

# Sexual Violence Response Advisory Committee

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Memo: Follow up to the  
Committee's 2015 Report



April  
2022

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# BACKGROUND

In 2014, after an Inspector General audit identified serious lapses in the quality of sexual assault investigations, the Public Integrity Unit of the New Orleans Police Department (NOPD) began an extensive investigation of the Sex Crimes and Child Abuse Units. In the wake of that investigation, Mayor Mitch Landrieu established a Sexual Violence Response Advisory Committee to recommend additional systemic reforms necessary 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.

With a goal of ensuring that victims receive the respect and resources they need to come forward and provide necessary evidence without further causing trauma, the Committee focused recommendations to provide detectives the resources and equipment they need to do their job. The Committee issued a report in 2015 that documented reforms that had already been instituted by NOPD, reforms that were in implementation phase, and recommendations for future consideration.

# PURPOSE

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This memo provides an update on the status of a selection of reforms implemented in 2015 and outlines the current needs that should be prioritized by NOPD. In 2019, the Committee reconvened in response to growing concern among NOPD representatives, advocates, and other stakeholders that the recommendations provided in 2015 had either not been fulfilled or had been implemented but still needed additional attention. After several meetings over the course of 2020 and 2021, the Committee documented the reforms noted in the 2015 report that are currently most critically in need of addressing. The Committee believes that these recommendations are necessary in order to adequately serve victims and respond to reports of sexual assault.



# COMMITTEE MEMBERS

## **New Orleans Children’s Advocacy Center**

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## **Women With a Vision**

Jenny Holl, Program Director

# SUMMARY OF RECOMMENDATIONS

<b>Equipment:</b>	The Units need up-to-date equipment
<b>Detective Caseload:</b>	Detectives should adhere, as much as possible, to the recommended caseload of 26 cases per detective per year.
<b>Hiring of Civilian Investigators:</b>	The Units should hire 8 more civilian detectives to share between the units, for a total of 14 civilian investigator positions.
<b>Attraction and Retention of Best Detectives through Incentive Pay:</b>	NOPD should provide incentive pay that encourages personnel to apply for and stay in hard-to-fill positions, which includes the Sex Crimes and Child Abuse Units. NOPD should also incentivize current detectives with opportunities for upward mobility, such as a specialized detective track
<b>Sexual Assault Kit Backlog:</b>	The City of New Orleans should invest in a Crime Lab that has the capability to process DNA. Additional forensic coordination could be provided by the creation of a CODIS Administrator position.
<b>Case prioritization status:</b>	NOPD should work with advocates to establish recommendations for sexual assault and child abuse cases prioritization, to ensure that severe cases are able to get the attention that they deserve.
<b>Emergency survivor needs budget for NOPD:</b>	NOPD should provide the Sex Crimes Unit with a budget for emergency survivor needs.
<b>Training for new Sex Crimes detectives, staff, and supervisors:</b>	NOPD should work with partners to adequately and appropriately train all Sex Crimes and Child Abuse Unit staff.

# REFORMS SUCCESSFULLY IMPLEMENTED

Of the reforms documented in the 2015 report that were in the implementation stage, it should be noted that upon follow up there have been several successes. The following are examples of positive and lasting changes that NOPD has made in addressing sex crimes.

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

In 2015 NOPD and the DA's office agreed to the use of Multi-Disciplinary Teams, which at that time had also recently been codified as a requirement by Act 368 of the 2015 Legislative Session. Since then, a Multi-Disciplinary Team, now referred to as the SART, has met monthly to review selections of adult sexual assault cases. The SART is co-coordinated by the New Orleans Family Justice Center and the City of New Orleans Health Department, and is attended by NOPD and the DA's Office, along with representatives from University Medical Center, Sexual Trauma Awareness & Response, the Louisiana State Crime Lab, and others.

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## **Social Workers:**

At the time of the 2015 report, NOPD was in the process of 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 Sex Crimes Unit now houses five social workers who assist with checking in with survivors during the course of investigation, provide case updates and connections to resources, and assist with CVR applications. The unit is currently hiring 3 additional social workers and taking on master's level interns to add to capacity. Before the Covid outbreak, the social workers responded to critical scenes alongside Sex Crimes and Child Abuse Detectives, providing acute care to family members and victims. Additionally, pre-Covid, the social workers would go out into the community to provide age-appropriate trainings and resources to school-aged children and college students on dating violence, the harms of social media, and other topics. This is currently offered via Zoom to several area schools. Lastly, the social workers also respond to all child death scenes. NOPD looks forward to continuing to work with the New Orleans Family Justice Center to streamline coordination between survivors, community-based advocates, and NOPD social work staff.

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## **Case Summary Meetings:**

In 2015 NOPD planned to initiate "Case Summary Meetings" with survivors when there remain no leads to follow and the case is being transferred to the Cold Case squad. This has been successfully implemented on a small percentage of cases, but we would like to see it expand to be offered to all reporting victims.

# REFORMS INSTITUTED BY NOPD IN 2015

## Equipment

### *2015 Status:*

In the 2015 report, the Committee noted that providing new equipment to the unit was a reform that had already been instituted by NOPD. With the assistance of the work of the Committee, at that time NOPD had provided new vehicles, smartphones, digital cameras, and laptops.

### *Current Status:*

**Equipment:** The Units are now overdue for an update to their equipment in order to keep pace with technological changes. The units are in need of new laptops for all supervisors, detectives, and investigators. Additional technical equipment is also needed to keep up with changes in standards in the field. Supervisors, detectives, and investigators need new digital recording devices and hot spot capabilities, as a WI-FI connection is necessary to allow detectives and supervisors type up and approve search warrants, gists, etc. out in the field. It should be noted that homicide detectives and rank currently have this capability.

**Vehicles:** The units are also in need of vehicles for each staff member. In 2015, Special Victims Division detectives received eight 2015 Ford Taurus vehicles. Six vehicles are properly working and currently assigned to detectives. One vehicle is currently under repair. One vehicle has been deleted, due to being involved in an accident in November 2021. Current vehicle allocation for the Child Abuse and Sex Crimes Units, as well as civilian investigators and social workers is as follows:

### **Child Abuse Unit: 13 personnel / 7 cars assigned**

- 3 Sergeants / 3 cars assigned
- 10 Detectives / 4 cars assigned

Note: One vehicle is at EMD and is not operable.

### **Sex Crimes Unit: 13 personnel / 9 cars assigned**

- 3 Sergeants / 3 cars assigned
- 10 Detectives / 6 cars assigned

Note: A vehicle is currently at EMD for damages sustained during Hurricane Ida.



**Civilian Investigators: 5 personnel / 2 cars shared with detectives**

Note: Two vehicles are being pooled for all 4 Investigator Specialists, as well as detectives that do not have an assigned vehicle. This is very tasking on the unit, especially because of the high volume of calls for service.

**Social Service Unit: 5 personnel / 1 car assigned**

In total, these units are staffed by 36 personnel and are assigned 19 vehicles.



# REFORMS IN IMPLEMENTATION PHASE IN 2015

## Detective Case Load

### *2015 Status:*

In 2015, the Committee recommended a detective caseload for both Sex Crimes and Child Abuse of approximately 26 cases per year. The report noted that at the time, the Superintendent had committed that staffing of the Unit to achieve this ratio will be a top priority. The report recommended that cases with no more leads to follow would be turned over to a cold case squad.

### *Current Status:*

Staffing: The Sex Crimes and Child Abuse Units are not currently staffed at full capacity. Because of the high-stress nature of this work, sometimes commissioned detectives will depart the unit for lower-stress jobs. Detectives may also go on temporary leave for a variety of understandable reasons (medical, parental, military, etc.), but when these various types of leaves occur, staffing is not sufficient to cover vacated caseloads.

#### **Sex Crimes Unit Staffing:**

- 5 Commissioned Detectives on days (with rotation to cover evening watch & night watch)
- 1 Commissioned Detective on evenings.

Note: At the time of this report, 3 Detectives had left the unit for the following reasons: 1) Left NOPD for less stressful job 2) Placed on reassignment 3) Involved in car accident and out on extended leave.

#### **Child Abuse Unit Staffing:**

- 3 Commissioned Detectives on days
- 4 Commissioned Detectives on evenings

#### **Detectives shared between units:**

- 4 Commissioned Detectives on nights (These detectives handle both Sex Crimes and Child Abuse), however at the time of this report 2 detectives were out on extended sick leave

**Caseloads:** The number of cases reported to the Sex Crimes and Child Abuse Units have increased dramatically since 2015. While it might initially appear crime is getting worse, advocates are encouraged by the increase because it means that victims are increasingly feeling comfortable to come forward and file a report. The increase in numbers of incidents does not reflect increased danger in the community, rather it reflects the hard work that NOPD and advocates have put into increasing access for victims and building community trust to engage with the criminal legal system.

NOPD is unique to departments across the country in that any incident in which there is a hint of sexual assault or child abuse gets referred immediately to the units. This is something that the Committee applauded in 2015, and the Committee is generally still in favor of this system. However, such a significant increase in cases without an increase in the staff to handle them means that cases become overly burdensome, detectives are feeling burnout, and our community may feel they are not adequately receiving the appropriate attention to sexual assault and child abuse cases.

Currently, there are 15 active detectives in the Units who are processing a total of 1341 cases. That means that detectives are averaging a case load of 89. While some cases are being referred to cold case detectives, in 2021 cold case detectives handled a total of 34 sex crimes and child abuse investigations. The recommendation of this Committee is to make all attempts to stick to the suggested case load of 26 cases.

It is also worth noting that not all cases are equally time consuming. For instance, the Child Abuse Unit handles child death cases, which are very extensive. In 2015 the Committee recommended there be a detective added to the Child Abuse Unit to investigate child deaths. Currently, 6 Child Abuse detectives are specially trained to handle child death cases, and it is important that specially trained individuals handle these cases. However, in 2021, detectives have investigated 21 child deaths and 2 child homicides. As the 2015 report noted, “when a child abuse detective conducts an extensive child death investigation, the rest of their large case load suffers.” The current level of staffing does not adequately address the number of cases that detectives are processing.

**Solve rates:** It is important to note that the solve rates of sexual assault and child abuse crimes should not be interpreted to reflect the units' successes or failures in handling these cases. As noted below, in 2021 the percentage of cases cleared by Sex Crimes and Child Abuse were 5% and 13%, respectively. Due to the incredibly high caseloads, it is difficult for detectives to dedicate the time required to thoroughly work these cases, which has a tendency to lead to fewer arrests and prosecutions. Sexual Assault cases are some of the hardest to investigate as there is usually no direct witnesses to the crimes, and little to no physical evidence, so it takes time and resources to build a strong case. If detectives had a lower caseload, we anticipate seeing significantly higher clearance rates, and real accountability for offenders.

**2021 Sex Crimes and Child Abuse Calls for Service:**

	Sex Crimes		Child Abuse	
Cleared by arrest	14	2%	89	10%
Cleared by warrant	25	4%	36	4%
Cleared by exception	0		10	1%
Open - active	501	72%	641	70%
Open - inactive	76	11%	61	7%
UNFOUNDED	65	9.5%	83	9%
<b>TOTAL</b>	<b>681</b>		<b>920</b>	
<b>TOTAL CLEARED</b>	<b>79</b>	<b>12%</b>	<b>182</b>	<b>20%</b>
<b>TOTAL SOLVED</b>	<b>104</b>	<b>15%</b>	<b>218</b>	<b>24%</b>
<b>RELATIONSHIP:</b>				
Stranger	223	33%	50	5%
Acquaintance - unknown	153	22%	89	10%
Acquaintance - known	271	40%	429	47%
Relative	34	5%	343	37%
Other/unknown	0		9	1%

**Total caseload in 2021: 1,601**

## Hiring Civilian Investigators

### *2015 Status:*

At the time of the 2015 report, civilian investigator positions had been approved by Civil Services and were in the process of being hired. Civilian investigators are city employees but not commissioned police officers and most investigators are retired police officers as the position requires law enforcement experience.

### *Current Status:*

Currently, the Units employ 6 civilian investigators. Difficulty in filling investigator positions is largely due to bureaucratic hurdles. Lt. Celious, who presides over the Special Victims Unit recommends that the Units need to add at least 8 civilian investigators between the two units. It is worth noting that some cases with a low level of acuity can still take a substantial amount of time to process. For example, unfounded cases and cases that actually occurred in a different jurisdiction still must be processed by the unit and are unnecessarily time consuming. Investigators can handle cases that are unfounded, out of parish, and cases that are still open and active, but there are no leads, clearing detectives to work on more acute cases. Advocates in this committee are supportive of allocating more job duties to civilian investigators, as it will be a productive method for improving departmental functioning and responses. Civilian investigators would receive the same training requirements as NOPD detectives, including specific training in report writing and on victim sensitivity.

Additional examples of civilian investigator responsibilities can include:

- ***Forensic work:*** retrieving sexual assault kits and transporting to crime lab in Baton Rouge, perform buccal swabs
- ***Footwork for detectives:*** securing video surveillance footage from crime cameras, businesses, and homes; securing audio evidence and 911 tape recordings
- ***Consent decree Items:*** Conducting photographic lineups, interviews/interrogation logbooks, and responsible for maintaining body-worn camera videos
- ***Forensic interviews:*** Burning CD's/DVDs and transcribing interview

Further information about proposed Civilian Investigator duties can be found in the attached position description in Appendix A

## Attraction and Retention of Best Detectives through Incentive Pay

### *2015 Status:*

In order to attract and retain the best detectives in the Special Victims Section, in 2015 a 5% incentive pay increase for these detectives was recommended as part of the 2016-2017 budget proposals.

### *Current Status:*

Since 2015, Sex Crimes and Child Abuse detectives did receive a pay raise, but so did other detectives in other departments at NOPD. It is still necessary to prioritize incentive pay for hard-to-fill jobs with more workload and emotional impact, as postings in the units get fewer responses. The Committee also recommends that there be some incentive to stay with the unit, such as upward mobility. Current detectives lack any special incentive to stay and are leaving because of burnout. While detectives who burn out or find themselves unsuited to the work should be allowed to transfer, those who develop real expertise, in whom the department has invested many hours of specialized training, and who want to stay should be allowed to do so. As the Committee recommended in the 2015 report, “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.” At the time of the report, this was an item for future consideration, and today’s Committee believes that this is still a recommendation. Finally, advocates suggest that NOPD explore options to minimize additional duties related to special events or emergencies, to incentivize and retain Sex Crimes and Child Abuse detectives .

## Sexual Assault Kit Backlog

### *2015 Status:*

In 2015, NOPD had committed to 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. Additionally, in order to address the clearing of the rape kit back log at the state crime lab, the City paid for 180 kits to be tested at a private lab.

### *Current Status:*

**Forensic Evidence Coordinator:** The Special Victims Division does not have anyone assigned to the unit with the civil service title of “Forensic Evidence Coordinator”. However, the unit has a commissioned police officer specifically assigned to act as liaison between NOPD and the Louisiana State Police Crime Lab (LSPCL) relative to all DNA evidence processed and collected by NOPD Personnel coordinating CODIS hits responses.

In this role the officer is responsible for:

- Tracking all sexual assault kits reported by hospitals, deposited into NOPD’s Central Evidence and Property Room, then later transported and tested at LSPCL.
- Receiving and tracking all CODIS hits from LSPCL to the assigned detective or unit.
- Tracking DNA for all crimes committed in Orleans Parish and maintaining a database that contains all DNA inventory and tracking.
- Ensuring all remaining backlogged sexual assault kits under the Sexual Assault Kit Initiative Grant are processed through the Sorenson Laboratory

However, the Committee noted that there are still limits to the ability to completely track cases throughout the system response. For example, once NOPD processes a CODIS hit, the responsibility of the police department generally ends at the time that an arrest is made or a warrant is issued. Committee representatives from the District Attorney’s Office identified the need to continue CODIS case coordination from NOPD CODIS hits to following cases all the way through prosecution. The creation of an additional CODIS Administrator position would be an interdisciplinary role connecting the dots between criminal justice agencies by managing a database that would track the CODIS list and provide follow through to case adjudication.

**Rape kit backlog:** While clearing the backlog in 2015 was temporarily helpful in processing sexual assault kits more efficiently, this was not a lasting solution. Today, the backlog at the Louisiana State Crime Lab is becoming a crisis and is only showing signs of getting worse. Currently the average is 5-7 months to get DNA results back on a Sexual Assault Kit. As an increasing number of sexual assault incidents are being reported and processed statewide, more parishes around the state are submitting kits to be tested. As stated earlier, more reports of sexual violence do not mean that violence is increasing, but rather the improvements in how these cases are handled by law enforcement indicates increased trust in reporting to the criminal legal system.

The City funding that was previously allocated to clear the backlog in 2015 was with private labs and is not a sustainable investment, and NOPD is currently in the process of utilizing grant funding to send certain kits to private labs for processing. Therefore, the Committee believes that the current arrangement for having kits tested by the state crime lab or private labs is unsustainable, and instead argues that in the future NOPD needs to have the capability to test their own DNA samples. For example, Committee members noted that in Jefferson Parish, where DNA is processed by a Parish crime lab, the judicial system works more effectively and are more self-sufficient. This Committee applauds the planned investment in a city-funded crime lab with DNA testing capability, which according to a recent City Council ordinance should be accredited by 2025. However, the new crime lab, while necessary, will probably not be able to process all sexual assault kits, meaning that some kits will need to be processed by the state crime lab. Therefore, continued coordination and oversight will still be necessary to ensure that all kits are tested in a timely manner. The Committee also recommends that once the new crime lab comes online, investments should be made in recruitment, training, maintaining competitive salaries, and working with local universities degree programs to ensure that positions are filled with qualified candidates.





# RECOMMENDATIONS FOR FUTURE CONSIDERATION

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## Case prioritization status

Many of the recommendations of the Committee center around ensuring that cases reported to the Sex Crimes and Child Abuse Units receive a proper amount of attention. As noted earlier in this report, current caseloads and staffing in the units are inadequate to sustainably investigate these cases. In light of the recommendation to utilize more civilian investigators in the units and recognizing that there will likely be limits to the City's ability to allocate significantly more funding to the units, the Committee recommends working towards a system of case prioritization to ensure that severe and acute cases receive the attention that they deserve. The Committee recognizes that the development of protocols for case prioritization must be an endeavor lead by advocates and this group is committed to continuing this conversation and supporting NOPD in this initiative. Cases that are less prioritized would still be handled within the units but could be handled by a civilian investigator. All cases would be screened by a detective before being reassigned to a civilian investigator. Reassignments would be overseen by supervisors. Cases handled by civilian investigators would also be reviewed during monthly interdisciplinary SART meetings to ensure the level of attention given is appropriate.

Further information about cases that could be moved into a less prioritized category are included in Appendix B.

## Emergency survivor needs budget for NOPD

On the urging of advocates, the Committee recommends that the Sex Crimes Unit should be allocated \$10,000 annually to be able to provide for emergency survivor needs. Currently, survivors who are connected with advocacy organizations and/or the District Attorney's Office can often get nominal financial assistance for emergency needs, such as transportation and emergency housing. The Sex Crimes Unit is unique in that often cases

presented to the unit require a substantial amount of investigation before being transferred to the DA's Office, if they are transferred at all. Additionally, many sexual assault victims may have emergency needs at the time of reporting but are not already connected with advocacy organizations. Many survivors are from out of town and may need assistance to return to the city for follow up interviews, etc. Advocates have heard reports that at times officers assigned to the Sex Crimes Unit would provide financial assistance for small expenses that survivors need in the immediate aftermath of an incident to remain safe. Survivor safety is crucial not only for continued participation in their criminal case, but also to prevent future incidents from occurring.

## Training for new Sex Crimes detectives, staff, and supervisors

The Committee recognizes that some of the reforms mentioned in this report, such as increasing the number of civilian investigators and hiring new detectives, will significantly and positively impact the way the unit operates. Committee members, notably the New Orleans Family Justice Center, have made a commitment to supporting and assisting NOPD in providing training for new staff members to ensure that all individuals who touch these cases have the knowledge and skills to do so according to best practice and with care and compassion for victims.



# APPENDIX A: CIVILIAN INVESTIGATOR POSITION DESCRIPTION

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**Below is an excerpt from a sample position description:**

## **POLICE INVESTIGATIVE SPECIALIST**

(SPECIAL VICTIMS DIVISION)

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### **Type Of Work:**

Police Investigative Specialist assigned to the NOPD's Special Victims Division.

The Special Victims Division is comprised of several units: Child Abuse, Sex Crimes, Domestic Violence, Sex Offender's Registration, Child Exploitation Human Trafficking, CODIS/ DNA, and Social Services Units.

Under direct police supervision, the Police Investigative Specialist will have numerous administrative responsibilities and conduct in-depth criminal investigations from inception to conclusion, within the Sex Crimes, Child Abuse, and Domestic Violence units.

### **Examples Of Work:**

Applicant candidates should possess experience as a previously commissioned law enforcement officer with criminal investigations background, possess exceptional report-writing skills, be able to work independently, and have empathy and compassion for the victims of these specialized crimes. Specific job skills, knowledge, and abilities to perform the role of a Special Victims Division Police Investigative Specialist includes, but not limited to:

- Able to take case assignments as lead investigator on: Active/Open, Inactive/Open, and Unfounded Child Abuse or Sex Crimes Investigations.
- Be familiar with crime scene preservation and evidence collections.
- Be familiar with interviewing victims and witnesses of crimes.
- Be familiar with court-room testimony.

- Be able to articulate all relevant facts of an investigation in a detailed investigative report.
- Be able to articulate and document probable cause and all relevant case facts in an arrest warrants and search warrants, and
- Any other investigative related duties.

Applicant candidates may be asked to assist in other assignments that would support commission police detectives such as: drafting case correspondence, writing supplemental reports, locating & depositing evidence, enter case information in various databases, and other related duties as required.

### Required Education, Training, Skills, and Abilities:

#### Minimum Qualifications

Either: A Bachelor's degree from an accredited college or university\* and two (2) years of experience as a commissioned law enforcement officer conducting criminal investigations

OR: An associate degree from an accredited college or university\* and four (4) years of experience as a commissioned law enforcement officer conducting criminal investigations.

OR: A high school diploma or G.E.D. issued by a state Department of Education\* and six (6) years of experience as a commissioned law enforcement officer conducting criminal investigations.

Applicants must have left their previous commissioned law enforcement positions in good standing to be considered for hire.



# APPENDIX B: CASE PRIORITIZATION PROPOSAL

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## **Sex crime Case Prioritization**

The Rules, Policies, and Procedures of NOPD, Chapter 42.2; Sexual Assault (made effective November 15, 2015 and revised May 27, 2018) governs how the Sex Crimes Unit investigates sexual assaults. Specifically, the policy dictates that Sex Crimes Unit detectives shall investigate sexually related incidents with victims 17 years of age and older at the time the incident is reported, including signals:

- 24-K: unreported sexual assault kit
- 42: first-degree rape
- 42-M: first-degree rape, male victim
- 42-U: first-degree rape, unfounded
- 43: second-degree rape
- 43-B: felony sexual battery
- 43-M: second-degree rape, male victim
- 43-U: third-degree rape, unfounded
- 81-S: sexting
- 283: video voyeurism
- 27: attempted crime related to any of the above signals

**The Sex Crimes Unit incidents targeted for redeployment for investigation and documentation by a Special Victims Division Civilian Investigator are as follows:**

### **1. All signal 24K incidents**

**Definition:** The signal for an unreported sexual assault where an examination by a SANE was conducted and a Sexual Assault Kit was utilized and packaged for collection by police. However, as these are unreported cases, victims did not consent for NOPD to conduct any further investigation and no identifying victim information is transferred to NOPD.

### **Explanation:**

The signal 24K requires the collection from University Medical Center to Central Evidence and Property to be properly logged and the creation of a case file. The case file includes authoring an initial police report, a supplemental police report, and completion of a case index form. This requires detectives to dedicate time, to complete all these tasks, which could be better utilized for an active reported investigation. If at any point, the victim from an unreported kit decides to initiate an investigation, the signal on that incident would change and the case would be routed to a detective.

## 2. All signal 42U and 43U cases

**Definition:** The signals 42U and 43U addresses crimes that have been reported as sexual assaults but do not meet the criteria based upon the evidence presented or is a misdemeanor sexual battery (Signal 43MB) that is investigated on the platoon level. Unfounded is defined as:

- Unfounded, false: Evidence obtained through an investigation shows that a crime was not committed or attempted.
- Unfounded, baseless: A case does not possess all necessary elements of the crime or was improperly classified as a sexual assault.
- Unfounded cases also include sexual assaults that occur outside of Orleans Parish however, the offense was reported to the New Orleans Police Department Sex Crimes Division.

Unfounded cases required Sex Crimes Detectives, to take the following investigative steps:

- Victim interviews
- Witness interviews
- Collection of evidence, including sexual assault kits
- Placing evidence at Central Evidence and Property
- Documentation via a MORF
- Initial police report
- Supplemental police report
- Case file Index Form
- Notification to the proper law enforcement jurisdiction, who will be assuming the investigation
- Transferring collected evidence, to the proper jurisdiction

### **Explanation:**

This is a very time-consuming process for detectives, requiring them to dedicate numerous hours to investigations that are not sexual assaults in their jurisdiction or incidents that are not sexual assaults by the nature of the evidence. It should also be noted, that Sex Crimes Unit Standard Operating Guidelines require all unfounded cases and reported sexual assaults be placed in a miscellaneous or non-criminal category, which will be presented at the SART/MDT Case Review. The SART/MDT is generally held monthly. Therefore, even if these cases were handled by a civilian investigator, they would still be reviewed by the SART on a monthly basis.

### 3. All signal 283 cases

#### Definition:

- Louisiana Revised Statute 14:283 Video voyeurism: (1) The use of any camera, videotape, photo-optical, photo-electric, or any other image recording device for the purpose of observing, viewing, photographing, filming, or videotaping a person where that person has not consented to the observing, viewing, photographing, filming, or videotaping and it is for a lewd or lascivious purpose; or The transfer of an image obtained by activity described in Paragraph (1) of this Subsection by live or recorded telephone message, electronic mail, the Internet, or a commercial online service.
- Louisiana Revised Statute 14:283.2: A person commits the offense of nonconsensual disclosure of a private image when all the following occur: The person intentionally discloses an image of another person who is seventeen years of age or older, who is identifiable from the image or information displayed in connection with the image, and whose intimate parts are exposed in whole or in part. The person who discloses the image obtained it when a reasonable person would know or understand that the image was to remain private. The person who discloses the image knew or should have known that the person in the image did not consent to the disclosure of the image. The person who discloses the image has the intent to harass or cause emotional distress to the person in the image, and the person who commits the offense knew or should have known that the disclosure could harass or cause emotional distress to the person in the image.

#### Explanation:

The Sex Crimes Unit is not underestimating the impact these types of cases have on victims and survivors. They are invasive, in nature. Generally, there is no physical crime scene. The investigation of these cases is historically very administratively tasking on detectives. Most of the work necessary to properly investigate the incidents require compiling and obtaining search warrants for various social media sites or telephone communications companies. These tasks are extremely time consuming, to compile and disseminate. Utilizing the Investigator Specialist to handle these cases would allow Sex Crimes detectives additional time to focus on sexual assault cases. Sexual assault cases often require more field work in addition to administrative tasks, such as locating victims, witnesses, and suspects, as well as crime scene examination, evidence collection, canvassing, and video review.

## Child Abuse Case Prioritization

The Rules, Policies, and Procedures NOPD, Chapter 42.19; Child Abuse (effective 3/12/2017) states in part that the Child Abuse Unit shall investigate ALL abuse and sexually related incidents involving victims under the age of 17 years at the time the incident is reported. However, the policy does not differentiate as to the relationship of the offender/victim; thus, 2 five-year-old children slapping each other on the buttocks, siblings fighting with each other, an adult (non-relative) who strikes a child for whatever reason that does not meet the elements of cruelty to juveniles, would all be investigated by the Child Abuse Unit.

Responding to and investigating cases mentioned above that are non-prosecutable tax an investigator with multiple hours, including travel time to and from the scene, interviews with the reporting person(s) and witnesses, initial paperwork, and follow-up supplemental reports. Most importantly, the said allegations hinder the detectives from dedicating the time to investigate more heinous crimes against children. The Child Abuse Unit's purpose is not to deprioritize any allegations against children but to restructure who investigates and documents the less offensive crimes against children.

At the Federal level, the Child Abuse Prevention and Treatment Act (CAPTA) has defined Child Abuse and Neglect as "any recent act or failure to act on the part of a parent or caregiver that results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act that presents an imminent risk of serious harm." Adopting the CAPTA definition of child abuse by the Child Abuse Unit will allow Child Abuse Supervisors to have more authority to manage and dedicate the available staff to focus on violent crimes of child abuse versus stipulations in the NOPD policy that requires the Child Abuse Unit to investigate "All" allegations against children.

Therefore, after initial assessment by a detective supervisors could redirect less severe allegations, especially those committed by juveniles against juveniles, to district patrol or NOPD school resource officers to investigate and document and refer those involved to social services as needed. The redirection will occur after child abuse supervisors critically examine all allegations before redeploying to patrol or school resource officers. Furthermore, in addition to the act or failure to act by the parent or caregiver, the Child Abuse Unit will investigate any act, attempt, or failure to act by any person over 17 years or older against a child, under the age of 17, at the time the report is made, relative to any sexual assault as defined in the Louisiana Revised Statute.



The child abuse allegations targeted for redeployment for investigation and documentation by district patrol or NOPD school resource officers are as follows:

## 1. Any Misdemeanor Sexual Battery

### Definition:

Louisiana Revised Statute 14:43.1.1: Misdemeanor Sexual Battery is defined in relevant part as the intentional touching of the breasts or buttocks of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the intentional touching of the breasts or buttocks of the victim by the offender using any instrumentality or any part of the body of the victim, directly or through clothing, when the offender acts without the consent of the victim.

### Examples:

Examples of misdemeanor sexual batteries include but are not limited to allegations involving school-age children, whether the offense occurred at a school or elsewhere, in any situation within the context of the aforementioned statute. Included in the said example would be the touching of the genitals of the victim by the offender using any instrumentality or any part of the victim's body, directly or through clothing, when the offender acts without the victim's consent.

- Student A walks down the school hallway, slaps Student B's buttocks, and runs off laughing. No additional sexual overtone.
- Children are playing in the courtyard of an apartment complex when Child A grabs the genitals of Child B over the clothes and then runs away. No additional sexual overtone.

## 2. Any Sexting Prohibited Acts

### Definition:

Louisiana Revised Statute 14:81.1.1: Sexting is defined in relevant part as no person under the age of seventeen shall knowingly and voluntarily use a computer or telecommunication device to transmit an indecent visual depiction of himself to another person. In addition, no person under the age of seventeen years shall knowingly possess or transmit an indecent visual depiction that was transmitted by another under the age of seventeen years in violation of the provisions of Paragraph (1) of this Subsection.

**Examples:**

- Child A sends a nude photograph to Child B using any electronic device or social media.
- Child A has a photograph(s) of Child B stored in their electronic device or social media page.

The above mentioned acts do not meet the elements of child pornography as defined by the Louisiana Statutory Criminal Law.

**3. Any Battery****Definition:**

Louisiana Revised Statute 14:33: Battery is the intentional use of force or violence upon the person of another; or the intentional administration of a poison or other noxious liquid or substance to another that does not meet the elements of Cruelty to Juveniles (LA. R.S. 14:93) Cruelty to juveniles is: (A) The intentional or criminally negligent mistreatment or neglect by anyone seventeen years of age or older of any child under the age of seventeen whereby unjustifiable pain or suffering is caused to said child. Lack of knowledge of the child's age shall not be a defense, or (B) The intentional or criminally negligent exposure by anyone seventeen years of age or older of any child under the age of seventeen to a clandestine laboratory operation as defined by R.S. 40:983 in a situation where it is foreseeable that the child may be physically harmed. Lack of knowledge of the child's age shall not be a defense. (C) The intentional or criminally negligent allowing of any child under the age of seventeen years by any person over the age of seventeen years to be present during the manufacturing, distribution, or purchasing or attempted manufacturing, distribution, or purchasing of a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Law. Lack of knowledge of the child's age shall not be a defense.

**Examples:**

- Child A strikes Child B leaving minor injuries or no injury.
- Parent/Relative/Guardian of Child A gets upset and pushes or strikes (with body parts) Child B because they were involved in a fistic encounter or altercation with Child A. The strike(s) or push leaves little or no injuries.
- An adult strikes a child due to an altercation that escalated for whatever reason, leaving minor or no injury.

#### 4. Non-prosecutable or no crimes (documentation only)

##### Definition:

- Any crime, whether physical or sexual that meets the elements of Louisiana Revised Statute 14:13, Infancy: Those who have not reached the age of ten years are exempt from criminal responsibility.
- Louisiana Revised Statute 14:18: Justification, which reads in relevant part, the fact that an offender's conduct is justifiable, although otherwise criminal, shall constitute a defense to prosecution for any crime based on that conduct. This defense of justification can be claimed under the following circumstances. The offender's conduct is reasonable discipline of minors by their parents, tutors, or teachers.

##### Examples:

- Parent strikes a child, leaving minor or no injury as a form of discipline due to the child's misbehavior. For example, the child is discovered using illegal narcotics, sending nude photographs, repeatedly breaking curfew, etc.
- A teacher attempts to separate combative children, and in the process of separating the children, the teacher accidentally leaves a fingernail scratch, pushes the child, or attempts to subdue a child who is a danger to self or others.





## *April is Sexual Assault Awareness Month*

The committee honors the experiences of sexual assault survivors in our community and thanks all of the service providers and community members who contributed to this report.



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