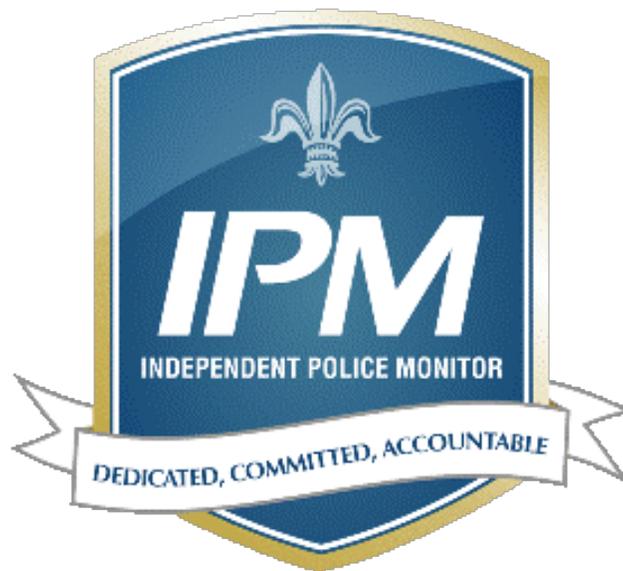


Office of the Independent Police Monitor

City of New Orleans

**2020 Annual Report:
OIPM Use of Force Monitoring and
Review Activities**



Independent Police Monitor

May 30, 2021

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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 did not have access to shared databases until summer of 2020. The impact of the Cyber-Attack is still an obstacle to our data work today since relevant data from 2019 and 2020 is still being entered into these systems. As a result, the OIPM accessed what data was available to include in this report but will note that our ability to provide the full data analysis, critique of our data partnerships with the NOPD, and assessment of NOPD's compliance with data tracking, is more limited than we hope it will be in 2021.

Despite this setback, the OIPM still looks forward to presenting this year's Annual Report. This was a unique year for our community and for our office. Due to the Covid19 pandemic, the OIPM was forced to work remotely for most of the year and adapt our services to better respond to the changing needs of the community through this public health and safety crisis. This meant expanding our recommendations to include how officers used summons in lieu of arrests, the use of checkpoints, and Personal Protective Equipment (PPE) when officers engaged with the public or were in the workspace.

On May 25, 2020, the whole country was shaken by the death of George Floyd at the hands of police officers in Minnesota. In the wake of George Floyd's murder, the New Orleans community came together to protest and collaborate on our policing goals for our city. One protest ended with the police utilizing tear gas for the first time during a First Amendment assembly or in a crowd. In the aftermath of that tactical decision, the OIPM has worked with NOPD leadership, community activists and leaders, and those affected to determine receive misconduct allegations, monitor the subsequent use of force investigations, and determine what role - if any - tear gas should have in the future of policing in New Orleans.



Additionally, in 2020 the city prepared for a record number of hurricanes, which resulted in the OIPM examining the NOPD's preparedness for storms and how to best serve the community during possible evacuations and emergencies.

Through all 2020, OIPM maintained a high volume of regular work. For the second year in a row, the OIPM received nearly one hundred (100) complaints of misconduct, monitored eleven (11) critical incidents, facilitated meetings for the community with the NOPD, advised on multiple policies, reviewed and monitored over sixty-four (64) disciplinary proceedings, facilitated ninety-eight (98) mediation referrals, and conducted over thirty-five (35) outreach activities. The OIPM looks forward to sharing this work from 2020 with the community, the NOPD and the Ethics Review Board.

I also want to personally note that in 2020 the city was forced to implement extensive budgetary cuts and as a result, employees, like mine in the OIPM, were forced to take furlough days and the OIPM had limited access to necessary contract services. Despite these challenges, the OIPM has remained open and dedicated to the public we seek to serve. This has not been an easy year for the team, but I am impressed by their passion and work ethic that drives this office each day. Now, as we consider the possibility that these budgetary concerns may continue into 2021, I want to assure the people of New Orleans that we will continue to serve them – to raise their voice, hear their complaints of misconduct and accounts of positive policing, to remain on call for critical incidents, and to ensure that we can provide the accountability and oversight to the NOPD that help navigate this department out of the Federal Consent Decree. We will continue to work effectively with our community and the NOPD no matter the challenges that come.

Finally, I would like to acknowledge and thank Susan Hutson for her leadership over the last eleven (11) years. Susan Hutson recently took a step back from her position as the Independent Police Monitor to run for Sheriff of New Orleans. Ms. Hutson oversaw this office through its initial creation and spearheaded valuable reform efforts within the NOPD. Ms. Hutson came to New Orleans in the shadow of Hurricane Katrina, the Danziger Bridge, and the Henry Glover shootings. When Ms. Hutson first arrived here, the city's trust in the NOPD was shaken. Shortly after her start, the city came under a Federal Consent Decree, and Ms. Hutson played a vital role in the resulting progress NOPD made to reduce uses of force, conduct thorough misconduct investigations and investigations into critical incidents, hold officers accountable, create the community-officer mediation program, and improve public transparency and community engagement around policing. Ms. Hutson became a national leader in police oversight. Though Ms. Hutson has taken a step back, her vision for police oversight remains.

Stella Cziment
Acting Independent Police Monitor



OIPM 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.

2020 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. 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.

2020 Critical Incidents

In 2020, there were eleven (11) Critical Incidents. Of the eleven (11) Critical Incidents, nine (9) were OIS and none of them resulted in fatality. The following table contains the types of Critical Incidents recorded in 2020 by the OIPM.

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

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

Table 1: 2020 Critical Incidents - 11 Incidents

NOPD ASI #/FTN #/Item #	Date of Incident	Type of Incident
Item#: A-02353-20 ASI#: 2020-0001	January 2, 2020	Officer Involved Shooting - Canine Fatality
Item#: A-08099-20 ASI#: 2020-0002	January 7, 2020	Officer Involved Shooting
Item#: A-31275-20 ASI#: 2020-0003	January 25, 2020	Officer Involved Shooting
Item #: D-16887-20 ASI#: 2020-0004	April 4, 2020	Officer Involved Shooting
Item#: D-24581-20 ASI#: 2020-0005	April 21, 2020	Officer Involved Shooting
Item#: D-35488-20 ASI#: 2020-0006	April 29, 2020	Officer Involved Shooting
Item#: F-03385-20 FTN: 2020-0160	June 3, 2020	Impact Weapon - Head Injury - CS Gas
Item#: F-33317-20 ASI#: 2020-0007	June 27, 2020	Officer Involved Shooting
Item#: G-28471-20 ASI#: 2020-0008	July 23, 2020	Accidental Discharge
Item#: J-07500-20 ASI#: 2020-0009	October 06, 2020	Officer Involved Shooting
Item#: K-12809-20 FTN: 2020-0331	November 10, 2020	Impact Weapon - Head Strike

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 show 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 2011-2020

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 2011-2020

Year	Total CIs	OISs	Hospitalizations	ICD	Head Strikes	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
2020	11	9	1	0	2	0	0
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

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.

Operations Manual which codified a “Use of Force Review Board.”⁶ 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 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.

Table 3: 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 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.
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⁶ NOPD Ops. Manual Chapter 1.3.7.

⁷ *Id.*

⁸ *Id.* at ¶ 2.

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.
Critical Incident	All incidents including the use of deadly force by an NOPD officer including an Officer Involved Shooting ("OIS"); All uses of force by an NOPD officer resulting in an injury requiring hospitalization; all head and neck strikes with an impact weapon, whether intentional or not; all other uses of forces by an NOPD officer resulting in death; and all deaths while the arrestee or detainee is in the custodial care of the NOPD.

UFRB Cases Reviewed

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.

While the pandemic brought about many changes, NOPD did not waiver in these difficult and unique circumstances to deter the progress that has been made by holding Use of Force Review Board. NOPD quickly transitioned the UFRB meetings to a virtual setting and maintained the same level of professionalism that has been experienced in the past.

The UFRB reviewed thirty (30) cases in 2020. Appendix A contains a narrative for each of the cases that came before the UFRB in 2020.

Crescent City Connection

In 2020, the OIPM worked alongside NOPD leadership and FIT during not just during UFRB, but during investigations to thoroughly review incidents. The OIPM focused a large amount of 2020 focused on the largest use of force incident in recent history, the Crescent City Connection Incident.

Following the killing of George Floyd, citizen demonstrations took place around the world. New Orleans was no exception. Grassroots organizers and activists organized seven (7) days of protest to take place in New Orleans to bring attention to police brutality and to show solidarity during a very dark time. As to be expected the protests were largely peaceful. However, on June 3, 2020, New Orleans Police Department engaged in an unprecedented use of force by using CS gas, Stinger Rounds and Marking Rounds during a First Amendment Assembly.

The Office of the Independent Police Monitor was immediately involved in investigation. The community quickly notified OIPM of a head injury that NOPD had not been made aware of that quickly revealed the seriousness of NOPD's actions. OIPM staff accompanied FIT members on in-person and virtual interviews, watched 100s of relevant BWC videos, took numerous citizen complaints, attended live riot control munitions demonstrations, and stayed in constant contact with FIT and NOPD leadership about their concerns during the investigation.

Throughout the course of the investigation, it became clear that this incident was a departmental failure. OIPM identified administrative, communication, policy, and training gaps in the NOPD and promptly shared its analysis with NOPD leadership to ensure a police response of that nature does not occur in the future. That said, this critically reflective position does not negate the harm that the NOPD caused the community that night and the impact their actions had on the public trust in the NOPD.

At the time of this report, OIPM recognizes NOPD has implemented a new policy governing the department's approach to first amendment assemblies, NOPD Chapter 46.02.1 - Civil Disturbances. The policy is an initial step towards implementing comprehensive guidance for officers dealing with first amendment assemblies and civil unrest. NOPD has also established a dedicated group of officers to respond to civil disturbances. These officers and supervisors have received specialized training in responding specifically to civil unrest.

OIPM will continue to collaborate with NOPD leadership and comprehensively review and monitor changes to policy, including the mandatory reporting of all specialized weapons, practice, and training to ensure there is appropriate discipline and accountability from this event and a



system is built to ensure leadership and the NOPD are better equipped to handle events like this in the future.



APPENDIX A - All Cases Reviewed by the UFRB in 2020

January 2020

Case One:

- A. **NOPD Number:** FTN2019-0319, J-16981-19
- B. **Date of Incident:** October 13, 2019
- C. **Incident Type:** CEW
- D. **Summary of the Case:**

On October 13, 2019, Officers Rachel Harris and Larry King of the 8th District encountered a pedestrian sitting on a milk crate on the sidewalk on Bourbon Street. Several videos, including Real Time Crime Center Cameras and Body Worn Cameras, captured the incident. The individual walked toward Officer King and Officer King pushed the individual away. The individual returned to the milk crate and the officers approached him again. Officer King pulled the individual forward which resulted in the individual being on his hands and knees. Officer King subsequently pushed the individual and ended up on top of the individual. Officer Harris attempted to handcuff the individual but let go of his hands, stepped back and told Officer King to tase the individual. Officer Harris also deployed her CEW and delivered multiple drive stuns to the individual. A total of 6 cycles were delivered. Officer Harris reported the subject had a piece of glass in his hand when she deployed her CEW. The investigation revealed the individual did not have glass in his hand at the point of the deployment.

- E. **Justified:** NO
- F. **Within Policy:** NO
- G. **Board Actions (Policy, Equipment, Tactics, Training and Commendation)**

Training: Officer Harris and King were required to attend training at the academy for situational awareness, CEW, de-escalation, and handcuffing techniques.

Case Two:

- A. **NOPD Number:** ASI2019-0005; E-24032-19
- B. **Date of Incident:** May 17, 2019
- C. **Incident Type:** Officer Involved Shooting
- D. **Summary of the Case:**

On May 17, 2019, Officers Wayne Lewis, Kevin Nguyen, and Kevin Jones responded to an aggravated assault call at Parc Brittany Apartments. An individual previously threatened several employees of the apartment complex with a firearm. Upon arrival of the officers, the individual already returned to his residence. The officers spoke with involved employees before relocating to the individual's apartment. As the officers were exiting the apartment complex, they encountered the individual in the parking lot. The individual pointed his firearm at the officers and fired his weapon. Officers Lewis, Nguyen and Jones returned fire, killing the individual.

- E. **Justified:** YES
- F. **Within Policy:** YES
- G. **Board Actions (Policy, Equipment, Tactics, Training and Commendation)**

- a. **Training:** The involved officers received training on tactical approaches and seeking cover.

Case Three:

A. NOPD Number: FTN2019-0324, J-25601-19

B. Date of Incident: October 18, 2019

C. Incident Type: CEW

D. Summary of the Case:

On October 18, 2019, Officer Joshua McBurnie encountered an individual who was involved in a disturbance where she threatened several subjects with a stick. The individual fled for approximately 20 minutes after the officers approached her. Officer McBurnie located the individual in a rear yard and ordered her to stop while he was on one side of the fence and she was on another. The individual began to walk away, and Officer McBurnie deployed his taser, striking her in the back for one (1) complete cycle. The individual continued to flee. Officer McBurnie attempted to deploy a second cycle but was unsuccessful. Officer relocated to another yard and encountered the individual again. The individual attempted to jump over a fence but was being held by an additional officer. Officer McBurnie attempted to pry her hands from the fence but was unsuccessful. Subsequently, Officer McBurnie elected to deliver a drive stun to the individuals back.

E. Justified: No

F. Within Policy: No

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

Policy: The UFRB recommended an analysis of the definitions of “serious offense” and “mere flight” in reference to NOPD Chapter 1.7.1.

February 2020

Case One:

A. NOPD Number: FTN2019-0343; K-13010-19

B. Date of Incident: November 10, 2019

C. Type of Force: CEW

D. Summary of the Case:

Officer Tucker Guidry responded to a call for an aggravated battery in the 4700 block of Gabrielle Street. After arriving, officers arrested an individual, handcuffed her, and placed her in the police vehicle. Officers improperly handcuffed the individual and used unauthorized handcuffs. The individual was able to free her hands from the handcuffs and release her seatbelt. She then reached out of the window, opened the door, and ran toward the 7th District station from the parking lot and attempted to enter the station. Officer Guidry deployed his CEW and delivered 2 cycles and applied a drive stun without providing verbal warning.

E. Justified: Yes



F. Within Policy: NO

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

None.

Case Two:

A. NOPD Number: ASI2019-0002; B-22961-19

B. Date of Incident: February 17, 2019

C. Incident Type: Officer Involved Shooting - Fatality

D. Summary of the Case:

Officers were notified a known alleged robbery suspect was last seen around Canal Street and Elk. Detective Amit Bidicchandani and Detective Charles Haw used the Real Time Crime Cameras to verify the individual's location. The officers relocated to Canal and Elk and observed an individual matching the description of the alleged robber and wearing the same unique clothing. The officers elected to follow the individual in an unmarked car and requested a marked police unit to assist in conducting an investigatory stop. Officers Brandon Anderson and Jacob Sullivan arrived to assist. Officers Bidichandani and Haw approached from the rear and Officers Anderson and Sullivan approached from the front. Additional units, including Louisiana State Police, were in route to assist. As officers approached the individual, he produced a firearm and fired two (2) rounds at the officer. Officers returned fire. There were many bystanders walking down Canal street and waiting on the bus. Multiple bystanders were struck by the individual and officers. After the initial gun fire, the individual fled toward Tulane Avenue. Officers Bidichandi and Anderson gave chase on foot. Trooper Troy Pichon joined in the foot pursuit. The individual hid behind bushes in front of Tulane Hospital and fired one (1) additional round at officers. The officers returned fire, striking and killing the individual. Bystanders were also injured during the exchange of gun fire.

E. Justified: YES

F. Within Policy: YES

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

Policy: NOPD modified the body worn camera policy and now requires details, such as the DDD, to wear body cameras.

Training: Officers were required to receive situational awareness training.

Case Three:

A. NOPD Number: FTN2019-0318; J-16981-19

B. Date of Incident: October 11, 2019

C. Incident Type: Strike of handcuffed subject

D. Summary of the Case:

Officer Khristopher Kirkland responded to a call for trespassing. Once on the scene, the individual was seen damaging store merchandise. He also intentionally cut his wrists with a razor. Officer Kirkland secured the individual without a use of force. Officer Kirkland attempted to remove the individual from the terminal and the individual became non-

compliant. The individual was on the ground and attempting to re-open his self-inflicted wounds and expose the officers to HIV. Additionally, the individual broke the officer's gloves and told him he was exposed to HIV. The individual grabbed Officer Kirkland's hand and would not let go. Officer Kirkland struck the individual with a jab to his right torso area. The individual let go of the officer's hand. Officer Mitchell placed his knee between the individual's shoulder blades to keep him secure and compliant. The individual complained that he could not breathe, and the officer repositioned himself and removed all pressure from the individual.

E. Justified: YES

F. Within Policy: YES

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

None.

March 2020

Case One:

A. NOPD Number: ASI2019-0003; C-06794-19

B. Date of Incident: March 15, 2019

C. Incident Type: Officer Involved Shooting

D. Summary of the Case:

Third District officers responded to the 1800 block of Benefit Street for a domestic disturbance call. While on the phone with 911, a gunshot was heard in the background. The caller indicated she wanted the individual removed from her home, as he was intoxicated and waving a firearm in the home. Officers were able to safely remove the caller from the home. Officer Shelton Abram and an additional officer approached the rear of the residence. While at the rear of the residence, Officer Abram checked to see if the door was open and discovered it was locked. While near the door, Officer Abram he heard two (2) gun shots and elected to return fire through the rear door while the target was not visible. The officers sought cover and notified SOD for the barricaded subject. While awaiting SOD, the individual fired two (2) additional rounds. SOD successfully apprehended the individual. No civilians or police officers sustained any injuries.

E. Justified: No

F. Within Policy: No

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

None.

Case Two:

A. NOPD Number: FTN2019-0304; I-40279-19

B. Date of Incident: September 29, 2019

C. Incident Type: CEW

D. Summary of the Case:

Officers Joseph Gueldner, Tyrone Dukes, and Travis Warren responded to a disturbance call from an individual's mother asking for assistance with her son who was armed with a knife. Upon arrival to the scene, officers observed the individual armed with a knife. Officer

Joseph Gueldner attempted to speak to the individual with no success. The individual went back in the home and threw an object at the officers. Officer Gueldner deployed his CEW, but the probes did not make contact. Officers elected to enter the home and remove the additional people from the home for safety. The individuals continued to throw objects at the officers. An officer deployed his CEW but did not make contact. SOD arrived on the scene and entered the home. District officers elected to enter the home as well and deployed the CEW a third time, starting the members of SOD.

E. Justified: YES

F. Within Policy: YES

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

- 1) Training Recommendations:** The UFRB recommended to emphasize perimeter responsibilities for officers providing tactical assistance with SOD during regular in-service training.

Case Three:

A. NOPD Number: FTN2020-0014; A-15821-20

B. Date of UFRB: January 13, 2020

C. Incident Type: Accidental Canine Bite

D. Summary of the Case:

Officer Brett Pittman and his dog Axel were conducting a sweep for explosives during a Presidential visit to the college football championship near the Smoothie King Center. All contractors were notified of the sweep prior to it beginning. Axel encountered an individual concealed in a crate and snipped at his leg. Axel was immediately removed from the individual. The individual sustained minor injuries.

E. Within Policy: YES

F. Board Actions (Policy, Equipment, Tactics, Training and Commendation)

The UFRB recommended updating the Use of Force policy to only include canine-bites that result from a tactical deployment as a Level 4 Use of Force.

Case Four:

A. NOPD Number: FTN2020-0041; B-10719-20

B. Date of Incident: February 8, 2020

C. Incident Type: CEW

D. Summary of the Case:

Officer Adam Buckner responded to a call of concerning a bike stolen from a RTA bus. While responding to the call, Officer Buckner was flagged down about a male armed with a gun on a streetcar. Officer Buckner approached the streetcar with his firearm drawn and the individual told the officer he was armed and would kill the officer. Officer Buckner did not believe the subject was armed after he was able to see the individual's waistband. Officer Buckner elected to re-holster his weapon and transitioned to his CEW. The individual fled the streetcar and charged at Officer Buckner. Officer Buckner discharged his CEW and it made contact with the individual. The individual attempted to disarm Officer Buckner and

Officer reloaded his CEW and discharged a second cartridge for a total of 4 additional cycles. The individual was transported to UMC for minor injuries and a psychiatric evaluation.

E. Justified: YES

F. Within Policy: YES

G. Board Actions (Policy, Equipment, Tactics, Training and Commendation)
None

April 2020

Case One:

A. NOPD Number: ASI2019-0001, A-05253-19

B. Date of Incident: January 4, 2019

C. Incident Type: Officer Involved Shooting

D. Summary of the Case:

Officers responded to a call of a suicidal male. Upon their arrival a female ran out of the door and screamed, "He has a gun." A second voice was heard screaming for the male to drop the firearm. The male opened the door and Officer April Augustine moved to the side of the porch. The male fired his weapon and Officers April Augustine, Mario Bravo, and Darius McFarland returned fire ultimately killing the male. Officer Mario Bravo was struck by shrapnel that did not penetrate his ballistic vest but did not sustain any serious injuries.

E. Justified: YES

F. Within Policy: YES

G. Board Actions (Policy, Equipment, Tactics, Training and Commendation)
Training: SOD conducted an advanced shooter course.

Case Two:

A. NOPD Number: FTN2020-0059, B-29826-20

B. Date of Incident: February 23, 2020

C. Incident Type: Strikes to a handcuffed subject

D. Summary of the Case:

Eighth District officers were flagged down at a public parking lot regarding an individual who refused to allow other patrons to use the machine to pay for their parking. Officers Samuel Senter and Xavier Perez approached the individual and attempted to assist the individual with using the pay machine. The individual displayed behaviors that made the officers believe he was in crisis. The officers asked the individual to come with them. While talking, the officers noticed a bulge in the individual's waistband. Officers asked him if he had any weapons and to show them what was under his shirt. The individual refused and fled. Officer executed a takedown. Officers attempted to handcuff the individual and could only get one handcuff on. Officer Larry Adams and Louisiana State Troopers arrived on scene to assist. The individual was ultimately handcuffed using three (3) sets of handcuffs. As the officers attempted to transport the individual to the police vehicle, but he refused and locked his legs around Officer Adams' leg while applying pressure. Additional officers attempted to release the individual from Officer Adam's leg, but they were unsuccessful.

Officer Adams delivered two (2) strikes to the individual's torso to get him to release the hold.

E. **Justified:** YES

F. **Within Policy:** YES

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

Training: A training for EZ leg straps was scheduled.

Case Three:

A. **NOPD Number:** FTN2019-0388; L-32206-19

B. **Date of Incident:** December 2019

C. **Incident Type:** CEW

D. **Summary of the Case:**

Officer Mason Suell was working a traffic incident at the intersection of Calliope and St. Charles Avenue. While he was waiting on a vehicle to be moved, Officer Suell observed a truck disregard the red light. Officer Suell elected to conduct a traffic stop of the vehicle. When Officer Suell approached the vehicle, the individual exited his vehicle and was removing his clothing. Officer Suell deployed his CEW a total of 26 cycles while instructing the individual to get on the ground. The subject appeared to be in crisis. Additional officers arrived on the scene and learned the individual was Spanish speaking.

E. **Justified:** No

F. **Within Policy:** No

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

Training: The UFRB required use of force and CEW training to be conducted by the academy.

May 2020

Case One:

A. **NOPD Number:** ASI2019-0006; F-22333-19

B. **Date of Incident:** June 17, 2019

C. **Incident Type:** Officer Involved Shooting

D. **Summary of the Case:**

Officers responded to a call of an armed robbery in progress at CVS Pharmacy located at 4901 Prytania Street. The complainant remained on the phone with the communications during the incident. During the armed robbery, two individuals tied up store employees and emptied the pharmacy safe that holds controlled substances. Officers Everett Route and Chad Clark entered the store and encounter the two armed individuals. The individuals attempted to flee from the store with a large bag of prescriptions and told the officers to back up. The individuals exited the store and fired at the officers. Officer Clark was struck in the shoulder. Officers Shanda Charles, Everett Route, and Chad Clark all returned fire and wounded both individuals. Both individuals fled but were later apprehended.

E. **Justified:** YES

F. **Within Policy:** YES

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

Training: All officers received a tactical debriefing session to address their deficiencies.

Case Two:

- A. **NOPD Number:** ASI2020-0001, L-30357-19
- B. **Date of Incident:** January 2, 2020
- C. **Incident Type:** Officer Involved Shooting – Canine Fatality.
- D. **Summary of the Case:**

Officer Gregory Rotton was conducting a follow-up investigation and encountered a large unaccompanied canine in the 2700 block of Onzaga Street. Officer Rotton shined his flashlight on the dog and observed the dog was disinterested in him. As Officer Rotton continued his travel, the dog suddenly charged and rapidly approached the officer while barking. Officer Rotton discharged four rounds, striking and killing the dog

- E. **Justified:** N/A
- F. **Within Policy:** N/A
- G. **Board Actions (Policy, Equipment, Tactics, Training and Commendation)**
None

Case Three:

- A. **NOPD Number:** FTN2020-0083; C-18741-20
- B. **Date of Incident:** March 15, 2020
- C. **Incident Type:** CEW
- D. **Summary of the Case:**

Officers Joseph Young and Jansen Valencia responded to an aggravated assault call regarding an individual someone with a 2x4. Officers approached the individual and order her to drop the weapon and she refused. She proceeded to break the rear window with the 2x4. Officer Young continued to give verbal commands and instructed the individual to drop the weapon. The refused to comply and raised the stick to strike the officers. Officer Young deployed his CEW and made contact with the individual. Officer Valencia was unsuccessful at his attempt to handcuff the individual. The individual calmed down and sat down on the ground. As the officers approached, the individual grabbed the stick and raised it again. Officer Young deployed his CEW a second time. Officer Valencia attempted to handcuff the individual again while she was flailing her arms and pulling away. Officer Young deployed his CEW a third time and observed a disconnect of the CEW. Officer Young assisted Officer Valencia handcuffing the individual. The individual continued to kick the officers for ten minutes while awaiting EMS.

- E. **Justified:** YES
- F. **Within Policy:** YES
- G. **Board Actions (Policy, Equipment, Tactics, Training and Commendation)**
None.

June 2020

Case One:



- A. **NOPD Number:** ASI2019-0009; L-17311-19
- B. **Date of Incident:** December 12, 2019
- C. **Incident Type:** Officer Involved Shooting
- D. **Summary of the Case:**

On December 12, 2019, Officer Melvin Hunter observed a black Chevrolet Impala flee from an enforcement checkpoint. Later that same day, Officer Hunter observed the same vehicle almost strike another vehicle. Officer Hunter elected to follow the vehicle in an unauthorized vehicle pursuit at speeds of up to 68 mph. The individual driving the Impala fled his vehicle on foot. Officer Hunter exited his vehicle and followed the individual in an alley. Officer Hunter can be heard saying, "Don't do it," a few seconds before shots were fired by the individual and Officer Hunter. The individual exited the alley and fled before being apprehended without further incident.

- E. **Justified:** YES
- F. **Within Policy:** YES
- G. **Board Actions (Policy, Equipment, Tactics, Training and Commendation)**

Training: Officer Hunter was required to complete training in a vehicle pursuit scenario.

Case Two:

- A. **NOPD Number:** FTN2020-0035, B-03160-20
- B. **Date of UFRB:** February 3, 2020
- C. **Incident Type:** CEW
- D. **Summary of the Case:**

Officers Kevin Pozzo and Matthew Malveaux responded to a trespassing call at 219 Loyola Avenue, the main New Orleans Public Library on February 3, 2020. The individual was located in the library and refusing to leave after requested to exit by staff. Both officers spoke with the individual and requested for him to exit the library. The individual refused. The officers later attempted to physically remove him from the premises. The individual refused to comply and became physically combative. Officer Pozzo deployed his CEW for one (1) complete cycle and then successfully handcuffed the individual. The individual was escorted from the library. Once the individual reached the police vehicle, he began to push off from Officer Malveaux. Officer Pozzo deployed the CEW, and Officer Malveaux took the subject to the ground.

- E. **Justified:** No
- F. **Within Policy:** No
- G. **Board Actions (Policy, Equipment, Tactics, Training and Commendation)**

None.

Case Three:

- A. **NOPD Number:** FTN2020-0056; B-27596-20
- B. **Date of Incident:** February 26, 2020
- C. **Incident Type:** Knee Strike to a Handcuffed Individual
- D. **Summary of the Case:**

On February 26, 2020, Officers Jonathan Mykulak and Officer Sasha Winchester observed a vehicle fail to use a turn signal when making a turn and elected to conduct a traffic stop. Once at the vehicle, Officer Mykulak observed what he believed to be narcotics in the vehicle. Officers asked the individual to exit the vehicle and Officer Winchester conducted a pat-down of him. Officer Mykulak attempted to place the individual in handcuffs after informing him of the narcotics observed. The individual fled to his vehicle and reached under his seat. The officers instructed the individual to exit the vehicle and attempted to pull the individual from reaching under the seat. Officer Mykulak delivered strikes to the individual's head and used his CEW in a drive stun mode in the neck area to get the individual to comply. Once the individual was secured and out of the vehicle, he no longer resisted. While the individual was handcuffed and in a prone position, Officer Mykulak delivered a downward knee strike, placed his knee across the back of the individual's neck, and placed his body weight across his back.

E. **Justified:** No

F. **Within Policy:** No

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

None.

August 2020

Case One:

A. **NOPD Number:** FTN2019-0372; L-03350-19

B. **Date of Incident:** December 3, 2019

C. **Incident Type:** Neck Restraint

D. **Summary of the Case:**

Officer Cramer Hamberg responded to call concerning criminal damage. Officer Hamberg detained the individual in the police car without incident. Once in the vehicle, the individual began to bang his head on the partition. Officer Hamberg removed the individual from the vehicle and placed him on the ground. Camera footage showed Officer Hamberg grabbed the individual by the throat and removed him from the vehicle. The individual stated he was choked.

E. **Justified:** No

F. **Within Policy:** No

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

Training: The UFRB required training focused on chokeholds and asphyxia.

Case Two:

A. **NOPD Number:** FTN2020-0139; E-05297-20

B. **Date of Incident:** May 5, 2020

C. **Incident Type:** Canine Bite

D. **Summary of the Case:**

Officer Brett Pittman and his canine Axel responded to the 7700 block of Arcadia lane to assist in a search for an individual wanted for an armed carjacking. The individual fled and hid under a shed. Axel located the individual under the shed and made contact with the individual. Instructions were given to the individual to show his hands and he did not



comply. Officer Pittman ordered Axel to release, and Axel complied. The individual did not have any puncture wounds but did receive several scrapes.

E. **Justified:** YES

F. **Within Policy:** YES

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

None.

Case Three:

A. **NOPD Number:** ASI2020-0006; D-35488-20

B. **Date of Incident:** April 29, 2020

C. **Incident Type:** Officer Involved Shooting

D. **Summary of the Case:**

Reserve Officer Michael Melton was walking his dog when he allegedly observed individuals pulling on car door handles. Officer Melton yelled to the subjects. When Officer Melton was returning to his friend's residence, he heard two (2) gunshots behind him. In response, he fired one round in the ground as a warning shot. The individuals fled. During the investigation, Officer Melton completed a breathalyzer and urinalysis test. His BAC level was 0.124. Officer Melton was charged for illegal use of weapons, public intoxication and was terminated from the Reserve Division.

E. **Justified:** No

F. **Within Policy:** No

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

None

Case Four:

A. **NOPD Number:** FTN2020-0123; D-24674-20

B. **Date of Incident:** April 21, 2020

C. **Incident Type:** Striking a Handcuffed Individual

D. **Summary of the Case:**

Officer Brian Stanley arrived on scene to assist with an individual who seemed to be experiencing a crisis. The individual was handcuffed and transported to the hospital. While waiting in triage, the individual moved his mouth to possibly bite Officer Stanley. Officer Stanley removed his arm and struck the individual once in the face.

E. **Justified:** No

F. **Within Policy:** No

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

None

Case Five:

A. **NOPD Number:** FTN2020-0064; B-33696-20

B. **Date of Incident:** February 25, 2020

C. **Incident Type:** Chokehold

D. Summary of the Case:

Officers Jerrell Stringer and Shondrell Johnson responded to a disturbance call at the Hustler Club. The officers escorted the individual from the location. The individual made offensive statements to Officer Johnson. Officer Stringer began to push the individual and was involved in a physical altercation. During the altercation, Officer Stringer placed the individual in a chokehold.

E. Justified: No

F. Within Policy: No

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

None.

September 2020

Case One:

A. NOPD Number: FTN2020-0159; F-00114-20

B. Date of Incident: June 1, 2020

C. Incident Type: CEW

D. Summary of the Case:

Officer Terry Thomas and a recruit responded to a domestic dispute call. The victim indicated she had been struck in the head by her boyfriend with a small table. After speaking with the victim, the officers spoke with the individual. The individual repeatedly attempted to walk toward the victim. Officers elected to handcuff the individual and attempted to place him in the vehicle. Officers struggled to place the individual in the rear of the police vehicle. Officer Thomas displayed his CEW while giving verbal commands to the individual. The individual eventually entered the vehicle but refused to allow the officers to close the door. Officer Thomas deployed his CEW which caused the individual to fall to the ground. The individual sustained puncture wounds to his torso from the CEW probes.

E. Justified: No

F. Within Policy: No.

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

Training: Officer Thomas received training from the NOPD Academy in Use of Force policies, types of resistance and proper responses to each level of resistance.

Case Two:

A. NOPD Number: FTN2020-0155; E-33664-20

B. Date of Incident: May 27, 2020

C. Incident Type: CEW Discharge

D. Summary of the Case:

Officers Robert Alleyene and Keith Mays responded to a call regarding a mental disturbance. The officers arrived on scene and spoke the callers who provided commitment papers for the individuals. After reviewing the papers, officers explained to the individual that he must be taken to the hospital for evaluation. The individual became upset and stated he would leave. The officers explained to him that he must go to the hospital. The

individual resisted being detained by pulling away from the officers and a struggle ensued. Officers Alleyene and Mays deployed their CEW for more than two (2) cycles and the individual removed the CEW probes. The officers were able to successfully handcuff the individual and transport him to the hospital for evaluation.

E. **Justified:** YES

F. **Within Policy:** YES

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

None.

Case Three:

A. **NOPD Number:** ASI2020-003; A-31275-20

B. **Date of Incident:** January 25, 2020

C. **Incident Type:** Officer Involved Shooting

D. **Summary of the Case:**

Officers Steven Nolan, Ryeisha Warren, Matthew Tippett and Sierra Cochran responded to a call regarding an individual armed with a firearm in the 5000 Block of Burgundy Street. The individual allegedly was pointing his firearm at random individuals as he walked through the French Quarter. Officer Warren observed the individual with his handgun placed at the head of another individual. Officer Warren advised dispatch of what she observed. Officer Warren travelled from Bourbon street to St. Louis Street and the individual walked toward Officer Warren while removing his handgun from his waistband. Officer Warren racked the slide and pointed the firearm at Officer Warren while she was seated in her police vehicle. Officers Warren, Trippet and Cochran all discharged their firearms. The individual was seriously injured and hospitalized.

E. **Justified:** YES

F. **Within Policy:** YES

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

Training: All involved officers received training related to target acquisition, body worn camera usage, tactical approaches, cover, and concealment.

November 2020

Case One:

A. **NOPD Number:** ASI2019-0008; J-37842-19

B. **Date of Incident:** October 28, 2019

C. **Incident Type:** Officer Involved Shooting

D. **Summary of the Case:**

Officers Ladarius Johnson and Jordan Adderly responded to a call of residential burglary in progress. Once on the scene, Detective Johnson stayed near a vehicle he assumed was the getaway car while Officer Adderly approached the house with additional officers. As the officers approached the house, they heard glass break and then heard a gunshot. Three armed subjects ran past the officers in the rear yard. Officer Adderly fired one (1) round at one subject after he pointed a firearm at him. A second individual was apprehended in the rear yard. The third individual ran toward Detective Johnson while holding his firearms.



Detective Johnson fired his weapon in the third individual's direction. The third individual entered the getaway vehicle and leaned over toward the center console area and Detective Johnson continued firing. The third individual elected to surrender and was taken into custody without further incident. The third individual received superficial wounds.

E. **Justified:** None

F. **Within Policy:** None

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

Training: Officer Jessie Williams received training from the NOPD Academy for proper loading and unloading his firearm. Officer Jordan Adderly received counseling and training regarding tactical response and approach.

Case Two:

A. **NOPD Number:** ASI2020-0008; G-28471-20

B. **Date of Incident:** July 23, 2020

C. **Incident Type:** Accidental Discharge

D. **Summary of the Case:**

Officer Anthony Mayfield was cleaning his department issued firearm at his residence. Officer Mayfield was seated on his sofa cleaning his firearm and accidentally discharged one (1) round through the television stand and the wall. The round landed on the floor in the adjacent bedroom. No one was injured.

E. **Justified:** N/A

F. **Within Policy:** N/A

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

Training: Officer Mayfield received training on weapons handling, loading, and unloading procedure.

December 2020

Case One:

A. **NOPD Number:** FTN2020-0161; F-03385-20

B. **Date of Incident:** June 3, 2020

C. **Incident Type:** Gas Deployment, Impact Rounds, and Head Injury

D. **Summary of the Case:**

On June 3, 2020, approximately 1500 people gathered in New Orleans as a sign of solidarity with protests happening across the world in response to George Floyd's killing and in support of the Black Lives Matter movement. The protest began with a rally in Duncan Plaza and mobilized into a march a few hours later. The marching protesters eventually tried to enter the interstate with the intent of crossing the Crescent City Connection Bridge. The march was closely observed by the NOPD and NOPD leadership allowed the protesters to march up the onramp to the elevated interstate, but stopped them from advancing onto the Crescent City Connection Bridge. NOPD formed a skirmish line to prevent protesters from advancing. After failed negotiations between protest leaders and NOPD leadership, protesters locked arms and began to attempt to advance past officers. In response to a group of disruptive protesters pushing and hitting officers, grabbing and taking riot gear, and

throwing objects at officers after being told to exit the bridge, NOPD leadership deployed gas into the crowd. This occurred without giving notice to protesters. NOPD used the following riot control munitions: CS Canisters, CS Foam impact rounds, foam marking rounds and Stinger .60 caliber rubber ball rounds. These munitions were used against not only disruptive protesters, but also peaceful protesters.

Justified: YES

E. Within Policy: YES

F. Board Actions (Policy, Equipment, Tactics, Training and Commendation)

Policy: All uses of force by NOPD during First Amendment Assemblies should be considered Serious Uses of Force and investigated by FIT. Deploying gas or munitions in a crowd control setting should be a Level 4 use of force.

APPENDIX B - OIPM Critical Incidents for 2020

NOPD ASI # / FTN # / Item #	Date of Incident	Type of Incident	Critical Incident Summary
Item#: A-02353-20 ASI#: 2020-0001	January 2, 2020	Officer Involved Shooting - Canine Fatality	See Appendix A.
Item#: A-08099-20 ASI#: 2020-0002	January 7, 2020	Officer Involved Shooting	See Appendix A.
Item#: A-31275-20 ASI#: 2020-0003	January 25, 2020	Officer Involved Shooting	See Appendix A.
Item #: D-16887-20 ASI#: 2020-0004	April 14, 2020	Officer Involved Shooting	Officers responded to a call for service for subjects pulling on door handles. When officers attempted to make contact with subjects, the subjects fired shots at the officers & the officers returned fire. Two officers and one perpetrator were struck. One perpetrator was arrested and the other is still at large.
Item#: D-24581-20 ASI#: 2020-0005	April 21, 2020	Officer Involved Shooting	The officers were conducting a wanted subject check at the location. Upon entry, the officers made contact with the wanted subject. He fired shots at the officers and the officers returned fire. An officer was struck and transported to an area hospital. The wanted subject was taken into custody without further incident.
Item#: D-35488-20 ASI#: 2020-0006	April 29, 2020	Officer Involved Shooting	See Appendix A.
Item#: F-03385-20 FTN: 2020-0160	June 3, 2020	Impact Weapon - Head Injury - CS Gas	See Appendix A.

Item#: F-33317-20 ASI#: 2020-0007	June 27, 2020	Officer Involved Shooting	NOPD 4th District officers responded to calls of shots fired at Jackson's Landing Apartments. While investigating, the perpetrator returned and begin firing at the officers. A vehicle pursuit ensued and ended at Westbank Expressway & Central Avenue in Westwego, LA. The perpetrator crashed, fled on foot, and was apprehended by JPSO. At some point between "Point A" and "Point B", an NOPD Officer returned fire.
Item#: G-28471-20 ASI#: 2020-0008	July 23, 2020	Accidental Discharge	See Appendix A.
Item#: J-07500-20 ASI#: 2020-0009	October 06, 2020	Officer Involved Shooting	There was a gun battle between two subjects at the location, the officer was notified and arrived on scene. One of the subjects pointed a gun at the officer and the officer fired his weapon striking the subject. The subject was transported to UMC by New Orleans EMS.
Item#: K-12809-20 FTN: 2020-0331	November 10, 2020	Impact Weapon – Head Strike	Officers responded to a call of a suspicious person (known to carry a weapon) that was wanted for assault on the complainant. Upon arrival the complainant pointed the suspect out to the officers. The officers went to approach the suspect and he began to walk away. An officer noticed the suspect trying to disassemble a weapon and pushed the suspect to the ground to make an apprehension. The suspect sustained an injury above the left eye, was struck with a firearm in the head and was arrested without further incident.