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December 21, 2017

File Number: 37PA-191555

The Honorable Susie Morgan  
U.S. District Court for the Eastern District of Louisiana  
500 Poydras Street  
New Orleans, LA 70130

Re: Special Report of the Consent Decree Monitor

Dear Judge Morgan:

On behalf of Sheppard Mullin Richter & Hampton LLP and the entire Consent Decree Monitoring Team, I am pleased to submit the attached Special Report covering NOPD's Domestic Violence Patrol Response. I will be posting a copy of this Report on the Monitoring Team's web site, [www.consentdecree-monitor.com](http://www.consentdecree-monitor.com), once it is docketed by the Court.

Thank you for this opportunity to serve the citizens of New Orleans.

Very truly yours,

A handwritten signature in blue ink that reads "Jonathan S. Aronie".

Jonathan S. Aronie  
For SHEPPARD MULLIN RICHTER & HAMPTON LLP\*  
CONSENT DECREE MONITOR  
NEW ORLEANS, LOUISIANA

Attachment

Cc: New Orleans City Attorney  
U.S. Department of Justice  
New Orleans Police Department

\*Appointed By Order Of The U.S. District Court For The Eastern District Of Louisiana



## **Special Report of the Consent Decree Monitor For the New Orleans Police Department**

### **Domestic Violence Patrol Response Audit Report**

**Released December 21, 2017**

**Office of the Consent Decree Monitor  
New Orleans, Louisiana**

Sheppard Mullin Richter & Hampton, LLP

Appointed By Order Of The U.S. District Court For The Eastern District Of Louisiana

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www.consentdecreemonitor.com



**I. NOTE**

“The Monitor shall be subject to the supervision and orders of the [United States District Court for the Eastern District of Louisiana], consistent with [the Consent Decree]. The Monitoring Team shall only have the duties, responsibilities, and authority conferred by [the Consent Decree]. The Monitoring Team shall not, and is not intended to, replace or assume the role and duties of the City and NOPD, including the Superintendent.”

**Consent Decree Paragraph 455**



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### III. GLOSSARY OF ACRONYMS

“ASU”	Administrative Services Unit
“AUSA”	Assistant United States Attorney
“AVL”	Automatic Vehicle Locator
“BWC”	Body Worn Cameras
“CIT”	Crisis Intervention Team
“CCMS”	Criminal Case Management System
“CD”	Consent Decree
“CIT”	Crisis Intervention Team
“CODIS”	Combined DNA Index System
“ComStat”	Computer Statistics
“COCO”	Community Coordinating [sergeants]
“CPI”	California Psychological Inventory
“CSC”	Civil Service Commission
“CUC”	Citizens United for Change
“DA”	District Attorney
“DI-1”	Disciplinary Investigation Form
“DOJ”	Department of Justice
“DV”	Domestic Violence
“DVU”	Domestic Violence Unit
“ECW”	Electronic Control Weapon
“EPIC”	Ethical Policing is Courageous (NOPD peer intervention program)
“EWS”	Early Warning System
“FBI”	Federal Bureau of Investigation
“FIT”	Force Investigation Team
“FOB”	Field Operations Bureau
“FTO”	Field Training Officer
“IACP”	International Association of Chiefs of Police
“ICO”	Integrity Control Officers
“IPM”	Independent Police Monitor
“KSA”	Knowledge, Skill and Ability
“LEP”	Limited English Proficiency
“LGBT”	Lesbian, Gay, Bi-sexual, and Transgender
“MMPT”	Minnesota Multiphasic Personality Inventory
“MOU”	Memorandum of Understanding
“NNDDA”	National Narcotics Detection Dog Association

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“NOFJC” New Orleans Family Justice Center  
“NOPD” New Orleans Police Department  
“NPCA” National Police Canine Association  
“OCDM” Office of Consent Decree Monitor  
“OIG” Office of Inspector General  
“OPSE” Office of Public Secondary Employment  
“PIB” Public Integrity Bureau  
“POST” Police Officer Standards Training Counsel  
“PsyQ” Psychological History Questionnaire  
“QOL” Quality of Life [officers]  
“RFP” Request for Proposal  
“SA” Sexual Assault  
“SART” Sexual Assault Response Team  
“SOD” Special Operations Division  
“SRC” Survey Research Center  
“SUNO” Southern University of New Orleans  
“SVS” Special Victims Section  
“UNO” University of New Orleans  
“USAO” United States Attorney’s Office for the Eastern District of New Orleans  
“VAW” Violence Against Women



#### IV. INTRODUCTION TO THE SPECIAL REPORT

In the report following its 2010 investigation into the practices of the New Orleans Police Department (NOPD), the U.S. Department of Justice (DOJ) leveled significant criticism on the Police Department's handling of domestic violence (DV) cases.<sup>1</sup> Among other things, the DOJ found the NOPD failed adequately to investigate violence against women, including domestic violence. DOJ Findings Letter at ix (March 2011).

Since that time, the NOPD has paid great attention to the way it handles DV cases. As a result, the Police Department has made significant improvements in a number of areas. The Monitoring Team has recognized these improvements in our prior reports and in our prior public court hearings. For example, in August 2016, the Monitoring Team and the New Orleans Office of Inspector General credited the NOPD Special Victim's Section (SVS), the detective unit responsible for follow-up investigations of DV and sexual assault cases, with a "remarkable turnaround" following a long history of poor and damaging practices.

The Monitoring Team has continued to review the SVS practices since that time, and finds that the specialized unit continues to perform extremely well. The SVS is staffed with specially trained detectives and social workers who, as the Monitoring Team's audits have confirmed, continue to do an excellent job handling DV calls.

The NOPD SVS detectives, however, typically are not the first to respond to DV calls. In almost all cases, District-based patrol officers are the first officers on the scene. The Monitoring Team audits patrol officer responses to DV calls in all eight police districts on a monthly or quarterly basis. These audits revealed inconsistency in the way such calls are handled, and prompted the Monitoring Team to undertake a more targeted review focusing specifically on areas where we had seen problems in our monthly/quarterly audits. To this end, the Monitoring Team selected a sample of calls for service that included (a) calls designated as "Necessary Action Taken" (a designation typically not appropriate for a DV call), (b) calls designated as "Gone on Arrival" where the officer was on the scene more than 15 minutes, and (c) calls reclassified from a "Code 2" priority to a "Code 1" priority. This targeted review, which is the subject of this report, suggests significant room for NOPD improvement in certain areas.

While most NOPD patrol officers respond to DV calls with compassion, empathy, and skill, our targeted review revealed some officers respond ineffectively and, in some cases, inappropriately. Our review also revealed NOPD is not always handling DV calls in a manner consistent with the

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<sup>1</sup> The Monitoring Team recognizes not all domestic calls involve physical violence. For ease of discussion, however, the Monitoring Team uses the term DV throughout this report to refer to domestic violence calls and domestic disturbance calls.



priority nature of such calls. In fact, the Monitoring Team identified several incidents in which it took NOPD more than six hours to respond to a DV call for service.<sup>2</sup>

The Monitoring Team also identified instances in which DV calls were reclassified from a Code 2 call to a Code 1 call by a sergeant.<sup>3</sup> While such reclassifications likely were an effort by the sergeant to manage and prioritize a lengthy backlog of calls for service awaiting police action, the reclassification nonetheless caused further delays in the victim seeing a police officer.

Section 213 of the Consent Decree provides as follows regarding Domestic Violence calls:

The NOPD agrees to **prioritize victim safety and protection at each stage of its response to a report of domestic violence** and provide, through the New Orleans Integrated Domestic Violence Protocol, clear guidelines for on-scene and follow-up investigation, including identifying, locating, and interviewing suspects and witnesses, including child witnesses; assessment of the crime scene; evidence collection, including documentation of victim injuries; and seizure of weapons.

It is the finding of the Monitoring Team, as discussed in greater detail below, that several NOPD practices do not adequately prioritize victim safety and protection at each stage of the Department's response to DV calls. In fact, the Monitoring Team's DV review revealed concerns or questions regarding 83 of the 124 (67%) calls for service included in our targeted sample. The NOPD practices underlying these concerns and questions:

- Reduce the likelihood NOPD will be able to deliver a meaningful response to the victim of the DV,
- Reduce citizen trust in the NOPD,
- Reduce the likelihood victims will reach out to NOPD when they are in need, and
- Create a personal safety risk for the victim in the event the perpetrator returns to the scene of the crime.

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<sup>2</sup> The Monitoring Team recognizes, in most cases, patrol officers do not control their response times. Call volume, call priorities, available personnel, dispatcher decisions, and supervisory decisions all impact patrol officer response times.

<sup>3</sup> Calls for service dispatched to officers include a "signal" that describes the nature of the call (e.g., 35D refers to Domestic Battery calls) and a Priority Code, which ranks the priority of the call. A Code 3 is considered the highest priority and is reserved for officers in need of assistance. A Code 2 is considered an "emergency" call for service, and should prompt an immediate NOPD response. A Code 1 is considered a "non-emergency" call for service.





The Monitoring Team shared its findings with the NOPD prior to the publication of this report, and the Department took prompt action to develop and initiate a meaningful corrective action plan. In consultation with the Monitoring Team, NOPD

- Changed the way DV cases are coded in its Computer Aided Dispatch (“CAD”) system,<sup>4</sup>
- Implemented enhanced training for patrol officers and supervisors,
- Met with supervisors and commanders to increase oversight of officers handling DV calls, and
- Initiated disciplinary proceedings against officers who have acted in violation of NOPD’s DV policy.

In fact, NOPD has initiated disciplinary proceedings against more than 35 officers for violations of NOPD’s DV policy for the handling of incidents that occurred between March and September 2017.

While these remedial steps are meaningful, NOPD will have to do even more to resolve the concerns laid out in this report. To this end, NOPD Superintendent Michael Harrison met with the Monitoring Team and U.S. District Court Judge Susie Morgan on October 17, 2017 and committed the full attention of his leadership team to this matter. Notably, Superintendent Harrison was candid and straightforward regarding what needed fixing and what steps the Department planned to take.<sup>5</sup> His frankness is noteworthy and, in itself, highlights how far the Police Department has come since the entry of the Consent Decree in 2012.

The Department’s efforts, however, likely will be complicated by the shortage of officers currently available to respond to calls for service, and by the number of calls that come in to the various police districts every night. To take just one example, more than 160 calls for service come into the Seventh District (New Orleans East) every day, approximately 12 of which are DV calls. These are large numbers for a district that, on average, has only seven officers available to respond to such calls on a given shift. In many cases, the lack of officers and the number of calls for service may have contributed to the problems identified by the Monitoring Team.

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<sup>4</sup> A CAD system is a computer-based system that permits the centralized dispatch of officers to calls for service. The NOPD CAD system provides patrol officers and supervisors important information concerning each call, including, among other things, the nature, priority, and location of the incident. The CAD system also permits officers to relay important information back to the centralized dispatch unit.

<sup>5</sup> The steps NOPD has committed to taking are spelled out in Section X of this report.



While the shortage of officers explains some of the findings in this report, however, staffing levels do not explain all the findings. The Monitoring Team's findings call into question a number of practices that simply cannot be blamed on manpower. Following a brief discussion of the Monitoring Team's review methodology, these findings are discussed below.

## V. REVIEW METHODOLOGY

Following the "remarkable turnaround" of the NOPD's Special Victim's Section in 2016 noted above, the Monitoring Team turned its attention to NOPD's patrol officers. Each quarter – and sometimes each month – since the outset of the Consent Decree, the Monitoring Team has audited a sample of Body Worn Camera (BWC) recordings showing how patrol officers respond to DV calls. These audits, coupled with our personal observations during our many ride-alongs with NOPD officers and supervisors, have revealed opportunities to enhance NOPD's policies, practices, and training, which the Monitoring Team regularly shares with NOPD's leadership. Our more recent findings through these audits and observations, however, also prompted the Monitoring Team to conduct a "deep dive" targeted review of the Department's DV practices at the patrol level.

We focused this targeted review on the areas in which we had noticed problems in our prior quarterly and monthly random audits. We concentrated our attention on three types of DV call clearances:<sup>6</sup> (1) DV calls cleared GOA (Gone On Arrival),<sup>7</sup> (2) DV calls cleared NAT (Necessary Action Taken); and (3) DV calls initiated with a Code 2 Priority Code but reclassified to a Code 1 (non-emergency) Priority Code. The Monitoring Team reviewed a random sample of DV-related calls for service within the targeted universe from each of NOPD's eight police districts. Our review covered calls for service from mid-March 2017 through mid-September 2017. Our review was conducted on-site in New Orleans by reviewing police reports, CAD call-history reports, and BWC recordings.

In addition to our review of the reports and video recordings of the calls included in our sample, the Monitoring Team also regularly rides with patrol officers and sergeants in all eight districts and during all three shifts. We also communicate regularly with DV advocacy groups, victims, and other stakeholders regarding their personal experiences with NOPD in DV responsiveness. Our personal observations from these ride-alongside and meetings provided important context to better understand NOPD's DV response practices.

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<sup>6</sup> A "call clearance" is the term NOPD uses to indicate how a call for service was resolved.

<sup>7</sup> The Monitoring Team selected calls cleared with a GOA designation where the responding officer was on the scene of the call for at least 15 minutes. We selected this targeted sample rather than a random sample in an effort more efficiently to identify the source of the questionable GOA clearances we had been seeing in our monthly/quarterly audits.



## VI. GONE ON ARRIVAL (GOA) CLEARANCES

The NOPD received 813 DV-related calls from mid-March through mid-September 2017 in which the officer remained on the scene of the call for more than 15 minutes and yet the call was cleared GOA. The Monitoring Team randomly selected 41 of those calls (5%) for review. Our review of the reports, BWC recordings, and CAD data showed many of the GOA clearances resulted from a delayed NOPD response leading to the complainant no longer being on the scene at the time the officer finally arrived.<sup>8</sup>

The Monitoring Team's review also identified situations in which a call was designated GOA by a patrol officer even though the officer actually spoke to the victim at the scene. This anomaly materialized most often when a "power shift" officer<sup>9</sup> initially responded to a DV call to ensure the victim was safe, but left the resolution of the call (and the writing of the necessary report) to an officer on the later shift. NOPD officers refer to this practice as putting the call "back in the stack." While we commend the practice of using the "power shift" officer to ensure the safety of the victim, the practice of putting a call "back in the stack" brings with it several significant unintended negative consequences.

Placing a call "back in the stack" causes the call to be dispatched a second time, but without an effective way to associate the first officer response with the second officer response. The Monitoring Team's inability to link the two calls together may be due to several scenarios: (1) the absence of a BWC recording by the second officer, (2) no second officer actually returned to the scene, or (3) the two calls were assigned different Item Numbers.<sup>10</sup> Whatever the reason, the inability to associate the original response with the follow-up response is problematic. A different item number would mean the original call is counted twice, which impacts the integrity of NOPD's calls for service data. Further, more often than not, and whether a single Item Number or multiple Items Numbers are assigned, the second officer is dispatched many hours later, when the victim often is no longer at the scene. This means the original domestic violence incident is never documented and the important DV "history" of the call is lost. It also becomes more difficult to determine whether a report ever was written.

Putting calls "back in the stack" also is a bad practice for agencies trying to instill the principles of community policing and procedural justice in its officers, as the NOPD is. Many victims do

<sup>8</sup> The Monitoring Team raised this issue with the NOPD in 2015, and NOPD took steps to remedy the problem. Our recent review, however, shows NOPD still has significant work to do to fix the problem.

<sup>9</sup> A "power shift officer" is an officer who begins his/her shift prior to the normal shift start in order to provide additional coverage during shift changes.

<sup>10</sup> Each call for services is assigned a unique Item Number by the CAD system. Among other things, the Items Numbers are used by NOPD to generate calls for service data shared with the public.



not understand why they have to tell their story twice, or why they have to be inconvenienced by having to wait long periods of time for a second officer to show up at their homes. The Monitoring Team has heard many DV victims (in person and through our review of BWC recordings) express extreme discontent and frustration with this perceived lack of victim-focused service.

Further, the practice causes undue delays in reporting, and, in most cases, results in the on-coming shifts being bogged down with old calls, causes unnecessary travel time for the on-coming officers, and often ultimately ends in a GOA clearance. Putting calls “back in the stack” creates other problems as well. In many cases, initial officers collect key information that never is relayed to the second officer who arrives much later.

NOPD must take prompt and meaningful steps to remedy the problems caused by putting calls “back in the stack.” One partial solution is to require that “power shift” officers write a report (or at least record their observations in some form) while they continue to monitor the radio or computer for other priority calls. Another partial solution is to develop a protocol whereby calls placed “back in the stack” are linked to the later dispatch of the report-writing officer.

In addition to the problems associated with GOA designations described above, the Monitoring Team also observed some calls being cleared GOA even though the responding patrol officer spoke with one or more of the parties involved in the DV incident. This practice, obviously, does not comport with NOPD policy.

The NOPD policy on the patrol response to DV states as follows:

The Department’s commitment to an interagency response to domestic violence crimes is largely dependent on the platoon officer’s initial response to each case. The platoon officer report lays the foundation for each subsequent intervener, and its attention to specific details either helps or hinders each practitioner’s efforts to maximize victim safety and offender accountability.

The NOPD DV policy also states as follows:

The Department’s policy emphasizes the importance of accumulating information over time and incidents in order to understand and appropriately respond to the level of danger and risk posed by offenders in a crime that is often complex and difficult to prosecute. When officers treat each call as part of an ongoing case, patterns may likely emerge, and the safety needs of all victims become more evident.

The policy requires that a report be written on all calls involving a DV disturbance or when a DV-related crime has been committed. When an officer is able to communicate with at least one of the parties, the officer typically will have sufficient information to determine whether a DV



incident has occurred. If all parties are not available or have left the scene, a GOA clearance may be acceptable. Our review, however, revealed some officers assigning GOA clearances to calls even though the parties were not actually gone upon the officer's arrival.

Our targeted review of 41 call responses cleared as GOA revealed 13 calls (38 %) were handled properly and within NOPD policy guidelines. In contrast to these 13 calls, 28 calls (68%)<sup>11</sup> raised concerns regarding NOPD's use of the GOA designation. For example:

- NOPD officers responded to a call involving a male punching a female victim in the face and a biting. The officer put the call "back in the stack" and a follow-up officer was sent approximately 9.5 hours later. As there was no response at the door when the second officer arrived, the officer marked the call GOA.
- A DV incident occurred in April at 2:00 in the afternoon. NOPD's data do not reveal a dispatch time, but do reveal an officer arrived on the scene almost seven hours later. The Body Worn Camera recording shows an officer speaking to a male at the door who stated he tried to cancel the call earlier. The officer explained NOPD is required to come out for all DV calls. The officer then cleared the call GOA.
- Patrol officers arrived on the scene of a DV call. The caller and the alleged perpetrator were still on the scene when the officers arrived. The officers used poor communications skills and did not separate the complainants. They also used poor tactics by leaving both parties inside the home together. No resources were offered and the call was placed "back in the stack." When the next shift arrived, the call was cleared GOA.

These examples are illustrative of others identified in the Monitoring Team's review. Appendix A sets out summaries of all 28 problematic calls, redacted to remove personal information, as well as summaries of the Monitoring Team's concerns. Additional details regarding each matter were shared directly with the NOPD.

While NOPD's practice of putting DV calls "back in the stack" may explain the Monitoring Team's inability to locate reports relating to many of the foregoing incidents, such inability is yet another reason why the practice is a bad one. Putting DV calls "back in the stack" (a) delays helping the victim in a timely fashion, (b) reduces the likelihood the perpetrator will be apprehended, (c) puts the integrity of NOPD's DV data in question, (d) prevents supervisors from ensuring DV calls were responded to properly, and (e) potentially wastes officer time by

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<sup>11</sup> As explained above, the 68% does not reflect 68% of all DV calls. Rather, the 68% is of the targeted sample of calls cleared GOA selected by the Monitoring Team.



requiring repetitive work since the second responding officer does not know what the first responding officer already did.

Further, and more generally, the concerns identified by the Monitoring Team have a very real public safety element. Flawed, inefficient, and/or ineffective DV patrol response practices may

- Place victims at further risk (*e.g.*, if the perpetrator returns to the scene),
- Place officers at further risk (*e.g.*, officers letting their guard down because they think they are just returning to write a report), and
- Hinder the Department's efforts to respond to DV crimes.

Inadequate DV patrol responses also can increase the chance victims will not call the police the next time they are in need of help.

## VII. NECESSARY ACTION TAKEN (NAT) CLEARANCES OF DOMESTIC CALLS

The NOPD received 523 calls initially classified as domestic from mid-March through mid-September 2017 in which the responding patrol officer cleared the call NAT.<sup>12</sup> NOPD policy does not permit, and the Department's CAD system does not allow, NAT clearance for calls designated with a "D" (*e.g.*, a 35D is a domestic battery). The NOPD policy regarding Domestic Violence (Policy 42.4) is clear on NAT clearances, and states as follows:

All Domestic Violence investigations shall be given a case disposition of RTF (report to follow) regardless of whether or not an arrest was made. **Under no circumstance shall a NAT (necessary action taken) disposition be used for domestic violence incidents.**

Reports shall include victim statements and disposition of the case (La. R.S. 46:2141; Ch.C. 1574).

The "D" designator shall be used on all domestic violence incidents.

As indicated in the policy, a "D" call indicates a possible domestic violence incident. All D-type calls with a Code 2 priority code require a supervisor to go to the scene if possible. The only way an officer can clear a "D" call NAT is by first changing the designation from a D to some

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<sup>12</sup> Not all 523 calls actually were DV calls. Sometimes calls are designated DV by the dispatcher, but turn out not to be DV calls at all. For example, a caller may have thought a man and woman fighting were husband and wife when in fact they were mere acquaintances. In these cases, it is appropriate for the officer, with supervisor approval, to switch the signal from a DV designation to the appropriate designation.





other designation. Such a signal change requires a supervisor's approval, which may be appropriate in some cases. For example, an officer may arrive on a scene and discover the incident simply is not a DV incident.<sup>13</sup> In such a case, with a supervisor's approval, the officer may request the signal be changed to the appropriate signal.

The Monitoring Team's review identified multiple instances of this policy being violated by officers and/or supervisors. We identified multiple NAT clearances in the context of DV incidents. While some of these clearances may have been appropriate, NOPD was unable to produce supporting information demonstrating the propriety of the clearances.

The Monitoring Team randomly selected 26 NAT calls (5%) initially designed as DV calls for evaluation. Our review of the available BWC recordings and related CAD data showed that the NAT clearances resulted from a "signal change" by an officer or a supervisor – i.e., a change from a DV call signal (*e.g.*, 35D) to a non-DV call signal. The Monitoring Team's review identified several different reasons for signal changes. Some changes were understandable, appropriate, approved by a supervisor, and within policy. Other signal changes were in violation of NOPD policy. Some signal changes were not adequately documented in NOPD records to allow us to determine whether the change was appropriate or not. The Monitoring Team considered undocumented signal changes as not within policy for purposes of our review.

Our review of 26 call responses cleared as NAT revealed seven calls (27%) were handled properly and within policy guidelines. These calls revealed misclassifications by the dispatcher and, thus, correct signal changes by the officers on the scene with supervisor approval. The Monitoring Team verified through BWC recordings that the actual events in each of these calls were not related to a DV incident. These are calls that do not meet the criteria for a DV incident.

In contrast, our review identified 19 calls (73%) out of 26 that raised concerns to the Monitoring Team. For example:

- Officers responded to a DV incident between a husband and a wife. When the officers arrived, the husband was gathering his clothing to leave the residence. The female stated "we had a fight this morning and he won't leave." The officer stated on the BWC to the other officer on the scene that the incident is a 103D (domestic) matter. The officer then spoke to the male in Spanish and related to the second officer that the relationship is ending and that he told the husband to

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<sup>13</sup> The Monitoring Team has observed significant confusion among officers regarding whether certain types of intra-family disputes qualify as DV cases. Two brothers fighting, for example, may meet the definition of a DV incident in some contexts, but in other contexts may not. The Monitoring Team is working closely with NOPD, the U.S. DOJ, and the Court to explore ways to provide additional meaningful guidance to patrol officers to deal with such admittedly confusing and complicated matters.



call the police department if he needs anything further. This is clearly a reportable incident, but was cleared NAT with no report on file.

- Officers responded to a Code 2 priority DV call in which a third-party caller reported a physical altercation with a gun involved. A male officer spoke to an older man at the door who didn't know who called the police, but who thought his grandson may have been in a fight with his girlfriend. The grandson came out of the door with a baby and explained he had had an argument with the child's mother. The officers said "I will just 21 it," which means "I will treat it as a complaint rather than as a DV call." The officers cleared the matter NAT. There was no questioning about what occurred in the fight or why a gun was mentioned. The officers spoke to an involved party and should have written a report.

The 19 summaries set forth in Appendix B illustrate the nature of the Monitoring Team's concerns. Overall, these concerns suggest some NOPD officers are using the NAT designation inappropriately, which, as with other practices identified in this report, precludes access to the important documented history of the DV incident.<sup>14</sup> In addition to having an impact on victims and officers, an incomplete or inaccurate documented history can affect future police responses, court cases, DV response initiatives and protocols, and DV policy evaluations/reviews. It is difficult to assess the full impact of this practice, however, since, by definition, there are no reports accompanying NAT designations. In any case, the practice is troublesome and must be remedied. NOPD is looking into every NAT identified by the Monitoring Team and will be reporting its findings back to the Monitoring Team.

### **VIII. RECLASSIFYING CALLS FROM PRIORITY (CODE 2) TO NON-EMERGENCY (CODE 1), AND CHANGING SIGNALS**

Based upon our monthly and quarterly random audits and our observations during our many ride-alongs, the Monitoring Team decided to review NOPD's handling of Priority Codes in our targeted DV audit. Since Code 2 calls receive a much faster response than Code 1 calls<sup>15</sup> – and understandably so – the Monitoring Team became concerned DV calls may be being reclassified inappropriately by supervisors trying to manage their district's high call volume.

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<sup>14</sup> The Monitoring Team identified some situations where officers changed call signals to a mental health signal and, thus, avoided preparing a DV report. (A mental health call does not require the same documentation as a DV call.) The Monitoring Team will conduct a separate data analysis to determine the extent of and reasons for these situations, including whether the decisions to designate a call as a mental health issue was made to avoid completing the DV report.

<sup>15</sup> Notably, the Department's public commitment to respond to calls in an average of seven minutes applies only to Code 2 calls.





Our review covered calls for service from mid-March through mid-September 2017. The NOPD received 1,889 DV calls involving a reclassification (i.e., a change from a Code 2 to a Code 1 following initial dispatch) during this period. The Monitoring Team reviewed 57 (3%) of them to determine if they were reclassified appropriately.

NOPD policy requires a supervisor's approval to reclassify a signal code.<sup>16</sup> The NOPD DV policy states as follows regarding signal codes:

Should the officer believe the parties do not meet relationship criteria for intimate partners, family members or household members, the officer shall contact his/her supervisor for approval to proceed with the investigation as a non-domestic incident. [17]

Should the officer believe the parties do meet the relationship criteria in this chapter for intimate partners, family members or household members, but the incident has not been classified with a "D" signal code, the officer shall notify dispatch to change the signal code to a domestic incident.

Only a supervisor may downgrade the signal of a domestic violence call.

The Monitoring Team found NOPD's practices in many cases to not be consistent with this policy.

The Monitoring Team reviewed BWC footage and CAD reports to determine whether the priority code change appeared to be warranted based on the facts presented. Our review of 57 randomly-selected reclassified call responses revealed 21 calls (37%) appeared to be handled properly. We identified 36 calls (53%), however, for which we were unable to determine why the response was reclassified and/or whether the supervisor approved the change. These 36 calls raised concerns to the Monitoring Team. For example:

- One CAD entry indicated "a female friend is breaking his car window and there is a knife involved." The CAD further stated the phone was disconnected and the subject was trying to stab the caller. The incident occurred at 12:10 am and was dispatched almost two hours later. The incident subsequently was changed to a Code 1 by a supervisor, and ultimately was cleared GOA at 2:22 am.

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<sup>16</sup> Although not clearly stated in the policy, as a practical matter, a supervisor's approval also is required to change the priority of a call.

<sup>17</sup> Due to a change in Louisiana State Law, NOPD recently updated Policy 42.4 to change "intimate partners" to "dating partners."

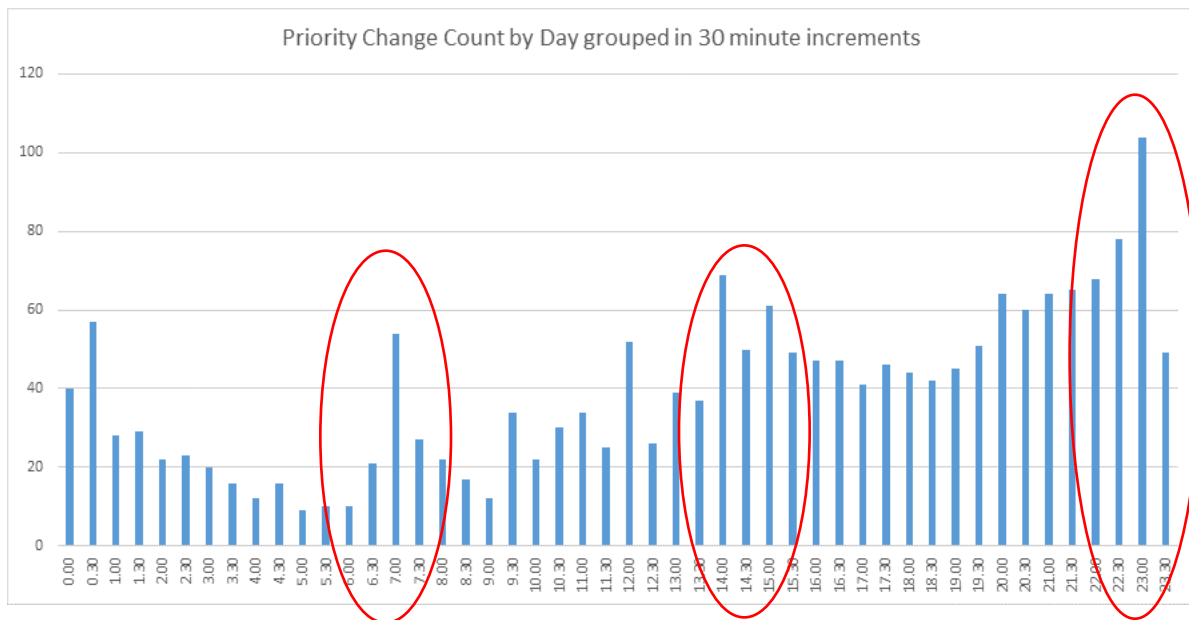


- Another CAD entry indicated “the ex-boyfriend was drinking and had a gun. He was threatening her and burning her property.” The CAD further stated the victim needed medical attention and the suspect was on the scene at approximately 9:24 pm. The priority was reclassified five minutes later. The call was dispatched at 3:05 am. There is no report and it is unknown why it was reclassified.

The 36 summaries in Appendix C illustrate the nature of our Team’s additional concerns. While some of the items we reviewed may have been handled properly by the officers and supervisors involved, the sparse records available did not allow us to reach such an affirmative conclusion.

In addition to looking at reclassifications generally, the Monitoring Team also examined whether DV calls were reclassified more frequently during certain times of the day. This review was prompted by our personal observation during our ride-alongs that DV calls were designated or re-designated a Code 1 (versus a Code 2) more often around shift changes.

NOPD shift changes occur at 6:30 am (0630), 2:30 pm (1430), and 10:30 pm (2230). To perform our review, we examined calls involving Code changes and Priority reclassifications in 30 minute increments for the same six-month period as our overall review. As shown below, the priority change chart shows spikes during or near shift change.



Our personal observations coupled with our conversations with officers across the Department suggests some reasons why reclassification of DV calls might spike around shift changes.



- First, DV calls take a long time to resolve compared to other types of calls. They, thus, render officers unavailable for other calls for extended periods of time – and make it impossible for them to go off duty at the end of their shifts.
- Second, officers who take calls that keep them after their shifts are eligible for overtime. Supervisors are responsible for limiting their use of overtime within their respective shifts.<sup>18</sup>
- Third, DV calls are extremely complicated and often involve complex family fact patterns that many officers do not view as true DV situations. Having to treat siblings fighting as a DV case, for example, frustrates many officers who believe they should be spending more time on “real” DV cases.

In short, whatever the reasons, it seems NOPD’s much-publicized effort to reduce Code 2 response times has created an unintended negative consequence of contributing to the reclassification of Code 2 DV calls as Code 1 DV calls.

#### **IX. NOPD RESPONSE TO REVIEW FINDINGS AND FURTHER MONITORING TEAM RECOMMENDATIONS**

The Monitoring Team’s targeted DV review raised concerns or questions regarding 83 of the 124 (67%) calls for service we examined. We notified the NOPD Compliance Bureau of our more serious findings as we progressed through our review. To its credit, and as explained in greater detail in Appendix D to this report, NOPD initiated a number of immediate corrective actions, including the following:

- NOPD reviewed a random sample of reclassified domestic incidents and initiated 39 disciplinary investigations.
- NOPD implemented an emergency revision to the domestic violence policy to ensure the supervisors are involved in all signal changes of domestic *disturbance* calls.
- The NOPD Compliance Bureau initiated a comprehensive policy review in an attempt to identify opportunities for additional clarification or streamlining.
- Supervisors highlighted the policy changes in roll call training in all districts.
- The Compliance Bureau initiated a new review protocol for DV signal changes and calls marked GOA.

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<sup>18</sup> Signal changes, on the other hand, seem to be somewhat less impacted by shift change.

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- The Compliance Bureau committed to analyze repeat calls for service at locations where calls were reclassified or marked GOA after spending significant time on scene.
- All non-emergency (Code 1) DV calls now will be dispatched in the top priority code 1 classification (Code 1A) to improve response times.
- The Compliance Bureau will monitor trends in signal changes, response times, and policy compliance to assess whether these reforms are having the necessary impact.

Additionally, the Commander of the Field Operations Bureau restricted “back in the stack” clearances in the Seventh District. The Seventh District handled 25 % of all DV incidents in the City of New Orleans during the review period. The Seventh District also had the highest number of GOA clearances – many of those resulting from “back in the stack” CAD entries – in the sample reviewed by the Monitoring Team.

With respect to the modifications to NOPD’s current DV policy, the DOJ and the Monitoring Team approved the requested modifications. The new wording adds *domestic disturbance* language to those calls that require a supervisor’s approval to change a signal. The prior wording required supervisory approval to change a signal for “a *domestic violence* call.” Some officers may have thought the supervisory approval was needed only if a DV “crime” occurred. However, both the policy and lesson plan for DV training state that calls with a D-designation always require a report.

The policy modification also added the requirement that a request for a signal change be made on the primary radio channel by notifying the Communications Division so it will be recorded. Prior to this change, officers and/or supervisors often made changes over the telephone. This made the authorization difficult to track or verify.

Lastly, the new policy warns the following:

NOTE: Both the supervisor and officer should be aware that omitting material facts that could affect the justification for a signal change is considered a violation of Rule 2 – Moral Conduct, paragraph 3 – Honesty and Truthfulness.

A copy of Policy 42.4, with the edited wording, will be posted on NOPD’s public internet site.

In addition to the steps NOPD already is taking, the Monitoring Team recommends the practice of placing DV calls “back in the stack” be eliminated department-wide, or at least be modified to facilitate faster response times and to provide an effective means of linking the original NOPD response to the subsequent NOPD follow-up response. We make this recommendation because the current practice:



- Leads to GOA clearances and no DV report, which raises significant public safety concerns and potential prosecution concerns;
- Bogs down the on-coming shift and delays their response to new calls;
- Results in double-counting of DV calls IF the calls are given a new item number when they are “returned to the stack”;
- Confuses complainants who do not understand why the initial responding officer does not write the report, and erodes trust in the interviewer;
- Forces DV victims to tell their story to a second officer, which is especially troubling given the trauma involved in many DV cases;
- May increase risk to officers who believe they are responding to an earlier DV call merely to “write a report,” but actually may be returning to an active DV crime scene; and
- Inconveniences and disillusion victims and could result in domestic violence victims deciding not to call the police again when the next incident occurs.

The Monitoring Team further recommends regular internal audits of calls cleared as NAT and reclassified calls to determine whether the status was justifiably changed and was changed with supervisory approval.

Finally, the Monitoring Team recommends enhanced training for recruits and veterans at the Police Academy. Patrol officers should be reminded regularly that if one party to a DV or disturbance call is available to give his or her version of the incident resulting in a DV call for service, the report must be written with the details available. A call cannot be marked GOA if one of the parties has left the scene, but the other remains, or if the caller later decides he or she does not need the police.

## **X. CONCLUSION**

The majority of patrol officers who respond to DV calls for service and initiate a report on the scene are doing a much better job than they did just two years ago. The Monitoring Team has taken note that updated DV policies and training has resulted in a more victim-centered patrol response in most cases. However, as NOPD leadership has agreed, there remains significant room for continued improvement in this area.

In this targeted review, the Monitoring Team examined clearances likely to be problematic based upon our monthly and quarterly random audits. Our findings, not surprisingly, identified several areas in need of significant improvement. Clearly, some adjustments must be made to improve

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service delivery during calls for domestic violence. In many of these cases there needs to be a great sense of urgency to ensure DV calls are documented. The Monitoring Team knows NOPD's leaders are aware of the deficiencies described in this report and are working to resolve inappropriate response through discipline, re-training, amended policy, and more diligent supervision of the response by patrol officers to calls of domestic violence.

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## **XI. APPENDIXES**

Appendix A

**GONE ON ARRIVAL (GOA) CLEARANCES – OFFICER ON THE SCENE MORE THAN 15 MINUTES**

- **F-06777-17**, District 1:
  - Officers responded to a call involving a male punching a female victim in the face and a biting. The officer put the call “back in the stack” and a follow-up officer was sent approximately 9.5 hours later. As there was no response at the door when the second officer arrived, the officer marked the call GOA.
- **G-16127-17**, District 3:
  - Officers responded to a dispute between a mother and a daughter. The officers spoke to the mother who explained she was “put out of the apartment” around midnight. The daughter would not answer the door when police arrived. The officers were abrupt and not victim-centered in their communications with the mother. A report was required per NOPD policy, and the officers had enough information for the report, but the call was cleared GOA.
- **D-32433-17**, District 3:
  - The incident occurred in April at 2:00 in the afternoon. NOPD’s data do not reveal a dispatch time, but do reveal an officer finally arrived on the scene almost seven hours later. The BWC recording shows an officer speaking to a male at the door who stated he tried to cancel the call earlier. The officer explained NOPD is required to come out for all DV calls. The officer then cleared the call GOA. The delay undoubtedly impacted the outcome of this matter.
- **E-20395-17**, District 4:
  - Officers responded to a domestic argument between two sisters in which one sister alleged she was “tasered” by her sister. The officers observed the taser, but saw no marks on the child from the incident. The supervisor authorized the call to be put “back in the stack” for the next shift. There is no record of a report under this item number and it is unknown whether a follow-up occurred.
- **C-32075-17**, District 5:
  - Officers responded to a Code 2 DV call involving an argument between a male and his child’s mother occurring in a vehicle. Officers arrived within minutes of the incident, and the call was cleared approximately one half hour after their arrival on the scene. Both BWCs, however, are less than three minutes long. The call is cleared GOA and there is no report under the item number.
- **E-03578-17**, District 5:
  - Officers responded to an address to “try to make contact” to the victim of a reported DV. The BWC recordings are both less than two minutes. There is an three hour delay in



## Appendix A

dispatch. NOPD's data do not explain the cause of the delay and the BWC recordings do not reveal the outcome of the call.

- **E-17029-17**, District 5:
  - Officers responded to a complaint by a female who was upset that her former "old man" cut off her electricity. The officers explained to the female it was "shift change" (it was 6:18 am), and "someone else would come out and take a report." On the BWC, the complainant is clearly annoyed and asked "why can't you take the report? You all are here now?" She also states if you can't take it then don't worry about it. It would be a brief report to document the incident. Unknown if it was placed "back in the stack" or what the outcome was.
- **I-12130-17**, District 5:
  - The incident occurred in September 2017 at 5:47 am. The CAD report states the "brother is arguing with complainant and throwing items in the residence. The subject just left, no response from rank, holding, 520 still holding, and no answer on the call back." The call was dispatch at 9:06 am, more than three hours after the call came in.
- **C-33867-17**, District 2:
  - Patrol officers arrived on the scene of a DV call. The caller and the alleged perpetrator still were on the scene when the officers arrived. The officers used poor communications skills and did not separate the complainants. They also used poor tactics by leaving both parties inside the home together. No resources were offered and the call was placed "back in the stack." When the next shift arrived, it was cleared GOA.
- **E-15774-17**, District 7:
  - Three officers responded to a DV call. One of the three did not have a BWC recording. The second of the three recorded only the trip to the call. Both officers who did have a BWC, turned off their cameras early. The Monitoring Team was unable to locate a report in the system. Ultimately, NOPD was able to locate the report.
- **D-05039-17**, District 7:
  - The incident involved two brothers, one of whom allegedly locked the other out of a shared apartment. The responding patrol officer stated he would not speak to one of the brothers about being locked out of the apartment. One of the three officers did not have a recording on the Item number. No report was located.
- **D-07526-17**, District 7:
  - The officers responded to a DV call involving a 14 year old child experiencing mental health challenges. The 911 caller stated the child had assaulted family members. The officers told the family that if the NOPD took the child to a facility, the facility would

## Appendix A

call to have the family take her back home. The call was placed “back in the stack.” The Monitoring Team could not locate a report in NOPD’s files.

- **E-31698-17**, District 7:
- Two officers responded to a DV call at 10:42 pm. The call was placed “back in the stack.” A second officer returned to the location of the call the next day in the afternoon. There was no one home when the officer arrived. The officer then cleared the call “GOA.” The Monitoring Team could not locate an associated report in NOPD’s files.
- **I-15457-17**, District 7:
- The incident occurred in September at 8:25 pm. The responding officers handcuffed a man, who was later released . The officers placed the call “back in the stack,” and a report-writing officer arrived 5.5 hours later. No one was home when the officer arrived. The Monitoring Team could not locate an associated report in NOPD’s files.
- **H-00024-17**, District 7:
- Three officers responded to a DV call at 12:47 am. One of the responding officers told the Sergeant he normally would “stack the call,” but had never done that with both the man and woman remaining on the scene. The Sergeant told the officer to put it “back in the stack.” Another officer arrived over five hours later and no one was home. The officer marked the call GOA. The Monitoring Team could not locate an associated report.
- **I-08908-17**, District 7:
- Two officers responded to a DV call at a City building. A 16 year old stated his father threatened to shoot him. The officers verified through mental health officials there was a long history of mental health issues with the son. The officers told the youth to go back to the house, and the youth walked off down the street. The officers were on the scene for 40 minutes and discussed the details of the matter with the parties, yet told the father they would send another car to write the report. The officers told the father they do not transport kids to the hospital just because “he was tired of dealing with him.” The Monitoring Team was unable to locate an associated report.
- **G-22363-17**, District 7:
- An officer responded to a DV call in a home, and found the telephone at the location pulled out of the wall. The woman reported a physical altercation and identified her husband as the perpetrator. The officer said he would drive around looking for the husband. The officer told her another car would come to take the report. The officers told her it was not illegal to argue, and she should bolt the door and call if he comes back. The Monitoring Team was unable to locate a report.

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- **G-41087-17**, District 7:
  - The BWC was very short – slightly more than four minutes. A female stated her boyfriend had struck her in the face. The officers obtained a description of the male and told her another car would come and write the report. When a second officer came 13.5 hours later, she was not home. There was no report on file.
- **D-31520-17**, District 7:
  - The CAD report indicated there was an irate male in the background when the call came in threatening to kill the female complainant, and then the line was disconnected. An officer responded and located a female on the front step of the residence. The threatening male had left the scene. The officer stated he was a “response” unit and would have another officer return to write the report. The second officer went to an incorrect address and did not try to clarify the location with the prior officer. The incident was placed “back in the stack.” The Monitoring Team could not locate a report.
- **D-28245-17**, District 7:
  - The CAD record indicated a “disturbance in progress,” and that a third party caller tried to cancel the call. The BWC was slightly more than one minute in length. The recording showed the officer driving to the call and stopping in front of the residence. He stated, as recorded on his BWC, he was marking the call GOA due to the caller cancelling. (Notably, callers reporting a DV crime may not cancel the call. NOPD policy requires an officer to visit the location of the call.) No report was located.
- **D-19484-17**, District 7:
  - An officer responded to a DV call. The BWC showed no response at the door. A Sergeant also was observed on the recording at the door. The officers asked the dispatcher to call the complainant, but there was no answer on the call back. The Monitoring Team could not locate information sufficient to determine how NOPD resolved this call.
- **E-15704-17**, District 7:
  - An officer responded to a DV call. The BWC showed no answer at the door with a brief three minute recording. No report was located.
- **C-20287-17**, District 7:
  - The officer spoke to a woman who stated she called the Police Department earlier in the day. The officer acknowledged the call came in at 2:00 pm, but explained he did not come on duty until 11 pm.

Appendix A

- **G30374-17**, District 7:
  - The CAD record indicates a man attacked and “choked” the complainant. The CAD record indicates the crime was in process when officers were dispatched, and that the perpetrator (the man) had been arrested previously. The BWC was only 30 seconds and suggests the officer did not even knock on the door. The Monitoring Team could not locate a report.
- **E-18033-17**, District 7:
  - The CAD remarks described an in-process domestic dispute with a “hysterical victim” and the suspect both on the scene. There was no answer at the door when the officer arrived. It is unknown whether there was an earlier call under a different item number. The Monitoring Team could not locate a report in the NOPD system.
- **F-38202-17**, District 7:
  - The BWC was only three minutes long, and showed a woman answering the door and stating the alleged perpetrator was gone. It is unknown whether there was an earlier call under a different Item number. There is no report in the system to determine how the call was resolved.
- **I-15348-17**, District 7:
  - The CAD report indicated an ex-boyfriend threw a cup at the complainant and damaged her car door. The ex-boyfriend was still on the scene when the patrol officers arrived. The complainant tried to cancel the call, saying she did not need the police. There were no BWC’s matching this Item number and there is no report in the system.
- **H-16813-17**, District 7:
  - The CAD report indicated the caller’s brother assaulted him and would not let him back in the house. The report stated described a physical fight with alcohol or drugs involved. There were eleven entries in the CAD system notifying the supervisor the call was holding. There are no BWC’s and it is unknown if the police ever responded to this call for service.

## Appendix B

**NECESSARY ACTION TAKEN (NAT) CLEARANCES OF DOMESTIC CALLS**

- **E-17474- 17**, District 1:
- Officers responded to a call where the mother stated on the BWC that her “ex” and child’s father “got in my face”, ...”knocked over stuff,” and “acted like he was going to hit me.” The BWC also showed the officer informing the complainant she could go to the courthouse to obtain a “stay away” order. The nature of the complaint renders this an offense that must be reported by the officer. There is no report on file and the CAD indicates it was cleared NAT.
- **G-27657- 17**, District 1:
- Officers responded to a call in which the female complainant stated a male was continuously “threatening her with bodily harm and it is escalating.” She stated on the BWC, “I am scared” and “I know you are going to tell me it’s a civil matter!” The BWC recording suggests the female had obtained some type of commitment papers, and records some discussion of an eviction. The matter ultimately was cleared NAT. While it is possible the incident was cleared NAT because one of the individuals was in mental health crisis, the DV element of the call nonetheless should have been documented. The Monitoring Team fears some officers may be designating calls as involving mental health issues to avoid treating them as DV calls. The Monitoring Team will conduct a separate data analysis to determine whether these concerns are fact-based.
- **F-03641-17**, District 1:
- This event was initiated in early June 2017 at 10:06 pm. It was dispatched at 07:57am (approximately 10 hours later). The call was about a fight involving brothers in which one stated “he threatened me about getting a gun.” The officer turned off the BWC before the clearance and the CAD system reflects a NAT designation with no report. This call highlights the difficulty many officers have between distinguishing between DV calls and other calls. The Monitoring Team is working closely with NOPD to improve training in this regard.
- **E-18323- 17**, District 1:
- Officers responded to a DV incident between a husband and a wife. When the officers arrived, the husband was gathering his clothing to leave the residence. The female stated “we had a fight this morning and he won’t leave.” The officer states on the BWC to the other officer on the scene that it is a 103D (i.e., a domestic matter). The officer then speaks to the male in Spanish and relates to the second officer that the relationship is ending and that he told the husband to call the police back if he needs anything else. This is clearly a reportable incident, but was cleared NAT with no report on file.
- **H-33381- 17**, District 1:
- Officers responded to a 17 year old male juvenile who was calm when they arrived, but allegedly was acting “out of control” by “punching holes and breaking plates” when the

## Appendix B

call was initiated. The mother, who called the police, told the officers the juvenile was angry because he "doesn't want to go to school." The mother explained the juvenile has an Attention Deficit Disorder, but is competent to make decisions. CIT was not called to the scene and the juvenile was not transported to a hospital, but the call was cleared 103M (a mental health matter) and NAT. This is example of a potential over-use of the 103M signal, which could mask a DV matter. Had this been an actual 103M case, a CIT report would have been written. Because this matter was cleared NAT, however, nothing was documented.

- **H-32853- 17**, District 2:
- Officers responded to an argument between a mother and her adult son about him staying up too late watching TV. The BWC captured the female officer stating "we need to make a report," and the officer taking the information for the report. The female officer turned off the BWC before the clearance, and it is in the CAD as a NAT and no report on file.
- **G-09328-17**, District 2:
- Officers responded to a female with a baby in her arms complaining that her boyfriend changed the locks on the apartment and she needed to go in and get diapers. The officers went to the boyfriend's address and there was no answer at the door. They did attempt to assist the complainant, but the matter was a reportable domestic incident and yet was cleared NAT with no report in the system.
- **H-20411 -17**, District 2:
- Officers responded to a call from a grandmother having trouble with her grandson who is "cutting up and carrying on" because he wanted a debit card. The grandmother informed the officers she "wants him out of her house." She further stated on the BWC "he acts like he is crazy, but he is not crazy!" The grandson appeared to have some behavioral issues, but left the scene willingly with his father. There is no transport and no CIT involvement, but the incident is cleared as a 103M and NAT. This is a reportable domestic incident with no report in the system.<sup>19</sup>
- **E-21556- 17**, District 2:
- In mid-May 2017, officers responded to a call in which a husband asked to meet the NOPD in a parking lot down the street from his house. He had two young children in his car. He reported he just left his house after he found his wife in their house "shooting up" in the bathroom and she began cutting her arm with a knife and said "if you call the police on me then you are going too!" At 37 minutes into the call, the BWC shows the officer is on the phone with the New Orleans Department of Social Services explaining the situation. He states he has not gone to the house yet. There is a second officer on the

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<sup>19</sup> At the time of review, the Monitoring Team was unable to locate documentation reflecting Crisis Intervention Team (CIT) involvement. NOPD subsequently confirmed CIT was involved and a CIT form was completed.

## Appendix B

scene. At 42 minutes into the call, the BWC the officer confirming with the husband that the wife was cutting her arm with a steak knife. At 45 minutes into the call, the officer explains the situation to his supervisor by phone. He states he still has not gone to the house to check on the mother's welfare. At 53 minutes, the father states to the officers the mother may have left the house because she has a warrant. The first officer is waiting for the second officer to get pizza for the kids and then says he will go check the house. After approximately one hour, the officer responds to the house and the mother comes to the door and states "we had a disagreement." The officer checks her arm and finds scrape marks, and transports her as a "103 M" (individual in mental health crisis) to the hospital.

The officer should have checked the female's welfare as soon as he was told she had cut herself. The mother also was alleged to have been doing drugs and there was a young child left with her at the house. A history of this address shows prior domestic incidents. The call was cleared a 103 M and NAT, and, thus, no DV report was prepared.

- **D-26531-17**, District 3:
- Officers responded to a runaway or "a child out of control disobeying the mother." It is unclear from NOPD's documentation whether this matter was a domestic situation or not. The matter was cleared NAT.
- **E-22927-17**, District 3:
- Officers responded to a Code 2 priority DV call where a third-party caller reported a physical altercation with a gun involved. A male officer spoke to an older man at the door who stated he did not know who called the police, but he thought his grandson may have been in a fight with his girlfriend. The grandson came out of the door with a baby and said he had an argument with the child's mother, but she subsequently left the house. The officers said "I will just 21 it," which means "I will treat it as a complaint rather than as a DV call." The officers cleared the matter NAT. There was no questioning about what occurred in the fight or why a gun was mentioned. The officers spoke to an involved party and should have written a report.
- **F-09987-17**, District 3:
- The CAD report identified this incident as a DV matter involving a mother and a teenage grandson that involved physical shoving. The grandmother agreed to let the alleged perpetrator back inside the house. The officers departed the scene without taking a report. The matter was cleared NAT.
- **F-05683-17**, District 3:
- Officers responded to a call about a disagreement over a father not allowing the complainant to take their daughter to the hospital. The officers directed the Mother to Family Court or Child Protective Services, and did not check the welfare of the child or speak to the father. The matter was cleared NAT. The Monitoring Team could not locate a report for this matter.



Appendix B

- **C15669-17**, District 4:
  - Officers responded to a physical fight between the complainant's 12 and 13 year old children. The officers warned both children not to fight and stated if the police had to return to the house there would be a "different result." While this may have been the appropriate action in this circumstance, the NOPD was unable to locate a report for this matter to allow the Monitoring Team's to assess the propriety of the officers' actions.
- **C-20921-17**, District 4:
  - The officers responded to a call for a family dispute with a 13 year old niece the complainant stated was schizophrenic and had attacked the complainant. The incident also involved disputed allegations of the uncle placing his hands around the girl's neck. The officer transported the girl to the hospital. NOPD was unable to locate a report for this incident.
- **H30820-17**, District 4:
  - There was no report and no recording for this Item number.
- **D- 12157-17**, District 5:
  - Officers responded to a third party report of a son and daughter-in-law fighting. The fighters were not on the scene when the officers arrived. NOPD could not locate a report for this matter.
- **H-05872-17**, District 6:
  - Officers responded to a call for two teenage sons fighting. The mother asked the officers to help her get one of the sons to take his medicine – which he eventually did. The officers spoke with the youths for about 15 minutes to reduce the tension. While this may have been an appropriate response to the situation, NOPD was unable to locate a report for this incident to permit an assessment of the actions taken by the responding officers.
- **G-04664-17**, District 8:
  - Officers responded to a girlfriend/boyfriend dispute with alcohol involved. The woman had a cut on her leg, but said it was from "walking through bushes." Restaurant employees were told by the injured woman that the male had struck her and the employees had called the police. No report was located.



Appendix C

**RECLASSIFYING CALLS FROM PRIORITY (CODE 2) TO NON-EMERGENCY (CODE 1), AND CHANGING THE SIGNAL**

- **C-23625-17**, District 2:
  - The CAD report indicated a female was struck (aggravated battery) by a male friend the prior day. The call was initiated at 6:12 am and was dispatched almost four hours later. The reclassification appeared acceptable to the Monitoring Team because the incident had occurred much earlier, but it was a significant enough delay in responding that there was no one home and no report in the system, and, thus, cleared GOA.
- **C-33437-17**, District 7:
  - The CAD reported a daughter and husband were arguing, but both parties had departed the location. While the reclassification appears acceptable, the matter was cleared GOA and the responding officers said they would send a report-writing unit. NOPD could not locate a report, however, and the system reflects the incident was cleared GOA.
- **C33522-17**, District 3:
  - CAD reported a daughter refused to leave the location, but then agreed to leave. The reclassification appears acceptable, but there is a 2 hour and 17 minute delay from the incident to the arrival of the officers. The incident was cleared GOA and no report is available.
- **D-100010-17**, District 7:
  - A report was written for this Item, but the delay in response was 7 hours and 35 minutes.
- **D-13563-17**, District 3:
  - The CAD report indicated a male “took his girlfriend’s money and car and fled,” the caller is “hysterical,” and there is no answer on the callback. The incident occurred at 7:55 pm and was it dispatched almost four hours later. There is a very short BWC and it is cleared GOA.
- **D-15205-17**, District 5:
  - The CAD stated a “female friend is breaking his car window and there is a knife involved.” The CAD further stated the phone was disconnected and the subject was trying to stab the caller. The incident occurred at 12:10 am and was dispatched almost two hours later. The CAD includes several notes that the call is being held and that there is no answer on the call back. The incident subsequently was changed to a Code 1 by a supervisor, and ultimately was cleared GOA at 2:22 am.

## Appendix C

- **D-28782-17**, District 7:
- Officers responded to a problem with a son stealing money from his mother and other behavioral issues. The mother stated on the BWC “I called two days ago!” The officers do write a report.
- **D-37548-17**, District 7:
- The CAD report stated “ex-boyfriend armed with a gun walking to the complainant’s vehicle trying to start a fight, subject left and she tried to cancel, called back with a bad connection, multiple attempts at call back, 730 notified three times.” This incident involved a more than 15 hour delay in dispatch. The incident ultimately was marked GOA.
- **D-38180-17**, District 4:
- The CAD indicated a weapon involved and no respons from the complainant on the call back. The data available do not indicated why this call was reclassified. A report was written, but there are no remarks about supervisory approval.
- **E-12059-17**, District 8:
- Officers responded to a boyfriend beating his girlfriend. The call came in from the girl’s mother. The called stated the boyfriend is “violent and irate and is outside, but has access to a gun.” The available data do not indicated why this item was reclassified to a Code 1 call. The incident was reported at 10:21 am and dispatched at 10:46 am with an arrival of 11:14. There timeline reflects no sense of urgency on the part of NOPD. The male was arrested and the pat-down prior to the arrest looked minimal prior to placing the arrestee in the car.
- **E-12625-17**, District 7:
- The CAD report stated an incident occurred at 6:45 pm involving a fight in process and a male threatened to kill a female via telephone. There was a dispatch delay of about 4.5 hours. There was a reported history of domestic violence. It is unknown why there was a reclassification on this incident from a Code 2 to a Code 1 or why there was a delay in dispatching officers to the scene. It appears the female victim eventually went to the 7th District to make a report. The officers at the station did take photos and wrote a report and initiated an arrest warrant for the male.
- **E-13554-17**, District 5:
- The CAD report stated a male and his one year old baby were “put out of an apartment with nowhere to go.” The report indicated the male was reported to be irate. The call was initiated at 1:25 pm, but was not dispatched until 4:01 pm. On the call back, the male said he would go to the 5th District police station. There was no response at the door when officers finally arrived at the home, and the matter was cleared GOA.

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- **E-15811-17**, District 4:
  - Officers responded to a call where a female was “pushed out of a car and the suspect left in a vehicle.” The call was received at 8:53 and dispatched 38 minutes later. The call was cleared GOA and unknown why or who reclassified it.
- **E-17195-17**, District 7:
  - The CAD report stated the mother called the police because “her daughter and her boyfriend are outside fighting and both armed with bricks.” They both had been drinking. The mother called back to report the male had left. The call was reclassified by a supervisor who was told twice the call was holding. The call was initiated at 10:35 am and not dispatched until 2:41 pm. The call was cleared GOA in the CAD, but the BWC was turned off before the clearance.
- **E-25250-17**, District 4:
  - The CAD report stated that a “male is irate and yelling at his son.” The call was initiated in late May 2017 at 9:35 pm, but was dispatched more than 20 hours later. The man who answered the door when officers finally arrived said someone else had called and they were no longer home. The officers cleared the call GOA.
- **E-27127-17**, District 4:
  - The CAD report stated the complainant’s ex-boyfriend took her phone and was threatening to cut his wrist. The CAD also stated the male subject left on foot. The report indicated a past history of domestic violence. The call was received in late May 2017, and was dispatched 10.5 hours after receipt. A supervisor reclassified the incident to a Code 1 after it was dispatched, and the responding officers cleared it GOA.
- **E-30891-17**, District 7:
  - The CAD report state a boyfriend pushed a girlfriend, and the altercation still was in process. The call was received at 11:27 pm and dispatched almost 10 hours later at 09:12 am. The call was cleared GOA.
- **E-35737-17**, District 2:
  - The CAD stated the husband struck the complainant and her children, and the husband had a knife. The CAD also indicated a male was damaging the residence and a female was crying hysterically on the telephone line. The call was received at 12:19 am and dispatched almost immediately. The patrol unit responded to the scene within five minutes. It is unknown why this incident was reclassified to a Code 1 call. Further, the report is inaccurate, as the reflects only an oral altercation, yet the BWC recording shows the son saying he was choked by the male. The male had a medical history of schizophrenia but there is no mention of the threats of choking in the report.

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- **F-02188-17**, District 3:
  - A report was written in June 2017, but there are no BWC recordings for this number.
- **F04683-17**, District 2:
  - The CAD report stated the ex-boyfriend was drinking and had a gun, and that “he was threatening her and burning her property. Needs medical attention.” The suspect was on the scene at approximately 9:24 pm. The priority was reclassified five minutes later to a Code 1. The call was dispatched at 3:05 am. There is no report and it is unknown why the call was reclassified.
- **F07221-17**, District 2:
  - The CAD report indicate there was a dispute over dropping off children to another parent and trying to obtain clothing. The call was appropriately reclassified, but the report was made nine days later.
- **F19282-17**, District 7:
  - The CAD report indicated the son and his girlfriend were having an argument and that the male owns a gun. The CAD further indicated the male is an off-duty deputy sheriff and is “outside on the patio.” No report or BWC’s were located and the call was cleared GOA.
- **F-23806-17**, District 5:
  - The BWC showed an officer knocking gently on the door with no response. There are two BWCs with the same Item number, but hours apart. One officer is overheard stating the call came in 10 hours after the initial call was received. The call is cleared GOA and there is no report in the system.
- **F-30486-17**, District 7:
  - The CAD report indicated the caller’s son broke into the caller’s home. The caller informed the call-taker she was arguing with the son, but the son has a gun in his possession. Both parties are on the scene when the call comes in, and the call-taker can hear the argument in the background. The call was reclassified to a Code 1 call by a supervisor, and the officer arrived on the scene 34.5 hours after the initial call. There is no report in the system.
- **G05199-17**, District 1:
  - The CAD report indicated “the caller was irate in the background.” There were two officers on the scene, but only one BWC was located. A supervisor reduced the call to Code 1, which received no response by the evening shift. The evening shift supervisor was advised the call was pending. Officers arrived 3.5 hours after the call was initiated and no report was located in the system.

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- **G05567-17**, District 2:
  - The CAD report indicated there was someone in immediate danger and someone needed medical attention. The CAD also indicated a duplicate item number. . The item number shows no arrival and there is no report in the system for this number.
- **G-05592-17**, District 5:
  - The CAD report indicated an ex-girlfriend was “beating on the complainant’s window and trying to gain entry.” The CAD report further indicated children were present at the scene, no one was in danger, a window was broken, and blinds were broken. A NOPD supervisor was notified of the call and he advised to send the first available unit. A voicemail was received on several callbacks. Officers responded 27 minutes after the call was received and 20 minutes after it was reclassified as a Code 1 call. A report was written during the incident.
- **G-34898-17**, District 1:
  - The CAD report indicated a female caller reported being followed for the past month by her child’s father who previously “fought the police and has been arrested.” The caller was recently served with child support papers. A supervisor reclassified the call to a Code 1 five minutes after the call and advised the dispatcher to send the first available car. The arrival time was about 2.5 hours after the call was initiated. There was no answer on the call back and the BWC was less than five minutes in length. There is no report in the system for this Item number.
- **G38980-17**, District 7:
  - The CAD report indicated a court order allowing a father to pick up his son and threats “to kill him if he came to get the child.” The CAD report further indicated both parties “have access to guns.” A supervisor was notified of the call and there was no answer on the callback. The reclassification was made one minute after the call was received. The officer arrived on the scene ten hours after the call was received and there was no answer at the door. There is no report on file for this Item number.
- **H-02476-17**, District 1:
  - The CAD report indicated the caller was armed with a kitchen knife and was threatening to flatten the tires of the caller’s car. A supervisor was alerted to the matter and reclassified it to a Code 1. A sergeant’s BWC recorded the sergeant telling other officers “this is a good call to hold for the night shift.” The sergeant also related that he was trying to hold the call longer because if he held it long enough “the participants will generally resolve the situation themselves.” A DV report was written by the responding officers.

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- **H-14973-17**, District 7:
  - The CAD report stated the complainant's boyfriend was trying to throw her clothing from a balcony and that there were children present. A supervisor was notified of the call and reclassified it from a Code 2 to a Code 1. A second call indicated the woman and two-year old son were locked out of the apartment by the male. The supervisor again was notified, but a callback to the complainant was unanswered. The original call was reclassified 1 minute and 11 seconds after it was initiated and the response time was delayed 6.5 hours. When the officer arrived there was no one home and it was cleared GOA with no report.
- **H-15364-17**, District 4:
  - The CAD report indicated a male was stabbed twice in the chest by his wife and left the scene on foot. A supervisor and EMS were notified. The supervisor then reclassified the call from a Code 2 to a Code 1. The male was located and the officer stated on his BWC, "the cuts were very minor, he probably "doesn't even need a band-aid." The officer asked the stabbed subject, "What do you want to do with your two little cuts?" When he discouraged the male from going to the hospital, the stabbed subject said he would find his own way to the hospital. The paramedics wanted to transport the victim to the hospital because they were unsure how deep the cuts were and because he was complaining of chest pain. A lieutenant told the officer how to clear it, but the officer was discouraged because he felt the charges wouldn't "fly in court" due to what he believed to be the nature of the wounds. The officer told the Lieutenant he would "do it, but it'll be a waste of time." The report indicated the cuts were minor even though the paramedics were unsure of the seriousness of the injury. The officer discounted the male's statements and discouraged him from getting assistance – counter to NOPD policy.
- **H-23021-17**, District 5:
  - The CAD report indicated a fight between a girlfriend and boyfriend. There were 14 BWC's on this Item number. The call was reclassified because the male walked into the 5th District station to explain what happened. A report was written.
- **H-30615-17**, District 3:
  - The CAD report only indicated that the caller was not on the scene. There are no BWC's for this Item but there are dispatch, arrival, and clearance times.
- **H-35624-17**, District 1:
  - The CAD reported a male and female were on the scene and the male wanted to speak to an officer because he said the female wanted to file a false report. The call was dispatched within seven minutes and the officer was on the scene for twelve minutes. There is not a report in the system for this incident.

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- **I-09084-17**, District 1:
- The CAD report indicated the complainant's girlfriend would not return his belongings and "is trying to start a fight with other people at the location." A supervisor reclassified the call three minutes after it was received, and the officer arrived 51 minutes after the call was dispatched. The BWC recording appeared to be in a restaurant. There was no indication in the CAD as to why the call was reclassified to a Code 1 call. There was no report located in the system.

Appendix D

**NOPD Domestic Violence Patrol Response Corrective Action Plan  
[Submitted to Monitoring Team and Judge Morgan October 2017]**

1. Discipline: NOPD reviewed a random sample of reclassified domestic incidents from each district and initiated 39 disciplinary investigations, which are ongoing. Through swift, widespread disciplinary action, NOPD has firmly communicated the need to handle domestic violence incidents appropriately.

2. Policy emphasis: NOPD implemented an emergency revision to the domestic violence policy to ensure the supervisors are involved in all signal changes of domestic disturbance calls. The original language required supervisors to approve the signal change of any domestic violence call but did not specifically require supervisory approval for any domestic disturbance. The new language explicitly requires supervisors to approve the signal change of any domestic violence or domestic disturbance call, and supervisors must specifically inquire as to why the signal change needs to happen before executing the signal change.

3. Comprehensive policy review: The Compliance Bureau has undertaken a comprehensive policy review in an attempt to identify where additional clarification or streamlining may be possible. The Compliance Bureau will discuss any possible changes with Chief Viverette.

4. Roll call training: The new policy changes were covered for three consecutive days in roll call training throughout the districts.

5. Compliance audits: The Compliance Bureau will conduct ongoing reviews of signal changes for domestic disturbances and calls marked GOA where the officer interacted with one of the parties. The results will be presented in a scorecard and in MAX.

6. Investigating locations with repeat calls after a signal change or GOA: The Compliance Bureau will analyze repeat calls for service at locations where calls were reclassified or marked GOA after spending significant time on scene. NOPD will conduct additional follow up on these locations as necessary to ensure the safety of victims.

7. Prioritizing dispatch of domestic violence calls: All non-emergency (Code 1) domestic violence calls will be dispatched in the top priority code 1 classification (Code 1A). NOPD has lowered the dispatch priority for other calls to elevate the response to domestic violence calls. This should help improve response times to non-emergency domestic violence calls.

8. Trend analysis: The Compliance Bureau will monitor trends in signal changes, response times, and policy compliance to assess whether these reforms are having the necessary impact.