



# Custodial Interrogations and Interviews Audit Feb 2025 – (Final) (7<sup>th</sup> District – Focused Audit)

Report # CI&I0220247TH

Submitted by PSAB: February 17, 2025

Response from FOB/ISB: February 18, 2025

Final Report: February 27, 2025

## **Audit Team**

This audit was managed and conducted by the Audit and Review Unit of the  
Professional Standards and Accountability Bureau

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## Executive Summary

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The Audit and Review Unit (ARU) of the Professional Standards and Accountability Bureau (PSAB) completed a focused audit of the 7<sup>th</sup> District regarding Custodial Interrogations and Interviews in February 2025 of “ALL” data entries (the Universe) from September 2024 to January 2025. Custodial Interrogations and Interviews Audits are conducted to ensure that New Orleans Police Department (NOPD) officers conduct custodial interrogations in accordance with the subjects’ rights secured or protected by the Constitution and laws of the United States, including the rights to counsel and against self-incrimination. NOPD agrees to ensure that custodial interrogations are conducted professionally and effectively, to elicit accurate and reliable information. This process is regulated by Chapter 42.11 of the New Orleans Police Department’s Operations Manual, along with sections of Chapters 1.9.1, 55.4 and 55.5.1.

This focused audit, conducted from February 2, 2025, to February 14, 2025, was completed using the latest Custodial Interrogations and Interviews Audit Protocol dated March 11, 2022. The audit addresses the following Consent Decree (CD) questions: Log Entries, Video/Audio Documentation; Detective Notes; Miranda Rights; and LEP rights as documented in Consent Decree paragraphs 163, 164, 165, 166, 167 and 168. The focused audit was mandated by the agreed “Sustainment Plan” between DOJ and NOPD and listed as item 9 on the plan.

Scores of 95% or higher are considered substantial compliance. Supervisors should address any noted deficiencies with specific training through In-service Training classes or Daily Training Bulletins (DTBs). This training should be reinforced by close and effective supervision in addition to Supervisor Feedback Logs entries.

The overall score of the **7<sup>th</sup> District Focused Custodial Interrogations Audit** is as follows: **98%**. While the overall score was compliant the following metric questions **were non-compliant** in the “Interrogation” scorecard section:

- Question 16B (notes available if taken during interrogation) - **(82%)**

The overall score of the **Custodial Interview Log check** is as follows: **88%** (non-compliant). The following log entries were marked non-compliant in the “Interview” scorecard:

- District 7 logged two entries as an interview; ARU determined that they were interrogations.

More detailed results are embedded in the Scorecard Table and Conclusion sections.

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## Introduction

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The OCDM monitor previously conducted an onsite audit of the 7<sup>th</sup> District in November 2022. In the OCDM Custodial Interrogations report dated 11/27/2022, the 7<sup>th</sup> District failed the audit. Since that audit, the ARU team has conducted four (4) subsequent audits (2 in 2023, and 2 in 2024) and the District passed all reviews. As part of the agreed sustainment plan, the Audit and Review Unit of the Professional Standards and Accountability Bureau was obligated to perform the focused audit as mandated.

### Purpose

In Chapter 42.11 pg. 1, Custodial Interrogations are defined as, “Direct questioning of a suspect in custody (not free to leave), about a crime or suspected crime, or any words, statements, or actions by officers that the officers know or should know are reasonably likely to elicit an incriminating response from the suspect”. The audits are completed to ensure custodial interrogations conducted effectively and in accordance with the rights secured or protected by the Constitution and laws of the United States. These requirements are regulated by the following policies of the New Orleans Police Department’s Operations Manual:

Chapter 42.11 - Custodial Interrogations

Chapter 1.9.1 - Miranda Rights

Chapter 55.4 - Limited English Proficiency

Chapter 55.5.1 - Communication with Persons Who are Deaf or Hard of Hearing

In addition, Consent Decree paragraphs 163, 164, 165, 166, 167 and 168 should be understood and referenced as needed.

This list is inclusive of all pertinent areas regarding the audit.

### Objectives

This audit is designed to ensure that all custodial interrogations conducted by NOPD officers are done so in accordance with the U.S. Constitution, DOJ Consent Decree and NOPD policies. All Custodial Interrogations conducted by NOPD officers must be documented in the Custodial Interrogation log either electronically or in a written log. During the audit, while reviewing the log, auditors need to ensure that it was accurately completed. The audit qualitatively assesses custodial interrogations to ensure compliance and each audit consists of a random sample of all Custodial Interrogations conducted by officers/detectives in the duty location since the prior PSAB audit.

Generally, each auditor is responsible for verifying and documenting that the NOPD conducted a proper custodial interrogation through:

1. Inspection of the Custodial Interrogations log to determine compliance with stated requirements.

2. Documentation must exist in each case file as evidence of compliance with the following:
- All log entries are properly identified as Interrogations or Interviews
  - All custodial interrogations that took place in a police facility were audio/video recorded. The custodial interrogation log requires an entry as to where the recording was made.
  - All interrogations that involved suspected homicides or sexual assaults were audio/video recorded.
  - There is a video/audio recording of the statement as listed in the log.
  - The duty location does have a designated interview room(s) equipped with functioning audio and video recording technology that allows for recording and maintenance of all phases of interrogation.
  - The recording does not reflect any threat or use of physical violence on the individual or the individual's family.
  - The custodial interrogation recording was recorded in its entirety.
  - The custodial interrogation recording was not preceded by a "pre-interview."
  - The recording equipment was not turned off during any part of the interview.
  - If the recording was turned off, it was the suspect's decision that he/she did not want the interrogation recorded.
  - If the recording was turned off, and it was the suspect's decision that the interrogation was not to be recorded, the suspect's request was recorded and documented in the case report.
  - There was not a video/audio equipment failure during the recording of an interrogation.
  - If there was a video/audio equipment failure during the recording of an interrogation, it is noted in the case file.
  - If there was a video/audio equipment failure during the recording of an interrogation, it is noted in the EPR.
  - If there was a video/audio equipment failure during the recording of an interrogation, it is noted in a memo to the appropriate Deputy Chief.
  - If the interrogation was not able to be video and audio recorded because of equipment failure or malfunction, the detectives recorded the interrogation by means of a digital or cassette recorder, body worn camera, or another recording device.
  - The case file contains all the officers' notes taken during interviews and interrogations.
  - The interview was conducted in the accused person's primary language.
  - If an interpreter was a police department employee, the case file shows that the interpreter identified himself/herself as an officer or employee of the Department.
  - The interpreter is authorized by the Department to interpret.
  - The interpreter is trained in using interpretation protocols.
  - The log entry is complete; correct item number, location of interrogation, name of subject being interrogated, name of officer conducting the interrogation.

## **Background**

Custodial Interrogations Audits have been conducted since May of 2016 in various formats. This was the sixth comprehensive Custodial Interrogations Audit utilizing the enhanced protocol. The resulting audit is a more detailed, and deeper diving review of the most fundamental actions taken by police conducting interrogations and interviews.

## **Methodology**

Auditors qualitatively assessed each incident using the Custodial Interrogation and Interview form listed below to ensure each interrogation and interview is compliant with legal requirements and NOPD policy. Auditors analyzed reports, field interview cards, and L3 interview room video and/or body-worn camera recordings, to ensure officers conducted a legal, constitutional interrogation or interview; those officers documented such encounters, and that documentation was complete and accurate. The Custodial Interrogation and Interview Audit form (Appendix A) was used to document the audit criteria.

Auditors read the guidance in the audit forms as required. Changes to audit forms are clearly communicated to auditors by the audit supervisor. Auditors re-read policies when guidance in audit forms recommends, they do so or when the policy requirements are not clear enough to the auditor to allow him/her to confidently score an audit criterion.

When audit results require comments, auditors thoroughly explain the evidence they observed that led to their determination of the result for the audit criteria in question. Drawing on their knowledge of NOPD policies, auditors note any policy violations they observe that are not specifically addressed in the Custodial Interrogations and Interviews Audit tools in the “Auditor Comments” section of the form.

All documents and related incidents that are in the sample and are not audited must be deselected.

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## Initiating and Conducting the Custodial Interrogations and Interviews Audit

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By applying the audit forms as a guide, the auditors qualitatively assessed the Custodial Interrogation and Interview data to determine whether officers/detectives substantively met the requirements of policy.

1. Two weeks prior to the audit, the district was notified of the audit to ensure the duty location had been prepared for the audit and that all documentation was available for review.
2. Auditors were assigned to conduct a double-blind review process.
3. The auditors utilized the digital audit form to input the results of the audit.
4. The auditors inspected any necessary related documents provided by the district as evidence of compliance or reviewed online data.
5. When the documentation was unavailable at the time of the audit, the district was given until the end of the audit period to provide the documentation.
6. Once the auditors entered their audit results, compliance scores were determined for the requirements listed above. This final report documents whether the compliance rate for each requirement met the threshold for substantial compliance (95%).

## Reviews – Compliance Scores Table (7<sup>th</sup> District Only)

Audit results data in Excel spreadsheet, raw data based on individual questions on the Custodial Interrogations and Interviews Audit Forms.

### Custodial Interviews and Interrogations Table (Focused 7th District)

ARU percentages for Consent Decree requirements for Custodial Interrogations Checklist Audit.

Report Period: February 2025

Review (Universe) Period: Sep 2024 - Jan 2025

Check-List Questions		Score	Y	N	U	NA*	Consent Decree #	NOPD Policy Chapters	NAs & Notes
1	All custodial interrogations that took place in a police facility were audio/video recorded	96%	25	1	0	1	164	Ch 42.11 p5-p7	NA - 1 was conducted in back of police vehicle; N-1 never recorded due to human error.
2	All interrogations that involved suspected homicides or sexual assaults, were audio/video recorded	n/a	0	0	0	27	164	Ch 42.11 p5-p7	None involved homicide or sexual assault (27)
3	There is a video/audio recording of the statement as listed in the log	96%	26	1	0	0	164	Ch 42.11 p5-p7	N-1 never recorded due to human error.
4	The duty location does have a designated interview room(s) equipped with functioning audio and video recording technology that allows for recording and maintenance of all phases of Interrogations	100%	26	0	0	1	167	Ch 42.11 p8	1 NA was conducted in back of police vehicle by BWC
5	The recording does not reflect any threat or use of physical violence on the individual or the individuals' family	100%	26	0	0	1	163	Ch 42.11 p2, p4	NA-1 never recorded due to human error.
6	The custodial interrogation recording was recorded in its entirety	96%	26	1	0	0	164	Ch 42.11 p6-p7	N-1 never recorded due to human error.
7	The custodial interrogation recording was not preceded by a "pre-interview"	100%	26	0	0	1	164	Ch 42.11 p5, p9	NA-1 never recorded due to human error.
8	The recording equipment was not turned off during any part of the interview	100%	26	0	0	1	164	Ch 42.11 p10	NA-1 never recorded due to human error.
9	If the recording was turned off, it was the suspect's decision that he/she did not want the interrogation recorded	n/a	0	0	0	27	164	Ch 42.11 p10	NA-1 never recorded due to human error. NA-26 others complete.
10	If the recording was turned off and it was the suspect's decision that the interrogation was not to be recorded, the suspect's request was recorded and documented in the case report	n/a	0	0	0	27	164	Ch 42.11 p10	NA-1 never recorded due to human error. NA-26 others complete.
11	There was NOT a video/audio equipment failure during the recording of an interrogation (Information Only)		26	0	0	1	165	Ch 42.11 p28	NA-1 never recorded due to human error.
12	If there was a video/audio equipment failure during the recording of an interrogation, it is noted in the case file	n/a	0	0	0	27	165	Ch 42.11 p29	NA-1 never recorded due to human error. NA-26 others complete.
13	If there was a video/audio equipment failure during the recording of an interrogation, it is noted in the EPR	n/a	0	0	0	27	165	Ch 42.11 p29	NA-1 never recorded due to human error. NA-26 others complete.
14	If there was a video/audio equipment failure during the recording of an interrogation, it is noted in a memo to the appropriate Deputy Chief	n/a	0	0	0	27	165	Ch 42.11 p29	NA-1 never recorded due to human error. NA-26 others complete.
15	If the interrogation was not able to be video and audio recorded because of equipment failure or malfunction, the detectives recorded the interrogation by means of a digital or cassette recorder, body worn camera, or another recording device	n/a	0	0	0	27	165	Ch 42.11 p28	NA-1 never recorded due to human error. NA-26 others complete.
16A	The number of case files where it appears notes were taken during interviews and interrogations (Informational Only)		11	0	0	16	166	Ch 42.11 p21	NA - 16 no notes observed being taken
16B	The case file contains all of the officers' notes taken during this interview /interrogation, if seen in A/V taking notes	82%	9	2	0	16	166	Ch 42.11 p21	NA - 16 no notes observed being taken
17A	The interview was conducted in the accused person's primary language	100%	26	0	0	1	168	Ch 42.11 p21, p24, Ch 55.4	NA-1 never recorded due to human error.
17B	Miranda was given in person's primary language	100%	25	0	0	2	168	Ch 42.11 p4, p26 Ch 1.9.1, Ch 55.4	NA-1 never recorded due to human error. NA -1 No Miranda as erroneously entered as interrogation, but was interview
18	If an interpreter was a police department employee, the case file reflects that the interpreter identified himself/herself as an officer or employee of the Department	100%	1	0	0	26	168	Ch 42.11 p25, Ch 55.4	NA - 26 No interpreter needed
19	The interpreter is authorized by the Department to interpret	100%	1	0	0	26	168	Ch 42.11 p24, Ch 55.4	NA - 26 No interpreter needed
20	The interpreter is trained in using interpretation protocols	100%	1	0	0	26	168	Ch 42.11 p24, Ch 55.4	NA - 26 No interpreter needed
21	The log entry is complete if the following are included in the log: Correct Item Number Location of Interrogation Date and Time Name of Subject being Interrogated Name of Officer Conducting the Interrogation	100%	27	0	0	0		Ch 42.11 p20, p22	
	<b>Total Interrogations Score</b>	<b>98%</b>	<b>271</b>	<b>5</b>	<b>0</b>	<b>291</b>			
1	<b>Percentage of Interviews Logged Correctly as Interviews</b>	<b>88%</b>	<b>15</b>	<b>2</b>	<b>0</b>	<b>0</b>			

#### General Comments

ARU audited the sample list case files for the defined period, for completeness and accuracy as required by the Consent Decree.

For an explanation of the procedures and scoring system for this review, see the associated "Protocol" document.

For a list of relevant policies, contact ARU as needed.

For the audit results for each case file, see the accompanying RawData spreadsheets.

Scores below 95% are highlighted in red.



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## Conclusions

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The results of this audit are verified through a thorough custodial interrogations and interviews review and reconciliation process. This process has now concluded, and the districts/units will have an opportunity to review all the audit results and scorecards. If they identify any discrepancies or have any concerns, an Audit Re-Evaluation Request Form can be submitted to PSAB documenting their concerns.

Custodial Interrogations and Interviews - as noted above, requires that officers/detectives conduct these in compliance within all U.S. laws, consent decree agreements and department policies to ensure the trust and safety of individuals in the community, and provide counseling, redirection, and support to officers.

The compliance percentage for requirements in the 7<sup>th</sup> District focused Custodial Interrogations and Interviews audit are as follows:

1. **The overall Custodial Interrogation universe, which consisted of 27 interrogations, is determined to be substantially compliant at 98%.** No questions are identified as opportunities for improvement. Note that Q16B regarding, “The case file contains all of the officers’ notes taken during this interview/interrogation, if seen in A/V taking notes” only had 2 notes of the 11, which couldn’t be located during the audit review.
2. **The overall Custodial Interview Log Check universe, which consisted of 17 interviews, is determined to be non-compliant at 88% with only 2 log entries incorrectly labeled as interviews when they were determined to be interrogations instead.**
  - District 7 logged two entries as an interview; ARU determined that they were interrogations.

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## Recommendations

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The following category in this audit scored below the substantial compliance threshold of 95%. There are opportunities to improve the scores in the following areas by using targeted corrective action. See below:

“Ch 42.11 ¶21, The Custodial Interrogation where “The case file contains all of the officers’ notes taken during this interview/interrogation, if seen in A/V taking notes”:

**Q16B score (82%)** does not signify a need for general corrective action, but rather a need for targeted corrective action. Of the 27 items reviewed, it was determined by auditors that 11 had notes taken during the interrogation. Of those 11 items, 9 were compliant, and 2 items not compliant as notes were not available at time of audit.

1. This report will serve as notification of district/unit performance during this audit.
2. Work with Policy Standards Section to develop DTB’s to address the training issues identified in this report.

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## District Re-evaluation Requests and PSAB Responses

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The 7<sup>th</sup> District noted that some entries made into the electronic logbooks were attributed to outside units, i.e. Homicide, SVD, SID, etc.

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Auditing and Review Unit

Professional Standards and Accountability Bureau

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## Appendix A – Custodial Interrogations and Interviews Audit Forms

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### Custodial Interrogations Audit Forms:

#### Custodial Interrogation Audit

Auditor

Find items ▼

Item Number

Unit

Find items ▼

Reporting Year

Find items ▼

Reporting Month

Find items ▼

Interrogation DateTime

12/31/2001 00:00

Interrogation Location

Please indicate the Log Entry type from the Log as identified by the district completing the logbook.

Log Entry Type

Find items ▼

Is the log book entry type (interrogation or interview) correct as indicated by the district?

Auditor Log Entry Type

Find items ▼

Look at L3 video. Determine who the police are speaking with. If the person is suspected of a crime.

and the police are questioning them as a suspect, it is an interrogation. If the person is not suspected of a crime (such as a witness or information/intelligence), it is an interview.

**Stop here. If the log entry is correctly identified as an interview, then skip all the remaining questions. If the log entry is identified as an interrogation, proceed with the below questions.**


1. If the interrogation took place in a police station, was it audio/video recorded? (L3 system)

Interrogation Conducted in Police Facility Was Recorded

Find items ▼

2. If the interrogation involved suspected homicide or sexual assault, it must be recorded.

Interrogation Involving Homicide or Sexual Assault Was Recorded

Find items 

3. There is an audio/video recording of the statement as listed in the log.

Recording Exists As Listed in Log

Find items 

4. Did the duty location have a designated room equipped with functioning audio and video recording technology that allowed for the recording and maintenance of all phases of this interrogation? CD 167

Unit has Interrogation Rm with Audio/Video

Find items 

5. This audio/video recording did NOT reflect any threats or use of physical violence against the individual or the individual's family.

No Threats of Violence

Find items 

6. This custodial interrogation was recorded in its entirety. Video is considered complete if the following conditions are met: 1) Suspect must be seen walking into the empty room 2) Subject must be given the Miranda warning and seen answering questions (or denying to) 3) Subject must be seen leaving the room and not returning.

Entire Interrogation A/V Recorded

Find items 

7. This custodial interrogation was NOT preceded by a "pre-interview"

No Pre-Interview Before Interrogation

Find items 

8. The recording equipment was NOT turned off during any part of this interrogation.

A/V Recording Not Turned Off During Interview

Find items 


9. If the recording was turned off, it was the suspects decision that they did not want the interrogation recorded.

If Recording Halted, It was Suspect's Decision

Find items 

10. If the recording was turned off, and it was the suspects decision to do so, then the request was recorded and documented in a case report.

If Recording Halted, Suspect's Decision Recorded and Documented

Find items 

11. There was not audio/video equipment failure during this interrogation.

No A/V Equipment Failure During Recording

Find items 

12. If there was audio/video recording equipment failure, it was documented in the case file.

If A/V Equipment Failure, Documented in Case File

Find items 

13. If there was audio/video recording equipment failure, it was documented in an EPR.

If A/V Equipment Failure, Documented in EPR

14. If there was audio/video recording equipment failure, it was documented in a memo to the appropriate Deputy Chief.

If A/V Equipment Failure, Memo sent to Deputy Chief

15. If the interrogation was not able to be audio/video recorded due to equipment failure or malfunction, then a Body Worn Camera, digital or cassette recorder, or another recording device was used to complete this interrogation

If A/V Equip Failure, BWC, Digital Recorder, Other Device Used

16A. Audio/video recording appears to show the detective took case notes.

Detective Took Notes

16B. If the detective appears to take case notes (#16A is "Yes") then the notes are located in the case file.

Notes In Case File

17A. The interrogation was conducted in the primary language of the accused.

Interview Conducted in Primary Language of Accused

17B. The Miranda Warning was given the person's primary language.

Miranda in Primary Language

18. If an interpreter was used, and it was a police department employee, the case file and/or audio/video recording indicates the interpreter identified himself/herself as a department employee or officer of this department during the interrogation.

Interpreter Identified Himself As Police Employee As Required

19. The interpreter is authorized by the department to interpret, if used.

Interpreter is Authorized via NOPDAI, if Used

20. The interpreter is trained in using interpretation protocols, if used.

Interpreter Is Qualified in Interrogation Techniques, If Used

21. Is the log entry complete? The log entry is complete if it contains the following:

- 1) Correct Item Number
- 2) Location of Interrogation
- 3) Name of Subject being Interrogated
- 4) Name of Officer conducting Interrogation

Log Entry Complete

Auditor Comments Custodial

Auditor Comments Custodial

Reviewer Comments Custodial

Back to Search

Submit Audit

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**Appendix B – Report Distribution**

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Superintendent - NOPD

Chief Deputy Superintendent– Field Operations Bureau

Deputy Superintendent – Professional Standards and Accountability Bureau

Deputy Superintendent – Investigative Services Bureau

Director – NOPD Education & Training Services

City Attorney – City Attorney’s Office