



Mitchell J. Landrieu, Mayor

Sexual Violence Response

ADVISORY COMMITTEE

2015 Report

I. Acknowledgements:

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- **Ginesse Barrett**, Sexual Assault Nurse Examiner
- **Commander Doug Eckert**, NOPD
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- **Mary Claire Landry**, Director of Family Justice Center
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- **Graymond Martin**, First Assistant District Attorney
- **Suzanne Mayeux**, Citizen member and survivor
- **Commander Paul Noel**, NOPD
- **Charlotte Parent**, Director of Health Department, City of New Orleans
- **Amanda Tonkovich**, Sexual Assault Victim Advocate at Family Justice Center and Co-Chair of SART

II. Executive Summary

On November 15, 2014, an Inspector General audit identified serious lapses in the quality of sexual assault investigations of five detectives, four in the NOPD Sex Crimes Unit and one in the Child Abuse Unit. The Public Integrity Unit of NOPD began an extensive investigation of those detectives and of their supervisors. Mayor Mitch Landrieu appointed a taskforce, headed by NOPD Commander Paul Noel, to reinvestigate the cases included in the audit, and the Superintendent of Police Michael Harrison simultaneously began making immediate systemic reforms.

The Mayor also established a Sexual Violence Response Advisory Committee to recommend additional systemic reforms necessary in order to thoroughly investigate sexual assault and to respect and protect sexual assault survivors. The Mayor tasked the Committee with creating structures of accountability that would outlast current good intentions and that would ensure long-term best practices. The Committee sought input from survivors, advocates, the District Attorney's office, and from within NOPD to identify problems and to offer solutions.

The Committee focused on a variety of issues to increase NOPD's effectiveness in successfully investigating sex crimes, especially the accountability and supervision of the work of detectives. The Committee worked to ensure that victims receive the respect and resources they need in order to come forward and provide needed evidence without further causing trauma. And to serve that purpose, the Committee focused recommendations to provide detectives the resources and equipment they need to do their job.

Summary of Reforms Already Instituted by NOPD:

Many necessary reforms have already been implemented by NOPD in coordination with the Advisory Committee, including:

Staffing & Resources

- The Superintendent has dedicated two new detectives and one supervisor to the Sex Crimes and Child Abuse units, and has committed to doubling the Sex Crimes and Child Abuse units as the Department grows.
- Sex Crimes and Child Abuse detectives are no longer part of the rotation for special events duty, so that they can remain focused on their investigative duties.
- Detectives have been authorized overtime to use when necessary to conduct investigations.
- NOPD has provided new equipment to assist in the investigation of sex crimes, including vehicles, smart phones, digital cameras and laptops.

Policies, Training and Supervision

- New policies and procedures, using national best practices, have been developed for the Sex Crimes and Child Abuse units in collaboration with members of the Committee. These policies have been submitted to the Department of Justice (DOJ) for approval.
- NOPD has strengthened supervision by requiring regular detailed case review, using an investigative checklist, as well as by conducting a qualitative review of taped interviews.
- New training modules have been developed for sexual assault, and detectives are now

required to receive 32 hours of specialized, in-depth training, including individualized training in interview skills.

- All officers in the Department, and all new recruits, are currently receiving four hours of training on sexual assault response based on national best practices.

Better Processing Rape Kits

- To more quickly process rape kits, the NOPD has hired a third DNA analyst at the State Crime Lab.
- To avoid any future backlogs, NOPD has tightened its policies on sexual assault kits, requiring that DNA request forms be submitted to the DNA officer within 24 hours and written reports be provided to explain any delays in submission.

Better Serving Survivors

- The Sex Crimes Unit has moved to the New Orleans Family Justice Center, where victims who meet with detectives can immediately connect with counseling and other resources.

Summary of Reforms in Implementation Phase:

The following reforms have been embraced by the NOPD and are in various stages of implementation:

Staffing & Resources

- The Committee recommends a detective caseload for both Sex Crimes and Child Abuse of approximately 26 cases per year. As the Department grows in the years ahead, the Superintendent has committed that staffing of the special victims unit to achieve this ratio will be a top priority.
- Civilian investigators will be hired to assist with Taskforce, Sex Crimes and Child Abuse investigations. These positions were recently approved by Civil Service.
- A representative of advocates will participate in the selection process of detectives.
- In order to attract and retain the best detectives in the Special Victims Unit, a 5% incentive pay increase for these detectives will be part of 2016-2017 budget proposals. This proposal requires Civil Service approval.

Policies, Training and Supervision

- NOPD and the DA's office have agreed to the use of Multi-Disciplinary Teams ("MDT"), which is currently required by state law in child abuse cases, to review cases of sex crimes against adults. At the request of this Committee, a law was passed during this legislative session authorizing the use of MDTs (Rep. Badon, Act 368 of 2015 Regular Session). The first MDT review of sexual assault cases will occur on August 14, 2015.
- The Committee is developing a protocol for forensic testing of sexual assault suspects.
- The NOPD has initiated a department-wide upgrade of their Case Management System, which will include specific modifications for the Special Victims Unit.

Better Processing of Rape Kits

- Based on the Committee's recommendation, the NOPD will work with Civil Service to

hire a forensic evidence coordinator of both DNA testing and the response to resulting “CODIS” (Combined DNA Index System) hits.

- To expedite the clearing of the rape kit back log, the current back log of 180 kits will be tested at a private lab.

Better Serving Survivors

- NOPD is currently hiring three social workers to respond with detectives to the scene of a sexual assault and to offer assistance and communication to victims thereafter.
- The Committee has created mechanisms for feedback to NOPD from victims and the advocates who work with them.
- The NOPD will hold “Case Summary Meetings” with survivors when there remain no leads to follow and the case is being transferred to the Cold Case squad. Previously, this case transfer occurred automatically at the one-year mark and without notifying the victim.

Summary of Recommendations for Future Consideration:

This SVS unit is undergoing major changes and the Committee recognizes that everything cannot be done at once. Moving forward, the Committee offers the following recommendations:

- Exploring the creation of a detective promotion track to allow retention of the best detectives.
- Replacing the night watch shift in the Child Abuse Unit with an on-call detective for emergencies, in order to maximize staffing during daytime hours.
- Assigning a specially trained detective to the Child Abuse Unit to focus on the investigation of child deaths and unclassified deaths of minors, rather than having these death cases investigated by all child abuse detectives.
- Relieving the Child Abuse Unit of the duty to care for children while awaiting Child Protective Services in order to reduce the non-sexual assault case workload on detectives.
- Assigning the appropriate number of detectives proportionate to the caseload to handle carnal knowledge cases involving adolescents and providing these detectives special training in human trafficking issues.
- Exploring the use of “blind reporting,” which permits victims who do not want to pursue an investigation to give a statement to police, who would therefore have the benefit of the information to help identify serial perpetrators. In the meantime, the Committee recommends that advocates ask victims who choose not to report to law enforcement for their consent to include perpetrator information in an advocate database. If the information reveals a serial predator, the advocate would then report that information back to the victim. Some victims will choose to report the crime once they know that they will not be alone in testifying.

III. Overview of Mission and Process

Advisory Committee Mission:

The Mayor established the Committee to recommend policies, systems and procedures to:

1. Ensure that sexual assault cases are handled properly;
2. Provide advocates and survivors a means to give feedback on their experience with the NOPD and the criminal justice system;
3. Prevent rape kit backlog from developing over time; and,
4. Enhance training related to sexual assault response.

Committee Process:

Immediately after the November 2014 audit of sex crimes investigations, the Mayor called upon members of the Advisory Committee to reform NOPD's policies and procedures. City policy staff worked with members of the Advisory Committee to determine national best practices. Together they drafted a comprehensive and specific set of procedures for patrol officers, detectives and their supervisors. Members of the Advisory Committee also worked with the City and NOPD to redesign the training on sexual assault offered to recruits and in-service Police Academy training. The newly designed training began on March 10, 2015.

Members of the Committee also spent hours seeking feedback from advocates and organizations as described below in Part IV. Finally, the Committee worked closely with NOPD to enact changes as soon as they were suggested. Many of these projects were begun by NOPD without prompting.

Ongoing Role of the Committee:

The Advisory Committee will continue to monitor and assist with making progress in these reforms, providing quarterly reports to the Superintendent.

IV. Assessment

Methods:

The Committee examined the Department of Justice investigation of NOPD's handling of sexual assault cases, released in 2011, as well as the Inspector General's 2014 audit. The Committee heard from survivors of sexual assault both directly and through their advocates, many of whom were at the table. The Committee solicited input from the Office of the Police Monitor, Voices of the Silenced, and Women with a Vision. The Committee worked closely with the Sexual Assault Response Team ("SART"), a group that includes more than 50 members from representative agencies and advocacy groups across the community. Finally, the Committee conducted several hours of small group meetings with the current detectives in the Sex Crimes and Child Abuse unit, without the presence of City officials or police supervisors, in order to get their frank input.

Timeline and Analysis of the Problem:

1. Systemic Underreporting before 2010

A Department of Justice Civil Rights Division investigation concluded that before 2010 and the current administration, NOPD engaged in a systemic under-reporting of sexual violence in the City of New Orleans. Many of these findings can be confirmed by the experience of members of the Advisory Committee. Supervisors encouraged detectives to disprove sexual assault rather than to solve it. Rape survivors often were cross-examined like perpetrators, blamed for their rapes, and discouraged from reporting. Detectives failed to conduct basic interviews of suspects. A backlog of unexamined rape kits built up. Supervisors eager to reduce reports of rape rather than reduce actual rape encouraged detectives to routinely label sexual assault as miscellaneous "Signal 21s."

2. 2010 Reforms

In 2010, Mayor Landrieu and then Chief Serpas appointed Lieutenant Paul Noel as Commander of the Special Investigation Units, which include the Sex Crimes and the Child Abuse detective units. Even before the DOJ investigation described above was released, Noel immediately began a fundamental transformation of the investigation of sexual assault. He reached out to many of the advocates on this Committee to help him retrain detectives on the nature of rape, the impact of trauma on victims, and the techniques of serial perpetrators. He used intensive supervision to successfully change the culture of the unit. The City of New Orleans obtained a federal grant to test the backlog of rape kits. Noel assigned detectives to reopen cases that had clearly been mishandled in the past. Members of this Advisory Committee worked with Noel and can attest to the marked improvement of the unit during his nine months there.

3. 2011-2014 Progress Slipped

Unfortunately, the systemic problems were not pulled out by the root and these reforms slipped. After Commander Noel's promotion and transfer in 2011, there was a heavy turnover in supervision with six different supervisors in four years. Some of the quality of that supervision is currently

under investigation by PIB as part of its investigation into the Inspector General audit. Further, the DOJ consent decree, although it included requirements related to sexual assault, also created an array of competing claims for institutional resources.

Meanwhile, since Katrina, a shrinking department dedicated fewer resources to the investigation of both sex crimes and child abuse. NOPD's numbers overall were reduced by about a third because of post-Katrina budget crises, hiring freezes and attrition. Before Katrina, NOPD assigned 14 detectives to Sex Crimes and 17 detectives to Child Abuse. After Katrina, the numbers dropped to six detectives in Sex Crimes and five in Child Abuse. As a result, detective caseloads soared, making it very difficult for detectives to properly and thoroughly investigate each case as they should and creating huge pressure on them to triage cases. Sex crimes detectives were assigned 40-60 cases a year, double the caseload deemed appropriate by the Advisory Committee. Child Abuse detectives struggled with more than 100 cases a year, four times an appropriate caseload.

Detectives also suffered basic equipment shortages that impacted their work and cost them precious time. Night shift detectives, working from 11pm-7am, had no authorized overtime in which to contact victims during the day. Victims described the indignity of being transported in rusted police vehicles without seatbelts.

Finally, specialized training for sex crimes detectives was not adequately provided. Any investments that were made to train, both formally and on the job, proved fleeting because the units suffered tremendous turnover. Some detectives were assigned to the unit who were unsuited to the work. And excellent detectives, with the skills, experience and psychological fortitude necessary to do the work well, were too often transferred away.

4. 2014 Audit and Reforms

In November 2014, an audit by the Inspector General of the NOPD Sex Crimes Unit revealed serious issues with the investigative performance of five detectives in the Sex Crimes and Child Abuse units. Of 1,290 cases assigned to those five detectives, the audit reported 840 cases labeled "miscellaneous" with no reports written, 271 cases labeled sex crimes but without supplemental reports, and only 179 cases with supplemental reports and follow-up investigation. The Mayor appointed a Taskforce, headed by Commander Paul Noel, to re-investigate the cases subject to the audit. That Taskforce discovered that the vast majority of the "miscellaneous" investigations without reports were in fact routine checks on sex offenders, required by state law and typically not necessitating any police report, though the NOPD coding system did not make that apparent. The Taskforce investigation therefore focused on the 271 cases that did not seem to contain supplemental reports, as well as checking on whether any other "miscellaneous" cases are in fact sex crimes reports. Further, PIB is conducting a thorough investigation into these detectives and their supervisors.

Superintendent Michael Harrison was officially appointed Chief on October 14, 2014, shortly before the audit was released. Chief Harrison immediately transferred the detectives named in the audit, and quickly replaced the relevant chain of command. He also began working on systemic changes and improved resources.

Immediately after the audit, the Mayor called upon the members of the Advisory Committee to begin recommending and instituting systemic reforms.

V. Reforms Already Instituted by NOPD

Resources:

On July 6, 2015, the Superintendent transferred two additional detectives and one supervisor to the Special Victims Unit. Rather than being assigned to special events duty, the Superintendent now allows the Sex Crimes and Child Abuse units to continue focusing on their investigative duties during the city's numerous special events. This will save these units weeks of lost investigative time, and will ensure continuity of response to sexual assault during special events.

The Superintendent has also allocated 80 hours of overtime a week to the units to allow for proper investigations, particularly for detectives who work the night shift, 11pm to 7am, and need to contact witnesses during the day. This overtime will also assist in allowing detectives to attend trainings.

Policy and Procedures for NOPD:

The City's policy experts, the NOPD Compliance Bureau and the Committee worked to create policy and procedural manuals for both sex crimes and child abuse. These policies represent an intensive and important effort to apply national best practices to the investigation of sex crimes against adults and children. The manuals instruct patrol officers on the proper treatment of victims at the scene and the preservation of evidence necessary before patrol turns over the investigation to a detective. The manuals detail for detectives proper investigative efforts, victim interview techniques, and the need to bring child victims for a forensic interview at the Children's Advocacy Center. The policies also create a mandatory structure for proper supervision of detective work. The manuals are being submitted to DOJ for approval under the consent decree.

Strengthening Supervision:

NOPD has created an investigative checklist, which is attached to the policy manuals, to create structural accountability. Supervisors will use the checklist to confirm that detectives have thoroughly pursued a full variety of investigative techniques and to prevent cases from slipping through the cracks. The checklist will also remind detectives to pursue investigative techniques used too infrequently in the past, such as recording calls between the victim and suspect and searching for other possible victims of a serial perpetrator.

The new procedural manual will also require qualitative review of detective work by mandating that supervisors regularly review taped interviews with victims and assess feedback from advocates and survivors.

The Committee discussed using a more quantitative statistical measure of performance, but determined that these would be counterproductive. It is difficult to measure actual rates of sexual assault because the vast majority of it goes unreported.¹ Once NOPD regains the trust of sexual assault victims, reporting will go up rather than down. Focus on the arrest or solve rate of cases would have the unintended consequence of encouraging detectives to disprove difficult cases rather than to work diligently to prove them. There is no replacement for in-depth supervision to evaluate, through individualized review, the quality of detective work in each case.

¹ According to the Justice Department, *National Crime Victimization Survey: 2008-2012*, 68% of sexual assaults are never reported.

Equipment:

NOPD worked to provide better equipment for the Sex Crimes and Child Abuse detectives. These included new vehicles to replace barely functional ones. The Department replaced flip phones without texting capacity with smart phones to facilitate regular contact with victims and witnesses. Detectives have been equipped with laptops that contain the software they need to access law enforcement databases, which enables them to work in the field. Finally, patrol units and detectives in the Sex Crimes and Child Abuse units been issued digital cameras with enhanced memory card capacity. This equipment provides both district personnel and detectives with the ability to efficiently document injuries to a victim or other evidence without having to wait on crime lab availability.

Move to the Family Justice Center:

The Sex Crimes Unit has joined the Domestic Violence detectives at the New Orleans Family Justice Center (“FJC.”) The FJC provides a full array of services for victims of sexual assault and domestic violence (categories that frequently overlap), including counseling and civil legal services. The Detectives’ presence at the FJC provides a warmer environment for victims to endure interviews about their rapes, and it increases the chances that victims will connect with the social services that they need.

Training:

Members of the Committee designed a four hour course of sex crimes training for patrol officers. This has been delivered in the last new recruit class, as well as every week in the “in service” trainings of other officers. Members of the Committee have spent countless hours delivering this training with an experienced NOPD detective.

The Family Justice Center has brought in some of the best national trainers to work with the detectives in December 2014 and again in July 2015.

The new training will attempt to teach detectives, patrol officers and supervisors the basic respect and empathy due to sexual assault victims. It relies on the research showing that rapists often purposefully attempt to discredit their victims or choose victims the police will not care as much about. The training reminds officers not to fall into the traps set by perpetrators, most of whom are serial predators. The training goes through military research on the symptoms of trauma, such as disassociation and jumbled memories, which can seem counterintuitive and can resemble lying. And the training uses interactive techniques rather than passive learning.

Sexual Assault Kits:

NOPD has tightened its policies to ensure a backlog will not occur again. Detectives must now submit a kit within 24 hours and explain in writing any delay in submitting kits. NOPD has assigned a new officer in charge of DNA evidence for the department, and tasked that person with keeping a database of such evidence before and after it is submitted to the Crime Lab, so that there is a record of where each kit is in the process at any point in time. The NOPD has hired a third crime lab analyst to work at the Louisiana State Police Crime lab to help process these kits more quickly. The City has also applied for federal grants to fund testing the smaller backlog that has built up in the last few years using private labs, so that it can be done more quickly.

Communication with Survivors:

NOPD has taken concrete steps to improve communications with sexual assault survivors. The new unit procedures mandate that detectives check in with survivors at least monthly, regardless of the absence of any investigative progress to report, for at least the first three months. Once social workers join the unit, they will be able to take over this duty and ensure even greater levels of support.

VI. Reforms in Implementation Phase

Detective Caseload:

The Committee recommends a detective caseload for both Sex Crimes and Child Abuse of approximately 26 cases per year. Given the existing caseload, this would require essentially doubling the size of the Special Victims Unit to include 12 sex crimes detectives, 12 child abuse detectives, and three cold case detectives. The Superintendent has committed to reducing caseload to this ratio as the Department grows.

To maintain this ratio, cases with no leads to follow should be turned over to a cold case squad, which will offer fresh eyes and new focus. Once NOPD gains the community's trust about its investigation of sexual assault, the rate of reporting will inevitably go up, thus requiring more detective resources.

More than other departments around the country, NOPD relies entirely on its detectives to investigate sex crimes and child abuse from beginning to end, a policy with which the Committee agrees. While other departments have managed to maintain higher caseloads by relying more heavily on patrol officers, the Committee recommends continued reliance on the specialized training of detectives. Using detectives will prove more effective, and, in the end, more efficient, than attempting to train the entire department on the specialized techniques important to sexual assault and to child abuse investigations. Continuing this policy, however, requires reducing detectives' caseloads so that they can thoroughly investigate a case without the assistance of patrol.

Hiring Civilian Investigators:

To assist with the caseload, civilian investigators will be hired to assist with Taskforce, Sex Crimes and Child Abuse investigations. These positions were recently approved by Civil Service. Qualifying for this position requires previous law enforcement experience.

Evidence Drop Box at the Family Justice Center:

To save detective's time, the NOPD will install an evidence drop box were at their new offices in the Family Justice Center. This will allow detectives to safely store evidence, maintain a chain of custody, and consolidate runs to the Evidence Room.

Attraction and Retention of Best Detectives through Incentive Pay:

The Committee recommends doing everything possible to characterize the Special Victims Unit (Sex Crimes, Child Abuse and Domestic Violence) as elite, assigning the best detectives to do some of the most difficult and important work in the Department. In order to attract and retain the best detectives in the Special Victims Unit, the NOPD will include a 5% incentive pay increase for SVS detectives as a part of the 2016-2017 budget proposals and seek Civil Service approval of this proposal. This incentive or hazard pay mechanism is already established in the civil service system, used for Public Integrity Unit, SWAT, Motorcycles, Divers, Bomb Squad and Field Training Officers.

The Committee understands that the Department faces many competing demands for recognition and special pay. There are important institutional reasons to focus on the Special Victims Unit.

First, special pay for units like PIB does not focus on relative importance, but rather on correcting the disincentives to serve. Attraction and retention of the best detectives in these units will prove difficult in the shadow of the Inspector General audit and the damage done to the units' reputation. Second, the Department has struggled for too long to investigate sexual assault properly, and it is an enormous priority to get this problem fixed once and for all. Finally, child abuse and domestic violence constitute massive violent crime problems in themselves, but also serve as the root of most other violent crime in the city. Social science research is clear that focusing on the extraordinary rates of violence against children and in front of children would be the most productive way to reduce the violent crime rate over time. Focusing resources on the Special Victims Unit would both combat and prevent crime.

Selection of Best Detectives:

An advocate from the FJC or SART (or from the CAC for Child Abuse) will participate and have a vote in the Department's "Knowledge, Skills and Ability" selection process of detectives. The advocate's voice at the table will help the NOPD carefully select detectives eager and able to do the difficult work of investigating sex crimes and child abuse. In the process of screening officers, it is important to assess communication skills, basic empathy, and the emotional resilience required for the work, as well as to screen out any ideological bias against sexual assault victims or gender bias.

Multi-disciplinary teams ("MDT") for case review of adult sexual crimes:

To increase accountability, the Committee recommended the use of an MDT process for adult sex crimes. To that end, Representative Austin Badon with support from Mary Claire Landry passed a statute permitting the use of MDTs in adult sex crime cases - Act 368 (2015).

State law already requires the use of MDT review of all child abuse cases, including child sex abuse. This process ensures strong oversight of child abuse cases and greatly reduces the risk of an investigation slipping through the cracks. Detectives must present their investigations to a panel of supervisors, prosecutors, medical staff and advocates. The MDT pushes detectives to perform a complete investigation, gives the detectives constant feedback in the presence of their supervisor, and provides invaluable perspective on evidence from a variety of different disciplines.

The Committee recommends the use of MDTs for adult sex crime cases. Currently, only the small minority of cases that are actually presented to the DA's office for prosecution receive any outside assessment.

The MDT process also provides crucial support for detectives tasked with making hard calls about difficult cases. Frequently sex crime investigations hit dead ends for a variety of reasons: DNA may not match any known samples; a victim who is drugged is often robbed of the memory necessary to identify a perpetrator much less to testify about what happened; a victim may respond to the extraordinary trauma of her experience by refusing to continue with the investigation; or a victim related to the perpetrator may find it too difficult to testify against him. An MDT will give survivors and the community at large with greater confidence that that some dead ends are beyond the control of even the best detective work. Most importantly, an MDT will help ensure that detectives do not purposefully attempt to disprove a crime in order to reduce their caseload.

While the process works very well in child abuse, it also requires the precious resources of detective, supervisor and prosecutor time. The Committee is cognizant of that burden, and the need to begin the process with a random sampling of cases. NOPD and the District Attorney's Office have

committed to beginning this pilot project with the first MDT case review scheduled on August 14, 2015.

Feedback and Accountability:

The Committee has created mechanisms for victims and the advocates who work with them to provide feedback to the NOPD. More importantly, as part of the new policies and procedures, supervisors must act upon that feedback.

Specifically, survivors will be given information on how to report a complaint to PIB, but they will also be invited to give anonymous feedback, both positive and negative, to improve the performance of the unit. That feedback will be aggregated to preserve survivor anonymity and passed on to NOPD supervisors, who will be required to regularly review the feedback with detectives.

Preventing Sexual Assault Kit Backlogs:

Based on Committee recommendations, the City will work with Civil Service to create a civilian position to serve as the DNA and CODIS Coordinator.

The job description includes keeping, monitoring, triaging and recording all of the Department's forensic evidence. The Coordinator will help ensure that CODIS hits coming back from rape kits are quickly acted upon. In order to avoid creating logjams with the State Crime Lab, the Coordinator would have the authority to prioritize forensic evidence, especially sexual assault kits. In order to preserve continuity and experience in that position, the Committee recommends that it be made a civilian post, albeit filled by someone with law enforcement experience.

Clearing the Sexual Assault Kit Back Log

As mentioned above, the NOPD has hired a third DNA analyst at the State Crime Lab. To expedite the clearing of the rape kit back log, the current back log of 180 kits will be tested at a private lab using City funding.

Enhanced Case Management Software:

To provide supervisors with the tools they need to be effective, the Committee recommended and the NOPD has initiated an upgrade to Case Management System (CMS) for the Special Victims Unit. Upgrades to the CMS would allow supervisors to look at cases holistically, and at a glance see all actions taken in a particular case. Supervisors and detectives would receive email notifications when reports and other items were overdue.

Social Workers:

At the request of the Committee, NOPD is in the process of hiring several social workers to serve within the Sex Crime Unit. The Committee recommends that these social workers will respond to the scene of a sexual assault with detectives to assist victims from the moment they contact the police. Social workers will provide on-going resources to victims, referrals to counseling, and general support, all of which will increase the likelihood that victims will find the strength to participate in investigations. Social workers will check in with victims regularly, even in the absence of progress on the case, fulfilling a request regularly made by victims. This will increase the likelihood that victims are not lost over time, all while preserving the time of overloaded detectives. Social workers should not become gate-keepers between detectives and victims, nor should they make themselves witnesses by discussing the details of the case outside of the presence of detectives.

Case Summary Meetings:

Once an investigation has stalled and there remain no leads to follow, the case will be transferred to the Cold Case squad to await the possibility of future evidence (ranging from a DNA match to a new complaint against a serial perpetrator.) Previously, this case transfer occurred automatically at the one-year mark and without notifying the victim. Now, however, the transfer will be determined in a case specific way and the detective will be required to sit down in person with the survivor, social worker, any outside advocate working with the victim, and an NOPD supervisor, in order to conduct a “Case Summary meeting.” At that meeting, the detective will explain the status of the case and its transfer.

Collection of DNA Evidence from Suspects:

On rare occasions, investigations call for the collection of DNA evidence from suspects on a scene. That evidence cannot be collected by Sexual Assault Nurse Examiners (“SANE”) at University Hospital because of the risk of evidence contamination. The Committee recommends the collection of this evidence by detectives, though that awaits approval of a change in the DOJ consent decree.

Body Camera Policy with Sex Crime Victims:

The current NOPD body camera policy gives discretion to a patrol officer to seek supervisor approval to turn off a camera to preserve the dignity of a victim at a crime scene, for example, a rape victim without clothes. The Committee agrees with the supervised discretion created by this policy and confirmed that state law would protect these videos from public distribution by defense attorneys or through public record requests.

VII. Recommendations for Future Consideration

Child Abuse Unit Work Schedule:

To provide detectives with more time during regular business hours to communicate with victims and witnesses, the Committee recommends replacing the night watch shift with an on call detective. New protocols will need to be developed to govern this change.

Reports of sex crimes or child abuse that are significantly delayed do not typically require an emergency response. Appointments could be scheduled at the victim or family's convenience rather than sending detectives out to a non-emergency scene in the middle of the night. This also requires a policy change.

Working with Child Protective Services:

After the Juvenile detectives moved to the new Juvenile Study Facility, Child Abuse detectives were tasked with caring for children while waiting on Child Protective Services, taking precious hours of their time doing duty outside of their expertise by taking care of traumatized children. The Committee met with Child Protective Services to find legal and pragmatic methods that will allow them to take over this duty more quickly.

Carnal Knowledge Cases and Human Trafficking:

Once the Units grow to full strength, the Committee recommends that detectives (proportionate to the caseload) be assigned to handle carnal knowledge cases involving adolescents, and that these detectives receive special training in human trafficking issues. While most sex trafficking cases will be uncovered in the context of adult prostitution, many of them also involve victims who are minors. A recent study conducted by Covenant House uncovered a 14% rate of trafficking among their residents.

Child Death Investigations:

As the department grows, the Committee recommends that it assign a specific detective to investigate child deaths, both homicides and unclassified deaths. Homicide detectives and child abuse detectives have different skill sets, and death cases would benefit from the expertise of a detective trained in both. Also, when a child abuse detective conducts an extensive child death investigation, the rest of their large case load suffers.

Retention of the Best Detectives:

The Committee recommends that NOPD alter some of its usual policies of cycling the best officers through different departments, and that it allow retention of good detectives in the Special Victims Unit. Over the years, advocates have invested hundreds of hours of training and technical assistance into detectives who turn over all too frequently. While detectives who burn out or find themselves unsuited to the work should be allowed to transfer, those who develop real expertise and who want to stay should be allowed to do so. In order to further this goal, the Committee recommends creating a special "detective track" within NOPD – a track that exists in many other municipal police departments – to allow detectives to seek promotion and remain detectives. The Superintendent has asked Civil Service to examine this possibility.

Blind Reporting:

The Committee is examining the national law enforcement trend toward allowing “blind reporting” by victims. This policy would permit victims who do not want to pursue an investigation to give a statement to police, who would therefore have the benefit of the information to help identify serial perpetrators. If a pattern emerges through the extra information learned from blind reporting, the police could then go back to the initial victims to see if they would be willing to come forward once they were no longer alone. Current state law allows blind reporting as a matter of right for victims seeking hospital rape exams, but not for reporting to law enforcement. The Committee believes that this policy holds real promise in catching more serial perpetrators, but it should not be implemented until the Sex Crime Unit has fully implemented these reforms and has the staffing to properly address a resulting increase in reporting.

In the meantime, SANE nurses and advocates at the Family Justice Center will ask victims if they are willing to pass on the identity of suspects to a protected database, such that the victim can be contacted if a potential serial perpetrator is identified. A survivor may choose to come forward if they know they are not alone and that they can help prevent an assault on another person.

VIII. ONGOING ROLE OF THE COMMITTEE

The Advisory Committee will continue to monitor and assist in making progress with these reforms, providing quarterly reports to the Superintendent.