

Auditing Review Unit

Professional Standards and Accountability Bureau

Sex Crimes Unit Audit Report 1st Half 2022 (Jan-June)

(Public Version)

Submitted by PSAB: November 28, 2022

Response from Sex Crimes: December 5, 2022

Final Report: December 8, 2022

Audit Team

This audit was managed and conducted by the Professional Standards and Accountability Bureau individuals listed below:

Table of Contents

Introduction	3
Purpose	3
Scope	3
Methodology	3
Data	3
Initiating and Conducting the Sex Crimes Audit	4
Sex Crimes Unit Review Checklist	5
Sex Crimes Unit Scorecards	6
Case File Reviews – 1 st Half 2022	8
Mandated Consent Decree paragraph responses (CD #206-#211)	12
Overall Compliance Score	15
Conclusion	15
Results	15
Recommendations	15
Sex Crimes Unit Responses & PSAB Notes:	15
ARU Attachments:	16
Appendix C – Report Distribution	17

Introduction

The Auditing Review Unit of the Professional Standards and Accountability Bureau conducted a semi-annual audit of Sex Crimes Unit investigation case files. This audit covered case files for the period of January 2022 to June 2022. The time span to conduct the audit was from November 10, 2022, thru November 17, 2022.

Purpose

The Sex Crimes Unit case file audit was conducted to verify departmental compliance with the Consent Decree and with NOPD Operations Manual, 42.2 "Sexual Assault" investigations.

Scope

This audit will determine and document whether there was a proper response by investigators and supervisors of the New Orleans Police Department's Sex Crimes Unit in conducting follow-up investigations. The auditors are responsible for verifying that each overall response was proactive, victim centered and professional. Once the review is completed, the audit manager will submit a report to the Captain of the Sex Crimes Unit, and the Captain of the Professional Standards and Accountability Bureau (PSAB) pointing out any deficiencies or confirming a thorough investigation. These audit reports will help to maintain thorough and complete Sex Crimes Unit investigations in the future. A 'final report" will also be sent to the appropriate monitor from the OCDM.

Methodology

Population size – the Sex Crimes Unit only.

Sample size – Twenty-seven (27) case files were selected via EXCEL's "RAND" function; from the 178 cases taken in by the Sex Crimes Unit for the 1st Half of the 2022 calendar year.

Documentation to be reviewed – All documents and investigative material contained within each individual case file.

Testing Instrument(s) – New Orleans Police Department Operations Manual Chapter 42.2, "Sexual Assault Investigations" (Effective: 5/27/2018), and a thirty-four (34) point Sex Crimes Audit Checklist. Each individual case file will be audited in its entirety via "double-blind" auditing process by two (2) members of the Auditing Review Unit (ARU), to give a reliable and thorough review of each case file.

Data

The audit range is usually set for every six months (Semi-Annually). The Sex Crimes Unit will give the Auditing Review Unit all item numbers they were assigned during that audit range. The Auditing and Review Unit will then take those item numbers and enter them into the EXCEL's randomizer generator for cases to be selected for review. The Auditing Review Unit will then review at least 15% of those cases within the audit range.

Initiating and Conducting the Sex Crimes Audit

The Professional Standards and Accountability Bureau contacted the Commander of the Special Victim Section (SVS), on October 24, 2022, to inform her of a scheduled Sex Crimes Unit case file audit that would be initiated by the Auditing Review Unit (ARU), during the week of November 10, 2022, thru November 17, 2022.

The SVS Commander was given this advanced notice so that she could schedule to have a Sex Crimes Unit supervisor on standby to provide the requested case files to the Auditing Review Unit (ARU) upon demand. The SVS Commander was also provided with the checklist that would be used, in addition to the audit protocol.

During this audit period, the ARU auditors requested and received a total of twenty-seven (27) case files from the on-duty Sex Crimes sergeant for review. The auditors remained at the office of the Sex Crimes Unit to review the case files while conducting their audit.

Each case file was then systematically reviewed via "double-blind" audit process by the ARU auditors, for a determination of each case file's compliance with the New Orleans Police Department Operations Manual Chapter 42.2, as it relates to "Sexual Assault" Investigations. To facilitate this process, the sergeants used the thirty-four (34) point Sexual Assault audit checklist as a gauge to review and analyze the content of every case file.

The following checklist was the instrument used by the auditing team to review each case file.

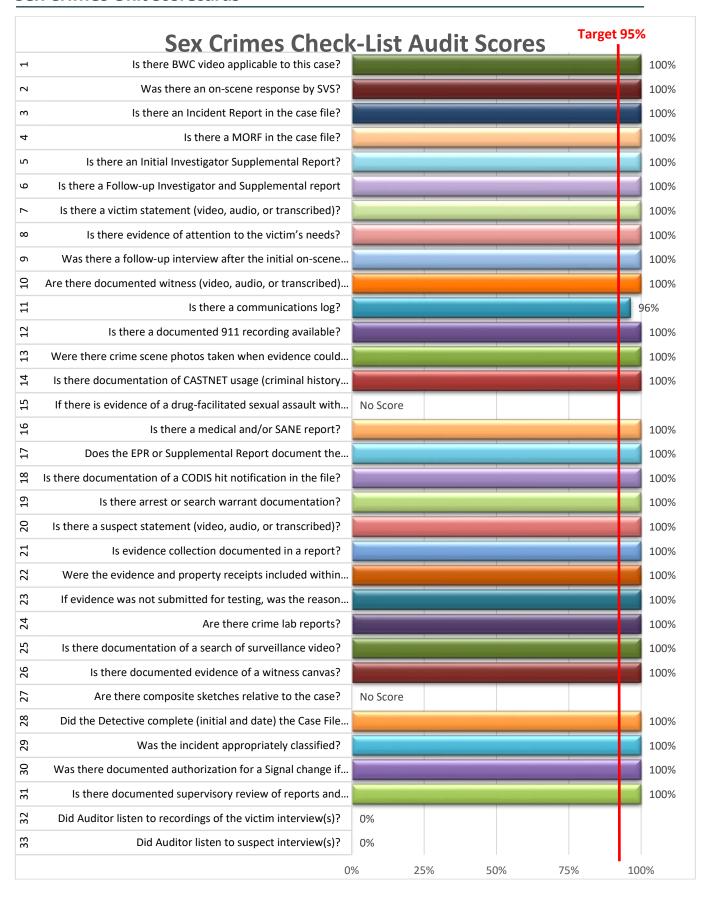
Sex Crimes Unit Review Checklist

Item Number:	NA = Not Applicable
Monitor:	Y = Compliant
Date:	N = Not compliant
	U = Unknown

1.	Is there BWC video applicable to this case?	\square NA / \square Y / \square N / \square U
2.	Was there an on-scene response by SVS?	\square NA / \square Y / \square N / \square U
3.	Is there an Incident Report in the case file?	\square NA / \square Y / \square N / \square U
4.	Is there a MORF in the case file?	\square NA / \square Y / \square N / \square U
5.	Is there an Initial Investigator's Supplement Report?	\square NA / \square Y / \square N / \square U
6.	Is there a Follow up Investigation & Supplement Report?	\square NA / \square Y / \square N / \square U
7.	Is there a victim statement (video, audio, or transcribed)?	\square NA / \square Y / \square N / \square U
8.	Is there evidence of attention to the victim's needs (i.e., Did the investigator demonstrate empathy, safety &	
	medical needs of the victim, etc.)?	\square NA / \square Y / \square N / \square U
9.	Was there a follow-up interview after the initial on-scene investigation?	\square NA / \square Y / \square N / \square U
10.	Are there documented witnesses (video, audio, or transcribed) statements?	\square NA / \square Y / \square N / \square U
11.	Is there a communications log (incident recall)?	\square NA / \square Y / \square N / \square U
12.	Is there a documented 911 recording available?	\square NA / \square Y / \square N / \square U
13.	Were there crime scene photos taken when evidence could be captured/recorded, as appropriate? (photos may be	\square NA/ \square Y/ \square N/ \square U
	in Property & Evidence or Case File materials)	
14.	Is there documentation of CastNet usage (criminal history check)?	\square NA / \square Y / \square N / \square U
15.	If there is evidence of a drug-facilitated sexual assault with follow up according to policy?	\square NA / \square Y / \square N / \square U
16.	Is there a medical and/or SANE report?	\square NA / \square Y / \square N / \square U
17.	Does the EPR or Supplement Report document the required referral to NOFJC?	\square NA / \square Y / \square N / \square U
18.	Is there documentation of a CODIS hit notification in the file?	\square NA / \square Y / \square N / \square U
19.	Is there arrest or search warrant documentation?	\square NA / \square Y / \square N / \square U
20.	Is there a suspect statement (video, audio, or transcribed)?	\square NA / \square Y / \square N / \square U
21.	Is evidence collection documented in a report?	\square NA / \square Y / \square N / \square U
22.	Were the evidence & property receipts included within the Case File for submitted evidence?	\square NA / \square Y / \square N / \square U
23.	If evidence was not submitted for testing, was the reason documented in a report?	\square NA / \square Y / \square N / \square U
24.	Are there crime lab reports?	\square NA / \square Y / \square N / \square U
25.	Is there documentation of a search of surveillance video?	\square NA / \square Y / \square N / \square U
26.	Is there documented evidence of a witness canvas?	\square NA / \square Y / \square N / \square U
27.	Are there composite sketches relative to the case?	\square NA / \square Y / \square N / \square U
28.	Did the Detective complete (initial and date) the Case File Index as items were included in the Case File?	\square NA / \square Y / \square N / \square U
29.	Was the incident appropriately classified?	\square NA / \square Y / \square N / \square U
30.	Was there documented authorization for a Signal change if required?	\square NA / \square Y / \square N / \square U
31.	Is there documented supervisory review of reports and dispositions?	\square NA / \square Y / \square N / \square U
	Did the Auditor listen to recordings of the victim interview(s)?	\square NA / \square Y / \square N
	Did the Auditor listen to suspect interview(s)?	\square NA / \square Y / \square N

^{34.} Auditor Comments: Explain in the narrative below whether there were any exceptional strategies used by the investigator or any deficiencies noted in the case investigation by Auditor:

Sex Crimes Unit Scorecards



Sex Crimes Check-List Scorecard - (Double-blind)

ARU percentages for Consent Decree requirements for sex crimes check-list audit.

₹ 💌			

Check-List	Questions	Score
1	Is there BWC video applicable to this case?	100%
2	Was there an on-scene response by SVS?	100%
3	Is there an Incident Report in the case file?	100%
4	Is there a MORF in the case file?	100%
5	Is there an Initial Investigator Supplemental Report?	100%
	Is there a Follow-up Investigator and Supplemental report	100%
7	Is there a victim statement (video, audio, or transcribed)?	100%
8	Is there evidence of attention to the victim's needs?	100%
9	Was there a follow-up interview after the initial on-scene inves	100%
10	Are there documented witness (video, audio, or transcribed) statement?	100%
11	Is there a communications log?	96%
12	Is there a documented 911 recording available?	100%
13	Were there crime scene photos taken when evidence could be captured?	100%
14	Is there documentation of CASTNET usage (criminal history check?)	100%
	If there is evidence of a drug-facilitated sexual assault with follow up	
-	according to policy?	-
16	Is there a medical and/or SANE report?	100%
	Does the EPR or Supplemental Report document the required referral to	
	NOFJC?	100%
	Is there documentation of a CODIS hit notification in the file?	100%
	Is there arrest or search warrant documentation?	100%
	Is there a suspect statement (video, audio, or transcribed)?	100%
21	Is evidence collection documented in a report?	100%
22	Were the evidence and property receipts included within the Casefile for submitted evidence?	100%
22	If evidence was not submitted for testing, was the reason documented in a	10070
23	report?	100%
	Are there crime lab reports?	100%
	Is there documentation of a search of surveillance video?	100%
	Is there documented evidence of a witness canvas?	100%
H	27 Are there composite sketches relative to the case?	
	Did the Detective complete (initial and date) the Case File Index as items	
28	were included in the case file?	100%
29	Was the incident appropriately classified?	100%
30	Was there documented authorization for a Signal change if required	100%
	Is there documented supervisory review of reports and dispositions	100%
	Did Auditor listen to recordings of the victim interview(s)?	-
	Did Auditor listen to suspect interview(s)?	-
34	Overall Score	99.8%

General Comments
ARU audited sampled Sex
Crimes case file items for a
defined period, for
completeness and accuracy
as required by the Consent

Period: 1st-Half, 2022

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

Decreee.

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

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

Scores below 95% are highlighted in red.

CD¶	Y	N	NA
213	14	0	13
213	15	0	12
212	27	0	0
213	27	0	0
213	27	0	0
213	2	0	25
213	26	0	1
213	25	0	2
213	3	0	24
213	6	0	21
214	26	1	0
213	19	0	8
214	3	0	24
213	26	0	1
213	0	0	27
216	7	0	20
1			
216	23	0	4
213	3	0	24
213	3	0	24
213	4	0	23
213	20	0	7
213	24	0	3
213	1	0	26
213	1	0	26
213	2	0	25
213	1	0	26
213	0	0	27
212	27	0	0
	27	0	0
	1	0	26
	27	0	0
	0	0	27
	0	0	27
	417	1	419

Case File Reviews – 1st Half 2022

The below listed information reveals the outcome of the Audit Team's checklist reviews.

- 1. **Is there BWC video applicable to this case?** The overall score for this category was **100%**. Of the 27 cases reviewed, 14 were audited as positive, none was negative and 13 were N/A (not applicable).
- 2. Was there an on-scene response by SVS? The overall score for this category was 100%. Of the 27 cases reviewed, 15 were audited as positive, none were negative and 12 were N/A (not applicable).
- 3. **Is there an Incident Report in the case file?** The overall score for this category was **100**%. Of the 27 cases reviewed, 27 were audited as positive, none were negative, and none were N/A (not applicable).
- 4. **Is there a MORF in the case file?** The overall score for this category was **100**%. Of the 27 cases reviewed, 27 were audited as positive, none were negative, and none were N/A (not applicable).
- 5. **Is there an Initial Investigator Supplemental Report?** The overall score for this category was **100%**. Of the 27 cases reviewed, 27 were audited as positive, none were negative, and none were N/A (not applicable).
- 6. **Is there a Follow up Investigator & Supplemental Report)?** The overall score for this category was **100%**. Of the 27 cases reviewed, 2 were audited as positive, none were negative, and 25 were N/A (not applicable).
- 7. **Is there a victim statement (video, audio, or transcribed)?** The overall score for this category was **100%.** Of the 27 cases reviewed, 26 were audited as positive, none were negative, and 1 was N/A (not applicable).
- 8. Is there evidence of attention to the victim's needs? (i.e., Did the investigator demonstrate empathy, safety & medical needs of the victim, etc.)? The overall score for this category was 100%. Of the 27 cases reviewed, 25 were audited as positive, none were negative, and 2 were N/A (not applicable).
- 9. Was there a follow-up interview after the initial on-scene investigation? The overall score for this category was 100%. Of the 27 cases reviewed, 3 was audited as positive, none were negative, and 24 were N/A (not applicable).

- 10. Are there documented witness statements (video, audio, or transcribed)? The overall score for this category was 100%. Of the 27 cases reviewed, 6 were audited as positive, none were negative, and 21 were N/A (not applicable).
- 11. Is there a communications log (incident recall)? The overall score for this category was 96%. Of the 27 cases reviewed, 26 were audited as positive, 1 was negative, and none were N/A (not applicable).
- 12. **Is there a documented 911 recording available?** The overall score for this category was **100%.** Of the 27 cases reviewed, 19 were audited as positive, none were negative and 8 were N/A (not applicable).
- 13. Were there crime scene photos taken when evidence could be captured/recorded, as appropriate? The overall score for this category was 100%. Of the 27 cases reviewed, 3 were audited as positive, none were negative, and 24 were N/A (not applicable).
- 14. **Is there documentation of CASTNET usage (criminal history check)?** The overall score for this category was **100%**. Of the 27 cases reviewed, 26 were audited as positive, none were negative and 1 was N/A (not applicable).
- 15. If there is evidence of a drug-facilitated sexual assault with follow up according to policy? The overall score for this category was **No Score**. Of the 27 cases reviewed, none were audited as positive, none were negative, and 27 were N/A (not applicable).
- 16. **Is there a medical and/or SANE report)?** The overall score for this category was **100**%. Of the 27 cases reviewed, 7 were audited as positive, none were negative and 20 were N/A (not applicable).
- 17. Does the EPR or Supplemental Report document the required referral to NOFJC? The overall score for this category was 100%. Of the 27 cases reviewed, 23 were audited as positive, none were negative and 4 were N/A (not applicable).
- 18. **Is there documentation of a CODIS hit notification in the file?** The overall score for this category was **100**%. Of the 27 cases reviewed, 3 were audited as positive, none were negative, and 24 were N/A (not applicable).
- 19. **Is there arrest or search warrant documentation?** The overall score for this category was **100**%. Of the 27 cases reviewed, 3 were audited as positive, none were negative, and 24 were N/A (not applicable).
- 20. **Is there a suspect statement (video, audio, or transcribed)?** The overall score for this category was **100%**. Of the 27 cases reviewed, 4 were audited as positive, none were negative, and 23 were N/A (not applicable).

- 21. **Is evidence collection documented in a report?** The overall score for this category was **100%**. Of the 27 cases reviewed, 20 were audited as positive, none were negative, and 7 were N/A (not applicable).
- 22. Were the evidence & property receipts included within the Case File for submitted evidence? The overall score for this category was 100%. Of the 27 cases reviewed, 24 were audited as positive, none were negative, and 3 were N/A (not applicable).
- 23. **If evidence was not submitted for testing, was the reason documented in a report?** The overall score for this category was **100**%. Of the 27 cases reviewed, 1 was audited as positive, none were negative, and 26 were N/A (not applicable).
- 24. **Are there crime lab reports?** The overall score for this category was **100**%. Of the 27 cases reviewed, 1 was audited as positive, none were negative, and 26 were N/A (not applicable).
- 25. **Is there documentation of a search of surveillance video?** The overall score for this category was **100%**. Of the 27 cases reviewed, 2 were audited as positive, none were negative, and 25 were N/A (not applicable).
- 26. **Is there documented evidence of a witness canvas?** The overall score for this category was **100%**. Of the 27 cases reviewed, 1 was audited as positive, none were negative, and 26 were N/A (not applicable).
- 27. Are there composite sketches relative to the case? The overall score for this category was **No Score**. Of the 427 cases reviewed, none were audited as positive, none were negative, and 27 were N/A (not applicable).
- 28. Did the Detective complete (initial and date) the Case File Index as items were entered in the Case File? The overall score for this category was 100%. Of the 27 cases reviewed, 27 were audited as positive, none were negative, and none were N/A (not applicable).
- 29. **Was the incident appropriately classified?** The overall score for this category was **100**%. Of the 27 cases reviewed, 27 were audited as positive, none were negative, and none were N/A (not applicable).
- 30. Was there documented authorization for a signal change if required? The overall score for this category was 100%. Of the 27 cases reviewed, 1 was audited as positive, none were negative, and 26 were N/A (not applicable).
- 31. **Is there documented supervisory review of reports and dispositions?** The overall score for this category was **100**%. Of the 27 cases reviewed, 27 were audited as positive, none were negative, and none were N/A (not applicable).

- 32. **Did Auditor listen to recordings of the victim interview(s)?** The overall score for this category was **No Score**. Of the 27 cases reviewed, none were audited as positive, none were negative, and 27 were N/A (not applicable).
- 33. **Did the Auditor listen to the suspect interview(s)?** The overall score for this category was **No Score**. Of the 27 cases reviewed, none were audited as positive, none were negative, and 27 were N/A (not applicable).

Mandated Consent Decree paragraph responses (CD #206-#211)

During the audit ARU auditors corroborated to ascertain and verify the below listed information to address Consent Decree paragraphs #206 thru #211 pertaining to the Sex Crimes Unit:

CD #206

During the first year of this Agreement, neither patrol officers nor detectives shall code reported sexual assaults in a miscellaneous or non-criminal category without the express written approval of the Investigations & Support Bureau Special Victim Section Commander and the Investigations & Support Bureau Criminal Investigations Division Commander. Following this period, patrol officers shall not code reported sexual assaults in a miscellaneous or non-criminal category. Any decision by a detective to do so shall receive close secondary review and shall be approved in writing by an immediate Sex Crimes unit supervisor and the Division commander.

As per Consent Decree paragraphs #206 and #207, the Auditing Review Unit retrieved the CAD data regarding sexual assault cases matching the stated criteria from the NOPD SQL Database.

During the Sex Crimes audit the Auditing Review Unit reviewed the sexual assault cases handled by the Sex Crimes Unit for the 1st half of 2022.

CD #207

NOPD agrees to train supervisors and investigators in the Sex Crimes unit in the proper definitions and application of "unfounded," "false," and "baseless" classifications in the context of sexual assault. The immediate supervisor in the Sex Crimes Unit and the Special Victims Section Commander shall closely review and approve in writing any decision to classify a report as "unfounded." NOPD agrees to track each of these conclusions separately in NOPD's CCMS and publicly report them on at least a semi-annual basis.

After the cyber-attack in December of 2019, the NOPD's CCMS system still has not been restored and is unavailable for tracking and reporting purposes. Since that time the Special Victim's Section has created and used a Microsoft Excel spreadsheet for tracking purposes. During the Sex Crimes Checklist Audit the Auditing Review Unit reviewed the sexual assault cases as input into the Sex Crimes Unit for the 1st half of 2022. The review revealed that of the 249 cases documented by the Sex Crimes Unit there were twenty-one (21) cases matching the criteria listed in CD #207 as a call initiated as a sex crime and later cleared with the disposition of "unfounded". The audit revealed the SVU section was compliant with CD #207 regarding calls initiated as sex crimes and later cleared with the disposition "unfounded" by Sex Crimes.

CD #208

The Department is required to track all reports of felony sexual assault including drug-facilitated sexual assault, sexual assaults involving persons with disabilities rendering them unable to consent, sodomy, and male victims of sexual assault. The Department must collect data on the final disposition of sexual assault investigations, including whether an arrest was made and whether the DA charged the suspect or rejected the case and, if so, the reason for the rejection if the DA provides a reason.

Lieutenant advised that the CCMS system has been inoperable since the December 2019 cyberattack. As a result, the SVU continues to store the felony assault cases in the Sexual Assault KIT Database log.

CD #209

The New Orleans Police Department is required to track in an Information Management System the Evidence collected whether it is submitted to a crime lab for testing. Where Evidence is not submitted, the NOPD agrees to record in this system the justification for the decision.

Detective of the Investigative Support Bureau continues to track the SVU Evidence Log. The log consists of evidence entries and outgoing evidence lab testing. The log is a spreadsheet consisting of formulas that allows the detective to track cases that are entered within the log.

CD #210

The Department is required to work with the District Attorney (DA), community service providers, and other stake holders to develop and implement Sexual Assault Response Team (SART). SART was effectively established over five years ago and meets monthly.

A member of SART advised that it has been a pleasure working with NOPD SVU as a community partner. She additionally advised that she has witnessed countless acts of selfless-service and acts of excellence from NOPD SVU.

CD #211

The Department developed a committee of representatives from the community, including rape crisis advocates, service providers, and/or legal providers to review, on a semi-annual basis (1) sexual assault investigation dispose of as unfounded. (2) a random sample of open sexual assault

investigations with the approval of the DA. (3) reported a sexual assault placed in a miscellaneous are non-criminal category. The Department has agreed to ensure that feedback and recommendations from the committee are incorporated into policies, general training, remedial training for specific officers are detectives, and the decision to re-examine and re-open investigations, if warranted.

A member of SART and the NOFJC advised that the NOPD is actively participating with the established committees such as SART. The SART member advised that the organizations and the NOPD discuss unfounded dispositions on a frequent basis. The Assistant District Attorney from the Orleans Parish District Attorney's Office SVU section advised that the relationship with the NOPD SVU Section is "great". The supervisor with the OPDA's Office SVU Section advised that the NOPD SVU is a great business partner and stated that the Lieutenant and the Detectives go above and beyond with their assigned cases. There has been no change in the participating members/partners.

Overall Compliance Score

Based on the combined total of eight hundred and thirty-seven (837) checklist items rated, from the sample size of twenty-seven (27) case files audited; the <u>"overall score"</u> of this 1st Half Semi-Annual Sex Crimes Unit case file audit conducted by the Auditing Review Unit was 99.8%.

Conclusion

Final Results

The overall results of the 1st Semi-Annual 20212 Sex Crimes audit revealed a compliance threshold score of **99.8**%

There were no other areas of concern identified.

Recommendations

The Audit resulted in 99.8% compliance for the 1st semi- annual 2022 Sex Crimes audit. There were no recommendations from PSAB.

Sex Crimes Unit Responses & PSAB Notes:

Unit Response: Per Lieutenant, "PSAB Auditors did not request any responses or make any recommendations for improvement. Sex Crimes personnel continues to work hard to meet the standards set forth within the unit."

PSAB Note: No changes made, as PSAB agreed.

ARU Attachments:

Excel Raw Data Spreadsheets for 1^{st} Semi-Annual 2022.

Appendix C – Report Distribution

Deputy Supt. PSAB Bureau

Captain PSAB Bureau

Deputy Supt. ISB Bureau

Captain ISB Bureau

Lieutenant SVS Unit

ARU Unit