

New Orleans Police Department

Documenting and Reporting of Rapes

Final Report • June 22, 2016



OIG NEW ORLEANS OFFICE OF
INSPECTOR GENERAL

E. R. Quatrevaux, Inspector General

OFFICE OF INSPECTOR GENERAL
CITY OF NEW ORLEANS



ED QUATREVAUX
INSPECTOR GENERAL

June 22, 2016

Re: New Orleans Police Department Documenting and Reporting of Rapes

I certify that the inspector general personnel assigned to this project are free of personal or other external impairments to independence.

A handwritten signature in blue ink, appearing to read "E.R. Quatrevaux", positioned above the printed name.

E.R. Quatrevaux
Inspector General

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The Office of Inspector General (OIG) conducted a performance audit of the New Orleans Police Department's (NOPD) documenting and reporting of rapes to the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting Program (UCR Program) for the period of October 1, 2015 – December 31, 2015. The reporting guidelines for the UCR Program are established in the Uniform Crime Reporting Handbook (UCR Handbook).

In May 2014, the OIG released an audit which revealed that the NOPD misclassified calls for service, reclassified (downgraded) rape offenses to a miscellaneous offense, and failed to complete incident and supplemental reports. These factors led NOPD to exclude rape offenses from the data reported to the FBI's UCR Program or misclassify the rape data submitted to the UCR Program.¹

As a result of the audit, the OIG Investigations Division conducted an inquiry into NOPD's documentation of sex crimes investigations by five detectives in the Special Victims Section and released its results in November 2014. Investigators found that 65 percent of the sex crime cases reviewed contained no documentation of any investigative efforts beyond the initial report.² Investigators observed that "the widespread failure to submit supplemental reports as well as the discrepancies between [NOPD] reports and other factual documentation means there was no effective supervision... nor could there have been any effective supervision of supervisors, nor any review of the outcome of the cases...."³

Since 2014, the NOPD made significant improvements in its documentation of its investigative efforts, its supervisory oversight, and its reporting of rapes.

¹ Office of Inspector General City of New Orleans. "A Performance Audit of the New Orleans Police Department's Uniform Crime Reporting of Forcible Rapes." May 14, 2014.

<http://nolaoig.gov/reports/all-reports/the-new-orleans-police-department-s-uniform-crime-reporting-of-forcible-rapes>.

² Office of Inspector General City of New Orleans. "Report of Inquiry into Documentation of Sex Crime Investigations by Five Detectives in the Special Victims Section of the New Orleans Police Department." November 12, 2014. <http://nolaoig.gov/reports/all-reports/report-of-inquiry-into-documentation-of-sex-crime-investigations-by-five-detectives-in-the-special-victims-section-of-the-new-orleans-police-department>.

³ Ibid.

In 2015 NOPD implemented the following policies:

1. Chapter 42.2 in the New Orleans Police Department Operations Manual regarding Sexual Assault.⁴
2. Sex Crimes Unit Standard Operating Guidelines.⁵
3. Special Victim's Section (SVS) Signal Guidance.⁶

Collectively, these policies included detailed guidance on interviewing sex crime victims, collecting evidence, documenting the results of the investigation, and supervisory oversight. Not only did the NOPD implement these policies, but it also adhered to those policies which significantly improved documentation, oversight, and accountability within the NOPD.

Auditors reviewed information pertaining to 154 sex crime related calls for service and found that:

1. NOPD included documentation in 100 percent of the case files. All case files included documentation such as incident reports, supplemental reports, victim/witness statements, detective notes, etc.
2. NOPD supervisors reviewed and/or approved 100 percent of the case files in accordance with NOPD policies and procedures.
3. NOPD classified 99.4 percent of calls for service in accordance with the guidelines established in the UCR Handbook.
4. NOPD classified all calls for service in accordance with the Louisiana Revised Statutes.

Not only did NOPD classify 99.4 percent of the calls for service in accordance with the guidelines established in the UCR Handbook, but of the 154 calls for service, NOPD reclassified (upgraded) 78 of these calls for service (50.6 percent) and reported these offenses to the UCR Program.

⁴ New Orleans Police Department. "Sexual Assault." New Orleans Police Department Operations Manual, Chapter 42.2 (November 15, 2015). NOPD implemented the policy on October 1, 2015 even though it was not yet effective.

⁵ New Orleans Police Department. *Sex Crimes Unit Standard Operating Guidelines*, January 3, 2016. NOPD implemented the policy on September 1, 2015 even though it was not yet effective.

⁶ New Orleans Police Department. *SVS Signal Guidance*, August 5, 2015.

Of the 78 calls for service, 63 were initially reported as a miscellaneous offense and were reclassified (upgraded) to an aggravated rape, simple rape, or oral sexual battery. In addition, no allegations of rape were reclassified (downgraded) to a miscellaneous offense.

NOPD resolved all of the previous findings in the 2014 audit.

I. OBJECTIVES, SCOPE, AND METHODOLOGY

The OIG conducted a performance audit of the NOPD's documentation and reporting of rapes. Auditors sought to answer the following four questions:

1. Do case files with an initial and/or final classification of an attempted or actual simple rape, aggravated rape, or oral sexual battery contain documentation?
2. Do NOPD officers review and/or approve case files in accordance with NOPD policies and procedures on cases with an initial and/or final classification as an attempted or actual simple rape, aggravated rape, or oral sexual battery?
3. Are cases involving an attempted or actual simple rape, aggravated rape, or oral sexual battery reported in accordance with the guidelines established in the UCR Handbook?
4. Does evidence support the classification and disposition of incidents involving an attempted or actual simple rape, aggravated rape, or oral sexual battery in accordance with the Louisiana Revised Statutes?

The scope period for the audit was October 1, 2015 through December 31, 2015. The population consisted of 154 calls for service, as shown in Table 1. Auditors performed testing on 100 percent of the population.⁷

Auditors requested a listing of all calls for service from the NOPD involving aggravated rape, simple rape, and oral sexual battery during the scope period. The NOPD generated the listing from the Computer Aided Dispatch System (CAD System). Auditors generated an independent listing from the Electronic Police Reporting (EPR) System and verified completeness of the population by comparing both listings. If any items were included on the CAD listing but not on the EPR listing (or vice versa), auditors obtained the associated case file and reviewed the supporting documentation to determine if the call for service was properly excluded from the respective listing.

⁷ Unreported sexual assault kits and calls for service relating to sexual battery and child abuse were outside of the scope of this audit.

Table 1: Population Composition.

Total	Description
52	Calls for service with an initial and final classification of attempted or actual aggravated rape, simple rape, or oral sexual battery and a final disposition of Report-to-Follow. ⁸
10	Calls for service with an initial and final classification of attempted or actual aggravated rape, simple rape, or oral sexual battery and a final disposition of Unfounded.
14	Calls for service initially classified as an attempted or actual aggravated rape, simple rape, or oral sexual battery and reclassified to a non-reportable offense (i.e. Part II Offense). ⁹
63	Calls for service initially classified as a non-reportable offense and reclassified to an attempted or actual aggravated rape, simple rape, or oral sexual battery with a final disposition of Report-to-Follow.
15	Calls for service initially classified as a non-reportable offense and reclassified to an attempted or actual aggravated rape, simple rape, or oral sexual battery with a final disposition of Unfounded.
154	Total items in Population

To accomplish the objectives, auditors performed the following procedures:

1. Conducted interviews with NOPD personnel to obtain an understanding of NOPD policies and procedures pertaining to investigations and documentation requirements.
2. Reviewed the UCR Handbook, Louisiana Revised Statutes, and NOPD policies to obtain an understanding of rape reporting requirements.
3. Inspected each case file to determine if it included documentation and if that documentation was completed, reviewed, and approved in accordance with NOPD policies. Documentation may have included, but was not limited to, the Investigative Case File Index (Case File Index), initial and supplemental reports, 911 audio recordings, and victim/witness statements.
4. Inspected all documentation in each case file to determine if NOPD classified the call for service in accordance with the guidelines established in the UCR Handbook and the Louisiana Revised Statutes.
5. Reviewed each Return A to determine if all applicable calls for service were reported to the UCR Program.¹⁰

⁸ Refer to Section II – Introduction for information on dispositions.

⁹ Refer to Section II – Introduction for information on Part II Offenses.

¹⁰ Refer to Section II – Introduction for information on the Return A.

Auditors assessed the reliability of computer-processed data by interviewing officials knowledgeable about the data, comparing data to source documents for reliability, and reviewing selected system controls. Auditors determined that the data were sufficiently reliable for the purposes of this report.

Auditors used the following criteria for this performance audit:

- Louisiana Revised Statutes;¹¹
- Uniform Crime Reporting Handbook;¹²
- Uniform Crime Reporting Handbook Addendum;¹³ and
- NOPD policies and procedures.

AUDITING STANDARDS

We conducted this performance audit in accordance with generally accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.¹⁴

This performance audit was also conducted in accordance with the *Principles and Standards for Offices of Inspector General*.¹⁵

LEGAL AUTHORITY

The authority to perform this audit is established in La. R.S. 33:9613 and in City Code Sec. §2-1120 of the City of New Orleans.

¹¹ Refer to Appendix A for applicable Louisiana Revised Statutes.

¹² U.S. Department of Justice Federal Bureau of Investigation. *Uniform Crime Reporting Handbook*, 2004. https://www.fbi.gov/about-us/cjis/ucr/additional-ucr-publications/ucr_handbook.pdf/view.

¹³ U.S. Department of Justice Federal Bureau of Investigation. *Crime in the United States*, 2013. https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/violent-crime/rape/rapemain_final.pdf.

¹⁴ *Government Auditing Standards, Chapter 7.30*; U.S. Government Accountability Office, 2011.

¹⁵ "Quality Standards for Audits by Offices of Inspector General," *Principles and Standards for Offices of Inspector General* (Association of Inspectors General, 2014).

II. INTRODUCTION

The FBI's UCR Program is a voluntary nationwide, cooperative statistical effort of city, county, state, tribal, and federal law enforcement agencies reporting data on crimes brought to their attention. The FBI administers the UCR Program and assesses and monitors the nature and type of crime committed in the United States. The UCR Program's primary objective is to generate reliable information for use in law enforcement administration, operation, and management.¹⁶

Law enforcement agencies across the United States, including the NOPD, voluntarily submit crime data to the FBI. The integrity and accuracy of the crime data rests upon the efforts of the reporting law enforcement agencies. The FBI compiles the crime data and publishes the Uniform Crime Report (UCR) annually. The purpose of the UCR is to provide a common language which transcends local and state laws. The UCR is the official crime data in the United States.

For reporting purposes, criminal offenses are divided into two major groups: Part I offenses and Part II offenses. Participating law enforcement agencies submit information on the number of Part I offenses in order to measure the level and scope of crime occurring throughout the nation on an annual basis. Part I offenses are serious offenses that occur with regularity and are more likely to be reported to police. The eight Part I UCR offenses are: criminal homicide (murder and non-negligent manslaughter), rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Part II offenses include all other reportable offenses not classified as Part I.¹⁷

The NOPD compiles data for all Part I offenses (except arson) from its EPR System and reports the information on a Return A to the Louisiana Commission on Law Enforcement (LCLE) quarterly.¹⁸

¹⁶ U.S. Department of Justice Federal Bureau of Investigation. *Crime in the United States*, 2009. https://www2.fbi.gov/ucr/cius2009/about/about_ucr.html.

¹⁷ Participating law enforcement agencies provide only arrest data for Part II offenses.

¹⁸ Refer to Figure 3 for an example of the information contained on the Return A.

The UCR reporting guidelines are established in the UCR Handbook. The UCR Handbook dictates that in instances of rape, one offense is counted for each victim. NOPD must report *all* offenses reported or known to police, including false or baseless complaints. However, the FBI only includes the number of actual offenses in the UCR Report.¹⁹ Once NOPD submits the Return A to the LCLE, it reviews the information and provides the data to the FBI for its annual publication of the UCR.

Participating law enforcement agencies must report Part I crimes in accordance with the definitions established by the FBI in the UCR Handbook, regardless of the crime definitions codified in the Louisiana Revised Statutes. Prior to January 1, 2014, the FBI defined rape as “the carnal knowledge of a female forcibly and against her will.”²⁰ The FBI revised that definition of rape, and effective January 1, 2014, rape is defined as:

“Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Attempts or assaults to commit rape are also included; however, statutory rape and incest are excluded.”²¹

The revision provides a broader definition of rape, and unlike the previous definition, does not exclude male victims.

NOPD INCIDENT REPORTING AND INVESTIGATION PROCESS

Although NOPD reports crime data to the LCLE in accordance with the FBI’s definition of rape, NOPD assigns a signal number to each call for service in accordance with the criteria established in the Louisiana Revised Statutes.²²

¹⁹ UCR offense data does not include victim information, who reported the crime, or who investigated the offense. The data only depicts what crimes were reported and the location of the offense.

²⁰ U.S. Department of Justice Federal Bureau of Investigation. *Crime in the United States, 2013*. https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/violent-crime/rape/rapemain_final.pdf.

²¹ Ibid.

²² Refer to Appendix A for the definitions established by the Louisiana Revised Statutes.

NOPD uses the following signals which correspond with the Louisiana Revised Statutes:

- Signal 42 (Aggravated rape);
- Signal 27-42 (Attempted aggravated rape);
- Signal 43 (Simple rape);
- Signal 27-43 (Attempted simple rape); and
- Signal 42B (Oral sexual battery).

The 911 dispatcher receives a call for service, and the CAD System automatically assigns an item number to the call for service.²³ Based on the information provided by the caller, the 911 dispatcher assigns an initial signal number to each call for service. The 911 dispatcher then enters the information obtained from the caller into the CAD System. When a call for service is received for a sex crime, a 911 dispatcher dispatches a platoon officer from the district of occurrence and a Sex Crimes detective to the victim's location. In sexual assault cases, the platoon officer's role is to provide emergency response, including attending to medical needs; inquiring about the identity and location of the perpetrator; contacting family members; preserving evidence; and communicating observations to the Sex Crimes detective.

The responding Sex Crimes detective creates an initial incident report in the EPR System and includes the applicable signal number based on the information received during investigation. If a Sex Crimes detective determines that an incident occurred, the detective assigns a disposition of Report-to-Follow. If the Sex Crimes detective determines an incident to be false or baseless, the detective assigns a final disposition of Unfounded. Sex Crimes detectives can change the signal/disposition of an item within 24 hours of the call for service. After 24 hours, a Change of Signal or Disposition Form must be completed to articulate the reason for the signal and/or disposition change. All rape offenses with a disposition of Report-to-Follow or Unfounded must be reported to the UCR Program.

²³ An item number is a unique eight digit alpha-numeric identifier. The first letter corresponds with the month in which the call was received. The following five numbers correspond with the order in which the call was received that month, and the last two numbers correspond with the year in which the call was received. For example, item number B-00001-15 represents the first call received in February 2015.

III. 2014 OIG AUDIT AND INVESTIGATION

The OIG conducted an audit of NOPD's reporting of rapes to the UCR Program, and issued a report in May 2014.²⁴ Auditors sampled 90 calls for service and found that the NOPD:

1. Misclassified 46 percent of the calls for service.
2. Reclassified (downgraded) 22 percent of the calls for service to a miscellaneous offense.
3. Failed to report 16 percent of calls for service as Unfounded to the UCR Program.
4. Failed to report nine percent of actual forcible rapes to the UCR Program.
5. Failed to report 13 percent of Unfounded forcible rapes to the UCR Program.
6. Excluded incident or supplemental reports from 67 percent of items that had a change in signal and/or disposition.
7. Failed to complete and/or review incident reports in a timely manner.

As a result of the audit findings, the OIG Investigations Division conducted an inquiry into NOPD's documentation of sex crimes investigations by five detectives in the Special Victims Section and released their results in November 2014.²⁵ Investigators reviewed the 90 calls for service that auditors cited in their report and identified 23 reports that raised concerns about how NOPD officers documented their investigations. Based on information obtained from other agencies, investigators found five NOPD Special Victims Section detectives whose documentation was questionable.

²⁴ Office of Inspector General City of New Orleans. "A Performance Audit of the New Orleans Police Department's Uniform Crime Reporting of Forcible Rapes." May 14, 2014.

<http://nolaoig.gov/reports/all-reports/the-new-orleans-police-department-s-uniform-crime-reporting-of-forcible-rapes>.

²⁵ Office of Inspector General City of New Orleans. "Report of Inquiry into Documentation of Sex Crime Investigations by Five Detectives in the Special Victims Section of the New Orleans Police Department." November 12, 2014.

<http://nolaoig.gov/reports/all-reports/report-of-inquiry-into-documentation-of-sex-crime-investigations-by-five-detectives-in-the-special-victims-section-of-the-new-orleans-police-department>.

The NOPD's Public Integrity Bureau identified 1,290 sex crime related calls for service that were assigned to these detectives from January 1, 2011 to December 31, 2013. Investigators reviewed each call for service and found that:

1. Of the 1,290 calls for service, 840 (65 percent) were designated as a miscellaneous offense.
2. Of the 840 calls for service designated as a miscellaneous offense, NOPD officers did not write reports or comments pertaining to any (100 percent) of the calls for service. Due to the lack of information, investigators could not review 65 percent of the total calls for service.
3. Of the 1,290 calls for service, only 450 (35 percent) contained initial reports or comments by the detectives.
4. Of the 1,290 calls for service, only 179 (14 percent) contained supplemental reports documenting any additional investigative efforts beyond the initial report.

For example, investigators found that in three cases, the Louisiana State Police DNA Laboratory identified DNA evidence, but there was no documentation of any follow-up investigation.

Overall, investigators observed that "the widespread failure to submit supplemental reports as well as the discrepancies between [NOPD] reports and other factual documentation means there was no effective supervision... nor could there have been any effective supervision of supervisors, nor any review of the outcome of the cases...."²⁶

²⁶ Ibid.

IV. NOPD DOCUMENTATION AND OVERSIGHT

As a result of the OIG's investigation, NOPD Superintendent Michael Harrison acknowledged the problems within NOPD and stated, "I'm committed to making sure that these crimes are investigated and that any allegations brought against our officers are investigated. We want to make this right."²⁷ Superintendent Harrison also stated, "It's our duty to protect and serve. We're going to take that seriously... Sex crimes are some of the most heinous crimes we can investigate. Victims have no time to wait, and they deserve better."²⁸

In response to the findings identified in the 2014 Audit and Investigation, NOPD implemented the following policies in 2015:

1. Chapter 42.2 in the New Orleans Police Department Operations Manual regarding Sexual Assault.²⁹
2. Sex Crimes Unit Standard Operating Guidelines (Sex Crimes Guidelines).³⁰
3. Special Victim's Section (SVS) Signal Guidance.³¹

Collectively, these policies provided detailed guidance on interviewing sex crime victims, collecting evidence, documenting the results of the investigation, and supervisory oversight.

FINDING 1. NOPD INCLUDED DOCUMENTATION IN 100 PERCENT OF THE 145 CASE FILES. ALL 145 CASE FILES INCLUDED EVIDENCE OF SUPERVISORY REVIEW.³²

²⁷ McLaughlin, Elliott C., and Javier de Diego. "Inspector: No Sign of Investigation in 1,111 New Orleans Sex Crime-related Calls." CNN. December 30, 2014. <http://www.cnn.com/2014/11/12/us/new-orleans-sex-crimes-investigations/index.html>.

²⁸ Simerman, John. "IG Report Slams Work of 5 NOPD Sex-crimes Detectives." *The New Orleans Advocate*, November 12, 2014. <http://www.theneworleansadvocate.com/news/10809798-123/ig-report-slams-work-of>.

²⁹ New Orleans Police Department. "Sexual Assault." New Orleans Police Department Operations Manual, Chapter 42.2 (November 15, 2015). NOPD implemented the policy on October 1, 2015 even though it was not yet effective.

³⁰ New Orleans Police Department. *Sex Crimes Unit Standard Operating Guidelines*, January 3, 2016. NOPD implemented the policy on September 1, 2015 even though it was not yet effective.

³¹ New Orleans Police Department. *SVS Signal Guidance*, August 5, 2015.

³² Auditors noted that nine of the 154 calls for service did not require the documentation outlined in the policies. Auditors obtained and reviewed NOPD internal documentation for the nine items and noted the following: One call for service pertained to a stalled dump truck. The 911 dispatcher

NOPD OFFICERS DOCUMENTED THEIR INVESTIGATIONS AND INCLUDED EVIDENCE IN ALL 145 CASE FILES (100 PERCENT).

The Sex Crimes Guidelines and Chapter 42.2 in the New Orleans Police Department Operations Manual regarding Sexual Assault required officers to include various documentation in the case file.^{33,34} This documentation may have included, but was not limited to the following: incident recall and 911 audio recording; incident report; Major Crime Scene Officer Statements; all related supplemental police reports; photographs; medical and/or the Sexual Assault Nurse Examination reports; victim and witness interviews; various crime lab reports; Central Evidence and Property receipts; search and arrest warrants; and electronic evidence.

The Sex Crimes Guidelines also required detectives to “utilize the SVS Investigative Case File Index... to ensure complete case files.”³⁵

Auditors found that all 145 case files (100 percent) contained a completed or in-process Case File Index.³⁶ The Case File Index provided NOPD officers with a list of documentation that should be included in each case file. Each case file contained a combination of documentation such as incident reports, supplemental reports, victim statements, detective notes, and any other applicable evidence or information pertaining to the case.

The Sex Crimes Guidelines instructed detectives to “use the victim’s own words in written reports and utilize quotation marks for exact quotations.”³⁷ Auditors found that case files contained victim statements and/or details of meetings between the detective and victim, when applicable.

erroneously classified the call as a rape. Two calls for service were allegations of rape, but were outside of the NOPD’s jurisdiction. Both calls for service were referred to the appropriate agency. Three calls for service were duplicates (i.e. multiple calls were made regarding the same incident). Three calls for service pertained to routine sex offender checks. The 911 dispatcher erroneously classified the calls as a rape.

³³ New Orleans Police Department. "Sexual Assault." New Orleans Police Department Operations Manual, Chapter 42.2 (November 15, 2015).

³⁴ New Orleans Police Department. *Sex Crimes Unit Standard Operating Guidelines*, January 3, 2016.

³⁵ Ibid.

³⁶ Refer to Appendix B for the NOPD Special Victims Section Investigative Case File Index.

³⁷ New Orleans Police Department. *Sex Crimes Unit Standard Operating Guidelines*, January 3, 2016.

Per the Sex Crimes Guidelines and the SVS Signal Guidance, “Detectives must file a supplemental report for all unfounded cases to explain the disposition decision.”^{38,39} Auditors noted that all 25 offenses assigned an Unfounded disposition included a supplemental report that explained the officer’s rationale for assigning the Unfounded disposition.

NOPD IMPLEMENTED OVERSIGHT AND REVIEW PROCEDURES. ALL 145 CASE FILES (100 PERCENT) CONTAINED EVIDENCE OF SUPERVISORY REVIEW. The Sex Crimes Guidelines required that a Sex Crimes supervisor “document supervision on the SVS Investigative Case File Index.”⁴⁰ All 145 case files contained a Case File Index. Each Case File Index was reviewed by a supervisor as evidenced by the supervisor’s initials next to each piece of documentation included in the Case File Index. Refer to Figure 1 below for an example of a Case File Index supervisory review.

Figure 1: Case File Index Supervisory Review.

Item	Name	In File (initial)	Supervisor (initial)
1	MORF	TLB	J
2	Major Crime Scene Form		
3	Incident Report	MS	J
4	Supplemental Report	BA	J
5	CE&P Reports	BA	J
6	911 Audio <i>Requested</i>	BA	J
7	NOPD Incident Recall <i>Requested</i>	BA	J
8	Arrest Warrants	BA	J

Per the Sex Crimes Guidelines and the SVS Signal Guidance, “[a] Sex Crimes Unit supervisor and the Special Victims Section Commander should closely review and approve in writing any decision to classify a report as ‘unfounded’.”^{41,42} All 19 closed case files with a disposition of Unfounded were reviewed and approved by a supervisor and a commander. Refer to Figure 2 below for an example of a Case File Index supervisory review for Unfounded cases.

³⁸ Ibid.

³⁹ New Orleans Police Department. *SVS Signal Guidance*, August 5, 2015.

⁴⁰ New Orleans Police Department. *Sex Crimes Unit Standard Operating Guidelines*, January 3, 2016.

⁴¹ Ibid.

⁴² New Orleans Police Department. *SVS Signal Guidance*, August 5, 2015.

Figure 2: Case File Index Supervisory Review for Unfounded Cases.

Supervisor Approval for Classification (signal)	420
And Clearance Disposition	WF
Platoon Supervisor (Print/Sign)	Date
<i>Clayton N. Kelly</i>	11-2-15
SVS Commander (Print/Sign)	Date
<i>[Signature]</i>	12-29-2015

Of the 145 calls for service, 79 were closed. Supervisors reviewed all 79 case files. NOPD adopted an informal policy that required commanders to randomly select, review, and approve three percent of all closed case files with a disposition of Report-to-Follow.⁴³ Auditors noted that 60 of the 79 closed case files were assigned a disposition of Report-to-Follow. Of the 60 items, three (5.0 percent) contained checklists approved by a commander. NOPD implemented this informal policy as an additional layer of review to ensure each case file contains adequate documentation.

Auditors also noted that 98.1 percent of the incident reports were completed within ten days of the date of occurrence, and 98.7 percent of the case files were reviewed by a supervisor in the EPR System within 30 days of the completion of the incident report.

Documentation and oversight were the first steps to ensure NOPD had the information necessary to report rapes accurately. NOPD resolved the deficiencies noted in the OIG 2014 Investigation.

⁴³ The policy was submitted to the Federal Police Monitor on January 3, 2016 for review.

V. REPORTING OF RAPES

Effective January 1, 2014, law enforcement agencies began using the following rape definition when reporting offenses to the UCR Program:

“Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Attempts or assaults to commit rape are also included; however, statutory rape and incest are excluded.”⁴⁴

NOPD reported its rape data on the Return A. Figure 3 shows the reporting columns included on the Return A.

Figure 3: Return A Reporting Columns.

1	2	3	4	5	6
CLASSIFICATION OF OFFENSES	Data Entry Offenses reported or known to police (Include "unfounded" and attempts)	Unfounded, i.e. false or baseless complaints	Number of actual Offenses (column 2 minus Column 3) (Include attempts)	Total offenses cleared by arrest or exceptional means (Include column 6)	Number of clearances involving only persons under 18 years of age

The UCR Handbook requires participating law enforcement agencies to report:

*“all known offenses, including those subsequently determined to be unfounded [on Column 2]... If the investigation shows that no offense occurred nor was attempted... the reported offense must [also] be [reported as] unfounded on Column 3.”*⁴⁵

⁴⁴ U.S. Department of Justice Federal Bureau of Investigation. *Crime in the United States, 2013*. https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/violent-crime/rape/rapemain_final.pdf.

⁴⁵ U.S. Department of Justice Federal Bureau of Investigation. *Uniform Crime Reporting Handbook, 2004*. https://www.fbi.gov/about-us/cjis/ucr/additional-ucr-publications/ucr_handbook.pdf/view.

FINDING 2. NOPD CLASSIFIED 99.4 PERCENT OF CALLS FOR SERVICE IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN THE UCR HANDBOOK.

Of the 154 calls for service, auditors found that NOPD reported 140 known offenses in Column 2. Twenty-five of those known offenses were deemed Unfounded and were also included in Column 3. The remaining 115 calls for service were reported as actual offenses in Column 4.⁴⁶ All 140 calls for service were reported to the LCLE in accordance with the guidelines established in the UCR Handbook.

Of the 154 calls for service, 13 calls for service were reclassified to a non-reportable offense and were excluded from the Return A in accordance with the guidelines established in the UCR Handbook.⁴⁷ In other words, NOPD should not have included these calls for service on the Return A.

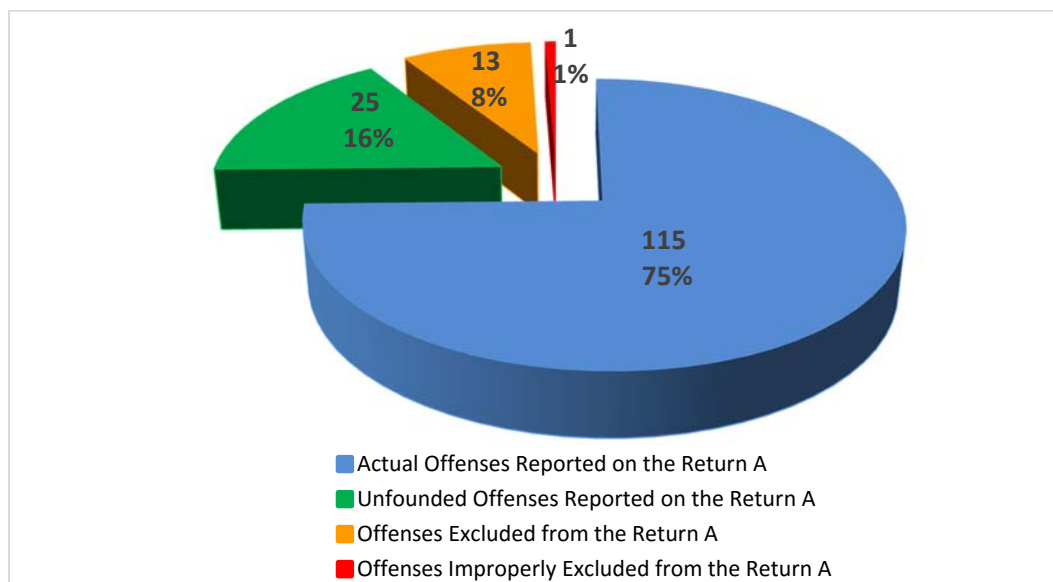
During testing, auditors noted only one exception. The incident pertained to an inmate on inmate rape. The Orleans Parish Sheriff's Office reported the incident to a 911 dispatcher who generated an item number. NOPD should have included the item number on the Return A as a known offense (Column 2) and as an actual offense (Column 4).

Refer to Figure 4 for a depiction of the NOPD UCR reporting results.

⁴⁶ One-hundred and forty calls for service minus 25 Unfounded offenses equals 115 actual offenses.

⁴⁷ Of the 13 calls for service, the 911 dispatcher erroneously classified 10 calls for service as an attempted or actual aggravated rape, simple rape, or oral sexual battery. There was no allegation of rape. Three of the 13 calls for service were multiple calls (duplicates) pertaining to the same incident. The initial call for service was classified and included in the Return A as an actual offense in accordance with the guidelines established in the UCR Program.

Figure 4: NOPD UCR Reporting Results.



The SVS Signal Guidance required investigators to “properly classify the case with the appropriate sexual assault signal to match the alleged complaint....It shall not be classified as a [miscellaneous offense].”⁴⁸ Not only did NOPD classify 99.4 percent of the calls for service in accordance with the guidelines established in the UCR Handbook, but auditors noted that no allegations of rape were reclassified (downgraded) to a miscellaneous offense.

Auditors found that 78 calls for service (50.6 percent) were reclassified (upgraded) to a Part I offense. NOPD initially classified 78 of the 154 calls for service as a Part II offense, which were not reportable to the UCR Program. Upon further investigation, NOPD reclassified (upgraded) these 78 calls for service to a Part I offense and reported these offenses as a known rape on the Return A. Auditors found that of the 78 calls for service, 63 were initially reported as a miscellaneous offense and reclassified (upgraded) to an aggravated rape, simple rape, or oral sexual battery. The 78 calls for service were reported as follows:

- 63 were reported as actual offenses (Column 4) on the Return A.
- 15 were reported as Unfounded offenses (Column 3) on the Return A.

⁴⁸ New Orleans Police Department. *SVS Signal Guidance*, August 5, 2015.

Auditors also reviewed the evidence in each of the 154 case files and noted that NOPD classified all 154 calls for service (100 percent) in accordance with the Louisiana Revised Statutes.

NOPD SIGNIFICANTLY INCREASED THE NUMBER OF REPORTED RAPES SINCE THE OIG NOTIFIED THE NOPD OF ITS INTENTION TO AUDIT THE UCR CRIME DATA. In May 2013, the OIG notified the NOPD of its intent to do a series of audits on NOPD’s crime data. Since that time, NOPD’s reporting of rapes has steadily increased as shown in Table 2.

Table 2: Rape Offenses Reported on the Return A.

Year	Total Rape Count on Return A			Percentage Increase from Prior Year		
	Offenses Reported or Known to Police (Column 2)	Unfounded Complaints (Column 3)	Number of Actual Offenses Reported to FBI (Column 4)	% Increase of Offenses Reported or Known to Police	% Increase of Unfounded Complaints	% Increase of Actual Offenses
2010	153	9	144	n/a	n/a	n/a
2011	185	22	163	21%	144%	13%
2012	153	17	136	-17%	-23%	-17%
OIG Notified NOPD of UCR Audits - May 2013						
2013	212	36	176	39%	112%	29%
2014	288	44	244	36%	22%	39%
OIG Released Reports - May 2014 and November 2014						
2015	490	81	409	70%	84%	68%

Since the OIG notified the NOPD of the OIG’s UCR audits, NOPD reported a 29 percent and 39 percent prior year increase of known rape offenses in 2013 and 2014, respectively.

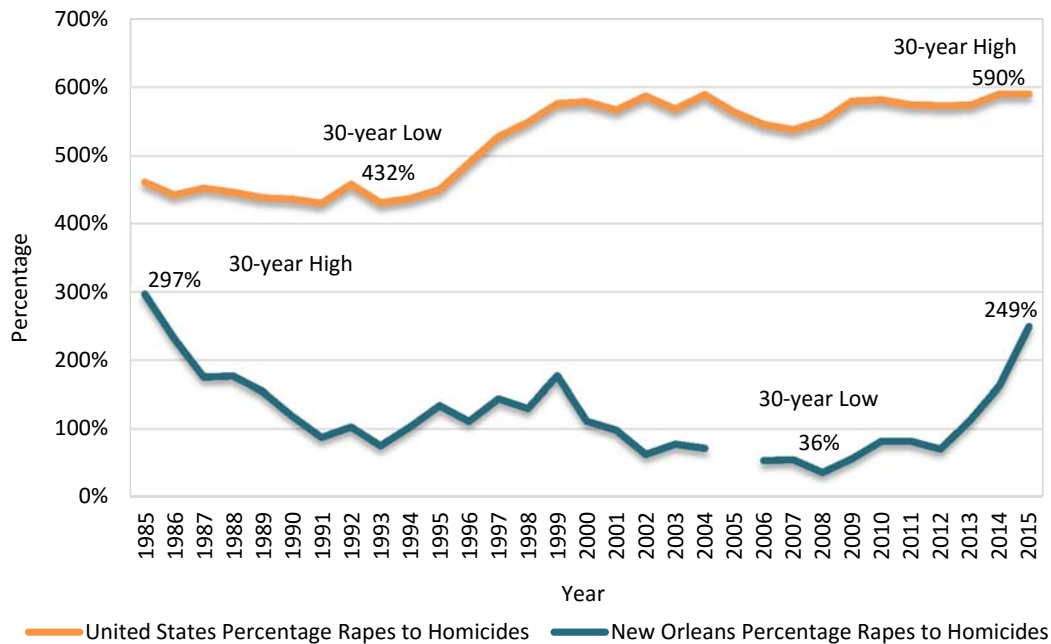
In 2015, after the OIG released its audit and investigation, NOPD reported a 70 percent prior year increase in known rape offenses (Column 2) and a 68 percent prior year increase in actual rape offenses (Column 4). NOPD reported 490 known offenses and 409 actual offenses in 2015, an overall increase of 220 percent and 200 percent, respectively, since 2012.

Historically, New Orleans percentage of reported rapes to homicides has been significantly lower than the national average, as shown in Figure 5. Since 1985, an average of 5.2 rapes were reported in the United States for

every one homicide (522 percent) compared to New Orleans which reported 1.2 rapes for every one homicide (120 percent).

In 2015, NOPD reported 2.5 rapes for every one homicide, more than double its 30-year average and its highest level since 1985.

Figure 5:⁴⁹ United States Percentage of Reported Rapes to Homicides versus New Orleans Percentage of Reported Rapes to Homicides.⁵⁰



Although there is still a large disparity between the percentage of reported rapes to homicides in New Orleans with those of the national average, NOPD implemented policies and procedures to ensure that all rapes were reported to the FBI in accordance with the guidelines established in the UCR Handbook.

NOPD resolved the findings noted in the 2014 OIG audit. Complete and accurate reporting holds NOPD accountable for its policing efforts and allows both the NOPD and the public to be aware of the magnitude of rapes.

⁴⁹ "State-by-state and National Crime Estimates by Year(s)." Uniform Crime Reporting Statistics. Accessed May 23, 2016.

<http://www.ucrdatatool.gov/Search/Crime/State/RunCrimeStatebyState.cfm>.

⁵⁰ At the time of issue, the FBI had not released the 2015 UCR. The OIG used the 2014 percentage to estimate the 2015 percentage. New Orleans 2005 data was not available due to Hurricane Katrina.

VI. CONCLUSION

The OIG's 2014 Audit and Investigation of NOPD's reporting of rapes found little accountability within NOPD due to a lack of adequate documentation and effective supervision. The misclassification of UCR data was a result of NOPD's lack of policies and procedures and its non-compliance with the guidelines established in the UCR Handbook. NOPD did not accurately report crime data, and as a result, the public was not aware of the magnitude of rape crimes that occurred.

In 2014, the OIG identified widespread failure by NOPD to submit supplemental reports, as well as multiple discrepancies between NOPD's reports and other factual documentation. The investigation also found a lack of oversight and accountability for NOPD supervisors and officers.

After the 2014 Audit and Investigation, NOPD implemented and enforced sexual assault policies and other guidance which significantly improved documentation, oversight, and accountability within the NOPD.

Auditors found that NOPD included documentation in 100 percent of the case files in accordance with its policies and procedures, and 100 percent of the case files contained evidence of supervisory review.

NOPD classified 99.4 percent of the calls for service in accordance with the guidelines established in the UCR Handbook. No allegations of rape were reclassified (downgraded) to a miscellaneous offense. NOPD reclassified (upgraded) 78 calls for service from a non-reportable offense and reported the offenses on the Return A.

NOPD acknowledged the OIG's previous findings and developed and implemented corrective policies. NOPD's willingness to implement change and the results of those changes were evident during the course of this audit. These positive changes were apparent by NOPD's increased accuracy of reporting rapes, increased documentation in the case files, and evidence of supervisory reviews.

APPENDIX A. LOUISIANA REVISED STATUTE DEFINITIONS

La. R.S. 14:42 defines aggravated rape as “...a rape committed upon a person sixty-five years of age or older or where the anal, oral, or vaginal sexual intercourse is deemed to be without the lawful consent of the victim because it is committed under any one or more of the following circumstances:

- (1) When the victim resists...but...is overcome by force.
- (2) When the victim is prevented from resisting the act by threats of great and immediate bodily harm....
- (3) When the victim is prevented from resisting because the offender is armed with a dangerous weapon.
- (4) When the victim is under the age of thirteen....
- (5) When two or more offenders participated in the act.
- (6) When the victim is prevented from resisting the act because the victim suffers from a physical or mental infirmity preventing such resistance.”

La. R.S. 14:43 defines simple rape as “...a rape committed when the anal, oral, or vaginal sexual intercourse is deemed to be without the lawful consent of a victim because it is committed under any one or more of the following circumstances:

- (1) When the victim is incapable of resisting or of understanding the nature of the act by reason of a stupor or abnormal condition of mind produced by an intoxicating agent or any cause and the offender knew or should have known the victim’s incapacity.
- (2) When the victim through unsoundness of mind, is temporarily or permanently incapable of understanding the nature of the act and the offender knew or should have known of the victim’s incapacity.
- (3) When the victim submits under the belief that the person committing the act is someone known to the victim, other than the offender, and such belief is intentionally induced by any artifice, pretense, or concealment practiced by the offender.
- (4) When the offender acts without the consent of the victim.”

La. R.S. 14:43.3 defines oral sexual battery as “...the intentional touching of the anus or genitals of the victim by the offender using the mouth or tongue of the offender, or the touching of the anus or genitals of the offender by the victim using the mouth or tongue of the victim, when any of the following occur:

- (1) The victim, who is not the spouse of the offender, is under the age of fifteen years and is at least three years younger than the offender.
- (2) The offender is seventeen years of age or older and any of the following exist:
 - a. The act is without consent of the victim, and the victim is prevented from resisting the act because either of the following conditions exist:
 - i. The victim has paraplegia, quadriplegia, or is otherwise physically incapable of preventing the act due to a disability.
 - ii. The victim is incapable, through unsoundness of mind, of understanding the nature of the act, and the offender knew or should have known of the victim’s incapacity.
 - b. The act is without the consent of the victim, and the victim is sixty-five years of age or older.”

APPENDIX B. NOPD SPECIAL VICTIMS SECTION INVESTIGATIVE CASE FILE INDEX

NOPD ISB/SVS Investigative Case File Index

Item Number:	
Detective:	

Item	Name	In File (initial)	Supervisor (initial)
1	MORF		
2	Major Crime Scene Sign In Form		
3	Incident Report		
4	Supplemental Report		
5	CE&P Reports		
6	911 Audio		
7	NO PO Incident Recall		
8	Arrest Warrants		
9	Search Warrants		
10	Return of Search		
11	(CD) Victim Statement(s)		
12	(CD) Witness Statement(s)		
13	(CD) Suspect(s) Statement(s)		
14	(CD) Crime Scene Photos		
15	Crime Bulletins		
16	Crime Scene Tech Report		
17	Crime Lab Submittal Forms		
18	Rights of an Arrestee Form		
19	Composite Sketch		
20	MOTION I COPUNK Printout (S,W,V)		
21	Hospital/Medical Records		
22	Sexual Assault Kit (SAK) collected & at CE&P		
23	SANE Report		
24	DNA Request		
25	CODIS Hit Letter		
26	Louisiana State Police DNA Letter		
27	EMS Run Sheets		
28	Body Worn Camera		
29	Screen Action Form (SAF) Receipt		
30	DA Consult		
31	Detective Notes		
32	Crimestoppers		
33	Media File		

Note: the detectives shall initial each category which applies to their case, and/or place "N/A" into the categories which do not apply. This sheet shall be included as the first document in the detective's case file.

Supervisor Approval for Classification (signal) And Clearance Disposition

Platoon Supervisor (Print/Sign) and Date	
SVS Commander (Print/Sign) and Date	
CID Commander (Print/Sign) and Date	

OFFICIAL COMMENTS FROM NOPD

City Code section 2-1120(8)(b) provides that a person or entity who is the subject of a report shall have 30 days to submit a written explanation or rebuttal of the findings before the report is finalized, and that such timely submitted written explanation or rebuttal shall be attached to the finalized report.

An Internal Review Copy of this report was distributed on May 31, 2016, to the entities who were the subject of the audit in order that they would have an opportunity to comment on the report prior to the public release of this Final Report. Comments were received from the NOPD on June 8, 2016; those comments are attached.



CITY OF NEW ORLEANS

DEPARTMENT OF POLICE

*715 S. Broad Street
New Orleans, Louisiana 70151*



MITCHELL J. LANDRIEU
MAYOR

"to protect and to serve"

MICHAEL S. HARRISON
SUPERINTENDENT

June 8, 2016

Mr. Edouard Quatrevaux
Inspector General, City of New Orleans
525 St. Charles Avenue
New Orleans, LA 70130

Mr. Quatrevaux:

Thank you for the opportunity to review and comment on your recent report, Documenting and Reporting of Rapes. I believe that this report accurately details the new policies and standards in place within our Sex Crimes Unit, which have helped to increase the thoroughness and accountability of our rape investigations.

In November 2014, you released your initial report detailing inadequate documentation in a number of rape and child abuse cases investigated by NOPD's Special Victims Section. Standing with you before national media, I made it clear that the deficiencies identified in your report were unacceptable and that I would immediately implement new systems of accountability to ensure that we properly investigated and documented all sex crime investigations.

Over the following months:

- We instituted new policies and guidance to change how sex crime detectives document and investigate crimes;
- We replaced the leadership of the unit from the top down, putting Deputy Chief Rannie Mushatt in charge of the Investigation and Support Bureau and Commander Doug Eckert in charge of the Criminal Investigations Section;
- We assembled a task force to review and investigate each case that was identified in the report as deficient;
- We created a new system of coding sex offender checks separately from incidents of sex crimes to ensure clarity in documentation;
- We moved the Sex Crimes Unit to the New Orleans Family Justice Center and increased staffing in the unit, providing detectives with additional resources to connect to victims; and
- We asked the Civil Service Commission to approve a 5% special rate of pay for Special Victims Section detectives, to enhance retention within the unit.

Our goal was not only to rectify the immediate issues identified by your report, but to create sustainable systems to ensure that all victims of sex crimes receive the justice they deserve. I believe that we were able to accomplish this goal, in part because of the strong partnerships that we've forged with your office, the Monitoring team overseeing our Consent Decree, and the victim advocate community. Your office provided important guidance on proper documentation, former Police Chief Mary Ann Viverette from the Monitoring team worked closely with our detectives to implement new investigative practices, and the advocate community helped us rebuild trust with victims.

"an equal opportunity employer"


*Page 2 – NOPD Response to OIG
Documenting and Reporting Rapes
June 8, 2016*

The impact of these collaborative reforms has been evident to us for some time and has been clearly documented in the results of your most recent report. We've started to rebuild trust with victims, and more than ever are coming forward to report crimes committed against them. As your report notes, not only is there no evidence that a single case has been downgraded, but NOPD has actually upgraded the classification of more than half of the sex crimes calls we receive. This is a clear demonstration of our commitment to actively and aggressively investigate all rapes reported to us.

Your report further finds that all of the investigative files reviewed contain complete and appropriate documentation. This is an important accountability tool that ensures that no case will receive anything less than a complete investigation.

Thank you again for the opportunity to comment on this report, as well as for the technical assistance that your office has provided to us as we worked to reform our sex crime investigations. I sincerely appreciate our continued partnership.

Sincerely,



Michael S. Harrison
Superintendent of Police