



Audit and Review Section  
Professional Standards and Accountability Bureau

# Custodial Interrogations and Interviews Audit September 2022

(FOB and ISB) **PUBLIC VERSION**

Report # CI&I092022

Submitted by PSAB: October 13, 2022

Response from FOB/ISB: October 23, 2022

Final Report: October 26, 2022

## **Audit Team**

This audit was managed and conducted by the Audit and Review Unit

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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 Custodial Interrogations and Interviews Audit in October 2022 of data from March 2022 to August 2022. 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, in order 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 Chapter 1.9.1, 55.4 and 55.5.1.

This audit, conducted from September 27, 2022, to October 13, 2022, was completed using the latest Custodial Interrogations and Interviews Audit Protocol. 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, 166, 167 and 168.

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 Custodial Interrogations Audit is as follows: **99%**

- Q6: The custodial interrogation recording was recorded in its entirety: 96%. (Compliant)
  - District 5 and Homicide had incomplete video of the interrogation. It was primarily where the subject was already seated in the room prior to video starting.
  - District 8 and Child Abuse each had an interview erroneously logged as interrogations

The overall score of the Custodial Interview Log check is: **92%** (Non-Compliant); the previous audit was scored 92%.

- District 1, 5, 8, and Child Abuse identified log entries as interviews; ARU determined that those were interrogations.

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

**Table of Contents**

**Executive Summary ..... 2**

**Introduction ..... 4**

*Purpose..... 4*

*Objectives..... 4*

*Background ..... 5*

*Methodology..... 6*

**Initiating and Conducting the Custodial Interrogations Audit ..... 7**

**Reviews – Scorecard Table..... 8**

**Conclusions ..... 9**

**Recommendations ..... 12**

**District Re-Evaluations & PSAB Responses .....13**

**Appendix A – Custodial Interrogations Audit Forms..... 14**

**Appendix B – Report Distribution..... 19**

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## Introduction

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The Audit and Review Unit of the Professional Standards and Accountability Bureau conducted a Custodial Interrogations Audit in September of 2022.

### Purpose

Custodial Interrogations Audits are completed to ensure custodial interrogations are 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, 166, 167 and 168 should be understood and referenced as needed.

This list is inclusive of all pertinent areas with regard to 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 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 Interrogations
- The recording does not reflect any threat or use of physical violence on the individual or the individuals' 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 of 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 reflects 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 first 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, L3 interview room video and/or body-worn cameras, 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. All deselections are recorded in the Deselection Log. A review of the Deselection Log shows there were 4 items deselected for this audit. Of the 4 items deselected, 3 were due to current restrictions, 1 was due to no video or documents.

**NOTE: Deselected Items have no impact on results of the audit as they are not included in the audit score calculations.**

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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, districts/units were notified of the audit to ensure the duty location had prepared for the audit and that all documentation was available for review.
2. Auditors were assigned to each district/unit to be audited utilizing a single 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/unit as evidence of compliance or reviewed online data.
5. When the documentation was unavailable at the time of the audit, the district/unit 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

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

Review Period: Mar 2022 - Aug 2022

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

Check-List Questions	Score	Y	N	U	NA*	Consent Decree	NOPD Policy Chapters
1 All custodial interrogations that took place in a police facility were audio/video recorded	100%	55	0	0	4	164	Ch 42.11 p5-p7
2 All interrogations that involved suspected homicides or sexual assaults, were audio/video recorded	100%	25	0	0	34	164	Ch 42.11 p5-p7
3 There is a video/audio recording of the statement as listed in the log	100%	56	0	0	3	164	Ch 42.11 p5-p7
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%	56	0	0	3	167	Ch 42.11 p8
5 The recording does not reflect any threat or use of physical violence on the individual or the individuals' family	100%	55	0	0	4	163	Ch 42.11 p2, p4
6 The custodial interrogation recording was recorded in its entirety	96%	52	2	0	5	164	Ch 42.11 p6-p7
7 The custodial interrogation recording was not preceded by a "pre-interview"	100%	54	0	0	5	164	Ch 42.11 p5, p9
8 The recording equipment was not turned off during any part of the interview	100%	53	0	0	6	164	Ch 42.11 p10
9 If the recording was turned off, it was the suspect's decision that he/she did not want the interrogation recorded	100%	1	0	0	58	164	Ch 42.11 p10
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	59	164	Ch 42.11 p10
11 There was not a video/audio equipment failure during the recording of an interrogation (Informational Only)		40	0	0	19	164	Ch 42.11 p28
12 If there was a video/audio equipment failure during the recording of an interrogation, it is noted in the case file	100%	1	0	0	58	164	Ch 42.11 p29
13 If there was a video/audio equipment failure during the recording of an interrogation, it is noted in the EPR	100%	1	0	0	58	164	Ch 42.11 p29
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	100%	1	0	0	58	164	Ch 42.11 p29
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	100%	1	0	0	58	164	Ch 42.11 p28
16A The number of case files where it appears notes were taken during interviews and interrogations (Informational Only)		18	2	0	39	166	Ch 42.11 p21
16B The case file contains all of the officers' notes taken during this interview/interrogation, if seen in A/V taking notes	100%	14	0	0	45	166	Ch 42.11 p21
17A The interview was conducted in the accused person's primary language	100%	55	0	0	4	168	Ch 42.11 p21, p24, Ch 55.4
17B Miranda was given in person's primary language	98%	50	1	0	8	168	Ch 42.11 p4, p26 Ch 1.9.1, Ch 55.4
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%	2	0	0	57	168	Ch 42.11 p25, Ch 55.4
19 The interpreter is authorized by the Department to interpret	n/a	0	0	0	59	168	Ch 42.11 p24, Ch 55.4
20 The interpreter is trained in using interpretation protocols	n/a	0	0	0	59	168	Ch 42.11 p24, Ch 55.4
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%	57	0	0	2		Ch 42.11 p20, p22
<b>Total</b>	<b>99%</b>	<b>589</b>	<b>3</b>	<b>0</b>	<b>647</b>		
<b>I Interviews Logged Correctly as Interviews and not Interrogations</b>	<b>92%</b>	<b>45</b>	<b>4</b>	<b>0</b>	<b>1</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.



**Custodial Interviews and Interrogations Scorecard By District**

Review Period: Mar 2022 - Aug 2022

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

Check-List Questions	1	2	3	4	5	6	7	8	SOD	Homicide	Sex Crimes	Child Abuse	Overall Score
1 All custodial interrogations that took place in a police facility were audio/video recorded	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
2 All interrogations that involved suspected homicides or sexual assaults, were audio/video recorded	-	-	-	-	-	-	100%	-	100%	100%	100%	100%	100%
3 There is a video/audio recording of the statement as listed in the log	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
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%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
5 The recording does not reflect any threat or use of physical violence on the individual or the individuals' family	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
6 The custodial interrogation recording was recorded in its entirety	100%	100%	100%	100%	75%	100%	100%	100%	100%	93%	100%	100%	96%
7 The custodial interrogation recording was not preceded by a "pre-interview"	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
8 The recording equipment was not turned off during any part of the interview	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
9 If the recording was turned off, it was the suspect's decision that he/she did not want the interrogation recorded	-	-	-	-	-	-	-	-	100%	-	-	-	100%
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	-	-	-	-	-	-	-	-	-	-	-	-	-
11 There was not a video/audio equipment failure during the recording of an interrogation (Informational Count Only)	1	5	3	6	4	2	0	2	1	14	1	1	40
12 If there was a video/audio equipment failure during the recording of an interrogation, it is noted in the case file	-	-	100%	-	-	-	-	-	-	-	-	-	100%
13 If there was a video/audio equipment failure during the recording of an interrogation, it is noted in the EPR	-	-	100%	-	-	-	-	-	-	-	-	-	100%
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	-	-	100%	-	-	-	-	-	-	-	-	-	100%
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	-	-	100%	-	-	-	-	-	-	-	-	-	100%
16A The number of case files where it appears notes were taken during interviews and interrogations (Informational Count Only)	0	0	0	1	4	0	0	0	1	4	5	3	18
16B The case file contains all of the officers' notes taken during this interview/interrogation, if seen in A/V taking notes	-	-	-	100%	100%	-	-	-	-	100%	100%	100%	100%
17A The interview was conducted in the accused person's primary language	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
17B Miranda was given in person's primary language	100%	100%	100%	100%	75%	100%	100%	100%	100%	100%	100%	100%	98%
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%	-	100%
19 The interpreter is authorized by the Department to interpret	-	-	-	-	-	-	-	-	-	-	-	-	-
20 The interpreter is trained in using interpretation protocols	-	-	-	-	-	-	-	-	-	-	-	-	-
21 The log entry is complete if the following are included in the log: Correct Item Number Location of Interrogation Name of Subject being Interrogated Name of Officer Conducting the Interrogation	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
<b>Total Interrogations Score</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>96%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>99%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>1 Percentage of Interviews Logged Correctly as Interviews</b>	<b>60%</b>	<b>-</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>80%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>80%</b>	<b>92%</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 Custodial Interrogations and Interviews Review. 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 Custodial Interrogations and Interviews audit are as follows for the reviews of up to 5 samples or 15% whichever is greater, per district/unit:

1. **Overall Custodial Interrogation sample, which consisted of 59 interrogations, is determined to be substantially compliant at 99%.** The following questions are identified as opportunities for improvement:
  - **Q6: “The custodial interrogation recording was recorded in its entirety” score (96%)** was impacted by two (2) districts non-compliance scores, which impacted the overall score, and does signify a need for modest corrective action.
    - 5<sup>th</sup> District: One item video started late. Subject already in room prior to video start.
    - Homicide: One video started late. Subject already in room prior to video start.
2. **Overall Custodial Interview Log Check sample, which consisted of 50 randomly selected interviews, is determined to be non-compliant at 92%.**
  - a. District 1, 8 and Child Abuse input log entries as interviews. Auditors determined two items from District 1, one item from District 8 and one item from Child Abuse were to be interrogations instead.

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## Recommendations

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While only one category in this audit was below the substantial compliance threshold of 95%, there are opportunities to improve in the following areas:

The “¶164: The custodial interrogation recording was recorded in its entirety” score was driven by two (2) units non-compliance scores, which impacted the overall score (96%) and does signify a need for modest corrective action. Districts need to ensure they activate the interrogation room video systems prior to subjects entering.

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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**8<sup>th</sup> District Review: Q6:** After reviewing the Audit the 8th District received negative marks for one item for the video starting late. While the L3 system does start late, we routinely utilize a BWC as well for all interviews / interrogations as a backup. The full interview/interrogation for this incident was captured on BWC, including the officers walking the subject into the interview room. The video can be found in the BWC database.

**PSAB Response:** ARU reviewed the evidence.com video and confirmed that the subject was viewed being escorted into the interview room as the 8<sup>th</sup> District stated. The video score was adjusted to compliant.

**5<sup>th</sup> District Review: No Audio:** District reviewed the L3 interview video, where the audio could be heard initially. However, the audio stopped recording before the interviewer entered the interview room. After reviewing the detective's detailed report, no documentation stated that the interviewer spoke another language besides English. During the interview, the interviewer assisted the detective with some of the notes she wrote. However, there was no documentation from the auditor or the detective whether the arrested subject spoke another language. NOPD Tech attempted to repair the microphone. However, they were unsuccessful and provided the 5th District with a portable handheld microphone. NOPD Tech returned to repair the microphone on 4/11/2022.

**5<sup>th</sup> District Action:** On 4/9/2022, the L3 microphone for the detectives in the interview was inoperable off and on. It was reported to NOPD Tech after the interview. NOPD Tech attempted to repair the microphone. However, they were unsuccessful and provided the 5th District with a portable handheld microphone. NOPD Tech returned to repair the microphone on 4/11/2022.

**PSAB Response:** No action required by PSAB as the District ensured that the microphone was repaired by NOPD Tech. There was no score given for Q17B as this incident was part of the "Interview" audit.

**5<sup>th</sup> District Review: District had incomplete video; of the interrogation; Subject was not read Miranda Rights before the interrogation began:** District reviewed the L3 video and observed the same findings as the auditors. District reviewed the officer's body-worn camera when he transported the arrested subject to the 5th District station to be interviewed by the detective. At minute mark 2:55:13, the officer released custody to the detective.

**5<sup>th</sup> District Action:** After further review, an SFL was issued for the following deficiencies. During an investigation conducted, the detective did not activate the interview room's camera until after the subject was already seated and did not read the arrested subject his Miranda Rights before the interrogation began at minute mark 22:17:10. The sergeant met with the detective and read policy Chapter: 42.11, Custodial Interrogations, paragraphs 6 & 7. 6. All portions of any custodial interrogation, including the recitation or advisement of the suspect's Miranda Rights, shall be audio and video recorded in their entirety. Recording Custodial Interrogations, 7. Any custodial interrogation shall be video, and audio recorded in its entirety, including the advisement of the suspect's Miranda Rights." The video and audio recording shall capture the suspect to be interrogated entering and exiting the interrogation room. Chapter: 1.9.1 Miranda Rights: Policy Statement, paragraphs 1, 2, & 3. 1. The US Constitution and Article 1, section 13 of the Constitution of the State of Louisiana provides protections for the rights of a person accused or detained in connection with

the investigation of a crime. 2. Officers shall advise suspects of their Miranda Rights at the time of arrest or prior to any custodial interrogation. 3. Suspects may waive their constitutional right to remain silent but must do so knowingly, voluntarily, and intelligently after their constitutional rights have been read to them and they have indicated understanding. Securing A Waiver Of Miranda Rights 16. The use of NOPD Form 153 – Rights of an Arrestee or Suspect and the audio/video recording of the interview or interrogation is the preferred documentation for showing the arrestee or suspect was advised of his/her rights and granted a valid waiver of rights.

**PSAB Response:** No action required by PSAB as the 5<sup>th</sup> District counseled officer on the deficiencies as noted.

**5<sup>th</sup> District Review: Video restricted at the time of the audit. Unable to verify if an interview occurred and/or if the log entry is correct:** The district sergeant attempted to locate the L3 video. However, she could not see a video of the child abuse investigation. The signal was 80, relative to Carnal Knowledge of a Juvenile, on 5/21/2022 at 10:25 pm and authored by a Child Abuse detective. The detective placed a warrant on the wanted subject. The subject was arrested on 7/6/2022 by a detective assigned to Child Abuse and the US Marshalls Task Force. The arrested subject was located, and the detective interrogated the subject in the Child Abuse Interview room. However, the video can only be reviewed by NOPD employees who have access. This video was not taken place at the 5th District station after reading the supplemental report.

**5<sup>th</sup> District Action:** No further action noted

**PSAB Response:** No action required by PSAB this entry was originally de-selected. Informational only.

**5<sup>th</sup> District Review: No log entry; not an interview:** On 7/28/2022, NOPD officers entered the 5th District interview room with the arrested subject. The audio and video recording were activated before the officers entered the room with the subject. The sergeant reviewed both videos. While the subject was sitting in the interview room, the sergeant entered the room and spoke with the arrested subject before reading him his Miranda Rights. The arrested subject was read his Miranda Rights on the scene. The sergeant reviewed the Custodial Interrogation and Interview Log and learned the interview was logged into the system properly. It was documented that the arrested subject was "placed in the interview room while officers completed their arrest paperwork." An officer read the arrested subject his Miranda Rights on his body-worn camera in front of a sergeant, which can be reviewed on the officer's body-worn camera.

**5<sup>th</sup> District Action:** District requests that this entry be revised as no interview nor interrogation took place and log entry was in the logbooks database.

**PSAB Response:** PSAB updated this entry to NA for log entry type correct, as no interview nor interrogation took place. Going forward, entries such as this will be de-selected. District is now compliant.

**Child Abuse Review: Documented incorrectly as an interview:** It was recorded on 03-15-22, at 3:48am, in which a detective showed a single confirmation photo to a witness that resulted in a positive ID. It was entered in both the Interview/Interrogation log and the Photo Line Up Log as an interview.

**Child Abuse Action:** District requests that this entry be revised as interview per L3 video and documentation.

**PSAB Response:** The auditor did not review the detective video but did review the officer's videos. The issue was that the Logs stated the date of 3/15/2022 at 3:48 AM as the detective. However, the actual L3 video timestamp was 3/15/2022 at 15:35 or 3:35 PM. PSAB has updated this entry to "Compliant" after reviewing L3 video listed under the detective.

**Child Abuse Review: Documented incorrectly as an interview:** Item was incorrectly entered as an interview; it was in fact an interrogation. It was recorded on 05-27-22 at 12:00am, it appears the wrong entry was mistakenly selected from the drop-down menu when it was entered in the SVS Digital Log.

**Child Abuse Action:** This entry was corrected, and it now shows as an interrogation. The Child Abuse Unit acknowledges the human error of selecting the wrong category, and this was brought to the attention of the civilian investigator responsible for this task. As his first mistake, we will view this as a training opportunity with an oral notification to suffice for this incident.

**PSAB Response:** No further action required by PSAB. No change to score.

Timothy A. Lindsey

Innovation Manager, Auditing

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

Item Number

Unit

Reporting Year

Reporting Month

Interrogation DateTime

  : 

Interrogation Location

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

Log Entry Type

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

Auditor Log Entry Type

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

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

Interrogation Involving Homicide or Sexual Assault Was Recorded

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

Recording Exists As Listed in Log

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

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

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


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

No Pre-Interview Before Interrogation

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

A/V Recording Not Turned Off During Interview

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

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

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

No A/V Equipment Failure During Recording

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



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](#)

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## **Appendix B – Report Distribution**

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Superintendent

Chief Deputy Superintendent– Field Operations Bureau

Deputy Superintendent – Professional Standards and Accountability Bureau

Deputy Superintendent – Investigative Services Bureau

City Attorney – City Attorney’s Office