

Office of the Independent Police Monitor

City of New Orleans

2019 Annual Report:

OIPM Use of Force Monitoring and Review Activities



Susan Hutson

Independent Police Monitor

May 30, 2020

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INDEPENDENT POLICE MONITOR MISSION AND RESPONSIBILITIES

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

The Independent Police Monitor is 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 (NOPD). 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.

Ordinarily the Office of the Independent Police Monitor uses this report as an opportunity to provide the community, the NOPD, and the Ethics Review Board with relevant policing data from the year. This data review utilizes data inputted by the NOPD but analyzed by the OIPM. In this data analysis, the OIPM identifies potential patterns and trends within misconduct complaints, disciplinary proceedings, use of force and critical incidents and puts forth recommendations. The OIPM Annual Report is an opportunity for both the OIPM and the NOPD to reflect on the year of policing through this data work and create a plan for the coming year on how to better work together to change problematic trends and continue positive ones. However; due to the Cyber-Attack on the City of New Orleans in December 2019, the NOPD and the OIPM has been unable to access necessary shared databases that stored the data necessary to complete this work. This Cyber-Attack is still an obstacle to our data work today and for that reason, there will not be a data analysis section in our different sections of the 2019 Annual Report. The OIPM is working with the NOPD leadership and the City of New Orleans to restore those necessary databases and once restored, will determine how to proceed with our data analysis for the 2019 year.

Despite this setback, the OIPM still looks forward to presenting this year's Annual Report with a focus on our internal work because 2019 has been a busy year. In 2019, the NOPD neared full compliance with the Federal Consent Decree and took many strides to complete federal monitoring and to transition to oversight conducted entirely by OIPM. In 2019, the OIPM saw an increase in our complaints and we received a record number of complaints from the community. This year there was also an unfortunate increase in critical incidents which resulted in the OIPM monitoring and reviewing critical incident investigations for officer involved shootings every month. In 2019, the OIPM increased the number of outreach events conducted for the community and increased our impact in the community by participating in more television, radio and print media interviews. OIPM also celebrated ten (10) years of existence in New Orleans and marked the occasion with a community event including panels and



speakers from the community and NOPD. Now, the OIPM looks forward to sharing our work from 2019 with the community, the NOPD and the Ethics Review Board. This “**2019 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.

Finally, 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. On behalf of the OIPM, I thank PIB for their efforts in strengthening this report and look forward to achieving these goals together in 2020.

Susan Hutson
Independent Police Monitor



2019 OIPM USE OF FORCE MONITORING AND REVIEW ACTIVITIES

Use of Force monitoring and reviews are an opportunity for the OIPM to conduct a qualitative assessment of an investigation to ensure thoroughness, timeliness, fairness, transparency, accountability, and compliance with law, policy, and the Federal Consent Decree. The city of New Orleans, the NOPD, and community envisioned the OIPM as an impartial and independent oversight body to monitor and review use of force, in-custody death, and critical incident investigations conducted by the Force Investigation Team (FIT) within the Public Integrity Bureau (PIB) of the New Orleans Police Department (NOPD).

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. According to the Memorandum of Understanding (MOU), the monitoring and review of use of force was intended as an opportunity to ensure the NOPD was adhering to all required laws, policies and practices and the requirements of the Federal Consent Decree. The OIPM will attend the investigation or the relevant activity, and will document the activity taken and not taken by the NOPD. The expectation is that the OIPM representative does not participate in the activity, but instead observes the police actions and takes notes. The OIPM will be conscious of how the police action complies with relevant requirements, policy, and laws. The primary focus of the Force Monitoring is centered around Critical Incidents. A Critical Incident involves all incidents involving (1) the use of deadly force by an NOPD officer, including an Officer Involved Shooting (OIS); (2) all uses of force by a NOPD officer resulting in an injury requiring hospitalization; (3) all head strikes with an impact weapon, whether intentional or not; (4) all other use of force by an NOPD officer resulting in death; or (5) all deaths while the arrestee or detainee is in the custodial care of the NOPD. However, the OIPM does monitor some non-critical incidents.

NOPD POLICY AND USE OF FORCE

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.

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.¹ 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.²

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.

2019 CRITICAL INCIDENTS

In 2019, there were ten (10) Critical Incidents. Of the ten (10) Critical Incidents, 70% were OIS and 40% resulted in fatality. By contrast, NOPD was not involved in a single intentional OIS or a fatality in 2018. While this sudden and stark increase is of concern to OIPM, it is important to note that in each OIS that resulted in a fatality, the NOPD was not first to initiate gunfire. The following table contains the types of Critical Incidents recorded in 2019 by the OIPM.

TABLE 1: 2019 CRITICAL INCIDENTS - 10 INCIDENTS

NOPD ASI #/FTN #/Item #	Date of Incident	Type of Incident
Item#: A-05253-19 ASI#: 2019-0001	January 4, 2019 10:15 P.M.	Officer Involved Shooting - Fatality
Item#: B-22961-19 ASI#: 2019-0002	February 17, 2019 6:42 P.M.	Officer Involved Shooting - Fatality
Item#: C-06794-19 ASI#: 2019-0003	March 5, 2019 12:57 P.M.	Officer Involved Shooting
Item #: C-28789-19 FTN: 2019-0108	March 20, 2019 8:30 P.M.	Unauthorized Vehicle Pursuit - Fatality
Item#: D-15534-19 ASI#: 2019-0004	April 11, 2019 9:16 P.M.	OIS - Negligent Discharge
Item#: E-24032-19 ASI#: 2019-0005	May 17, 2019 10:05 A.M.	Officer Involved Shooting - Fatality
Item#: F-22333-19 ASI#: 2019-0006	June 17, 2019 6:11 A.M.	Officer Involved Shooting

¹ *Graham v. Connor*, 490 U.S. 386 (1989).

² Louisiana Revised Statutes 14:18, et. seq.



Item#: G-23141-19 ASI#: 2019-0007	July 17, 2019 9:43 A.M.	OIS - Negligent Discharge
Item#: J-37842-19 ASI#: 2019-0008	October 28, 2019 5:19 P.M.	Officer Involved Shooting
Item#: L-17311-19 ASI#: 2019-0009	December 12, 2019 2:35 P.M.	Officer Involved Shooting

Monitoring of Critical Incidents is essential to the work of the OIPM and mandated by the MOU between the City of New Orleans and the NOPD. OIPM works side by side with FIT throughout the investigation of a critical incident. Once notified of a critical incident, a FIT team member contacts the OIPM. An OIPM designee will report to the scene within one-hour of notification of the incident and receive a briefing on the facts and circumstances that are known at that time from FIT. The OIPM designee will be given a walk-through of the crime scene area, to the extent possible, to observe any deceased persons, any evidence to be collected, and pathways taken by involved officers, subjects and witnesses. Being able to review the scene and receive a walkthrough and briefing is essential for the OIPM to determine if the initial part of the investigation was being conducted properly. Additionally, the OIPM will shown any video or audio viewed at the scene by investigators.

Throughout the course of an investigation, the OIPM and FIT remain in regular contact about the steps being taken and decisions being made. The OIPM is notified about all officer interviews and attends the interviews to monitor the interviews in real-time.

The open lines of communication between FIT and OIPM are essential for the OIPM to make recommendations to improve the quality of NOPD critical incident investigations, accordingly.

TRENDS IN CRITICAL INCIDENTS 2011-2019

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 2011-2019

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 ³	8	7	1	1	0	0	1
2017	5	5	1	0	0	0	1
2018	5	4	0	1	0	0	0
2019	10	9	2	0	0	0	3
Totals	117	99	10	8	2	4	18

USE OF FORCE REVIEW BOARD

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.”⁴ 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.”⁵

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.”⁶ According to the Operations Manual,

³ 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.

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

⁵ *Id.* at 33.

⁶ NOPD Ops. Manual Chapter 1.3.7.



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

The voting members of the UFRB are the Deputy Superintendents of Field Operations Bureau, Public Integrity Bureau, and Investigations and Support Bureau.⁸ 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 the Force Investigation Team (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 2019, 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 as defined by NOPD Policy Chapter 1.3.

During the UFRB hearing, FIT presents the facts and circumstance surrounding Level 4 Uses of Force. 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.

NOPD Classifications of Use of Force

Level 1 Use of Force	Level-1 uses of force include pointing a firearm at a person and hand control or escort techniques (e.g., elbow grip, wrist grip, or shoulder grip) applied as pressure point compliance techniques that are not reasonably expected to cause injury; takedowns that do not result in actual injury or complaint of injury; and use of an impact
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⁷ *Id.*

⁸ *Id.* at ¶ 2.

	weapon for non-striking purposes (e.g., prying limbs, moving or controlling a person) that does not result in actual injury or complaint of injury. It does not include escorting, touching, or handcuffing a person with minimal or no resistance.
Level 2 Use of Force	Level-2 uses of force include use of a CEW (including where a CEW is fired at a person but misses); and force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 3 use of force.
Level 3 Use of Force	Level-3 uses of force include any strike to the head (except for a strike with an impact weapon); use of impact weapons when contact is made (except to the head), regardless of injury; or the destruction of an animal.
Level 4 Use of Force	Level-4 uses of force include all 'serious uses of force' as listed below: (a) All uses of lethal force by an NOPD officer; (b) All critical firearm discharges by an NOPD officer; (c) All uses of force by an NOPD officer resulting in serious physical injury or requiring hospitalization; (d) All neck holds; (e) All uses of force by an NOPD officer resulting in a loss of consciousness; (f) All canine bites; (g) More than two applications of a CEW on an individual during a single interaction, regardless of the mode or duration of the application, and whether the applications are by the same or different officers, or CEW application for 15 seconds or longer, whether continuous or consecutive; (h) Any strike, blow, kick, CEW application, or similar use of force against a handcuffed subject; and (i) Any vehicle pursuit resulting in death, serious physical injury or injuries requiring hospitalization.

UFRB POLICY CHANGES AND REVIEWED CASES

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 are coming before them. The UFRB has required officers involved in a use of force to be retrained on tactics, weapons handling and NOPD policy.



In 2019, the OIPM worked alongside NOPD leadership and FIT during UFRBs to recommend several significant changes to NOPD policy. Two major changes from 2019 worth highlighting are: (1) expanding the NOPD Policy Chapter 41.3.10 requirements regarding body-worn cameras so more responding officers are expected to wear and activate body-worn cameras; (2) prohibiting on-duty officers from carrying secondary backup firearms under NOPD Policy Chapter 1.3.7; and (3) requiring officers involved in a firearm discharge to be subject to drug and alcohol testing under NOPD Policy Chapter 13.21.

First, under NOPD Policy Chapter 41.3.10, not all officers were required to wear body-worn cameras. The benefits of body-worn cameras on the NOPD and the subsequent criminal proceedings resulting from those recorded police actions are numerous. The use of this technology limits the reliance on circumstantial or testimonial evidence and enables accountability when use of force is not justified under policy. Though body-worn cameras have a positive impact on policing and the criminal justice system, in 2019, not all officers were required to wear body-worn cameras under NOPD policy. For example, detectives and officers working paid-details, through secondary employment, were not required to wear body-worn cameras. While reviewing use of force investigations, the OIPM noticed a pattern of missing NOPD footage from these investigations because the involved officers or officers that witnessed the event were not required to wear body-worn cameras. A concerning example was from the Officer Involved Shooting (OIS) that took place in February 2019⁹. In that OIS, none of the involved officers were wearing body-worn cameras. Ultimately, footage of the shooting was recovered from other forms of surveillance cameras, but had that not been available, the NOPD would have been significantly limited in their ability to fully investigate and analyze the incident. The OIPM raised this policy concern to the NOPD leadership and FIT during a UFRB and recommended the policy be expanded to require more officers on the street to wear body-worn cameras. The NOPD listened to the OIPM recommendation and updated its policy to include: “other officers who routinely engage in patrol” and “any other officers designated by the Superintendent.” This policy expansion will benefit both officers and the public alike in providing the ability to conduct thorough investigations. In the coming year, the OIPM looks forward to reviewing the impact of this policy recommendation on other OIS investigations and use of force incidents reviewed by the UFRB.

Second, under the previous NOPD Policy Chapter 1.3.7, officers were permitted to carry additional secondary firearms while on-duty. This seemingly innocuous policy oversight meant that officers were at times carrying an additional weapon which may

⁹ See Appendix B for more details



not have had the same safety mechanisms as NOPD weapons. This exposed the NOPD to an additional risk of accidental discharges which could harm both officers and the public and damage property. In 2019, the UFRB reviewed some of these accidental discharges from secondary weapons. The OIPM identified this policy gap and raised concerns about the risk of accidental discharges from secondary weapons. The OIPM recommended the NOPD clarify their policy to prohibit the carrying of secondary weapons during duty. The NOPD listened to this recommendation and made the policy change. The OIPM commends the NOPD for being proactive in addressing this issue before any injuries occurred and hopes this policy clarification will reduce accidental discharges in 2020.

Lastly, prior to the recent changes to NOPD Policy Chapter 13.21, officers involved in a firearm discharge were not required to submit to alcohol or drug testing. The risks associated with firearm discharges can be some of the most serious of all uses of force. Based on the seriousness of the use of force, the OIPM recommended that all officers involved in a firearm discharge be required to submit to alcohol and drug testing. Evidence of intoxication or absence of intoxication must be captured in a timely fashion. The collection of this type of evidence allows the NOPD to conduct a more thorough and complete investigation. The NOPD recognized drug and alcohol testing was required in other incidents such as vehicle collisions and noted the necessity to expand the policy to include more situations. As a result, in January of 2019, the NOPD updated its policy drug and alcohol testing policy to include mandatory drug and alcohol testing for officers who fire their firearms. The OIPM recognizes the difference this addition has made to the quality of FIT investigations.

The UFRB reviewed nine (9) cases in 2019. Appendix A contains a narrative for each of the cases that came before the UFRB in 2019.



APPENDIX A – ALL CASES REVIEWED BY THE UFRB IN 2019

February 2019

Case One:

- A. **NOPD Number:** ASI#: 2018-0003; Item#: H-09174-18
- B. **Date of UFRB:** February 14, 2019
- C. **Incident Type:** Firearm Discharge
- D. **Summary of the Case:** On August 8, 2018, at about 7:00 A.M., Officers Jerome Newsome, Emilio Aleman and Ardent Taylor Jr., of the Third (3rd) District Night Watch, responded to a call of dogs chasing children in the 5100 block of Touro Street. Upon arrival at 5124 Touro Street the officers encountered three (3) unleashed German Shepherds in the rear yard. As the officers approached the house, the dogs charged at the officers. Officers Newsome and Aleman discharged their firearms and struck two (2) of the dogs.
- E. **Justified:** YES
- F. **Within Policy:** YES
- G. **Board Actions (Policy, Equipment, Tactics, Training and Commendation)**
 - Training:** Officer Newsome shall receive tactical decision-making training based on his approach to the scene and not using the vehicle for cover.

March 2019

Case One:

- A. **NOPD Number:** FTN#: 2019- 0001; Item#: L-39275-18
- B. **Date of UFRB:** March 14, 2019
- C. **Type of Force:** Hands on a Handcuffed Person
- D. **Summary of the Case:**

On January 15, 2019, Lt. Burns of the Force Investigation Team (FIT) was notified of possibly policy violations regarding a Level 4 use of force by Eighth (8th) District Officer Johnathan Fowlkes. Officer Fowlkes was involved in the transport of an arrested individual to lock-up for Trespassing and Public Intoxication. During the transport, the individual continually made threats towards Officer Fowlkes. After arriving to lock-up, Officer Fowlkes chose to relocate the individual back to the 8th District to add additional charges for the threats made against him. The individual refused to get in the police vehicle and while handcuffed Officer Fowlkes pushed him into the police vehicle headfirst. The individual struck his head against the cage which resulted in injuries to his head and eye. This Level 4 Use of Force was not reported to FIT by Sgt. Nigel Daggs.
- 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, Para 4: Neglect of Duty, (b) **Rule 2:** Moral Conduct, Para. 6; Unauthorized Force, and (c) **Rule 3:** Professional Conduct, Professionalism Para. 1
- 2) **Training:** (a) Street Survival, (b) CEW and (c) Defensive tactics.

May 2019

Case One:

A. NOPD Number: FTN#: 2019-0089; Item#: C-07902-19

B. Date of UFRB: May 09, 2019

C. Incident Type: CEW Usage

D. Summary of the Case:

On March 6, 2019, at about 6:15 A.M., two civilian NOPD employees arrived in the NOPD headquarters parking garage and observed an individual pulling on the entrance into Headquarters, eating contents from a trash bag he was carrying, and he also had a knife in his hand. The civilians notified Deputy Chief John Thomas about the situation and he notified the First District. Officer Lawrence Jones relocated to the garage area and began looking for the individual. The individual was located behind a NOPD vehicle, away from Officer Jones' vehicle. Officer Jones began giving the individual verbal commands via his loudspeaker for approximately two (2) minutes. Two (2) other officers were dispatched to the scene. Officer Jones continued to give the individual command to drop the knife and encouraged the him to get in his police vehicle so he could be taken to a counselor. The individual started walking toward Officer Jones' vehicle but then retreated to his previous location. Once the subject returned to his location, Officer Jones deployed his CEW It had no effect on the individual. Officer Bissell then deployed his CEW, but it also had no effect. Officer Bissell continued to hold the trigger of his taser for a total of nine (9) seconds. Officer Jones conducted a reload and deployed a second cartridge. This caused the individual to fall to the ground. He was then handcuffed without further incident. The incident was later changed from a signal 107 (suspicious person) armed with a knife to a 103M (response to a mental health crisis) with a Level 4 use of force due to the two (2) officers deploying their CEWs with an exposure greater than 15 seconds.

E. Justified: YES

F. Within Policy: YES

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



- 1) **Commendation:** A supervisor feedback log entry was made for Officer Lawrence Jones and Bryan Bissell for their excellent de-escalation and tactics.

Case Two:

A. NOPD Number: FTN#: 2019-0133; Item#: D-06281-19

B. Date of UFRB: May 09, 2019

C. Incident Type: Taser Discharge

D. Summary of the Case: Officers Domonique Williams and Simone Quintero responded to a 911 call near the A&M Food Store on McShane Place. The officers encountered an individual who appeared to be having a mental health crisis. The individual ran from the officers and into on-coming traffic, across the busy highway and down the street toward traffic. The officers followed and attempted to get him out of traffic. They were unsuccessful in their efforts. Officer Williams unholstered her CEW, but she did not in deploy her CEW. Officer Ron Howard arrived in SMART car unit. He was not equipped with a BWC because he was working a detail. Officers. Domonique Williams and Simone Quintero responded to a 911 call near the A&M Food Store on McShane Place. The officers encountered an individual who appeared to be having a mental health crisis. The officers attempted to calm the individual down, but he remained distressed. The individual ran from the officers and into on-coming traffic, across the busy highway and down the street toward traffic. The officers followed and attempted to get him out of traffic. They were unsuccessful in their efforts. Officer Williams unholstered her CEW, but she did not in deploy her CEW. Officer Ron Howard arrived in SMART car unit. He was not equipped with a BWC because he was working a detail. The individual continued running into traffic. While the individual was in the middle of on-coming traffic, he made a statement to Officer Howard. Officer Howard deployed his CEW. This cycle lasted 5 seconds. Officer Williams approached and attempted to handcuff the individual, but her handcuffs would not lock. The individual attempted to get up from laying on his stomach. Officer Howard tased him again for 5 seconds. Officer Williams attempted to use an additional set of handcuffs on the individual and failed. The individual attempted to get up again. Officer Howard tased the individual for a 3rd time. This taser round lasted 7 seconds. Officer Williams ultimately used 3 sets of handcuffs to restrain Mr. Hawkins.

E. Justified: YES

F. Within Policy: YES

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

1) Training Recommendations:



- Officer Ron Howard received verbal counseling to keep his finger off the trigger and allow the CEW to cycle on its own. Normal cycles end after five (5) seconds. Officer Howard had a continuous exposure of seven (7) seconds.
- Officer Dominique Williams was instructed to replace or perform maintenance on her handcuffs. She was also trained on the proper placement and securing of the handcuffs.
- Officer Simone Quintero received verbal counseling for driving against traffic.

August 2019

Case One

- A. **NOPD Number:** FTN#: 2019-0108; Item#: C-28789-19
- B. **Date of UFRB:** August 8, 2019
- C. **Incident Type:** Unauthorized Vehicle Pursuit - Fatality
- D. **Summary of the Case:** On March 20, 2019, 6th District Task Force Officers attempted to conduct a traffic stop of a stolen vehicle they learned about during roll call. The vehicle was occupied by two individuals. The vehicle failed to stop and fled. Six officers pursued the stolen vehicle. Officer Alex Mikkelesen and Jonathan Broom were in the first vehicle. Officers Alex Florian and Jeffrey Harrington were in the second vehicle. Officers William Hery and Colby Stewart were in the third vehicle. Officers turned off their cameras during the 11-block unauthorized pursuit. Civilian video footage shows the stolen car going airborne. The stolen vehicle crashed into Unity-1 Beauty Salon and was engulfed in flames. The two occupants of the stolen vehicle died at the scene. Additionally, a bystander who was in the beauty salon later died.
- E. **Justified:** NO
- F. **Within Policy:** NO
- G. **BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**
 - i. **Training Recommendations:** Vehicle pursuit training for general assignment and general assignment supervisors.
 - ii. **Discipline:** Disciplinary actions are not under the purview of the Use of Force Review Board; however, the Use of Force of review Board was made aware of the discipline for each of the officers involved in this and other related incidents. Four of the six officers were dismissed.

Case Two

- A. **NOPD Number:** FTN#: 2019-0112; Item#: C-31343-19



- B. Date of UFRB:** August 8, 2019
- C. Incident Type:** Takedown with Serious Physical Injury
- D. Summary of the Case:** On Saturday, March 23, 2019, Fourth (4th) District General Assignment Units were on proactive patrol in the 1900 block of Hendee Street when they observed a known wanted individual. The officers stated they saw the individual carrying a backpack that appeared to contain a large firearm. The officers instructed the individual to get on the ground, but he fled on foot. A brief foot pursuit ensued in which the individual threw the backpack, striking Officer Nicholas Wallis in the face. This further made Officer Wallis believe backpack contained a firearm. Officer William Morris and Officer Wallis continued to pursue the individual on foot. Officer Morris became involved in a physical struggle with the individual at which time his body-worn camera fell off. Officer Wallis removed his firearm and pointed at the individual's head. Officer Wallis attempted to handcuff the individual and then conducted a takedown. Officer Wallis was assisted in handcuffing the individual by Officer Goines. While handcuffing the individual, Officer Wallis placed his knee on the side of his neck in attempt to quickly get him in handcuffs while gunshots were going off in the area. The individual indicated he was unable to breathe. Officer removed his knee and replaced it with his hand. The individual would not stand and was then dragged by the officers into the street, searched, and placed in the police vehicle. The individual later stated he was punched several times, was unable to breathe, and lost consciousness. He also stated Officer Wallis pushed his face in the dirt and fractured his nose. No evidence corroborated the individual's injuries or allegations of punching.
- E. Justified:** N/A; The Use of Force Review Board was unable to determine if a Level 4 use of force occurred; therefore, it was not voted on.
- F. Within Policy:** NO
- G. BOARD Actions (Policy, Equipment, Tactics, Training and Commendation)**
- a. **Training Recommendations:** Officer Nicholas Wallis received NOPD Academy training on takedown techniques.

September 2019

- A. NOPD Number:** FTN#: 2018-0366; Item#: J-02617-18
- B. Date of UFRB:** September 12, 2019
- C. Incident Type:** In-Custody Death
- D. Summary of the Case:** On Tuesday, October 2, 2018, at 10:02 P.M., Fifth (5th) District Officers Ya'Ron Pierre, Samuel Schwartz, and Jeffery Harrington responded to a Residential Burglary in progress. Upon arrival the officers



encountered an individual in the alley between houses. The individual was observed bleeding and holding a knife in his hand. The officers instructed him to drop the knife; he complied. The individual was handcuffed without incident. The officers requested EMS for the injuries he had sustained prior to the officer's arrival. While awaiting the arrival of EMS, the officers observed the individual become non-responsive. The officers provided a dose of NARCAN and performed CPR. The individual was transported to the hospital where he later died. An autopsy concluded his death was accidental based on toxicology results.

E. **Justified:** N/A; No force was used by any of the involved NOPD officers.

F. **Within Policy:** YES

G. **BOARD Actions (Policy, Equipment, Tactics, Training and Commendation):**
None

October 2019

A. **NOPD Number:** ASI#:2019-0007; Item#: G-23141-19

B. **Date of UFRB:** October 10, 2019

C. **Incident Type:** Accidental Discharge

D. **Summary of the Case:** On July 17, 2019, Senior Police Officer Theodore Koelling, Senior Firearms Examiner assigned to the Crime Lab, accidentally discharged a live round outside of the crime lab ballistic test water tank. The firearm, a Glock model 17- 9mm firearm, had been modified to become a fully automatic firearm. Officer Koelling loaded two (2) live rounds in the magazine which caused two (2) rounds to be fired with only one (1) trigger pull. The round exited the testing room and traveled into an unoccupied pump room. This was Officer Koelling's second accidental discharge while test firing a firearm.

E. **Justified:** N/A; Policy does not require the review board to vote on an accidental discharge.

F. **Within Policy:** NO

G. **BOARD Actions (Policy, Equipment, Tactics, Training and Commendation):**
None

November 2019

A. **NOPD Number:** ASI#: 2019-0004; Item#: D-15534-19

B. **Date of UFRB:** November 14, 2019

C. **Incident Type:** Accidental Discharge

D. **Summary of the Case:** On April 9, 2019, First (1st) District Officers Daniel Grijalva and First Name Wiltz, responded to a suspicious person's call concerning individuals possibly armed with firearms. Officer Grijalva encountered an individual inside of the location and attempted to conduct a pat-



down. During the pat-down, Officer Grijalva became engaged in a struggle with the individual. During the struggle Officer Grijalva accidentally discharged a firearm that was located on the subject. Officer Grijalva sustained a gunshot wound to his leg.

E. Justified: N/A; Policy does not require the review board to vote on an accidental discharge.

F. Within Policy: YES

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

a. Training Recommendations: Officers will receive training in officer safety and tactics. The training will also include a video review of the incident.



APPENDIX B - OIPM CRITICAL INCIDENTS FOR 2019

	Date/Time	2019 Critical Incidents Summaries
1.	1-4-2019 / 10:15 P.M.	Officers responded to a call for service where an individual, armed with a gun, attempted suicide. Upon arrival, the individual fired at officers, striking Officer Mario Bravo twice in his ballistic vest. The officers returned fire, striking the individual multiple times. Both Officer Mario Bravo and the individual, were transported to University Medical Center. Officer Bravo sustained minor injuries; the individual died from his injuries.
2.	2-17-2019 / 6:42 P.M.	Detectives Amit Bidichandani and Charles Haw from the Sixth (6 th) and Second (2 nd) District were notified of and located an armed robbery suspect near the intersection of Canal Street and Elk Street. Officers Brandon Anderson and Jacob Sullivan, who were working a detail for the Downtown Development District, assisted in the take-down. When the officers attempted to execute the take-down, the individual immediately fired two (2) rounds. A bystander was struck in the leg. The officers exchanged gunfire with the individual. Three (3) bystanders were struck as a result of the gunfire, possibly by NOPD. A foot pursuit ensued that ended in front of Tulane Hospital where the individual attempted to conceal himself near bushes. Louisiana State Police Trooper (and former NOPD Officer) Troy Pichon and NOPD officers gave commands for the subject to come out. He did not comply and fired at least one (1) additional round at which time the officers returned fire. The individual was struck several times. He was transported via EMS to a local hospital where he died. During the initial exchange of shots, 5 bystanders were struck by unknown gunfire.



3.	3-5-2019 / 12:57 P.M.	Third District officers responded to a call for service of a domestic dispute involving an armed individual. Officer Shelton Abram relocated to the rear of the residence to cover the rear door. The individual fired twice through the rear door at which time Officer Abram returned fire once and retreated to wait for SWAT's arrival. During the individual's surrender to SWAT, Officers Terrance Hilliard and Nathan Gex pointed their patrol rifles at the subject. He was taken into custody without further incident. There were no injuries.
4.	4-11-2019 / 9:16 P.M.	Officers responded to a suspicious person call for service involving an armed subject. Upon arrival, the clerk identified two suspicious individuals to officers. Officer Daniel Grijalva conducted a patdown of one of these subjects (Mr. Baker), during which a concealed firearm was discovered. While attempting to secure the individual's firearm, Officer Grijalva unintentionally discharged one round from the individual's firearm into Officer Grijalva's leg.
5.	3-20-2019/ 8:30 P.M	Sixth (6 th) District officers were provided with a description of a stolen black Mercedes with a vanity plate during roll call. Members of the 6 th District Task Force (Alex Mikkelsen, Johnathan Broom, Jeffrey Harrington, Alex Florian, William Hery, and Colby Stewart) observed the car while on patrol. The officers attempted to conduct a traffic stop; the vehicle refuse to stop and fled. The six (6) officers, in three (3) separate units, pursued the vehicle without authorization for 11 blocks. The pursuit ended when the stolen vehicle collided with the Unity-1 Beauty Salon. The occupants of the vehicle expired on the scene. One bystander from the beauty salon later expired at the hospital.
6.	5-17-2019 / 10:05 A.M.	Officers Wayne Lewis, Stephen Jones, and Kevin Nguyen responded to an aggravated assault call for service on a Code 1 priority response at an apartment complex. While relocating to the individual's apartment, the individual appeared and produced a firearm, then discharged it at the officers. The officers returned fire, striking the suspect. The suspect died on scene.



7.	6-17-2019 / 6:11 A.M.	Officers Shanda Charles, Chad Clark, Everett Route, and Thomas Clark, responded to an armed robbery in progress. Upon arrival individuals fired at the officers striking Officer C. Clark in the shoulder. The officers and the individuals exchanged fire. Both individuals sustained injuries from gunshot wounds. Officer Charles transported Officer C. Clark to UMC for treatment in her vehicle. Officer T. Clark held one of the individuals at gunpoint until he was apprehended and transported to UMC for treatment. The second individual fled to a nearby neighborhood. Swat and K9 were summoned to the location and found him in a backyard. Officer Terrance Hilliard pointed his firearm at the perpetrator until he was apprehended and transported to UMC for treatment.
8.	7-17-2019 / 9:43 A.M.	Officer Theodore Koelling was test-firing a weapon and fired the first round in the water tank. The second round unintentionally discharged outside of the tank. The second round penetrated two walls and was unable to be located. No injuries were reported.
9.	10-28-2019 / 5:19 P.M.	Officers responded to a possible residence burglary in-progress call for service and found three (3) individuals exiting the residence through a broken window. One individual fired at the officers as he exited the window and again as he fled the scene. Officers returned fire striking him. The second individual, who was also armed with a handgun, surrendered to the officers. The third individual fled the scene and was not apprehended. The first individual received treatment at UMC.
10.	12-12-2019 / 2:35 P.M.	Officer Melvin Hunter attempted to conduct a traffic stop on a vehicle. The driver of the vehicle fled on foot and Officer Hunter pursued him. The officer encountered the driver in an alleyway of a nearby residence, where the two exchanged gunfire. The driver again fled on foot but was later located and arrested. No one sustained injury.

