



Audit and Review Unit  
Professional Standards and Accountability Bureau

# Domestic Violence Unit Audit February 2024 Report

Report #: DVU022024

Review Period: April 1, 2023 – September 30, 2023

Submitted by PSAB: February 9, 2024

Response from Sex Crimes: February 23, 2024

Final Report: February 26, 2024

## **Audit Team**

This audit was managed and conducted by the Professional Standards and Accountability Bureau

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## *Executive Summary*

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The Audit and Review Unit (ARU) of the Professional Standards and Accountability Bureau conducted a Domestic Violence Unit (DVU) Checklist Audit in February 2024. DVU checklist audits ensure that the Domestic Violence Unit is operating in compliance with the most updated New Orleans Police Department (NOPD) policies covering Chapters 42.4 and 42.4.1 regarding “Domestic Violence” and “Domestic Disturbance,” respectively. The Consent Decree mandates DVU detectives training in DV-specific matters. As a result, detectives will be able to respond timely to the investigations of Domestic Violence incidents, review all evidence and statements, and conduct effective victim-oriented case follow-ups as needed. The audit also focuses on ensuring that each detective works actively to engage the victims and provides guidance on how to get counseling, assistance, and support from available social services.

The February 2024 audit was completed utilizing the most recent DV Audit Protocol at the time of the audit. This audit consists of thirty-two (**32**) questions and additional follow-up requests, which covered paragraphs 212-222 of the Consent Decree (CD). Based on the combined total of “one thousand eighty-eight” (**1088**) checklist items rated from the sample size of thirty-four (**34**) case files audited, the “**overall score**” of this Domestic Violence Unit case file audit conducted by the Audit and Review Unit was **99.3%**.

The scorecard for the Domestic Violence Unit Checklist Audit has been updated to include explanations for “Not Applicable” scorings.

Supervisors should address deficiencies with specific training through specific In-service Training classes or Daily Training Bulletins (DTBs). Such training should be reinforced by close and efficient supervision in addition to Supervisor Feedback Logs entries.

Of the thirty-two (**32**) questions, thirty (**30**) scored compliant.

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

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## **Introduction**

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The Audit and Review Unit of the Professional Standards and Accountability Bureau audited the Domestic Violence Unit's investigation case files, covering the period of April 2023 to September 2023; The audit occurred from January 31, 2024, through February 5, 2024, and required a double-blind audit process.

### **Purpose**

The Domestic Violence Unit case file audit verifies Departmental compliance with the Consent Decree and NOPD Operations Manual's Chapters 42.4 "Domestic Violence" and 42.4.1 "Domestic Disturbance" investigations.

### **Scope**

The audit will determine and document whether there was a proper response by investigators and supervisors of the New Orleans Police Department's Domestic Violence Unit in conducting follow-up investigations. The auditor assigned to the audit is responsible for verifying that each response is proactive, victim-centered, and professional. Upon completion, the audit manager will submit a report to the appointed authority of the Domestic Violence Unit and the Leadership of the Professional Standards and Accountability Bureau, pointing out any deficiencies or confirming a thorough investigation. Members of the Office of the Consent Decree Monitor will additionally receive the report; The submission of audit reports will assist in maintaining accurate and complete Domestic Violence Unit investigations in the future.

### **Methodology**

Population size – the Domestic Violence Unit only.

Sample size –The selected sample size is a randomized selection of 15% of the total case files as mandated by the DVU Case File Audit Protocol.

Documentation review – All documents and investigative material contained within each case file.

Testing Instrument(s) – The instruments used included: The New Orleans Police Department's Operations Manual Chapters 42.4 Domestic Violence (Effective: 1/31/2021), the 42.4.1 Domestic Disturbances (Effective 7/8/2018), and the thirty-two (32) point Domestic Violence Case File Checklist.

In addition, the Consent Decree Paragraphs 212-222 will be verified by reaching out to the individuals with a stake in ensuring compliance with those paragraphs. Each case file will be audited via a "double-blind" process by two (2) members of the Audit and Review Unit (ARU) to give a reliable and thorough review of each case file.

### **Data**

The audit range is every six months; the Domestic Violence Unit, upon request, will provide the Innovation Manager of the Audit and Review Unit, or the Captain within PSAB, all item numbers during the audit range period. The Audit and Review Unit will then use Excel (Rand function) to randomize review cases. Afterward, the Audit and Review Unit will review a population of at least **15%** of those cases within the audit range. From the current population, **15%**, or thirty-four (**34**) case files were selected via a randomizer system from 226 files taken in by the Domestic Violence Unit from April 2023 to September 2023.

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## *Initiating and Conducting the Domestic Violence Audit*

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Auditor Jovan Berry of the Professional Standards and Accountability Bureau (PSAB) initially contacted Lieutenant Sheila Celious, Commander of the DVU Unit, and Sergeant Patrick Kennelly, of the Domestic Violence Unit (DVU), on January 19, 2024, to request the case file list for the review period involved. On January 24, 2024, the DV Unit received the sample list of case files PSAB planned to audit and to notify them of a scheduled Domestic Violence Unit case file audit that would be initiated by the Audit and Review Unit (ARU), starting January 31, 2024, and concluding February 5, 2024.

Lieutenant Celious was provided with this advanced notice to ensure a DVU supervisor was on standby to provide the requested case files to the Audit and Review Unit upon demand. Lieutenant Celious received the thirty-two-point checklist in addition to the audit protocol.

During this audit, the ARU requested and received the thirty-four **(34)** case files from the on-duty DVU Sergeant for review. The ARU auditors conducted the audit at the office of the ARU, reviewing each case file checklist before returning the files to the DVU.

Each case file was systematically reviewed via a “double-blind” audit process by the ARU for compliance with the New Orleans Police Department’s Operations Manual Chapters 42.4 and 42.4.1 relating to “Domestic Violence” investigations. To facilitate this process, the auditors used the thirty-two **(32)** point DVU case file checklist (with an available commentary space to document any specific areas) as a gauge to review and analyze the content of every case file.

The list of Auditors that conducted each “double-blind” case file audit, as well as the associated case file count, is as follows:

**Audit Team 1 (11)**

**Audit Team 2 (11)**

**Audit Team 3 (12)**

**Total: 34 Case Files (double-blind)**

# Domestic Violence Unit Scorecards

## Domestic Violence Unit Check-List Audit Scores Target 95%



**Domestic Violence Unit Check-List Scorecard - (Double-blind)**

ARU percentages for Consent Decree requirements for Domestic Violence Unit Checklist Audit.

Period: February 2024

Data Range: Apr. 2023 - Sept. 2023

Check-List Questions	Score	CD #	Y	N	NA	NA Explanations
1 Is there an incident report in the file?	100%	212	34	0	0	None
2 Is there documentation that the investigator reviewed body worn camera footage if the incident report indicates a BWC recording would aid in the follow-up investigation?	93%	213	28	2	4	4 BWC footage did not aid in the investigation
3 Is there documentation that either patrol or the investigator documented interviews by written or audio recorded statements, or by BWC?	100%	213	33	0	1	1 Subject contacted the investigator while off-duty
4 Does the file indicate that patrol handled the majority of the case and therefore some documentation would be included elsewhere (statements, photographic evidence, evidence receipts)?	100%	212	27	0	7	7 Investigator handled majority of the case
5 Is there documentation that the investigator made contact with the victim within one week of the DV incident, or within a reasonable period based on the circumstances?	100%	213	23	0	11	11 - Victim unable to be contacted or located after several attempts.
6 Is there documentation that the investigator located or attempted to locate the victim through various means (neighbors, employment, Advocate resources)?	100%	213	33	0	1	1 Victim was not contacted due to collusion with the suspect.
7 Do the actual charges support the elements of the crime?	100%	213	33	0	1	1 No crime was committed; wellness check
8 Is there documentation reflective of "continuing engagement" with the victim?	100%	213	19	0	15	15 Continuing engagement was not needed due to the final case disposition; cleared by arrest. Not applicable due to investigator's inability to make contact with victim.
9 Is there documentation in the file of the offender's "criminal history" or a "past history" check by either patrol or the investigator?	100%	213	33	0	1	1 Offender identity is unknown
10 Is there a victim Risk Assessment documented by patrol?	100%	213	29	0	5	5 Risk Assessment was conducted by the investigator.
11 If a Risk Assessment was not indicated in the patrol officer's incident report or was insufficient, did the investigator probe for details regarding the Risk Assessment, or conduct a documented Risk Assessment?	100%	213	2	0	32	32 Risk assessment was indicated in the patrol officer's incident report.
12 If there is documented evidence of potential victim risk, did the officer or investigator initiate follow-up action or document safety and/or protection advice?	100%	213	19	0	15	15 No documentation of a potential victim risk
13 Does the file include documentation of a predominant aggressor assessment by patrol or the investigator?	100%	214	33	0	1	1 No suspect due to no crime committed.
14 Is photographic evidence indicated in the case file by either patrol officers or the case follow-up investigator?	100%	213	29	0	5	5 No photographic evidence applicable
15 If a dual arrest was made, is there documentation of supervisory approval?	-	214	0	0	34	34 No dual arrest made
16 If injury is indicated, is there a copy of a medical records release form in the file?	100%	213	9	0	25	25 Victim refused medical attention/medical record release.
17 Are there copies of a Protection Order and/or TRO in the case file?	100%	213	8	0	26	26 No Protection Order or TRO involved in the case
18 Does the case file have documentation of a victim referral to the NOFJC?	96%	216	27	1	6	6 Investigator was contacted due to violation of Protection Order. The victim was not located to conduct a follow-up investigation.
19 Is there documentation that the victim was provided a Form #45 and Rights of Crime Victims brochures?	100%	216	32	0	2	2 Victim contacted the investigator off duty. The patrol officer initially met the victim at the hospital; the hospital provides referral services.
20 Did the patrol officer or investigator document if the persons ever lived together?	94%	213	29	2	3	None
21 Did the officer or investigator document if the victim had difficulty breathing or a loss of consciousness to support DV strangulation charges?	100%	213	18	0	16	16 No strangulation involved in the case
22 Did the officer or investigator document an attempt to have child witnesses of DV forensically interviewed?	100%	213	5	0	29	29 No child witnesses interviewed
23 Are there any victim/witness statements documented in the case file?	100%	213	31	0	3	3 Whereabouts of victim unknown; Victim refused to provide a follow-up statement
24 Is there documentation of or actual recordings of victim follow-up statements in the file?	100%	213	19	0	15	15 Whereabouts of victim unknown; Victim refused to provide a follow-up statement
25 Are there documented observations of an evident crime scene in the file by the initial responding officer or the investigator.	100%	213	11	0	23	23 No evident crime scene applicable to the case.
26 Is there documentation that the responding officer(s) collected, preserved and documented evidence?	100%	213	23	0	11	11 No evidence available to for collected by the responding officer
27 Are there recordings and/or printouts of relevant voice mails, e-mails or text messages, etc. in the case file?	100%	213	10	0	24	24 No text messages, emails, or voicemail printouts that are applicable to the case
28 Are warrant applications included in the case file for investigator's cases?	100%	213	23	0	11	11 There are no warrant applications that are applicable to the case
29 Generally, does the documentation in the file indicate the initial investigation was an overall pro-active, victim-oriented and professional response?	100%	213	34	0	0	None
30 Generally, does the documentation in the file indicate the follow-up investigation was an overall pro-active, victim-oriented and professional response?	100%	213	34	0	0	None
31 If the officer determined there was probable cause that a crime was committed, is there documentation in the file that the case was reviewed by a DVU or SVU supervisor?	100%	213	33	0	1	1 Officer determined that no crime was committed.
32 If the case involves a department employee, a sworn law enforcement officer or a public figure, was appropriate action taken (notification of PIB, or if from another jurisdiction contact other jurisdiction (if they requested the information, i.e. military), documentation of the notification. Chapter 42.4.	-	212	0	0	34	34 No law enforcement officer, public figure, or department employee involved in the case
<b>Total</b>	<b>99.3%</b>		<b>721</b>	<b>5</b>	<b>362</b>	

General Comments  
 ARU audited sampled Domestic Violence Unit case file items for a defined period, for completeness and accuracy as required by the Consent Decree.  
 For an explanation of the procedures and scoring system for this review, see the associated "Protocol" document.  
 For a list of relevant policies, contact ARU as needed.

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## ***DVU Case File Audit Results (Final)***

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**The below-listed information reveals the outcome of the Audit Team's 34 case file reviews.**

The compliance percentage for requirements in the Domestic Violence Unit Case File Checklist Audit are as follows for the reviews of **15%** of the available case files during the period targeted for audit: **226\*.15 = 33.9, rounded up to 34**. The source materials for all questions are in the case file documents.

The source materials for all questions are in the case file documents. The compliance percentage for requirements in the Domestic Violence Unit File Checklist Audit are as follows:

Of the 34 case files reviewed, the following **30** case files each have an overall compliance percentage of **100%** following each file's initial document review. There were no deficiencies noted for any of these case files:

**Gist:** The female victim was allegedly struck repeatedly by a known male subject (live-in boyfriend). There was no previous history of domestic violence.

**Gist:** The female victim was allegedly struck repeatedly in the face by a known male subject (boyfriend), resulting in an eye fracture.

**Gist:** The male victim alleged a known subject (ex-boyfriend) entered his residence and strangled him while sleeping. The victim grabbed a knife and proceeded to break the window of the subject's vehicle.

**Gist:** The female victim was allegedly struck and strangled by a known male subject (boyfriend). The victim resided with the subject.

**Gist:** The female victim was allegedly grabbed by a known male subject (boyfriend), resulting in two small lacerations.

**Gist:** The female victim contacted Detective Eric Rish while off-duty to report a violation of a protection order. Due to being off duty, there were no recorded interviews nor risk assessments.

**Gist:** The female victim was allegedly bit and pushed down by a known subject (male friend). There was no prior relationship. However, the victim and subject share a child.

**Gist:** The female victim alleged that a known male subject (ex-boyfriend) trespassed her residence and poured bleach on her bedding and face. The victim refused medical attention.

**Gist:** The female victim alleged that a known male subject (boyfriend) grabbed her hair and strangled her. The victim's son tussled with the male subject to assist in freeing her from the subject's hands.

**Gist:** The female victim was allegedly struck repeatedly with closed fists by a known male subject.

**Gist:** The female victim was allegedly contacted numerous times by a known male subject (ex-boyfriend), violating an active protection order.

**Gist:** The female victim was allegedly struck and strangled by a known male subject (ex-boyfriend).



**Gist:** The male victim was allegedly stabbed by a known female subject (girlfriend).

**Gist:** The female victim was allegedly struck with an open and closed fist while being threatened at gun point by a known male subject (ex-boyfriend).

**Gist:** The victim was allegedly struck repeatedly in the face with closed fists by a known male subject.

**Gist:** The female victim was allegedly strangled and held at gun point by a known male subject (boyfriend).

**Gist:** The female victim was allegedly strangled by a known male subject (boyfriend).

**Gist:** The female victim alleged that a known male subject (male friend) pulled her arm through a broken window, causing lacerations to her arm.

**Gist:** The female victim was allegedly contacted on numerous occasions by a known male subject, violating an active protection order.

**Gist:** The female victim was allegedly strangled and held against her will inside of a known male subject's vehicle, violating an active protection order.

**Gist:** The female victim was allegedly forcibly grabbed by a known male subject who then seized her car keys, departing in her vehicle.

**Gist:** A female client of an Elderly Protection Services specialist was suspected to be a victim of emotional abuse and caregiver neglect. Upon conducting wellness checks, it was determined the victim was not at risk, as the victim denied any abuse.

**Gist:** The female victim was allegedly strangled and struck by a known male subject.

**Gist:** The female victim was allegedly strangled by a known male subject (boyfriend), losing consciousness.

**Gist:** The female victim was allegedly shoved to the ground by a known male subject following a verbal altercation.

**Gist:** The female victim was allegedly strangled, dragged, and verbally threatened by a known male subject (ex-boyfriend).

**Gist:** The female victim was allegedly struck in the face with a closed fist and strangle by a known male subject (boyfriend). The victim lost consciousness during the strangulation.

**Gist:** The female victim was allegedly strangled repeatedly and held at gun point by a known male subject (boyfriend).

**Gist:** The female victim was allegedly strangled by a known male subject (boyfriend) upon addressing infidelity.

**Gist:** The female victim was allegedly strangled and struck in the face with a belt and closed fist by a known male subject (boyfriend).

Of the 34 case files reviewed, the following 4 case files each were found to have minor deficiencies following the initial review.

#### **94% Compliant**

**Gist:** The female victim alleged that she was strangled and struck repeatedly with a closed fist by a known male subject (boyfriend). The victim shares a child with the subject.

**Deficiencies: Q18, *Does the case file have documentation of a victim referral to the NOFJC?*** There is no written documentation of a victim referral to the NOFJC by the patrol officer nor Detective Pollard.

**Deficiencies: Q20, *Did the patrol officer or investigator document if the persons ever lived together?*** There is no written documentation indicating whether the persons involved ever lived together.

#### **97% Compliant**

**Gist:** The female victim alleged that she was struck repeatedly and strangled by her ex-boyfriend. The victim shares children with the subject.

**Deficiencies: Q2, *Is there documentation that the investigator reviewed body worn camera footage if the incident report indicates a BWC recording would aid in the follow-up investigation?*** There is no record of investigators Boudreaux nor Collier reviewing the BWC of the responding officer. The report indicates a review occurred, but neither investigator is listed in the audit trail of Evidence.com.

#### **97% Compliant**

**Gist:** The female victim was allegedly elbowed in the mouth by a known male subject, resulting in damage to her cellular device.

**Deficiencies: Q20, *Did the patrol officer or investigator document if the persons ever lived together?*** There is no written documentation by the responding officer nor Detectives of whether the persons involved ever lived together.

#### **97% Compliant**

**Gist:** The female victim was allegedly strangled and struck repeatedly by a known male subject. The victim lost consciousness and was threatened with a knife.

**Deficiencies: Q2, *Is there documentation that the investigator reviewed body worn camera footage if the incident report indicates a BWC recording would aid in the follow-up investigation?*** There is no record of investigator Pollard reviewing the BWC of the responding officer.

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## ***Mandated Consent Decree paragraph responses (CD 212-222)***

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During the audit, the Audit and Review Unit corroborated to ascertain and verify the below listed information to address Consent Decree paragraphs 212 thru 222 pertaining to the Domestic Violence Unit:

**Lt. SVD reviewed the Mandated Consent Decree paragraph responses that covered (CD 212-222).**

**The New Orleans Police Department's Domestic Violence Unit and Municipal Training Academy remains in compliance with CD Paragraphs, 212, 213, 214, 215, 216, 217, 218, 220, 221, and 222.**

### **CD 212**

NOPD agrees to delineate the respective duties of communications staff, patrol officers/first responders, District-level detectives, domestic violence detectives, and supervisors in its domestic violence policies and procedures, and agrees to provide clear and detailed guidelines for steps at each stage of NOPD's response to a report of Domestic Violence, including dispatch response; initial officer response, including entry procedures; and **on-scene and follow-up investigation.**

- **On scene and follow up investigations (NOPD Chapter 42.4 Domestic Violence, Chapter 42.4.1 Domestic Disturbance and Chapter 41.4.1 Response to Calls, Domestic Violence Standard Operating Procedures).**
- CD 212 was covered with Question 1 and Question 2 of the DVU audit checklist.

### **CD 213**

Ensure that NOPD prioritized victim safety and protection at each stage of its response to a report of Domestic Violence. Ensure that Protocols and guidelines are up to date on best practices for on scene and follow up investigations including:

- Identifying, locating, and interviewing suspects and witnesses
- Assessment of the crime scene
- Evidence collection, including documentation of victim injuries and seizure of weapons.

**Chapters 42.4 and 42.4.1 are both policies pertaining to Domestic Violence and Domestic Disturbances. These policies were developed based on the best practices of the Blueprint for Safety model developed by Praxis International. NOPD was a pilot city for this model starting in 2013 and continues to operate in full compliance with this model. All DV investigations must be comprehensive and must be documented thoroughly to include all statements, evidence collection etc. NOPD must also document risk of the victim by asking 5 developed risk questions pertaining to any incident classified as DV. These risk assessment answers are then used to assist in predominant aggressor assessments to identify who is most at risk when determining who is the offender. They are also used in bond setting by Magistrates to hold offenders accountable for their actions. NOPD is one of the few agencies that prioritizes victim safety and DV by documenting these cases this way. In all cases of intimate partner and DV, summonses are prohibited. All stakeholders, including advocacy agencies, had input in the development of the DV policy.**

- These protocols and guidelines were reviewed, revised, approved, and remain current.

- CD 213 was covered with Q2-3, Q5-12, Q14, Q16-17, and Q20-31 of the DVU audit checklist.

#### **CD 214**

Ensure that NOPD discouraged dual arrests of offenders and victims by providing training on primary aggressors and require supervisory approval to effectuate a dual arrest.

**NOPD does discourage dual arrest practice. This is clearly defined in Chapter 42.4 and must be approved by a supervisor. All officers were trained in this practice in the beginning of 2013. MTA will have all training records pertaining to Chapter DV 42.4 in service. Chapter 42.4 “Domestic Violence” was also covered via DTB in December 2020.**

- CD 214 was covered with Q13 and Q15 of the DVU audit checklist.

#### **CD 215, Reviewed 2/8/24 – No updated response**

NOPD agrees to continue to participate in the operation, development, and sustainability of the New Orleans Family Justice Center (NOFJC); work in co-location with other civil and criminal agencies and community-based organizations; and support a centralized, multi-agency Family Justice Center model in the handling of Domestic Violence and Sexual Assault cases in New Orleans.

Ensure that NOPD continues to participate in the

- Operation, development, and sustainability of the NOFJC
- Work in a co-location with other civil, criminal agencies and community-based organizations,
- Support a centralized, multi-agency Family Justice Center model in handling Domestic Violence and sexual assault cases.

**The Department developed a committee of representatives from the community, including rape crisis advocates, service providers, and/or legal providers to review, on a semi-annual basis (1) Domestic Violence investigation disposed of as Unfounded. (2) a random sample of open Domestic Violence investigations with the approval of the DA. The Department has agreed to ensure that feedback and recommendations from the committee are incorporated into policies, general training, remedial training for specific officers or detectives, and the decision to re-examine and re-open investigations, if warranted.**

**A member of the Sexual Assault Response Team (SART) and NOFJC, advised that the NOPD is actively participating with the established committees such as SART. They advised that the organizations and the NOPD discuss unfounded dispositions on a frequent basis. An Assistant District Attorney from the Orleans Parish District Attorney’s Office (OPDA) DVU section, advised that the relationship with the NOPD DVU Section is “great”. A supervisor with the OPDA’s Office DVU Section, advised that the NOPD DVU is a great business partner and stated that the Lieutenant and the Detectives go above and beyond with their assigned cases.**

#### **CD 216 Reviewed 2/8/24 – No updated response**

Ensure that NOPD has collaborated with and referred victims to NOFJC.

**Per Domestic Violence Unit, every domestic violence victim is provided a resource sheet containing all NOFJC contact information by platoon officers. In Every case handled by the Domestic Violence Unit the victim is provided with a direct contact number to the advocates at the NOFJC. All of this is documented within initial and supplemental reports pertaining to victim engagement and referrals**

**to advocates.**

#### **CD 217 Reviewed 2/8/24 – No updated response**

Ensure that the Superintendent or a designee at a Commander Level meet with the Executive Committee of the NOFJC on a quarterly basis. A sergeant or above attends the quarterly meetings for the purpose of reviewing and coordinating NOPD's policies on Domestic Violence.

(The designated sergeant or above shall review NOPD's policies for internal consistency and consistency with the Integrated Protocol developed by the NOFJC, the Blueprint for Safety, and to review and update policies at least annually or as necessary. The designated sergeant or above shall also be responsible for identifying training needs with respect to implementing NOPD Domestic Violence policies, the Integrated Protocol and/or the Blueprint for safety.)

**Sgt. DVU attends the NOFJC Quarterly Meeting pertaining to update and policy revisions with the Blueprint Interagency Coordinator and the NOFJC.**

#### **CD 218, 219, 220, 221, Training related**

##### **CD 218**

Ensure that the adequate amount of manpower is assigned to the DVU at the NOFJC (sufficient detectives based on the number of calls for service).

- To ensure that detectives are able to review, on a weekly basis, District-level reports on incidents of Domestic Violence for the purpose of identifying training needs and tracking Districts' response to DV.
- Have sufficient staff to conduct an appropriate follow up investigation on felony offenses (weapon involved or serious bodily injury) including coordination with the District Attorney's Domestic Violence Prosecution Unit.

**Since 2011 DV manpower has remained as 1 supervisor and 4 detectives. The Domestic Violence Unit can operate with the allocated manpower. Sergeant DVU personally reviews every DV case from the previous 24 hours based on information supplied by the Repo within NOPD Applications. Each case is triaged and assigned accordingly to a DV investigator to conduct additional follow up to obtain necessary information so it can be successfully screened by the DV Screener. This is all about continued victim engagement.**

**In any typical year the DV Unit will be assigned approximately 400 follow up/initial cases to be completed.**

**This number will increase if STOP Grant funds are not allocated to provide overtime for additional cases to be worked by the unit.**

##### **CD 219 Reviewed – Response updated 2/9/24**

Ensure that NOPD offered training in best practices including IACP recommendations and annual updates to reflect changes in policy, law and developments in research and best practice. This can be verified through the yearly policy update review conducted by the Policy Innovation Manager.

**Per Innovation Manager, and Sergeant of the Policy and Review Section, the DV supervisors meet with and work regularly with the partners at the New Orleans Family Justice Center. On 11/16/2023, a comprehensive review and revision of forms for DV disturbances was conducted and led by LCSW-BACS Domestic Violence & Sexual Assault Program Director City of New Orleans Health Department. The most recent meeting took place during the 2024 Consent Decree Retreat.**

**CD 220 Reviewed 2/8/24 – No updated response**

Ensure that NOPD provides at least 4 hours of initial and training on DV for all officers, and ongoing annual In-service training by checking training records.

Ensure that NOPD has incorporated fact-based scenarios involving DV into recruit and in-service training.

Topics:

- General investigation
- Crime scene preservation
- Report writing
- Policies and procedures (including the Integral Protocol and/or Blueprint for Safety)
- Dynamics of domestic violence
- Identifying the primary aggressor
- Responding to and investigating strangulation in the context of domestic violence
- Interviewing victims, witnesses, and suspects
- Report writing
- Discovery

**Per Academy Curriculum Director, recruits receive a week (32 hours) of Domestic Violence training which includes all the CD 220 specified items listed above.**

**The 2023 Annual Master Training Plan for Officer and Supervisor In-Service training included a dedicated course featuring a Problem Based Learning activity in “Domestic Violence” as a component of the 40-hour classroom curriculum. Due to staffing challenges, the Department received approval to modify the 5-day sessions to 3 days, with this course and several others reverting to newly designed self-paced computer-based training (CBT) modules.**

**As of 9/1/23 all members are required to complete the NOPD CBT titled “The Crime of Domestic Violence” prior to the end of November.**

**Per Louisiana POST training requirements, personnel were (are) also required to complete the following: CBT “Investigating Domestic Violence: Strangulation – 2023.”**

**CD 221 Reviewed 2/8/24 – No updated response**

Ensure that DV Detectives have no fewer than 32 hours of initial training and ongoing annual In-service training. This can be verified through the Education and Training Division (SABA)

Training shall include advanced:

- Skills based instruction in evidence collection
- Victim assistance
- Interviewing, including taped mock victim interviews
- Other topics

All members of the DVU have obtained at least 32 hours in specialized training in interview and interrogation and very specific training pertaining to DV. These classes were not offered by NOPD, but all investigators possess certificates that were validated by CDM Mary Ann Viverette during initial DOJ audits. They do not receive annual additional 32 hours of DV Training. This was modified for all investigative units after obtaining the initial portion of the courses to be assigned to an investigative unit. All other ongoing classes offered by NOPD are tracked within the old Power-DMS system and new SABA system, to include annual Detective In-service.

**CD 222 Reviewed 2/8/24 – No updated response**

Ensure that NOPD tracked dispositions of DV investigations including:

- Arrests: acceptance and refusal rates
- Dismissed cases
- Plea agreement (s)
- Tried
- Final Verdict, including taped mock victim interviews
- Other topics

PSAB Innovation manager, tracks all dispositions and DA's Office information. According to them, this information is gathered and located in the DV annual reports. The 2023 DV Annual Report is not available. The 2022 DV Annual DV Report is the most recent available and has the following:

**Arrests (1,894)**

**D.A. Refused Cases (1,860). None were refused due to NOPD actions.**

**Defendants plead to DV charges (152)**

**Tried (2) – (1) not guilty by judge. (1) was found guilty of a lesser offense by a judge.**

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## ***Overall Compliance Score (Final)***

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Based on the combined total of the one thousand eighty-eight (**1,088**) checklist items rated from the sample size of thirty-four (**34**) case files audited, the “**overall score**” of the February 2024 audit conducted by the Auditing Review Unit was **99.3%**.

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## ***Conclusion (Final)***

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### **Results**

The overall results of the February 2024 Domestic Violence Unit case file audit, of Apr 23-Sept 23 data, revealed a compliance threshold of **99.3%**. The following checklist items revealed threshold scores below **95%**:

- 2. Is there documentation that the investigator reviewed BWC footage if the incident report indicates a BWC recording would aid in the follow-up investigation? (H-10916-23; G-291186-23) – 93%
- 20. Did the patrol officer or investigator document if the persons ever lived together? (I-25166-23; I-00445-23;) – 94%

### **Recommendations**

1. The ARU recommends that the detectives, or the immediate supervisor of those detectives, review relevant documentation – Specifically **Body Worn Camera** footage.
2. The ARU recommends that the investigators or patrol officers document if the involved persons have ever lived together in each case file, not include the verbalization on BWC footage.

Taking these actions would hopefully address any one-off deficiencies and continue to ensure that all Domestic Violence Unit case files are complete and accurate.

### **Unit Response to Recommendations**

Per the Lt. of the Special Victims Division, overall, the detectives assigned to the Domestic Violence Unit performed well with this audit; however, the Lt will ensure that Sergeant DVU will closely scrutinize all investigations and reports for officer BWC viewings and documentation of FJC referrals (or a notation of why a referral was not or could not be made at the time of the report). Lastly, Sgt. DVU will ensure his detectives and investigators are noting whether the parties lived together are not, when appropriate. This should minimize deficiencies in future audits.



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## ***Domestic Violence Unit Responses to PSAB Notes:***

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### **Item 1 - 94% Compliant**

Deficiencies: Q18, Does the case file have documentation of a victim referral to the NOFJC? There is no written documentation of a victim referral to the NOFJC by the patrol officer nor the Detective.

Deficiencies: Q20, Did the patrol officer or investigator document if the persons ever lived together? There is no written documentation indicating whether the persons involved ever lived together.

**DVU Response:** Det. was unable to ascertain any additional information due to the victim relocating to Baton Rouge with family members. Upon initial contact, the detective inadvertently forgot to ask the victim if she and her child's father ever lived together. The victim provided the detective with a return date however, when Det. attempted to contact her, the victim did not answer the phone therefore the detective was unable to ascertain if the victim and the offender ever lived together nor schedule a forensic interview.

**PSAB Note: Score Unchanged.** The ARU determined that there is no corroborating evidence to support that the detective asked and subsequently documented whether the persons lived together.

### **Item 2 - 97% Compliant**

Deficiencies: Q18, Does the case file have documentation of a victim referral to the NOFJC? There is no written documentation of a victim referral to the NOFJC by the patrol officer nor Detective Boudreaux.

**DVU Response:** Det. was assisted by Domestic Violence Det. And relocated to the victim's residence whereby it was stipulated in the Detectives supplemental narrative that the victim was asked if he was interested in receiving services with the family Justice Center at which time, he refused services.

**PSAB Note: Score Changed from 97% to 100%.** The response was updated from "No" to "yes". The ARU determined that the file case file has written documentation of a victim referral to the NOFJC.

### **Item 3 - 94% Compliant**

Deficiencies: Q2, Is there documentation that the investigator reviewed body worn camera footage if the incident report indicates a BWC recording would aid in the follow-up investigation? There is no record of investigators reviewing the BWC of the responding officer. The report indicates a review occurred, but neither investigator is listed in the audit trail of Evidence.com.

Deficiencies: Q20, Did the patrol officer or investigator document if the persons ever lived together? There is no written documentation by the responding officer nor Detectives of whether the people lived or have lived together.

**DVU Response:** It is unknown why there is no record of Investigators reviewing the responding officer's BWC. This may have been an inadvertent oversight into this incident. There was no contact made with the victim in this case. Investigator was met with negative results as no follow-up audio recorded telephone interview. The victim's telephone number was disconnected, therefore pertinent information was unable to be supplied i.e. If the couple lived together or ever lived together.

**PSAB Note: Score changed from 94% to 97%:**

**Q2:** no change made, as DVU agrees there is no record of the investigators reviewing BWC footage.

**Q20:** The response was updated from “No” to “N/A”. The ARU determined that documentation of whether the persons lived together is not applicable due to the investigator’s lack of success in locating the victim to conduct a follow-up investigation.

#### **Item 4 - 97% compliant**

**Deficiencies:** Q18, Does the case file have documentation of a victim referral to the NOFJC? There is no written documentation of a victim referral to the NOFJC by the patrol officer nor Detective.

**DVU Response:** Investigator attempted to contact the victim. Numerous attempts to locate the victim relative to conducting an audio recorded telephone interview were made. Due to the Investigator being met with negative results no referral services to the NOFJC were able to be provided at the time of follow-up investigation. Investigator Collier referred the case to the NOPD Special Victim’s Division Social Work Team for follow-up and safety planning.

**PSAB Note: Score changed from 97% to 100%.** The response was updated from “No” to “N/A”. The ARU determined that a documented referral to the NOFJC is not applicable due to the investigator’s lack of success in locating the victim.

#### **Item 5 - 94% Compliant**

**Deficiencies:** Q18, Does the case file have documentation of a victim referral to the NOFJC? There is no written documentation of a victim referral to the NOFJC by the patrol officer nor Detective.

**Deficiencies:** Q20, Did the patrol officer or investigator document if the persons ever lived together? There is no written documentation by the responding officer nor Detectives of whether the persons involved ever lived together.

**DVU Response:** Detective was unsuccessful in contacting the victim. The Detective called the victim's phone however, the phone was disconnected. The detective relocated to the victim's residence knocked on the door but did not receive an answer. The detective left a business card in the door. The detective sent a letter advising the victim of the detective's efforts to contact her. The detective also consulted with the FJC to ascertain if the victim contacted their office for services but to no avail.

**PSAB Note: Score changed from 94% to 100%.**

**Q18:** The response was updated from “No” to “N/A”. The ARU determined that the referral to the NOFJC is not applicable due to the detective’s lack of success in locating the victim.

**Q20:** The response was updated from “No” to “N/A”. The ARU determined that there was no documentation applicable, as the victim was not located.

#### **Item 6 - 97% Compliant**

**Deficiencies:** Q20, Did the patrol officer or investigator document if the persons ever lived together? There is no written documentation by the responding officer nor Detectives of whether the persons involved ever lived together.

**DVU Response:** Detective conducted a follow-up interview whereby contact was made with the victim. Det. discovered that the victim and the suspect in this incident had two different documented addresses stipulated in the on-scene initial police report. Det. Inadvertently did not obtain confirmation of the couple's living situation at the time of this incident. Det. attempted to re-interview the victim but was met with negative

results.

**PSAB Note: Score Unchanged.** No audit updates were required as a result of this review, as the DVU agrees that the detective did not document whether the persons lived together.

#### **Item 7 - 97% Compliant**

**Deficiencies:** Q18, Does the case file have documentation of a victim referral to the NOFJC? There is no written documentation of a victim referral to the NOFJC by the patrol officer nor Detectives.

**DVU Response:** Investigator attempted to conduct an audio recorded telephone interview with the victim on numerous occasions, therefore no referral services were made available to the victim in this incident. Investigator referred the case to the NOPD Special Victims Division social worker for follow-up and safety planning.

**PSAB Note: Score changed from 97% to 100%.** The response was updated from “No” to N/A”. The ARU determined that referral to the NOFJC is not applicable due to the detective’s lack of success in locating the victim.

#### **Item 8 - 97% Compliant**

**Deficiencies:** Q20, Did the patrol officer or investigator document if the persons ever lived together? There is no written documentation by the responding officer nor Detectives of whether the persons involved ever lived together.

**DVU Response:** Det. was unable to ascertain any additional information as the victim in this incident was unable to be located after the interview. Detective discovered both parties had two separate documented addresses along with the fact that it was documented in a previous documented incident (56d 6/24/2023/ f- 22878-23) it was stipulated that the victim and her accused never lived together. Det. was unable to verify the documented information as the victim did not answer the telephone for confirmation.

**PSAB Note: Score changed from 97% to 100%.** The response was updated from “No” to “N/A”. The ARU determined that there was no documentation applicable, as the victim was not located.

#### **Item 9 - 97% Compliant**

**Deficiencies:** Q2, Is there documentation that the investigator reviewed body worn camera footage if the incident report indicates a BWC recording would aid in the follow-up investigation? There is no record of investigator Pollard reviewing the BWC of the responding officer.

**DVU Response:** It is unknown why there is no record of the Detective reviewing the responding officer’s BWC. This may have been an oversight on the Detective’s behalf.

**PSAB Note: Score unchanged.** No audit updates are required, as the DVU agrees that there is no record of the detective reviewing the BWC.

#### **Item 10 - 97% Compliant**

**Deficiencies:** Q18, Does the case file have documentation of a victim referral to the NOFJC? There is no written documentation of a victim referral to the NOFJC by the patrol officer nor Detectives.

**DVU Response:** Det. was unsuccessful in contacting the victim. The Detective called the victim’s phone, however, the phone was changed or disconnected. The detective relocated to the victim’s residence knocked on the door but did not receive an answer. The detective left a business card in the door. The detective sent a letter advising the victim of the detective’s efforts to contact her. The detective also consulted with the FJC to

ascertain of the victim contacted their office for services but to no avail. Det. consulted with the District Attorney's Office and was advised that their office has been in contact with the victim and was advised that the victim was having technical difficulty with her phone. Det. was advised that the victim is cooperative, and no further investigation was required.

**PSAB Note: Score changed from 97% to 100%.** The response was updated from "No" to "N/A". The ARU determined that the referral to the NOFJC is not applicable due to the detective's lack of success in locating the victim.

**ARU Attachments:** Excel Raw Data Spreadsheets for February 2024.

*Timothy A. Lindsey*

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

*Jovan M. Berry*

**Auditor  
Professional Standards and Accountability Bureau**

The following checklist was the instrument used by the auditing team to review each case file.

**DVU CASE FILE CHECKLIST**

Item Number: \_\_\_\_\_

Auditor: \_\_\_\_\_

Date: \_\_\_\_\_

**NA = Not Applicable**  
**Y = Compliant**  
**N = Not compliant/No**  
**U = Unknown**

1. Is there an incident report in the file?	<input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
2. Is there documentation that the investigator reviewed body worn camera footage if the incident report indicates a BWC recording would aid in the follow-up investigation?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
3. Is there documentation that either patrol or the investigator documented interviews by written or audio recorded statements, or by BWC?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
4. Does the file indicate that patrol handled the majority of the case and therefore some documentation would be included elsewhere (statements, photographic evidence, evidence receipts)?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
5. Is there documentation that the investigator made contact with the victim within one week of the DV incident, or within a reasonable period based on the circumstances?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
6. Is there documentation that the investigator located or attempted to locate the victim through various means (neighbors, employment, Advocate resources)?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
7. Do the actual charges support the elements of the crime?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
8. Is there documentation reflective of "continuing engagement" with the victim?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
9. Is there documentation in the file of the offender's "criminal history" or a "past history" check by either patrol or the investigator?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
10. Is there a victim Risk Assessment documented by patrol?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
11. If a Risk Assessment was not indicated in the patrol officer's incident report or was insufficient, did the investigator probe for details regarding the Risk Assessment, or conduct a documented Risk Assessment?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
12. If there is documented evidence of potential victim risk, did the officer or investigator initiate follow-up action or document safety and/or protection advice?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
13. Does the file include documentation of a predominant aggressor assessment by patrol or the investigator?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
14. Is photographic evidence indicated in the case file by either patrol officers or the case follow-up investigator?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
15. If a dual arrest was made, is there documentation of supervisory approval?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
16. If injury is indicated, is there a copy of a medical records release form in the file?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
17. Are there copies of a Protection Order and/or TRO in the case file?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
18. Does the case file have documentation of a victim referral to the NOFJC?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
19. Is there documentation that the victim was provided a Form #45 and Rights of Crime Victims brochures?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
20. Did the patrol officer or investigator document if the persons ever lived together?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
21. Did the officer or investigator document if the victim had difficulty breathing or a loss of consciousness to support DV strangulation charges?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
22. Did the officer or investigator document an attempt to have child witnesses of DV forensically interviewed?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U

23. Are there any victim/witness statements documented in the case file?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
24. Is there documentation of or actual recordings of victim follow-up statements in the file?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
25. Are there documented observations of an <u>evident</u> crime scene in the file by the initial responding officer or the investigator if patrol did not initiate the investigation?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
26. Is there documentation that the responding officer(s) collected, preserved, and documented evidence?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
27. Are there recordings and/or printouts of relevant voice mails, e-mails, or text messages, etc. in the case file?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
28. Are warrant applications included in the case file for <u>investigator's</u> cases?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
29. Generally, does the documentation in the file indicate the <b>initial</b> investigation was an overall pro-active, victim-oriented, and professional response?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
30. Generally, does the documentation in the file indicate the <b>follow-up</b> investigation was an overall pro-active, victim-oriented, and professional response?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
31. If the officer determined there was probable cause that a crime was committed, is there documentation in the file that the case was reviewed by a DVU or SVU supervisor?	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U
32. If the case involves a department employee, a sworn law enforcement officer or a public figure, was appropriate action taken (notification of PIB, or if from another jurisdiction contact other jurisdiction (If they requested the information, i.e., military), documentation of the notification. Chapter 42.4. If any employee of a law enforcement is placed out wanted or arrested use these Chapters 1.4, 1.17, 1.18 and 1.22.	<input type="checkbox"/> NA / <input type="checkbox"/> Y / <input type="checkbox"/> N / <input type="checkbox"/> U

Explain in the narrative below whether there were any exceptional strategies used by the initial officer or investigator or any deficiencies noted in the case investigation by auditors.

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## ***Appendix C -Report Distribution***

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Deputy Supt. PSAB Bureau

Captain PSAB Bureau

Deputy Supt. ISB Bureau

Captain ISB Bureau (CID)

Lieutenant SVS Unit

ARU Unit