with a knife and began walking towards the officers. Once the officers gave the individual several verbal commands to drop the knife, he complied before continuing to walk towards the officers. As the individual approached the officers, they noticed him bleeding from his lower lip/mouth area.</p> <p>Officers Harrington and Schwartz attempted to hold the individual's arms so Officer Schwartz could handcuff him. The individual was able to wiggle away from the officers' grasps before he lay on the ground and attempted to kick the officers. As Officer Pierre held onto the individual's ankles to prevent him from kicking, Officers Harrington and Schwartz successfully handcuffed the individual behind his back. Approximately one minute after the individual was handcuffed, he stopped breathing. Officer Harrington retrieved his Narcan from his vehicle and administered it to the individual, but it did not work. Officers Schwartz and Pierre began CPR on the individual after requesting EMS to the scene. A registered nurse, who resided in the neighborhood, arrived prior to EMS' arrival and also assisted with performing CPR on the individual. The individual was transported to Tulane Hospital and died on Wednesday, October 3, 2018 at 1:40 A.M.</p>
5.	10-18-2018/ 5:30 P.M.	<p>Officer Morris was checking his equipment prior to going on duty. While checking his secondary handgun, a Taurus 38 caliber revolver, Officer Morris discharged one round into the ground of the parking lot at the district station. There were no injuries or property damaged as a result of the discharge.</p>

