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Office of the Independent Police Monitor
Truncated Case Review: Use of Force and Investigative Analysis –
Officer Junious Grady (CTN 2025-0166-P)

The Office of the Independent Police Monitor (OIPM) is an independent branch of city government responsible for providing oversight to the New Orleans Police Department (NOPD). The OIPM provides transparent assessments of the NOPD's work, progress, and obstacles. Based on those assessments, the OIPM provides the NOPD with detailed recommendations on policy, practice, and adherence to relevant law. Most importantly, at the center of the OIPM's work is public transparency.

The OIPM is responsible for issuing public reports to the people of New Orleans and the NOPD regarding the state of policing in New Orleans. This truncated case review is one such example and is created in conformity with the Memorandum of Understanding between the NOPD and the OIPM executed on November 10, 2010; as well as being consistent with La. R.S. § 40:2531 Chapter 25 and Municipal Code of Ordinances, Part II, Chapter 2, Article XII Section 2- 1121.

The purpose of case reviews is to examine the misconduct investigations conducted by the NOPD to ensure they are compliant with law and internal policies, including Chapter 52.4: Adjudication of Misconduct and Suspensions of Members (formerly Chapter 26.2), Chapter 52.5: Disciplinary Matrix / Penalty Schedule (formerly Chapter 52.5), and Chapter 52.1: Complaint Intake and Investigation (formerly Chapters 52.1.1 and 52.1.2).

The truncated case review is a *modified* version of the OIPM case review where the OIPM closely examines one (or a few) aspects of the investigation or answers one question proposed by the complainant, police department, or OIPM regarding compliance with policy. Examples may include whether the formal disciplinary investigation adhered to timelines required under the Officer's Bill of Rights or whether the investigation was responsive to the complaint filed by the complainant.

As with all case reviews and work product assessing the NOPD, the NOPD was provided with the mandated thirty (30) day comment period by the OIPM prior to the public release of this document. All public releases comply with the OIPM's obligations under Louisiana Public Records Act (La. R.S. 44:1 et seq.).

PIB Control Number: CTN 2025-0166-P

I. Purpose of Review

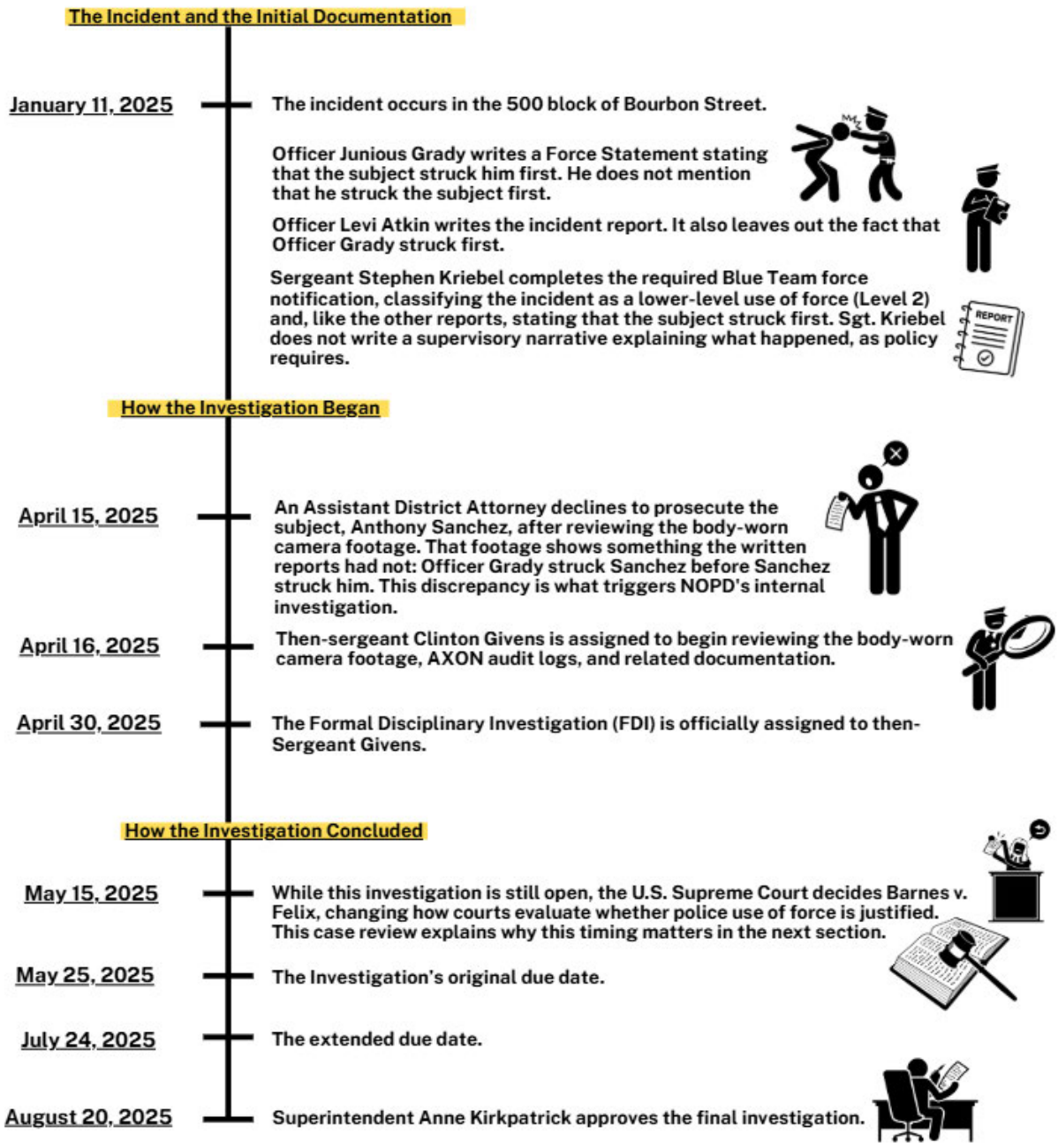
This review will closely examine one specific incident: a use of force by Officer Junious Grady and how the New Orleans Police Department (NOPD) documented and investigated this use of force.

Two main questions guided this review:

(1) First, was there proper documentation of the force: did Officer Grady's own written account of what happened comply with NOPD policy and procedure, and did it match what is shown on his body-worn camera footage?
(2) Second, was the force properly and consistently assessed by the NOPD: did NOPD's investigation correctly determine whether the force Officer Grady used was justified under policy, practice, and training? Was this finding consistent with similar findings made under this standard?

II. What Happened: A Timeline

To understand this case, it helps to walk through what happened, and when. Below is a timeline with some of main events that the OIPM will examine in this review.



III. Legal Update – Why *Barnes v. Felix* Matters Here

While this investigation was still open, the U.S. Supreme Court issued a decision that changed how police use of force must be evaluated. Here's what happened, and why it's relevant to this case.

What did the Court decide?

On May 15, 2025, the Supreme Court decided *Barnes v. Felix*, 605 U.S. ___, 145 S. Ct. 1353 (2025), in a unanimous opinion written by Justice Kagan. The Court rejected what is called the "moment of threat" doctrine, where a court looks only at the exact instant force was used, in isolation from everything that came before it.

Instead, the Court held that use of force must be evaluated under the totality of the circumstances, meaning the events leading up to the use of force count too, not just the split second when force was applied.

Why does the timing matter in this case?

The investigation into Officer Grady's use of force was assigned on April 30, 2025, just two weeks before the Supreme Court issued this decision. The investigation was not completed and approved until August 20, 2025, three months after *Barnes v. Felix* was decided.

Because the investigation was finalized after this ruling, the totality of the circumstance standard applied at the time NOPD made its final use of force determination.

So how did the investigation apply this standard?

As we will discuss in detail in **Section V**, the investigation did look at the broader encounter between Officer Grady and [redacted], which is consistent with *Barnes v. Felix*. However, it also went a step further: it relied in part on what [redacted] did after Officer Grady struck him to help justify that initial strike by Officer Grady. Under NOPD policy, the justification for force must be based on what the officer knew *at the time force was used*, not *on what happened afterward*. This distinction matters, and we will return to it below.

IV. Relevant Facts

This section lays out what the investigation uncovered, based on the incident report, body-worn camera footage, and related documentation.

This review concerns NOPD Item Number A-09918-25, an incident that occurred on January 11, 2025, in the 500 block of Bourbon Street, involving Officer Junious Grady and a man named [redacted].[1]

How the encounter began

According to the incident report, staff at The Swamp bar, located at 516 Bourbon Street, flagged down Officer Grady about an intoxicated subject. According to the incident report, this intoxicated subject was later identified as [redacted] ("[redacted]").

According to the incident report, [redacted] refused to leave the location and was causing a disturbance.[2] Officer Grady approached [redacted] and Officer Grady assessed [redacted] as being intoxicated and Officer Grady observed [redacted] arguing with staff. According to the incident report, Officer Grady attempted to escort [redacted] away from the location and instructed [redacted] multiple times to leave. According to the incident report, [redacted] refused to comply and remained in the area.[3]



Above is a screenshot Officer Grady's BWC of when Officer Grady first struck [redacted].

According to the Officer Force Statement, Officer Grady reported that:

> "Immediately prior to the physical altercation, the suspect attempted to shake my hand and turned to the side. The suspect proceeded to throw a closed fist punch with his right hand, striking me on the mouth. I grabbed onto the suspect and attempted to apprehend him as he grabbed me. Due to the suspect posing

[1] A-09918-25
[2] Id.
[3] A-09918-25

a risk of bodily injury and **having already struck me, I attempted to achieve compliance from the subject by striking the subject in the face** approximately 2-3 times."[4] [*bold added*]

How the Subsequent Use of Force investigation started

On April 15, 2025, Lieutenant Clinton Givens (then a Sergeant) within the Force Investigation Team (FIT), was notified of a potential use of force violation. Then-Sergeant Givens was notified of this incident after Assistant District Attorney Michael Grey declined prosecution of the underlying criminal case.[5] According to the FIT investigation, the District Attorney's Office refused the case after reviewing the body-worn camera footage which showed that Officer Grady struck [redacted] prior to [redacted] striking Officer Grady.[6] Officer Grady's initial strike was not documented in the incident report and it was only discovered after review of Officer Grady's body-worn camera footage.[7]

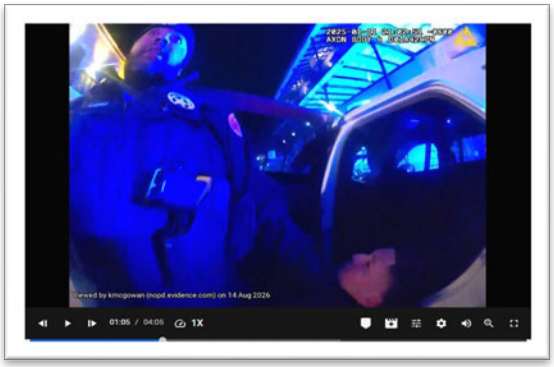
Once aware of the potential use of force incident, then-Sergeant Givens began reviewing body-worn camera footage, AXON audit logs, and related documentation associated with this incident.[8]

The rest of this case review is about the force investigation conducted by FIT.

What the body-worn camera footage showed

In the investigation, then-Sergeant Givens summarized his observations from the body-worn camera footage. According to then-Sergeant Givens, the body-worn camera footage showed:

- [redacted] was verbally confrontational, used offensive and racial language, and refused repeated commands to leave;
- [redacted] continued to approach the officer despite repeated instructions to leave;
- Officer Grady used contact controls, including placing his hand on [redacted] chest and pushing him into the street to create distance;
- At approximately 6:51 (BWC runtime), Officer Grady struck [redacted] in the face with a closed fist;
- At approximately 8:38, [redacted] appeared to swing toward Officer Grady; and
- A physical struggle followed, and [redacted] was taken into custody with assistance from Officer Levi Atkin.[9]



Above is a screenshot Officer Grady's BWC of when Officer Grady was speaking with Officer Atkin when Officer Atkin first arrived at the scene.

What else the investigation found

The investigation further determined:

- The use of force was initially classified as a Level 2 use of force, based on the original force notification completed by the responding supervisor, Sergeant Stephen Kriebel;
- The force notification narrative stated that [redacted] struck the officer first and did not include the officer's initial strike;

[4] CTN 2025-0166-P, Page 9, quote of the Officer Force Statement completed by Officer Grady
[5] 2025-0166-P p. 1-2
[6] Id.
[7] 2025-0166-P p. 1-2
[8] 2025-0166-P p. 5
[9] Id. at p. 14

- Sgt. Stephen Kriebel, the responding supervisor, did not complete a supervisory investigative narrative in Blue Team and no body-worn camera footage was reviewed by him;
- Officer Levi Atkin authored the incident report but did not document the initial strike despite accessing body-worn camera footage; and
- Officer Junious Grady authored a Force Statement in which he described the subject striking him prior to the physical altercation but did not include the initial strike captured on body-worn camera footage.

Upon review, then-Sergeant Givens determined that the use of force involved a strike to the face and should have been classified as a Level 3 use of force instead of Level 2 and updated the classification accordingly.

As a Level 3 use of force, this incident did not meet the threshold Use of Force Review Board (UFRB) review and vote (the UFRB only reviews Level 4 uses of force).

The formal disciplinary investigation (FDI) was assigned on April 30, 2025, to Lt. Givens, due on May 25, 2025, extended to July 24, 2025, and approved on August 20, 2025, by Superintendent Anne Kirkpatrick.

What the investigation concluded

Following the formal disciplinary investigation, the following findings and recommended dispositions were made:

- Officer Junious Grady was investigated for **Rule 2: Moral Conduct, Paragraph 6: Unauthorized Force**, and the allegation was **NOT SUSTAINED;**
- Officer Levi Atkin was charged with **Rule 4: Performance of Duty, Paragraph 2, to wit NOPD Chapter 82.1: Report Preparation**, and the allegation was **SUSTAINED;** and
- Sergeant Stephen Kriebel was evaluated under **Rule 4: Performance of Duty, Paragraph 4(b): Neglect of Duty, to wit NOPD Chapter 1.3.6: Reporting Use of Force, Investigating Supervisor's Responsibilities, Paragraphs 29 and 31**, and the allegation was **SUSTAINED.**

Those findings were based on the investigator's assessment of the available evidence, including body-worn camera footage and related documentation.

V. Policy and Investigative Analysis

In the next section of the truncated case review, the OIPM will analyze the investigation and the corresponding NOPD policy to determine:

(1) Was there proper documentation of the force: did Officer Grady's own written account of what happened comply with NOPD policy and procedure, and did it match what is shown on his body-worn camera footage?
(2) Was the force properly and consistently assessed by the NOPD: did NOPD's investigation correctly determine whether the force Officer Grady used was justified under policy, practice, and training? Was this finding consistent with similar findings made under this standard?

A. Application of Chapter 82.1: Report Writing in the Force Investigation

First, the OIPM will analyze if there was proper documentation of the force by Officer Grady and if his supervisor who reviewed his report properly documented or caught any omission within Officer Grady's report.

Under NOPD policy Chapter 82.1: Report Preparation, officers are required to accurately and completely document all pertinent facts of an incident. Paragraph 8 is specific on this point: members "shall not suppress, conceal, or distort the facts of any reported incident, nor make any false, inaccurate, or incomplete report, whether oral or written."

Applying this policy requirement to this case, there were multiple reports generated after this incident, including the incident report authored by Officer Levi Atkin and a Force Statement authored by Officer Junious Grady; however, the initial strike was not included in these reports.

A Force Statement is a written statement completed by an officer involved in a use of force, meant to document the officer's actions and explain the justification for that force. In his Force Statement, Officer Grady described [redacted] striking him *prior* to the physical altercation.[10] What Officer Grady did not include was his own initial strike, the one captured on body-worn camera footage, in which he struck [redacted] in the face *before* [redacted] struck him.

NOPD's definition help make this point precise. Chapter 1.3.6 does not define a Force Statement as a report, however, it defines a Force Statement as "a written statement required as part of the departmental Use of Force Report." As the officer who used force, Grady was required to complete that statement: Chapter 1.3.6, Paragraph 5 requires an officer who uses force to "complete a Force Statement and any associated NOPD Incident Report(s)." Chapter 82.1 independently confirms that a use of force triggers the Department's documentation requirements. Paragraph 17(b) of that Chapter lists "[a]ny use of physical force by a member of this department" among the incidents that must be documented under the Department's report-preparation policy.

That structure matters. Chapter 1.3.6 requires the Use of Force Report to include, as a mandatory attachment, the "[f]orce statements by all officers using or witnessing the use of force." Although a Force Statement is technically a "statement" rather than a "report" in NOPD's terminology, it is still a required component of the Use of Force Report. Therefore, the OIPM reads Chapter 82.1 to govern force statements that are required to be in the Use of Force Report. If the statement that goes into that report is inaccurate or incomplete, the report itself is inaccurate or incomplete. Grady was the author of the Force Statement that was required to go into the Use of Force Report, and that statement was inaccurate: it omitted his own initial strike. The OIPM asserts that omission should have triggered the same scrutiny under Chapter 82.1 that Officer Atkin's incident report received.

This omission was not something OIPM uncovered on its own. The investigator, then-Sergeant Givens, explicitly acknowledged it, writing:

> "Officer Grady did not mention the first time he struck the subject in the face, which occurred prior to the subject striking back at the officer."[11]

Here's where the inconsistency comes in. Officer Levi Atkin, who authored the incident report, also failed to document the initial strike, even though he had access to and reviewed the body-worn camera footage. As a result, Officer Atkin was charged with Rule 4: Performance of Duty, Paragraph 2, to wit NOPD Chapter 82.1: Report Preparation, and that allegation was sustained.

Despite the same omission being identified in Officer Grady's written statement, he was not evaluated under Chapter 82.1 for report writing deficiencies. According to the investigation, this omission was not treated as a reporting violation in Officer Grady's case, in part because his written statement was not the source of the complaint, and responsibility was instead attributed to supervisory review. However, that reasoning does not hold up under Chapter 82.1. The policy's requirement that a written report be complete and accurate applies to the officer who wrote it, *regardless* of how the omission was eventually discovered.

To be clear, the investigation did identify and acknowledge the omission, it just did so through body-worn camera review, not through an evaluation of whether Grady's written report itself complied with Chapter 82.1.

This gap is particularly significant here because the omission in Officer Grady's statement involves a Level 3 use of force, and it removes a fact that goes *directly* to whether that use of force was justified in the first place. Other officers were held accountable for failing to document this same critical fact. Officer Grady, the officer who applied the force, was not held to that same standard. The OIPM finds that the investigation identified a clear reporting deficiency in Officer Grady's written Force Statement but did not apply the same reporting standards to him that it applied to other involved personnel. This raises real concerns about the uniform application of NOPD policy and accountability in this investigation.

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[10] 2025-0166-P p. 14

[11] Id.

Therefore, in this matter, the OIPM determines that a more appropriate outcome would have been:

(1) If Officer Grady was investigated Chapter 82.1: Report Preparation for failing to properly and thoroughly document all force utilized in the arrest; and
(2) If Officer Grady's omission of the initial force was considered to sustain an allegation that he violated Chapter 82.1: Report Preparation.

B. Application of Chapter 1.3.6: Supervisory Responsibilities in the Force Investigation

Next, the OIPM analyzes the role of Sergeant Steven Kriebel, Officer Grady's supervisor, in the documentation of the force by Officer Grady.

NOPD Chapter 1.3.6: Reporting Use of Force explains what supervisors are required to do whenever a use of force occurs. Specifically, Paragraphs 29 and 31 require the investigating supervisor to conduct a thorough review of the incident, make sure all use of force is properly documented and classified, and complete the required documentation, including a written explanation of the event and a determination as to whether the force was within policy.

In this case, that supervisor was Sergeant Stephen Kriebel. Sergeant Kriebel was the responding supervisor, and it was his responsibility to review Officer Grady's use of force and ensure that all required documentation was completed accurately and thoroughly.

However, here, according to the investigation, the Blue Team entry associated with this incident did not include a written explanation from the supervisor describing what happened, what force was used, or whether that force followed policy. It also did not include any analysis of the use of force or a clear determination as to whether it was within policy. Sgt. Kriebel also did not review any body-worn camera footage.

The consequence of that supervisory lapse is immediately evident. The initial force notification classified the incident as a Level 2 use of force and included a narrative stating that [redacted] struck the officer first. That classification and narrative did not reflect Officer Grady's initial strike, the one that was only later identified through body-worn camera review. This was eventually corrected during the investigation. However, the fact that correction was needed indicates the underlying problem: the required supervisory review was not completed in accordance with Chapter 1.3.6 at the time of the incident.

As a result, Sergeant Kriebel was evaluated under Rule 4: Performance of Duty, Paragraph 4(b): Neglect of Duty, to wit NOPD Chapter 1.3.6: Reporting Use of Force, Investigating Supervisor's Responsibilities, Paragraphs 29 and 31, and that allegation was sustained.

The OIPM agrees that the supervisory review in this case did not meet the requirements of Chapter 1.3.6. Key parts of the use of force were not properly documented, reviewed, or explained at the time of the incident, and this lack of timely, complete supervisory oversight contributed directly to the problems in how the force was initially reported and classified.

C. Application of Chapter 1.3: Use of Force in the Force Investigation

Next, the OIPM will analyze whether the NOPD appropriately assessed the force used and whether that assessment was consistent with other similar investigations conducted by the NOPD.

Under NOPD Chapter 1.3: Use of Force, Paragraph 1, officers are required to use the **minimum amount of force necessary** to bring an incident under control. Paragraph 16 further elaborates that any force used must be **objectively reasonable** based on the **facts and circumstances known to the officer at the time**.

While this investigation was still underway, the U.S. Supreme Court issued its decision in *Barnes v. Felix*,[12] clarifying that use of force must be evaluated under the **totality of the circumstances**, rather than a strict "moment of threat" framework, as discussed in **Section III** above.

Consistent with that standard, this review considers the full scope of the encounter leading up to the use of force, including [redacted] noncompliance, verbal confrontation, and repeated approach toward the officer. The investigation established, through body-worn camera review, that Officer Grady struck [redacted] at approximately 6:31 (BWC runtime), before [redacted] struck or attempted to strike the officer. The investigator acknowledged this sequence directly, noting that "Officer Grady did not mention the first time he struck the subject in the face, which occurred prior to the subject striking back at the officer."[13]

Despite this finding, the allegation of unauthorized force was **not sustained** in the formal disciplinary investigation (FDI).

In reaching that conclusion, the investigator relied on [redacted] behavior throughout the encounter, namely, that he continued to approach the officer, refused commands to leave, and engaged in verbal confrontation and insults. The investigative narrative also shows reliance on what [redacted] did after the strike, specifically, that he "punched forward at the officer" at approximately 8:38. Therefore, the investigation relies on information received and behavior observed *after* the officer's initial force to explain the officer's use of force.

Here's why that distinction matters.

At the time Officer Grady struck [redacted], roughly six minutes into the encounter, [redacted] had not struck or attempted to strike the officer, despite several minutes of interaction. His conduct up to that point consisted of verbal confrontation, noncompliance to leave the area, and repeated approach. That conduct may have justified some level of force. But it does not meet the definition of aggressive resistance needed to justify a closed-fist strike to the face. Under NOPD Chapter 1.3: Use of Force, Paragraph 21(f), officers are authorized to utilize defensive tactics (including strikes) only when a subject is exhibiting aggressive resistance. Aggressive resistance means an actual or attempted force against the officer (like an attack). This detective tactic, and all force used by the officer, must be proportional to the level of resistance actually presented.

Put simply: the OIPM finds that the investigation applied a totality-of-the-circumstances approach but did so incorrectly because the investigator relied on conduct that occurred after the initial use of force to retroactively justify that initial strike. Under NOPD policy, the justification for force must be based on what the officer knew at the time that force was used. Even accounting for everything leading up to the strike, [redacted] was not exhibiting the level of aggressive resistance required to justify a Level 3 use of force and there was no information to suggest that [redacted] was going to aggressively resist in order justify that initial strike. Effectively, there is no way to know if [redacted] would have behaved the way he did if he wasn't first struck by the officer. The officer's initial strike may have escalated [redacted] behavior during the arrest.

Therefore, the OIPM questions the investigator's application of the totality of circumstances standard in this investigation since it relied heavily on information and behavior observed by the officer after he initially used force instead of before it.

D. Consistency in Application of Policy and Investigative Findings

Taking these sections together, there is a larger question to answer: was this investigation, and its findings, applied consistently to all involved officers? Here, the OIPM has concerns.

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[12] *Barnes v. Felix*, 605 U.S. ___, 145 S. Ct. 1353 (2025). The Supreme Court held that use of force must be evaluated under the totality of the circumstances, and that courts should not limit their analysis to a single moment in time but instead consider the events leading up to the use of force.

[13] 2025-0166-P p. 7

According to the investigation, multiple deficiencies were identified in how this incident was reported and documented, particularly involving the omission of Officer Grady's initial strike. These deficiencies resulted in two officers being sustained in policy violations:

- Officer Levi Atkin was charged with Rule 4: Performance of Duty, Paragraph 2, to wit NOPD Chapter 82.1: Report Preparation, for failing to document the initial strike, and that allegation was sustained;

- Sergeant Stephen Kriebel was evaluated under Rule 4: Performance of Duty, Paragraph 4(b): Neglect of Duty, to wit NOPD Chapter 1.3.6: Reporting Use of Force, Investigating Supervisor's Responsibilities, Paragraphs 29 and 31, for deficiencies in supervisory review and documentation, and that allegation was sustained.

Both of those findings were based, at least in part, on a failure to properly document or address the initial strike captured on body-worn camera footage. Here's the inconsistency: Officer Junious Grady, who authored a written Force Statement, omitted that same critical fact from his own report. Despite that, Officer Grady was not evaluated under NOPD Chapter 82.1: Report Preparation for the omission.

Why the difference? The investigation attributes responsibility for this omission primarily to supervisory review, noting that Officer Grady's statement was not the source of the complaint. But that explanation doesn't resolve the underlying issue. The fact that the omission was identified through body-worn camera review, rather than through the written report itself, does not remove the requirement that the report be accurate and complete under Chapter 82.1, which applies to any written report documenting an incident. Attributing responsibility to supervisory review also does not eliminate an officer's independent obligation to accurately document the use of force.

This matters more here than it might in an ordinary case, because the omission relates to a Level 3 use of force and directly affects how that force is evaluated and justified in the first place.

Therefore, while the investigation identified and sustained reporting violations for other involved personnel based on this same omission, it did not apply that same standard to Officer Grady.

The OIPM finds that this difference reflects a real inconsistency in how policy and investigative findings were applied. The same underlying issue, failure to document a critical fact, resulted in sustained findings for some personnel, but not for the officer whose actions were central to both the use of force and the reporting of that force. This raised a concern about the uniform application of NOPD policy and accountability in this investigation.

VI. Analysis of Investigative Quality (Chapter 52.1)

The OIPM finds that the outcome of this investigation reflects a deficiency in how policy was applied, not a lack of investigative effort or missing information. This means: the investigation itself included appropriate investigative steps: review of body-worn camera footage, review of relevant documents, and witness interviews. The investigation was completed within established timelines and approved on August 20, 2025. There's no indication that additional evidence was needed, and no indication of delay or resource limitations. The issue here is not that the investigator failed to gather the right information. The issue is how the facts that were identified got applied to NOPD policy.

According to the investigation, the investigator:

- Identified that Officer Grady struck [redacted] prior to being struck;
- Identified deficiencies in reporting and supervisory review; and
- Corrected the classification of the use of force.

Given all of that, one might expect those facts to have been applied consistently throughout the investigation's policy analysis. They were not.

Specifically, the investigation:

- Did not clearly limit its analysis to the circumstances known to the officer at the time force was used, and instead relied in part on actions that occurred after Officer Grady struck [redacted] to support the justification for that force;
- Did not evaluate the reporting omission in Officer Grady's written statement under NOPD Chapter 82.1: Report Preparation; and
- Did not apply consistent reporting standards across all involved personnel.

For those reasons, the OIPM finds that the outcome of this investigation reflects a deficiency in how policy was applied, not a lack of investigative effort or missing information.

VII. Conclusion

Based on the information discussed above, the OIPM finds that:

- The investigation did not fully apply NOPD Use of Force standards under Chapter 1.3, as it relied in part on actions that occurred *after* Officer Grady struck [redacted], rather than limiting the analysis to the circumstances known to the officer at the time the force was used;
- The investigation did not evaluate a clear reporting omission in Officer Grady's written Force Statement under NOPD Chapter 82.1: Report Preparation, despite identifying that same omission as a basis for sustained findings against other involved personnel; and
- The investigation reflects an inconsistent application of policy, as similar deficiencies in reporting and documentation resulted in sustained findings for some personnel, but not for Officer Grady.

Respectfully,

Kirschelle Williams

Kirschelle Williams
Deputy Police Monitor