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AN ASSESSMENT OF THE NEW ORLEANS POLICE DEPARTMENT HOMICIDE SECTION:

Recommendations for Best Practices

BJA
Bureau of Justice Assistance
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Abstract

Under the oversight and direction of the Bureau of Justice Assistance (BJA), a comprehensive assessment of the New Orleans Police Department (NOPD) Homicide Section was performed at the request of Mayor Mitch Landrieu and Superintendent Ronal Serpas. The assessment was performed by a team of subject-matter experts (SMEs) selected by BJA based on the team members' demonstrated expertise. The purpose of the assessment was to review policies and practices of the Homicide Section and make recommendations to aid the Section in increasing clearances and preventing future homicides from occurring. The Homicide Section, while the focal point of homicide investigations, cannot be viewed in a vacuum. Investigators must exchange information with a wide range of other New Orleans Police Department (NOPD) entities, the District Attorney's Office, law enforcement organizations outside of NOPD, and the community. When an external assessment of any organization is performed, it necessarily focuses on identifying organizational and operational anomalies and offering recommendations to remedy those problems. This approach, while effective for organizational development, can also be misleading by not emphasizing the organization's positive attributes and the productive work of its personnel. In many reports such as this, an Executive Summary is provided listing the recommendations from the project. The Assessment Team decided not to include such a list because, without the narrative, the reader will not understand the rationale and context for the recommendations. The assessment includes many recommendations, the rationale for the recommendations, and resources to assist the implementation of changes. It should be noted that the information used for this assessment reflects the "slices in time" wherein the Assessment Team was in New Orleans interviewing people, as well as the review of documents provided throughout the assessment period. Some changes have been instituted during this process that may not be reflected in this report.

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AN ASSESSMENT OF THE NEW ORLEANS POLICE DEPARTMENT HOMICIDE SECTION: RECOMMENDATIONS FOR BEST PRACTICE

INTRODUCTION

This report is the product of a comprehensive assessment of the structure, management, and operating practices of the New Orleans Police Department (NOPD) Homicide Section. With oversight and resources from the Bureau of Justice Assistance (BJA), the report is based on a comprehensive assessment of data, policies, and interviews of NOPD personnel by a panel of recognized homicide investigation subject-matter experts (SMEs) (See Appendix A). The purpose of this project is to assist the NOPD in reducing the commission of criminal homicides in New Orleans and increasing both the clearances of homicides and convictions of violent offenders.

Throughout the United States, there are jurisdictions where the homicide rate has increased as a result of more prevalent gang activity; conflict derived from drug trafficking; the deterioration of order within a community; and a variety of social, environmental, economic, and psychological factors that collectively contribute to the increase. As a result, law enforcement agencies seek to develop strategies and practices to reverse those trends. In many cases, lessons learned from a law enforcement agency's counterviolence initiatives can be successfully replicated, with some modification, in other communities because they share common causal variables. Many of the recommendations in this report reflect these "lessons learned."

While these new initiatives can provide important direction for NOPD, New Orleans has faced an unusually aggravating challenge from Hurricane Katrina—an unprecedented catastrophic event that tore the collective economic, social, and political fabric of the community and whose impact from 2005 still has reverberations in New Orleans and the Gulf Coast.

Project Background and Process

Research has well established that there is a wide range of structural components that influence the commission of homicides in a community.[1] Unraveling those components is at the heart of a successful homicide investigation. An effective investigation requires *techniques* (such as interviewing, interrogating, and the recognition of evidence), *technology* (e.g., the forensic sciences, digital video and audio, and networked information systems), *processes* (e.g., crime scene searches, neighborhood canvasses, and case review meetings), and *partnerships* (e.g., the community, prosecuting attorney,

[1]Keel, Timothy G., John P. Jarvis, and Yvonne E. Muirhead. (2009). "An Exploratory Analysis of Factors Affecting Homicide Investigations: Examining the Dynamics of Murder Clearance Rates." *Homicide Studies*. Vol. 13, No. 1, pp. 50–68.

and other law enforcement agencies). A final—yet essential—ingredient is the expertise of the Homicide Investigator, who knows how to employ all of these tools to effect a successful outcome of identifying, apprehending, and supporting the successful prosecution of the offender.

Many of these elements have dissipated in the NOPD because of a variety of factors, the most dramatic of which were the effects from Hurricane Katrina. While an array of economic, social, and political variables have aggravated both the commission of homicides and the reduced capability to clear those crimes, the inescapable glue that binds these aggravating factors together in recent years is "the storm."

Based on the community trauma being experienced with high homicide rates, aggravated by the stressing economic conditions in the city, New Orleans Mayor Mitch Landrieu and New Orleans Police Superintendent Ronal Serpas sought training and technical assistance support from the Bureau of Justice Assistance (BJA) to develop a strategy for reducing criminal homicides.

One of BJA's missions[2] is to provide training and technical assistance (TTA) to America's criminal justice agencies. BJA had already been engaged in a violence reduction program called the Targeting Violent Crime Initiative (TVCI), in which a number of state, local, and tribal law enforcement agencies had, under BJA funding, experimented with new practices and techniques to reduce violence—particularly homicides. As a result, the NOPD request was timely, in that BJA had been documenting cutting-edge homicide reduction and control practices based on the TVCI.

Responding to the New Orleans request, BJA offered to provide a two-pronged technical assistance (TA) approach to NOPD. One prong is providing a robust, thorough, academic analysis of victimology, offender patterns, environmental variables, and geographic patterns of New Orleans homicides to better understand the climate of violence. That report will be submitted separately. The other prong of the assessment—this report—examined policy, practice, and protocols used by NOPD generally and the Homicide Section in particular. The intent is to determine policy mechanisms, investigative techniques, applications of good practice, and technology to assist NOPD in maximizing the number of homicide clearances.

Toward this end, BJA assigned a senior policy advisor with over 21 years of law enforcement experience to manage an Assessment Team of subject-matter experts (SMEs) composed of five recognized and experienced Homicide Investigators, two forensic experts, and an academic researcher with law enforcement expertise. The team reviewed crime data, policies, procedures, homicide case files, and other documents related to the management and operations of the NOPD Homicide Section. In addition, the team conducted

[2]See http://www.ojp.usdoj.gov/BJA/about/index.html.

extensive interviews with NOPD Homicide Investigators, Sergeants, command and management personnel, and nonsworn support personnel. Team members also observed the Investigators in court, interviewed Assistant District Attorneys, observed investigative case reviews of active investigations, and interviewed NOPD personnel in other units whose responsibilities intersected homicide investigations.

BJA Senior Policy Advisor Michael Medaris, assisted by BJA Policy Advisor Cornelia Sorensen Sigworth, provided direction for the project's goals and methods and monitored all stages of the project to ensure that it was consistent with the intended mission. The Assessment Team developed the specific questions and information needs, including documents and interviews, to fulfill the BJA mission for the project.

FINDINGS AND RECOMMENDATIONS

With more than 120 contact hours of interviews at NOPD, the Assessment Team found many members of the Homicide Section to be professionally oriented, dedicated to their mission, and hard-working. They understand the diverse strife that both the city and police department have experienced and are attempting to overcome those challenges in order to serve the city in the most effective way possible to make New Orleans a safe and just community.

While the Assessment Team identified a number of problems and issues that should be addressed to comprehensively reengineer the homicide investigation function, the positive point is that most problems do not appear to be endemic—rather, they are resolvable, albeit some are easier than others. Important components are in place to resolve the problems: there is support by both Mayor Landrieu and Superintendent Serpas; there is commitment and openness to change by the NOPD Homicide Section personnel and management; and there is external SME support, funded by BJA, to objectively assess the section and make recommendations for change.

One of the overarching challenges that must be addressed is, in the judgment of the Assessment Team, that the NOPD Homicide Section culture is dated—it reflects past practice rather than current models, methods, and technologies. Much of this can be explained by the dormancy of organizational development and socioeconomic strife experienced in the post-Katrina years. These are addressed throughout this report.

While the recommendations in this report reflect on an array of issues, the consistent thread is the need to change organizational culture for reengineered policies and practices to be functionally sustained.

Based on the results of the assessment, 14 key areas have been identified in which change can be implemented to aid in accomplishing this project's goals:

I. Management and Human Resources
II. Training
III. Overtime
IV. Scheduling
V. Equipment, Facilities, and Supplies
VI. Policies and Procedures
VII. Case Management
VIII. Cold Case Squad
IX. Divesting and Restructuring Selected Homicide Section Responsibilities
X. Intra- and Extra-Departmental Partnerships and Relationships
XI. Criminal Intelligence Section and Homicide Investigations
XII. Relationship with the District Attorney
XIII. Community and Victim Relationships and Outreach
XIV. Forensics Issues for Investigators

Recognizing that there are significant economic constraints, the Assessment Team endeavored to be realistic in its recommendations. There are no exotic recommendations, but practical ones, many of which can be implemented with changes in policy and minimal expense. Despite this, there are recommendations that have notable costs associated with them—in particular, human resources and the forensic science capability (including equipment, personnel, training, and supplies). An important challenge will be for NOPD to reconcile these recommendations with the balance sheet.

I. MANAGEMENT AND HUMAN RESOURCES

For any organization to maximize its effectiveness, there must be a focused and accountable management system in place that permeates the chain of command. Similarly, human resources—the greatest expense of any organization—must be motivated; have clear direction; and possess the knowledge, skills, and abilities to perform their assigned tasks with efficacy. One challenge in law enforcement is to determine what tasks take precedence.

The work of any organization can be more clearly focused if there are crime priorities, a clear direction, and articulated accomplishments that the organization seeks to attain. When a police organization develops a *strategic priority*, this does not mean that any crimes will be ignored but that a particular condition is contributing to disproportionate crimes; therefore, special initiatives are put into place in an effort to eliminate—or at least reduce—the critical causal factors in the crime environment. These efforts are not the responsibility of any

one unit within an agency but incorporate the resources of the department collectively to address the priority crime problems.

RECOMMENDATION I-1
The NOPD should define strategic priorities related to criminal homicides and measurable goals of clearances and crime rates for the Homicide Section.[3] Where feasible, performance measures should be established by NOPD that relate to the recommended policies and practices for the homicide unit. These performance measures will assist NOPD management and staff in establishing baseline performance expectations and monitoring progress.

For example, information collected in this assessment reports that about 26 percent of criminal homicides in New Orleans are related to unlawful drug trafficking.[4] In light of this condition, a strategic priority may state, "The NOPD will focus resources and initiatives to reduce unlawful drug trafficking, including the illicit street trade of drugs, in order to reduce homicides, assaults, and collateral drug-associated crime."

As a strategic priority of NOPD, different organizational units collectively may focus special initiatives toward this priority. For example, the Criminal Intelligence Section may focus on identifying drug trafficking networks and, in conjunction with Major Case Narcotics, develop a strategy to prosecute drug traffickers under Racketeer Influenced and Corrupt Organizations (RICO) Act statutes. The Criminal Intelligence Section may also "push" intelligence products with information on known drug offenders, their vehicles, and indicators of drug trafficking to all operational personnel. The districts may direct uniformed officers to focus efforts on saturating patrol in known drug trafficking areas of the city and establish new community relationships with citizens to report suspicious activities that are drug-related to a special hotline. Renewed alliances with the U.S. Drug Enforcement Administration (DEA), the Gulf Coast High Intensity Drug Trafficking Area (HIDTA), and the Louisiana State Analytical and Fusion Exchange may be established with the expressed purpose of assisting NOPD in reducing drug trafficking in New Orleans. A Drug Priority Team may be created within NOPD with representatives from all units within the department to meet on a regular basis to coordinate activities and share information on drug enforcement initiatives. Collectively, since drug trafficking is a causal factor in a significant number of homicides in the city, the successes of these collective efforts would

[3]The focus of this recommendation is explicitly to support the Homicide Section. Many parallel initiatives are taking place department-wide at NOPD as a product of the document prepared by Superintendent Serpas entitled *Rebuilding the New Orleans Police Department—First Steps* (August 23, 2010). In addition, the U.S. Department of Justice will be issuing other reports and findings regarding various policies, resources, and practices of the New Orleans Police Department.

[4]These data were provided by NOPD at the request of the Assessment Team.

reduce drug trafficking and therefore reduce homicides that are directly or collaterally related to the illicit drug trade. Systemic problems require systemic solutions.

Defining strategic priorities also provides guidance to the organization on the allocation of personnel and resources. Necessarily, some enforcement activities may be reduced in order to provide more personnel and resources to the priorities. For example, enforcement of prostitution, traffic, illicit gambling, and pawn shop details may be reduced in order to have personnel and resources focus on drug enforcement. As another example, a number of police departments no longer send officers to take auto theft reports but take the reports on the phone or even online.[5] This allows uniformed officers more time to direct their activities toward priority crimes. Articulating the strategic priority and defining goals not only provide direction for resource allocation, they also give the rank and file a vision of what the department is seeking to accomplish.

The most important—and most expensive—resource for any organization is its people. As a result, it is imperative to have the people best-suited for a task to work in that assignment; make certain the staffing level equates to the workload; ensure that personnel have the training and expertise to perform their required duties in the most efficient and effective manner possible; and have the structure and processes in place to effectively manage all personnel.

Based on the information collected by the Assessment Team, Investigators appeared to be assigned to the Homicide Section based on an informal process rather than a formal competency-based competitive process. While it appears that efforts were made to select Homicide Investigators based on a review of their expertise and ability to conduct homicide investigations, the processes for selection were inconsistent, informal, and lacking in competency-based objectivity.

RECOMMENDATION I-2
It is recommended that a defined objective selection process be developed and applied to all Investigators assigned to the Homicide Section. The process should be anchored to defined Knowledge, Skills, and Abilities (KSAs) needed to be an effective Investigator. (Appendix B has a sample selection process.)

The experience of the Assessment Team, with reliance on accepted practice, concludes that Homicide Investigators should not be the primary Investigator on more than six cases per year,[6] taking into account all the other duties they perform. Being the lead Investigator is a labor-intensive process

[5]For example, see http://www.ci.minneapolis.mn.us/police/e-report.

[6]This is a targeted average that will be influenced by a number of factors, particularly the complexity of the case. Effective supervisors will monitor cases and make assignments to lead investigators after weighing these factors.

requiring all aspects of case management, monitoring and managing evidence, and meeting with the District Attorney's Office, among other duties. In addition, current best practice for Homicide Investigators includes more closely meeting and communicating with the victim's family (as will be described later), which is also a labor-intensive process. As the lead caseload increases, there is less time for the lead Investigator to devote to these various responsibilities. Since the number of homicides cannot be managerially controlled, the only option to reduce lead caseloads is to increase the number of Investigators assigned to the Homicide Section.

RECOMMENDATION I-3
It is recommended that, based on the historical number of homicides experienced by the city of New Orleans, the Homicide Section be organized into 8 squads to be staffed with a total of 32 Investigators who are able to respond to and handle new homicide cases.

The current number of 22 Homicide Investigators is inadequate to effectively handle the volume of homicides and other death-related cases that the section currently is responsible for investigating. The recommendation of 32 Investigators is based on the collective judgment of the SMEs who have staffed and supervised major city Homicide Units. Included in this recommendation was consideration of factors such as the number of homicides that must be investigated, the character of those homicides (drug-related, domestic violence, robbery, rage, etc.), typical time requirements for the investigation (conducting interviews, following leads, obtaining and reviewing cell tower downloads, etc.), and investigation-related processes (meetings with the District Attorney's Office and Medical Examiner or coordination/communications with other law enforcement agencies, etc.). It should be noted that this staffing recommendation is for active investigations and is in addition to the four Investigators and one Investigative Sergeant recommended for the Cold Case Squad (described in detail in Section VIII).

One general observation made by the Assessment Team was that a Sergeant would assist in the investigations on a routine basis and would sometimes be used to supplement staffing in the section. A Sergeant cannot consistently be an Investigator and a supervisor—both of these functions will suffer from this practice. The accepted role of the Sergeant should be that of a supervisor, not an Investigator.

The management principle of "unity of command" states that for every objective, there must be unity of effort under one responsible commander and each employee should consistently have only one supervisor to whom he/she reports. In the current Homicide Section structure, largely because of staffing and scheduling deficiencies, this basic organizational principle has been largely nullified. Consistency of supervision and squad integrity should be a priority.

Therefore, the section should be staffed and structured so that the same Investigators are working under the leadership and direction of only one supervisor. The Assessment Team found that Investigators were actually working on cases with different squads because of the lack of personnel. This decreases effective investigations, wastes time, and reduces both accountability and organizational control. In the NOPD Homicide Section, this is neither the "fault" of the Sergeants nor the Investigators—they have simply been attempting to effectively staff an investigation. The problem is essentially an insufficient number of Investigators for the workload.

RECOMMENDATION I-4
A more administratively sound structure should be implemented, with the Homicide Section Commander holding the rank of Captain. There should be 2 shifts, each managed by a Lieutenant, and 8 squads, each consisting of 1 Sergeant and 4 Investigators. (Two shifts and 8 squads in the Homicide Section would mean a total of 1 Captain, 2 Lieutenants, 8 Sergeants, and 32 Investigators). This recommendation supports the principle of "unity of command" and is consistent with the principle of "span of control."

This structural and staffing model was considered carefully by the Assessment Team and mirrors a number of agencies that have fewer homicides than New Orleans. This model considers the number of homicides being committed in New Orleans, the contemporary role of the Investigator, issues of effective case management, and the need to increase organizational accountability.

It is the Assessment Team's judgment that in addition to Investigators, the Administrative Sergeant, and the currently assigned nonsworn personnel, the productivity and success of the Homicide Section would be increased with the addition of professional staff members who possess specialized expertise that would provide critical support to homicide investigations.

The NOPD currently has Computerized Voice Stress Analysis (CVSA) equipment and CVSA examiners. However, the certifications of both the examiners and equipment have expired. This is a resource that could be very useful in homicide investigations. The investment for recertifications is quite small when compared to the benefits that could be derived from their availability. Since homicide investigations are a priority, the Homicide Section is the most logical place to assign an examiner. Despite this assignment, the examiner(s) should be available to assist Investigators working other violent crimes also, such as sexual assaults and aggravated assaults.

While there is sometimes a tendency to view a CVSA examiner as the part-time duty of an Investigator, there are distinct benefits to having a full-time

examiner. Not only would the full-time examiner be available to assist in more cases, but also the more examinations that are conducted, the greater the expertise of the examiner.

Another position that can provide significant assistance to Homicide Investigators is a trained Investigative Support Analyst. Analysts make Investigators work smarter, not harder. Indeed, this is consistent with the concept of Smart Policing.[7] Analysts are able to access and use a wide array of resources with great expertise to help see patterns and relationships between people, places, and events. They are more readily able to see a broad picture of conditions that contribute to crime, thereby aiding in prevention. Moreover, their work frees the Investigator to more proactively exercise his/her skills. The proof of the value of an Investigative Support Analyst is found in the increasing number of law enforcement agencies across the country that have added analysts to their ranks.

RECOMMENDATION I-5
The Homicide Section (and remainder of the police department) should have the current certified Computerized Voice Stress Analysis (CVSA) examiners recertified and have the current CVSA equipment recertified and placed into service. An effective examiner can both provide important direction in investigations as well as increase the efficiency of Investigators' time. The result is likely to lead to increased clearances, increased convictions, and cost savings.

RECOMMENDATION I-6
The Homicide Section should have a trained Investigative Support Analyst assigned directly to the section. The analyst should have the expertise to perform pattern analysis and geographic information systems mapping as well as have desk access to include, but not be limited to, the NOPD Case Management System, the NOPD Records Management System, the National Crime Information Center (NCIC), RISSNET™, SLATT.org, the Open Source Center, and other relevant criminal investigative and intelligence information systems. The analyst must also be provided with a dedicated computer and all appropriate software.[8]

The final management and human resources issue will be discussed in detail later in Section XII; however, it is of value to note here because of the potential implications on investigative staffing. Interviews with the District Attorney's staff indicated that the District Attorney is reexamining a significant

[7]See http://www.smartpolicinginitiative.com.

[8]A comprehensive list and descriptions of suggested software for analysts is provided in the U.S. Department of Justice publication *Analyst Toolbox*, available for free downloading at http://www.it.ojp.gov/documents/analyst_toolbox.pdf.

number of homicide cases that the preceding District Attorney declined to prosecute. This initiative could involve as many as 400 cases and would obviously place a significant strain on the resources of the Homicide Section. Many of these cases are not "cold" in the traditional sense;[9] rather, they simply were not pursued for prosecution for a variety of reasons. Many of these cases, it was reported, have probative investigative leads that, in turn, will require investigative work by NOPD Investigators. The impact of these reopened cases on NOPD Investigators is simply not known at this point. While the Assessment Team recommends later in the report the creation of a temporary squad to handle these cases, if this squad is not created, the reopened cases will likely have an impact on the Homicide Section workload that needs to be monitored.

RECOMMENDATION I-7
The investigative workload produced as a result of the District Attorney's reopened cases must be monitored. If the workload becomes sufficiently burdensome to undermine the quality of new homicide investigations, NOPD must either assign additional Investigators to the Homicide Section or assign an appropriate number of District Investigators to work the reopened cases. (See specific recommendations on the preferred alternative in Section XII, Relationship With the District Attorney's Office.)

II. TRAINING

There appears to be a wide discrepancy among Homicide Section personnel on the types of training they received upon becoming appointed as an Investigator. Similarly, the specific "skills training" necessary for homicide investigations is also significantly disparate among Homicide Investigators. The Assessment Team's findings show that while training was provided by NOPD, it was inconsistent, varying widely in substance, quality, and length. The Assessment Team did not "look back" to determine why this situation existed but looked forward to determine what training was needed to bring Homicide Section Investigators to a level of expertise expected at a major city police department.

Due to the limited training, homicide investigative skills were not fully developed and, just as important, new technologies, philosophies, and methodologies were not being developed in Investigators' skill sets. Cell tower data downloads, community integration for homicide investigations, the use of social media as an investigative aid, the use of open source information, information sharing integration with the Louisiana fusion center, and dimensions of data analysis to support a homicide investigation are all illustrations of investigative resources that have not been developed in the Investigators.

[9]The National Institute of Justice currently defines a cold case as any case whose probative investigative leads have been exhausted. http://www.ojp.usdoj.gov/nij/journals/260/what-is-cold-case.htm.

Aggravating these factors was that, when opportunities arose for in-service training, the stressed staff schedule of the Homicide Section, complicated by the unavailability of overtime funds, made it difficult to schedule Investigators into a training program, particularly if a homicide case happened to occur at the same time as the training.

Most of the Homicide Investigators, upon assignment to the section, appeared to receive "on-the-job" training (OJT) as their orientation to this new assignment since all of the personnel had experience as District Investigators. OJT is essential and is particularly effective when the new Investigator is assigned to work with a seasoned Investigator during an orientation period. However, in the current social and technological environment, OJT alone is insufficient without being integrated with a structured training program. Research has demonstrated that formal task-specific training makes a person in any skilled position perform significantly more effectively.

Beyond training for newly assigned Investigators, in-service training for all Investigators is essential. Changes in law, technology, best practice, and organizational procedures are constantly occurring, hence the need to provide training on these changes. Indeed, it can be effectively argued that a law enforcement agency is negligent if it fails to consistently train its personnel on current and accepted law and practice. It should be noted that the need for in-service training is not limited to line-level investigators but should extend throughout the chain of command.

Training is the most important ingredient to ensure that personnel perform their tasks in the prescribed manner, that legal and ethical standards are understood and practiced, that technical and procedural skills meet required capabilities, and that all tasks are performed in the most contemporary and technically proficient manner possible.

During the course of this assessment, the subject-matter experts (SMEs) were asked to identify topics in which they felt NOPD personnel needed training in order to maximize clearances and prosecutions. During the assessment, it was clear that there is a wide range of expertise among Homicide Section personnel. It was also clear that most Investigators had limited current training on important techniques needed for homicide investigations. It was further learned that most Investigators had little in-service training in recent years to ensure that their Knowledge, Skills, and Abilities (KSAs) were based on current standards and practices. Based on these factors, the Assessment Team recommends training in specific areas where voids appear to exist or on issues where skills need to be sharpened.

RECOMMENDATION II-1
Based on the assessment of the NOPD Investigators' KSAs as related to the current state of the art for homicide investigations, training topics recommended for NOPD Homicide Investigators include: • Interviewing and Interrogation • Criminal Evidence and Procedure • Crime Scene Management • Case Management, including Investigative Report Writing • Victim/Witness Management • Community Engagement • Information Sharing and Intelligence • Use of the State Fusion Center as a Resource • Use of Social Media in Investigations • Mobile Telecommunications Tools and Techniques (including cellular telephone analysis; tower pinpoint analysis, and cellular tower dumps) • Video Recovery Training • Medico-Legal Training • Cold Case Protocols • Creation of a Homicide Investigation Checklist and training on the checklist • Use of the NOPD Case Management System • Deconfliction training with state and federal agencies • Forensic sciences training • Recent rulings pertaining to Miranda warnings • When the Homicide Section Operations Manual is updated, all personnel should receive training on the manual.

The lack of investigations-related training, particularly in-service training, is not limited to the Homicide Section but appears to also be the experience of District Investigators. Since Homicide Investigators are drawn from the District Investigation Units (DIU) and District Investigators also have the responsibility of investigating serious crimes, such as aggravated assaults, the same types of training should be provided to DIU personnel.

RECOMMENDATION II-2
District Investigators, in particular those who have aspirations for an assignment in the Homicide Section and those Investigators who most routinely investigate serious assaults, should attend the training sessions offered for Homicide Investigators.

RECOMMENDATION II-3
All NOPD Investigators should receive 40 hours of in-service training per year on topics related to new law, technology, best practices, new/updated NOPD procedures, and new/updated NOPD equipment and technologies.

RECOMMENDATION II-4
The Homicide Section should designate one Homicide Supervisor to be the Homicide Section Training Officer, who, as part of the Training Officer's regular duties, monitors training needs, evaluates new training opportunities from all sources, informs Homicide Section personnel on training opportunities, assists Investigators' enrollment and logistics for training, and provides short roll call types of training on current and emerging issues that have application to the Homicide Section's responsibilities.

It was also noted that there is a significant need for training related to forensic sciences as described below in Section XIV, Forensic Issues for Investigators.

It was noted previously that the Homicide Section used OJT to orient new Investigators to the Homicide Section. This is an informal mentoring experience that not only teaches skills and methods but also trains the Investigator on process, whether it is working with the Medical Examiner's Office or the District Attorney's Office. Regardless of whether an individual is a Homicide Investigator, a traffic accident investigator, or a forensics analyst, research has shown that both the individual and the organization benefit from an effective mentoring program. Mentoring is designed predominantly for newly assigned employees to work with an experienced colleague who can show how to apply concepts to practices; aid in socializing the individual with the values of the new assignment; answer questions on performance responsibilities; and provide guidance for professional development. An effective and structured mentoring program does not have to be expensive. What is essential is having organizational commitment to support the mentoring concept; identifying mentors who have the interest, patience, and skills to be an effective mentor; developing a procedure to manage the mentoring program as a formal organizational responsibility; and ensuring that all newly assigned Investigators are assigned a compatible and competent mentor. On this last point, experience has also shown that just because an individual is a good Investigator, it does not mean that the individual will be a good mentor.

RECOMMENDATION II-5
NOPD should institute a structured mentoring program for all newly assigned Homicide Investigators. The program should include a selection process for the mentor, training for the mentor, and a mechanism to monitor and assess the success of the new Homicide Investigator. The Homicide Section Training Officer should be responsible for managing the mentor program.

III. OVERTIME

It is the strong belief of the Assessment Team that violent crime investigations cannot be effectively worked in the absence of an overtime budget. This fact is exacerbated at NOPD by the need for personnel to take one furlough day per pay period. In the recent past, the Homicide Section provided ongoing overtime to all personnel in an effort to account for unexpected times Investigators were called to duty or had extended duty. Unfortunately, given the budget exigency in New Orleans, this model is simply not feasible.

Beyond this, historic abuses of the overtime budget not only resulted in wasted funds, they created some animosities among other NOPD personnel. Despite this, there is a significant need for overtime funding to be reinstated for the Homicide Section; however, those funds should be expended in a targeted manner with strict accountability of authorized overtime that is carefully monitored.

Across the country, the availability of overtime for Homicide Investigators has been shown to have a significant positive effect on a Homicide Section's clearance rate. Conversely, the limited opportunity to work cases in an overtime capacity has also been shown to have a negative effect on the clearance rate.[10] Therefore, it is essential that Homicide Investigators have the ability to work cases at critical times when it may be necessary to do so in an overtime capacity.

Overtime expenditures cannot be an automatic stipend as a salary supplement. Rather, they have one purpose: to permit Investigators to maintain the continuity of a homicide investigation in the critical first 24- to 72-hour period following the report of the case. Similarly, overtime must also be used for officers when a "call back" is required on a case. However, call-back overtime authorizations should be judiciously used to ensure the most effective possible expenditure of resources.

[10]Keel, Timothy G. (2008). "Homicide Investigations: Identifying Best Practices." *FBI Law Enforcement Bulletin*. Vol. 77, No. 2 (February), pp. 1–9.

RECOMMENDATION III-1
Overtime is inevitable in homicide investigations; hence, funds must be allocated so that Investigators have the ability to work overtime, on a limited basis, when the circumstances of the case warrant such action, with the approval of the Sergeant and/or Lieutenant.

In assessing the prior use of overtime for NOPD, in which a large amount of overtime was used to supplement a different shift configuration, the Assessment Team concludes that this practice was an inefficient use of overtime funding. Shift configurations should be based on an analysis of service demands and available staff, not on the availability of overtime funds. The use of overtime should be based on individual case circumstances that necessitate its usage because of exigent circumstances. The initial hours of a homicide investigation can be critical, and the investigation should not stop at the end of an eight-hour shift, nor should the initial stages of the investigation be turned over to another set of Investigators. The loss of continuity in an investigation costs time and can negatively affect the ability to clear a case.

RECOMMENDATION III-2
When funds are allocated for overtime, there must be a realistic overtime budget with strict policies governing the authorization of overtime along with overtime tracking and management reports. Overtime must be eliminated when no immediate need exists to support a case. (See Appendix C.)

RECOMMENDATION III-3
Every effort should be made to eliminate compensatory time since staffing levels, hence investigatory effectiveness, are seriously impacted when investigators are required to take compensatory time within the pay period.

Whenever overtime is authorized, there should be strict supervisory review of the Investigator's activities, including tracking overtime and investigative reports, to ensure that the funds are being used in the most efficacious manner. Similarly, when overtime is authorized, it should not be an "open-ended" authorization, rather authorization for a fixed period that is subject to review by a supervisor to determine whether continuation overtime is warranted based on the needs of a successful investigation of the case. While overtime is most commonly needed in the first 24(+/-) hours of a homicide investigation, it may also be warranted, on a case-by-case basis, for follow-up investigations when there are critical circumstances, such as a time-critical identification and location of a suspect to prevent future violence or flight.

IV. SCHEDULING

Law enforcement has a 24/7/365 responsibility to handle any form of public safety incident. However, demands for police service are not proportionally distributed across all day, time, and geographic variables. As a result, to maximize personnel efficiency, a law enforcement agency must use a differential scheduling model to ensure that sufficient staff members are on duty and on call to meet call demands. Similarly, differential staffing must also ensure that a time period is not overstaffed, which would lead to inefficiency. As such, scheduling should be based on analysis of NOPD crime data, such as crime patterns, peak crime times, and similar variables of criminal behavior.

Scheduling law enforcement positions is always difficult because it must try to correlate consistencies in human behavior. This is a challenge because human behavior varies with many factors, ranging from the season of the year to special events in the city. For NOPD, scheduling the Homicide Section is particularly problematic because of four key reasons:

- The Homicide Section is significantly understaffed.
- Investigators must take any earned compensatory time within the pay period it was earned.
- The need to schedule furlough days.
- The unavailability of an overtime budget.

Although the supervisors and Investigators have been able to work out a system with their current limited resources, it appears to be an inconsistent and marginally effective scheduling configuration. It is difficult to maintain continuity of an investigation when detectives have to pass off investigative duties. Furlough days and the use of compensatory time leave gaps in coverage and do not provide sufficient time to work cases effectively. Similarly, minimal staffing on weekends and overnights seems to merely serve as a triage of crime scenes and does not allow for that essential initial investigation. A better shift configuration and assignment of cases should be utilized. Obviously, any change in scheduling would be determined by the number of personnel that are available. The Assessment Team recognizes that as a result of both funding and logistical factors, the recommended Homicide Section staffing level will not occur immediately. Hence, an interim solution should be developed to make the schedule more functional from an investigations perspective using current staff levels. Priority must be given to the needs of the community to handle homicide investigations rather than the convenience or preferences of Homicide Section personnel. It is suggested that the supervisors develop a new schedule consistently applied to all squads on what may work best for the section in light of the above considerations. The inclusion of supervisors in developing a new schedule should allow their “buy-in” and support for whichever shift and time configuration is developed.

In light of these challenging factors, a schedule should be designed to meet the reality of the Homicide Section's staffing needs, even though the schedule might not meet the preferences of Homicide Section personnel.

RECOMMENDATION IV-1
A predictable, coherent staffing schedule must be developed that provides necessary staffing at peak times of the day and days of the week to best serve the needs of the community and the responsibilities of management.[11]

RECOMMENDATION IV-2
Crime Scene Technicians should have schedules that correlate with Homicide Investigators.[12]

V. EQUIPMENT, FACILITIES, AND SUPPLIES

Because of the seriousness of criminal homicides and the often complex nature of their investigation and prosecution, there are fundamental equipment, facility, and supply needs that are essential for effective information sharing and documentation of facts and evidence. There is a wide range of equipment that would be useful or convenient in support of homicide investigations. However, there is also materiel that is essential to support the mission of the Homicide Section.

The Assessment Team found that there was an array of different types of digital recorders being used by Investigators to take statements—some of which were personally purchased. The digital recorders were of differing quality and, more significantly, required different software to download and use on computers. Not all Investigators had digital cameras. Instances were reported to the Assessment Team in which Investigators used personal cameras. Both digital recorders and cameras are available at comparatively low costs—these should be part of every Investigator's toolbox. Also part of the Investigator's equipment should be a departmental-provided cell phone with e-mail capability. While NOPD provides cell phones to all Homicide Section supervisors and Investigators, not all have an e-mail capability. Given the greater dependence of Investigators and the community alike on e-mail, NOPD should seek to provide such wireless capability to all Homicide Section personnel.

When suspects and witnesses are brought to the Homicide Section for questioning, it is essential to have an audio recording of the interview and highly

[11]An analysis of crime scene patterns that includes variables such as time of day, day of week, geographic locations, and variability during time of year can aid in developing a functional schedule.

[12]It is recognized by the Assessment Team that Crime Scene Technicians serve all types of crime scenes; however, the priority and greatest necessity for their availability is for homicide cases.

preferable to have a video recording. These recordings are useful for follow-up investigations; helpful in sorting out conflicting statements; important for credibility in the quality of the statement, including demonstrating adherence to civil rights protections; valuable for developing a case for prosecution; useful for prosecutors in presenting cases in court; and important evidence to help internal investigations should an Investigator be accused of improper conduct during an interview. Examining the interview rooms at the Homicide Section offices revealed that only one room had a functioning audio recording system and it was dated. Without the ability to functionally use all of the interview rooms during an investigation—or more importantly, multiple concurrent investigations—the utility and efficiency of the Homicide Section is significantly reduced.

There has been a consistent debate about both the benefit and liability of police department policies for take-home police vehicles. The use of take-home vehicles (1) provides an employee benefit; (2) speeds an officer's response to a crime scene when the officer is called in while off duty; and (3) in the case of a marked unit, presumably creates a potential deterrence to crime and disorder.[13] Across the United States, there are widely varying policies for take-home vehicles—some agencies assign a take-home vehicle to every officer (including marked units), while other agencies do not permit any officers to have a take-home vehicle. Most agencies, however, have some type of limited take-home vehicle policy. Just as there is great variability among police agencies, there are also widely different opinions among political leaders, police leaders, and community members and even on the Assessment Team of whether a take-home vehicle is good practice.

A nationwide review of the practice finds that most commonly, the decision to provide take-home vehicles to officers or classes of officers[14] is a local matter that relates to the culture of the organization (e.g., it has been long-standing practice to provide the vehicles), the character of the jurisdiction (e.g., a geographically dispersed area versus a concentrated population area), the nature of the employee's assignment (e.g., the likelihood of the employee to be called in from off-duty status to respond to a situation), compensation issues (e.g., whether the employee is paid for "on call" time), the character of the agency (e.g., state police, conservation enforcement), and whether a take-home vehicle is established as an employee privilege based on a collective bargaining agreement or policy. If, based upon any combination of these factors, the use of a take-home vehicle has become institutionalized in the police agency, then there is an additional management burden to overcome if there is a decision to end the practice. Of course, if it is in the best interest of the department to stop providing take-home vehicles, it must be done; however, it is wise to follow a path that will create the least resistance.

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[13]A search of "take-home cars" on the National Criminal Justice Reference Service database will produce a large number of results on issues and pros and cons to take-home car plans. See http://www.ncjrs.gov

[14]For example, "class of officers" would be persons at the rank of Major or above and/or officers who are members of specialized units that may be called in while off duty, such as special operations personnel or Homicide Investigators.

In addition to the above factors, the NOPD Homicide Section also has the complicating factor of scheduling difficulties (as discussed in the previous section) related to understaffing, no overtime budget, the need to schedule compensatory time during the pay period it was earned, and the need to schedule furlough days. It can be argued that if the NOPD Homicide Section is sufficiently staffed and there is overtime available for the Investigators' work, this reduces—or even eliminates—the need for take-home vehicles since the likelihood of calling Investigators in while they are off duty is virtually eliminated. However, adequate staffing for the Homicide Section is unlikely to occur in the short term. Moreover, take-home vehicles for Investigators are part of the NOPD culture—complete elimination of the policy will likely cause a degree of dissonance between Investigators and the police administration. Such conflict only adds to the difficulty of the task of trying to make significant organizational change at NOPD.

The current practice is that NOPD assigns a vehicle to all Homicide Sergeants and Investigators. Those vehicles may be taken home if the person lives within 40 miles of police headquarters and the employee pays a "usage fee" to apparently counterbalance normally incurred travel costs to and from work. The Assessment Team learned that some Investigators do not take a vehicle home, even when on call, because of either the usage fee or the 40-mile restriction. If called out, the Investigator would have to drive from home to the police department, pick up the vehicle, and then respond to the scene. Information collected during the assessment suggested that abuses of take-home vehicles in the past were the foundation of these policy restrictions. Nonetheless, the net effect of the policy is that when an off-duty Investigator is called in, the Investigator's response to the scene is delayed if he/she has to first go to police headquarters to pick up the police vehicle before responding to the scene.

A plurality of the Assessment Team members suggest that take-home vehicles for Investigators and Sergeants be retained by NOPD. It is further suggested that for on-call personnel, both the 40-mile restriction and usage fee be revisited and perhaps be replaced by a different policy that includes alternate restrictions, vigilant supervision, and explicit sanctions if the policy is violated.[15] The goal is to provide a fast response to a homicide scene when an Investigator is called in while off duty. It is reasonable to have a different policy, for example retaining the 40-mile restriction, for personnel who have assigned vehicles but who are not on call.

Just as a vehicle is essential for response to a crime scene, a computer is essential for not only report writing but also developing leads; collecting information on all aspects of the crime, victim, and suspect; and examining certain types of digital evidence. The computer is essential equipment for an

[15] If requested by NOPD, Assessment Team members will provide samples of such take-home vehicle policies as used in the police departments in Kansas City, MO; San Diego, CA; and Richmond, VA.

Investigator—indeed, it is just as essential as a radio or telephone. The Assessment Team found that there were too few computers for personnel, that there were different versions of software, that not all computers were networked, and that many of the computers could not handle (by memory or processing speed) common digital media found today (cell phone images and video, etc.). At least one computer could read only CDs, not DVDs. These limitations significantly decrease the effectiveness of Investigators. Computers that are current, have the capacity to handle digital media, are loaded with current and consistent software, and are fully networked (internal and Internet) are essential tools for the Homicide Section.

While the most important resource in any organization is its people, by the same token, people can only be as effective as the tools with which they work. In this regard, there are a number of important tools that need to be updated and/or added to the Homicide Section's toolbox in order to maximize the effectiveness of its investigations. The Assessment Team, with keen recognition of the economic stress currently being experienced by NOPD, endeavored to identify and recommend only the equipment, facility, and supply needs that are essential for the Homicide Section's effective operations.

RECOMMENDATION V-1

In order for homicide investigations to be effective and credible, equipment, supplies, and facilities at NOPD should meet fundamental standards as follows:[16]

- Each Homicide Investigator should be assigned a common digital camera.
- Each Homicide Investigator should be assigned a common digital voice recorder.
- Each Homicide Investigator should be assigned a cellular phone, with an e-mail capability.
- All interviews rooms should be equipped with common video and audio recording equipment that remains functionally operable at all times.
- It is to the benefit of NOPD and the community that Homicide Investigators have vehicles assigned for a ready response and continuing investigation. All Homicide Investigators have a car assigned to them; however, not all take the car home because they are required to pay a usage fee or because they live beyond a 40-mile limit. The NOPD should revisit its take-home car usage fee and the 40-mile restriction for on-call Investigators because the value gained from a fast response to

[16]As this report was being prepared, NOPD was able to secure grant funding to purchase digital recorders for all personnel and four digital cameras for the Homicide Section. In addition, the department is in the process of preparing an "investigative kit" of evidentiary resources and tools for each vehicle assigned to the Homicide Section.

a homicide scene outweighs the value of the policy restrictions.[17]

- All Investigators should have access to a functioning, networked computer, including Internet access, with updated software, printer, and supplies.
- Office supplies should be consistently stocked and made available to Homicide Investigators on all shifts and all days of the week.

VI. POLICIES AND PROCEDURES

A *policy* articulates an organizational principle in the furtherance of its mission. A *rule* stipulates prescribed and proscribed behavioral requirements of organizational members as related to different policies. *Procedures* specify how a policy will be implemented or a task performed. Collectively these are known as *directives*. As the name implies, policies, rules, and procedures provide explicit direction to organizational members on what their responsibilities are, how the responsibilities are to be performed, and what activities are accepted—or required—practice.

For any organization to function productively and lawfully, directives must be promulgated by the organization's leadership, employees must be given notice—and sometimes trained—on the dynamics of directives, there must be a means for reasonable sanction for personnel who do not conform to the directives, and there must be supervision to monitor and enforce the directives.

The NOPD Homicide Section has an Operations Manual that is dated—some of the provisions date back to 1995 without amended updates. At the time of the interviews, only one copy of the manual was available. Some Investigators indicated that they were unsure whether they had a written manual, although all indicated they understood their responsibilities and practices, even with the absence of a current manual. Further interviews inferred that this was not necessarily the case because different perspectives were expressed on some aspects of the Homicide Section's operations.

A written manual that articulates the policies, procedures, and rules for the Homicide Section and clearly identifies expectations and responsibilities for all Homicide Section personnel is essential. It provides direction to the Homicide Section staff, provides a foundation for organizational control, and establishes a benchmark for accountability.

[17]This is a consensus recommendation but not a unanimous recommendation.

RECOMMENDATION VI-1
It is essential the Homicide Section Operations Manual be rewritten as soon as possible to reflect use and application of current law, departmental policy, resources, technology, information systems, scheduling, overtime, Homicide Investigator selection processes, in-service training requirements, the appointment of acting supervisors, vehicle use, Homicide Investigator responsibilities, Crime Scene Technician responsibilities, evidence management procedures, cold case requirements and responsibilities, and any other topic that has substantive application unique to the Homicide Section and is not explicitly addressed by NOPD directives.

RECOMMENDATION VI-2
The Homicide Section Operations Manual must include a digital format and be placed on all computers used by Homicide Section managers, supervisors, Investigators, Crime Scene Technicians, and nonsworn support personnel. All Homicide Section staff should have ready access to the Operations Manual.[18]

RECOMMENDATION VI-3
A system should be developed that provides for a regular review of the Homicide Section Operations Manual and updates to the manual as necessary, including updates for all digital copies of the manual that have been placed on computers.

RECOMMENDATION VI-4
It would be good practice for the District Investigation Units to have copies of the Homicide Section Operations Manual, including the updates, and follow the procedures of the manual in assault cases wherein there is a probability that the victim of the assault will not survive.

VII. CASE MANAGEMENT

Case management is an all-encompassing phrase that refers to the process of monitoring the progress of an investigation from initial assignment to case closure.[19] It includes the method by which cases are assigned; documents

[18] To help facilitate the rewriting of the Homicide Section Operations Manual, members of the Assessment Team will provide their Operations Manuals as resources to the NOPD Homicide Section.

[19] Richardson, Deborah, and Rachel Kosa. (2001). *An Examination of Homicide Clearance Rates: Foundation for the Development of a Homicide Clearance Model*. Washington, DC: Police

what activities were performed in the investigation and who performed them; describes evidence and how the evidence is managed; provides information on leads, including following up on leads; and is a constant monitor on the status of a case. The importance of case management cannot be overstated, because it is the knowledge base for the entire investigation.

The Assessment Team found that there were components of case management in homicide investigations that were done very well and areas where improvement was needed. Some of the Homicide Section's case management anomalies were systemic. For example, the quality of case management suffered if new Investigators were not adequately trained, if inadequate direction was provided by the outdated Operations Manual, if cases were worked "across squads," and/or cases were "handed off" during the early critical hours of the investigation because of the lack of overtime. Another aspect of routine case management should be that all interrogations be videotaped in their entirety. This will constitute a best practice and mitigate unnecessary transcriptions.

It should be noted that the Homicide Section has demonstrated successes in clearing cases and successful prosecutions even with the case management limitations. However, those successes would have come easier and more efficiently had more directed case management processes—including training—been in place. The recommendations in this section are intended to build on current case management practices to make them more robust.

RECOMMENDATION VII-1
A definitive, structured process of assigning cases should be developed to provide for greater consistency in investigations, more comprehensive investigations, greater fidelity of investigations, a decreased likelihood of missing critical information, consistent follow-up, and better supervision.

RECOMMENDATION VII-2
There should be more consistent and comprehensive debriefings of witnesses and arrestees. The record of the debriefings should be included in the case file.

Executive Research Forum, p. 12. Available online at http://www.policeforum.org/library/homicide/Homicide%20Clearance%20Rates%20-%20Model.pdf.

RECOMMENDATION VII-3
A homicide investigation checklist or flowchart should be developed to aid in guiding the investigations and ensuring that all investigative responsibilities are performed in a comprehensive, effective, and efficient manner.[20]

RECOMMENDATION VII-4
In order to decrease confusion and increase effectiveness, assigned cases should remain in one squad and not be assigned to investigators across squads.

The Assessment Team reviewed a sample of reports, including one complete homicide case file, and interviewed both Investigators and members of the District Attorney's Office about the nature and character of homicide case reports. The Assessment Team concluded that in a number of cases, Investigators were writing reports that were far longer than necessary and, consequently, were spending a notable amount of time on unnecessary report writing that could be better spent on investigative activities. Intuitively, one would assume that in a homicide investigation, a long, detailed report would be preferred in order to develop a case for prosecution. However, length does not equate with either quality or utility. Some of the information found in the reports was simply repetitive, hence unnecessary. In most cases, the reports contained minutiae that, while accurate, provided no substantive value to either the investigation or the prosecution. Indeed, personnel interviewed from the District Attorney's Office agreed that the homicide investigation reports were unnecessarily long. What is needed is not longer reports but more structured and directed reports. The investigation reports need to show the processes and procedures that document the chain of events and evidence leading to the identification and location of the suspect. In addition, reports need to document the identification, collection, and custody of physical evidence, forensic evidence, and statements to meet requirements of criminal procedure.

One person interviewed stated that a reason the reports were so lengthy was to enable supervisors to evaluate Investigators and document overtime or compensatory time. The purpose of a homicide investigation report is not personnel management but identifying and apprehending criminal offenders. Another person stated the reports were detailed and lengthy so that after an arrest, the District Attorney's Office would have all the information for the prosecution. In reality, the District Attorney's Office gleans information from the homicide case report in order to develop its own documentation to develop the case for prosecution. The lengthy reports actually slow down the process in the District Attorney's Office, because staff members must sort through the lengthy reports to extract the information needed to build a case. A third reason given for

[20]Members of the Assessment Team will provide copies of checklists from their respective agencies if desired by NOPD.

the lengthy reports was to serve as a refresher to aid the Investigator when providing testimony in court. On this last point, common practice is for Investigators to retain their investigative notes, often in a file separate from the case file, under the original case number. This permits storage and access for the Investigator's notes while not overburdening the case file. It should be emphasized that all files, whether considered personal or official, which relate to specific homicide investigations should be provided to the District Attorney for the purposes of discovery and to determine whether exculpatory material exists.

RECOMMENDATION VII-5
Investigation narratives should be more concise and focus on critical facts as they relate to leads, evidence, and the integration to the elements of a crime. The narratives should continue to be electronically housed so any Homicide Investigator or Homicide Supervisor can review the case files, as is current practice.

RECOMMENDATION VII-6
A Homicide Investigation Case Report Checklist should be developed to identify the essential factors that should be in each case report in order to guide the investigation, document the investigation, control the length of the report, and ensure consistency in all case reports.

RECOMMENDATION VII-7
A process should be established to ensure that each initial investigation is consistent through the first 72 hours of the inquiry so all Investigators, supervisors, support personnel, and District Attorney's Office personnel understand the facts, suspects, evidence, leads, and issues critical to the success of the investigation.

RECOMMENDATION VII-8
It is recommended that a homicide case briefing be held within the first 24–72 hours of a new case to include all investigators and investigative partners—e.g., District Attorney's Office, drug enforcement, Scientific Investigation Division, applicable District Investigators—to provide the status of the investigation, leads, needed information/gaps, and any other facets of the investigation that will contribute to the clearance of the crime.

RECOMMENDATION VII-9
District Investigative Lieutenants should be involved in all briefings, as well as the District Attorney's charge conference, for homicides occurring in their districts.

As a final point in case management, the Assessment Team reviewed the NOPD Uniform Crime Report (UCR) data and noted that the number of homicides "cleared by exception"[21] averaged 8.8 percent over the past four years, compared to a national average among major cities of approximately 5 percent. All members of the Assessment Team expressed the belief that this was unusually high, since exceptional clearances are rare based on the UCR required criteria noted in Footnote 21. When asked about these cases, the Assessment Team members received various answers of uncertainty. It appears that persons who were interviewed by the Assessment Team were actually unclear how these homicides were cleared by exception. The team did not have the opportunity to fully pursue this issue; however, the experience of the team members was that the "cleared by exception" guidelines were easily misapplied. Best practice by many agencies is to have an oversight unit monitor the clearance processes, supported by a letter from the District Attorney's Office. The recommendation is offered as a mechanism to tighten accountability on clearance rates.

RECOMMENDATION VII-10
NOPD should develop a process to critically review homicide cases that are "cleared by exception" to include an NOPD unit providing oversight for this classification and requiring a letter from the District Attorney's Office before the case is formally disposed of by exceptional clearance.

The Assessment Team emphasizes that the Homicide Section Investigators have had demonstrable successes in solving homicides. These recommendations are designed to strengthen case management—both content and consistency in practices—so that Investigators can work more efficiently and increase the homicide clearances.

VIII. COLD CASE SQUAD

Attention continues to grow on the investigation of cold cases for several reasons. A particularly powerful motivation has been the increased involvement and public visibility of family members who seek justice for their family member and closure for themselves. Another reason has been a new generation of police executives who recognize that a cold case represents "justice denied" to a community. Moreover, given the number of violent career criminals, solving a

[21] In order for law enforcement to clear an offense by exceptional means, each of the following four conditions must be met:

- The investigation must have clearly established the identity of at least one offender.
- Sufficient probable cause must have been developed to support the arrest, charging, and prosecution of the offender.
- The exact location of the offender must be known so that an arrest could be made.
- There must be a reason outside the control of law enforcement that prevents the arrest.

See http://www.fbi.gov/about-us/cjis/ucr/frequently-asked-questions/nibrs_faqs_incspec#top.

cold case may mean preventing future homicides. Even the popularity of television dramas featuring cold cases has sparked public interest in resolving these cases. Perhaps, however, the advances in technology for the collection and analysis of diverse evidence—and DNA in particular—have driven cold case investigations because of the definitive scientific analysis of evidence to identify suspects.

The Assessment Team received diverse answers as to when a case was considered "cold" by Homicide Section personnel. Cases were considered "cold" when clear leads were no longer available, some were considered "cold" if no "progress" had been made in the investigation over several months, and others were deemed "cold" if the District Attorney's Office did not prosecute a case. The National Institute of Justice (NIJ) currently defines a cold case as "any case whose probative investigative leads have been exhausted."[22] Thus, the passage of time or the decision of the District Attorney to not prosecute a case is not a factor in defining a case as being "cold."

The decision to designate a case as "cold" should be a matter of policy that is based on objective and accepted criteria. Beyond the problem of identification, the NOPD Cold Case Squad Investigators would occasionally be assigned to assist in active investigations, largely as a result of the scheduling and staffing issues described above. In some instances, the Cold Case Squad acted as a back-up resource when additional Investigators were needed. While this is understandable, under this approach, the Cold Case Squad is unable to perform its responsibilities.

The NOPD leadership needs to assess whether cold case investigations are a strategic priority for the department. Cold cases require a somewhat different approach than new homicide investigations, as well as needing time for sometimes tedious research and follow-up on a case.[23] As such, it must be clear by both policy and practice that the squad's priority is to investigate cold cases exclusively, unless there is an exceptionally serious crime or condition in which more Investigators are needed.

It appears from the information collected by the Assessment Team that a Cold Case Squad is warranted at NOPD. The following recommendations are made if the NOPD leadership determines that the department should pursue cold cases.

[22]See http://www.ojp.usdoj.gov/nij/journals/260/what-is-cold-case.htm.
[23]Cold case resources can be found at http://www.ncjrs.gov/pdffiles1/nij/222903.pdf.

RECOMMENDATION VIII-1
A policy and procedures should be established in the Homicide Section Operations Manual that guide the operation of the Cold Case Squad to include, but not be limited to: • Criteria that must be met to designate a case as "cold." • Criteria for prioritizing cold cases. • Method of assigning cold cases to investigators. • Special conditions under which a Cold Case Investigator may be assigned to an active case.

RECOMMENDATION VIII-2
The Cold Case Squad should consist of one Sergeant and four Investigators reporting to the shift Homicide Section Lieutenant.

Experience from a number of law enforcement agencies has shown that a valuable resource for assisting law enforcement agencies in performing duties at a comparatively low cost is the use of volunteers. There are many duties that volunteers can perform, such as following up on statements, conducting background research needed for a case, managing case files, and conducting records checks. These duties can be performed without law enforcement authority. Moreover, volunteers can be trained to fulfill these tasks and given authority, through a signed contract and nondisclosure agreement, to access law enforcement records systems, such as the police department's proprietary records systems. There is clear precedent for this as evidenced in the Volunteers in Police Service (VIPS) program sponsored by the International Association of Chiefs of Police (IACP). The VIPS Web site[24] provides a wealth of information on duties volunteers can perform (including case examples from different agencies), sample contracts, recruiting procedures, sample policies for the use of volunteers, the volunteer selection process, and other resources. Indeed, this approach may provide value throughout the NOPD, not just for the reopened cases. While there are some costs to the development and management of a police volunteer program, the costs are outweighed by the savings of personnel costs to perform the same tasks.

Similarly, many colleges and universities have internship programs for students majoring in criminal justice. Under these programs, students apply to an agency to work for at least a semester under an internship supervisor. Agencies have the opportunity to interview and vet all internship applicants and select the interns that meet the agency's requirements. Experience has shown that in agencies at all levels of government, the internship program is not only a learning opportunity for the student; the intern can also be a valuable resource for the agency at virtually no cost. Just as in the case of volunteers, student interns could be a useful resource for the Cold Case Squad.

[24]See http://www.policevolunteers.org.

RECOMMENDATION VIII-3
The NOPD Homicide Section should explore the use of a structured volunteer program and a college internship program to assist in performing appropriate duties in cold case investigations. In particular, the use of retired law enforcement officers as volunteers should be considered.

IX. DIVESTING AND RESTRUCTURING SELECTED HOMICIDE SECTION RESPONSIBILITIES

It was noted previously that the Homicide Section is significantly understaffed and thereby unable to effectively investigate cases. This problem is compounded by the fact that beyond homicides, Investigators are given the added responsibilities of investigating apparent suicides, unattended deaths, missing persons, Officer-Involved Shootings and In-Custody Deaths. The Assessment Team recognizes that its earlier staffing recommendations will take time to implement. However, there is a way to effectively reduce Homicide Investigators' caseloads in the short term. This is by divesting the responsibility of conducting suicide, unclassified death, and missing person investigations from the Homicide Section. Instead, the District Investigators (from the district where the case originates) would conduct the investigation.

It should be noted that the District Investigator Lieutenants generally oppose this recommendation for two reasons: (1) they do not believe the District Investigators have the same expertise as Homicide Investigators, and (2) they believe the District Investigators' time is already stressed. On the first point, District Investigators already conduct investigations on serious crimes against persons. For example, if there is an aggravated assault by firearm, the District Investigator will work this case. If the victim dies, the case is then transferred to the Homicide Section. The important point to note is that if a suicide, unclassified death, or missing persons case is reported, the District Investigator has the expertise to open the investigation based on his or her experience in handling serious crimes against persons. If the District Investigator's conclusion is that any of these cases may be a criminal homicide, then the case would be transferred to the Homicide Section, just as in the case of an assault.

There is no doubt that the District Investigative Lieutenants have a legitimate concern about time/caseload demands on their Investigators and that these recommendations will add to those demands. However, it is the Assessment Team's position that there is no crime more serious to a community than a criminal homicide. In most cases of a suicide or unclassified death, it becomes apparent to any Investigator reasonably quickly whether the death was a likely product of a criminal act or whether a missing person case will likely result in a death. In any of those instances, the determination of whether a criminal homicide is likely should take priority over any other investigation. While

it is an admitted added burden to the District Investigators, it is the judgment of the Assessment Team that this approach is the best way to handle a difficult staffing dilemma.

It is largely because of these recommendations that the Assessment Team believes that District Investigators should receive the training recommended for Homicide Investigators as well as have experience in case briefings and have the opportunity to attend a District Attorney's charge conference.

RECOMMENDATION IX-1
Suicide and unclassified death investigations should be investigated by District Investigators with clear guidelines that articulate the circumstances wherein the death appears to be a probable homicide, at which time the case will be assigned to the Homicide Section.

RECOMMENDATION IX-2
Missing persons investigations should be investigated by District Investigators with clear guidelines that articulate the circumstances wherein a homicide of the missing person is probable, at which time the case will be assigned to the Homicide Section.

Officer-Involved Shootings and In-Custody Deaths[25]

For reasons of officer safety, accountability, risk management, and community relations, investigations of Officer-Involved Shootings (OIS) and In-Custody Deaths must be comprehensive and highly credible. Each time one of these incidents occurs, there should be a criminal investigation to determine whether there were any criminal violations by agency members or employees and an "administrative" investigation to determine whether any agency policies were violated and whether the incident raises any tactical, training, or equipment concerns. Often, as in NOPD, the Homicide Division conducts the criminal investigation. The Assessment Team did not review these investigations but examined the management and staffing structure of these investigations since they are part of the Homicide Section's responsibilities.

It is accepted practice to have a team of experienced Homicide Investigators and a Homicide Supervisor conduct the criminal investigations into OISs and In-Custody Deaths, while the agency's Internal Affairs Division (or Public Integrity Bureau, as it is called at NOPD) conducts the administrative investigation. Another approach is to have the criminal investigation conducted

[25] At the request of BJA, this section was prepared by the Civil Rights Division of the U.S. Department of Justice.

by an outside agency, such as the state police, a neighboring jurisdiction, an independent private investigative entity, or a prosecutor's office. An increasingly used practice is to have a single-force "team" composed of criminal and administrative investigators, as well as representatives of the agency's training division and other relevant subject-matter experts, conduct the investigation. This "team" determines whether there were any policy violations or tactical, training, or equipment concerns as well as whether there were any criminal violations, taking steps to ensure that the requirements of *Garrity* and other applicable laws and rules are carefully followed. The appropriate model for each jurisdiction depends upon a number of factors, including the agency's experience in investigating these often complex incidents; the agency's history and, hence, its credibility in investigating its own; and whether the circumstances of the incident at hand are particularly controversial.

Whichever model is followed, the agency should recognize that these investigations serve as the cornerstone of public accountability for police actions. As a result, there is a need for highly skilled and ethical staffing and explicit, specific procedures. There is also the need for specialized training at the outset and on a continuing basis. While fundamental investigative techniques are the same (e.g., gaining witness statements, collection and analysis of forensic evidence, case management), there are unique components added to the Officer-Involved Shooting investigation; e.g., collecting information related to administrative requirements, adhering to the Police Officer's Bill of Rights, and conducting *Garrity* interviews of the officer—hence, the value of having experienced investigators and the need for specialized training. There are a number of Officer-Involved Shooting training programs offered by commercial vendors.

RECOMMENDATION IX-3
Whenever an incident occurs, a criminal investigation of the incident by closely supervised and highly skilled, ethical investigators should take place.

RECOMMENDATION IX-4
For all OIS investigations (regardless of whether a person was struck) and In-Custody Deaths, an administrative investigation by closely supervised, highly skilled and ethical investigators should be conducted to determine whether there were violations of agency policy or tactical, training, or equipment concerns. Both types of investigation should be monitored by the District Attorney's Office.

RECOMMENDATION IX-5
All Investigators should attend specialized training courses for OIS and In-Custody Death investigations before they conduct these investigations and on a continuing basis.

RECOMMENDATION IX-6
Any structure for OIS and In-Custody Death investigations should have authorization and explicit policies and procedures articulated, as appropriate, in the NOPD Policy and Procedures Manual as well as the Homicide Section Operations Manual.

X. INTRA- AND EXTRA-DEPARTMENTAL PARTNERSHIPS AND RELATIONSHIPS

While Homicide Investigators typically represent the most skilled and elite investigators in a law enforcement agency, it is similarly clear that the Investigators cannot operate in a vacuum. Other elements of NOPD—District Investigators, drug enforcement, patrol officers, criminal intelligence—are likely to be good sources of information on suspects and witnesses. Similarly, criminals regularly cross jurisdictional lines, hence the need to have an effective information sharing relationship with neighboring jurisdictions. In addition, federal agencies may also be working a case that involves a criminal homicide suspect or witness. Just as important, federal agencies have access to information, technologies, and expertise that are rarely found in municipal police departments. The implication from these facts is that regardless of the Homicide Investigators' expertise, there is a need to have a consistent working and information sharing relationship with entities both within and external to the NOPD Homicide Section.

Although some of these relationships already exist, the information given to the Assessment Team indicated that these were largely personal relationships which were used on an ad hoc basis rather than being institutional relationships which were maintained on a consistent basis. Such relationships require constant attention and two-way communications. As an analogy, former Secretary of State George Schultz referred to this process in diplomacy as "gardening." Tending a garden requires constant attention of watering and removing weeds in order to have fruitful results. The same is true in establishing ongoing relationships with other units and agencies—constant information sharing and tending to their needs will produce reciprocity. Not only will assistance be more productive when consistent relationships exist, there is greater likelihood that information will be shared on a proactive basis when evidence of a threat emerges—such as a gang retaliation—which may, in turn, prevent a homicide.

The Assessment Team realizes establishing such relationships takes time and often has obstacles to overcome, such as a history of poor institutional relationships, conflicts in culture, distrust, organizational jealousy, and even personal animosities. Nonetheless, these are petty in comparison to the benefits of community safety that can be derived from establishing these relationships. While the Homicide Section may simply be the "victim" of these obstacles, the

section will nonetheless be served well by taking the initiative to establish new relationships and repair past acrimony.

As one example, since many of the homicides committed in New Orleans are related to the illicit drug trade, it is important that the Homicide Section and Drug Enforcement Units (both citywide and district drug units) work closely together and share intelligence freely. Information gained by the Assessment Team indicated that this is not the case. This appears to be more of a systemic issue rather than an individual one (and is not a unique problem to New Orleans). Nonetheless, it is important that drug-related homicides be jointly investigated. Ideally, a drug investigator would respond to the scene and work jointly and/or under the direction of the Homicide Investigator. Intelligence at the scene or at least within the first hours of a drug-related homicide can significantly contribute to a successful investigation.

From an extra-departmental perspective, working with other agencies—such as the United States Marshals Service; the U.S. Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; and the FBI task forces and/or Violent Crime Task Forces—has proved to be beneficial to investigative/crime-fighting units in other cities. The ability to conduct investigations that extend beyond the city limits, having additional personnel to utilize at critical times, having access to various resources otherwise not available—these are all good and practical reasons to invest the time and energy in developing working relationships with other law enforcement agencies/officials. This is much easier said than done and, again, is a common challenge for police agencies. Many agencies "talk the talk when asked, but fewer walk the walk when tasked."

RECOMMENDATION X-1
Homicide Section personnel should develop a *consistent*, two-way information sharing relationship with the NOPD Criminal Intelligence Bureau and both major case and district drug enforcement officers.

RECOMMENDATION X-2
Homicide Section personnel should develop a *consistent*, two-way information sharing relationship with NOPD District Investigators.

RECOMMENDATION X-3
Homicide Section personnel should develop a *consistent* two-way information sharing relationship with the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) in light of the correlation between drugs and homicides.

RECOMMENDATION X-4
Homicide Section personnel should develop a *consistent* two-way information sharing relationship with the Louisiana State Analytical and Fusion Exchange.

RECOMMENDATION X-5
Homicide Section personnel should develop a *consistent* two-way information sharing relationship with neighboring city and parish law enforcement agencies.

RECOMMENDATION X-6
Homicide Section personnel should develop a *consistent* two-way information sharing relationship with federal law enforcement agencies that have particular resources of value to assist in homicide investigations, in particular: • Bureau of Alcohol, Tobacco, Firearms and Explosives • U.S. Drug Enforcement Administration • Federal Bureau of Investigation • United States Marshals Service • State Probation and Parole

RECOMMENDATION X-7
The Homicide Section should develop, in conjunction with the NOPD Public Information Officer, a consistent process, including general timelines, for releasing information about the status of an investigation to the public as well as information that is needed from the public that would support the investigation.

RECOMMENDATION X-8
Homicide Investigators should consistently brief District Investigators on the status of investigations occurring in their districts.

XI. CRIMINAL INTELLIGENCE SECTION AND HOMICIDE INVESTIGATIONS

While the Intelligence Section has responsibilities that go beyond homicides, there are critical components of the Intelligence Section's work that are inextricably related to homicide investigations, such as the focus on violent offenders as well as gang- and drug-related investigations.[26] As such, the

[26]For more information, see: Braga, Anthony A., et al. (2008). "The Strategic Prevention of Gun Violence Among Gang-Involved Offenders." *Justice Quarterly*. Vol. 25, No. 1 (March), pp. 132–162.

capability of the Intelligence Section to collect, analyze, and disseminate criminal intelligence is directly related to the success of homicide investigations as well as the potential to prevent future homicides. As a result, the development of the Intelligence Section's capabilities is directly correlated to the development of the Homicide Section's capabilities to increase clearances.

Interviews with Homicide Investigators (as well as some DIU Investigator interviews) found that there are misconceptions about the priorities, capabilities, and expertise of the Intelligence Section. Although the Intelligence Section stated that it is disseminating a wide array of information and is in constant communication with other NOPD units, the Homicide Investigators consistently stated that they seldom received any information from the Intelligence Section. It is beyond the scope of this assessment to determine the nature of the communications problem that obviously exists. Suffice it to note that if the problem is not acknowledged, it cannot be repaired—the result is a diminished capacity to reduce violent crime in New Orleans.

RECOMMENDATION XI-1
Processes should be developed to ensure that applicable intelligence products are disseminated to all Investigators and that the communications between the Criminal Intelligence Section and the Homicide Section be comprehensive, inclusive, and consistent.

RECOMMENDATION XI-2
An officer from the Intelligence Section should be assigned as a liaison to the Homicide Section to attend all homicide case briefings.

RECOMMENDATION XI-3
Either more personnel should be assigned to the Intelligence Section or initiatives of the Intelligence Section should be more narrowly restricted to reflect the defined NOPD strategic priorities in order for the Intelligence Section to function effectively.

The value of the Intelligence Section as a resource to not only the Homicide Section but the entire department is maximized when there are professionally trained Intelligence Analysts on staff who have access to a diverse array of electronic resources. The analysts are not clerical or administrative support staff, but professionals who use the scientific analysis of raw information to identify criminal threats. It has been repeatedly demonstrated in police departments across the United States that analysts permit the police to work

more productively.[27] As one example, the Richmond, Virginia, Police Department (RPD) developed a comprehensive initiative to reduce homicides and increase clearances. One key component of that initiative was to develop the Focus Mission Team (FMT), a proactive crime-focused initiative driven by analysts. The analysts work closely with sworn officers and provide high-quality, substantive analysis using diverse analytic tools and mapping in order to better understand crime trends, circumstances of criminal incidents, and forecasts of probable future violence. Stepping beyond the traditional analyst's role, the RPD analysts will often go to crime scenes with investigating officers as well as meet with community members. These activities provide new information and context to aid the analysts in providing more robust analytic products. This model would be a useful tool for NOPD if the Criminal Intelligence Section was properly staffed.

RECOMMENDATION XI-4
The Criminal Intelligence Section would significantly benefit from having at least two contemporarily trained nonsworn Criminal Intelligence Analysts whose responsibilities would be to perform professional intelligence analysis and provide investigative support on major investigations and priority crime suppression initiatives.

RECOMMENDATION XI-5
All personnel assigned to the Criminal Intelligence Section, preferably all NOPD Investigators regardless of assignment, should enroll for access to the Regional Information Sharing Systems® Secure Intranet (RISSNET)[28] and/or the FBI's Law Enforcement Online[29] (LEO) information systems.

RECOMMENDATION XI-6
The Intelligence Section should become fully integrated with the Louisiana State Analytical and Fusion Exchange to maximize information sharing for all crimes.

The Intelligence Section has a wide variety of responsibilities that cannot be served effectively with its current small staff. Attempting to perform too many tasks with inadequate staffing typically results in none of the tasks being done well. The most obvious option to remedy this problem is to assign more

[27]The Bureau of Justice Assistance will release a new document in spring 2011 that highlights success stories in the use of intelligence-led policing to reduce violent crime—analysts are a key part of these successes. The document is part of the BJA Targeting Violent Crime Initiative.

[28]As a member of the Regional Organized Crime Information Center® (ROCIC), NOPD and all intelligence personnel, all Investigators, and as many additional NOPD members as deemed necessary have access to RISSNET. The request for access simply has to be made to the ROCIC representative to NOPD, Greggory Davies, at gdavies@rocic.riss.net.

[29]Access to LEO is gained by completing an application from the New Orleans FBI Field Office. For more information, see http://www.fbi.gov/about-us/cjis/leo.

personnel to the Criminal Intelligence Section. If this is not a feasible option, then the Criminal Intelligence Section's responsibilities and initiatives should be revisited to determine whether they are consistent with the NOPD strategic priorities. Consideration should be given to dropping or scaling back those initiatives that do not directly support the department's priorities, as well as those initiatives that cannot be effectively performed in light of staffing levels.

As an example, the Code 6 project that is targeting violent offenders is a conceptually sound initiative that has the potential to reduce homicides. However, this is a labor-intensive initiative that cannot be effectively performed given current staffing levels and other responsibilities of the Criminal Intelligence Section. Moreover, to effectively identify which offenders should be targeted requires a more evidenced-based approach, which could be provided by an Intelligence Analyst. While Code 6 has the potential to prevent homicides as well as support homicide investigations, those outcomes will not be realized without proper staffing and proper program development.

The Criminal Intelligence Section has the potential to effectively support many crime control initiatives to make New Orleans a safer city. To accomplish this, there should be a comprehensive assessment[30] of the Criminal Intelligence Section in light of departmental priorities, expertise of personnel, staffing requirements, and the degree that the department is able to invest in the section.

XII. RELATIONSHIP WITH THE DISTRICT ATTORNEY'S OFFICE

The relationship with the District Attorney's Office appears to be strong, collegial, and cooperative. New initiatives, such as having an Assistant District Attorney respond to all homicide scenes and new open lines of communication at all levels, are positive developments and provide an important ingredient for success in prosecutions.

In clear recognition of this solid relationship, the Assessment Team provides recommendations to make that relationship stronger.

RECOMMENDATION XII-1
NOPD should pursue a partnership with the Orleans Parish District Attorney's Office wherein an Assistant District Attorney would be assigned to the Homicide Section.

[30]Detailed information on the structure and processes of an intelligence function can be found in: Carter, David L. (2009). *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies*. (2d ed.) Washington, DC: Office of Community Oriented Policing Services, U.S. Department of Justice. May be downloaded at https://intellprogram.msu.edu/CARTER_Intelligence_Guide_2d.pdf.

RECOMMENDATION XII-2
NOPD should establish ongoing joint training with the District Attorney's Office designed to aid in strengthening cases for prosecution. District Investigators should be included in the training sessions.

RECOMMENDATION XII-3
NOPD should seek assistance from the District Attorney's Office during the rewriting of the Homicide Section Operations Manual.

RECOMMENDATION XII-4
As a matter of routine procedure in all homicide investigations, a process should be established whereby there is consistent feedback on the status of investigations provided to the District Attorney's Office and consistent feedback from the District Attorney's Office on the needs of that office in homicide cases.

The Assessment Team was impressed with the quality of the relationship between the Homicide Section and the District Attorney's Office, as well as how all personnel embraced this relationship to strengthen cases for prosecution.

Reopening of Cases Not Previously Prosecuted

One of the initiatives being pursued by the District Attorney's Office is reopening past homicide cases in which a suspect had been identified but not prosecuted. This has strong support from NOPD but also poses significant resource challenges.

The reopening of these cases is a bold decision by the District Attorney that has important implications not only for achieving justice for the families of victims and for the citizens of New Orleans but also for the prevention of future homicides. On this latter point, based on information learned during the assessment, a number of the cases that were not prosecuted involve suspects who are violent career criminals, some of whom are implicated in multiple homicides.

The reopening of these cases also brings with it resource challenges for NOPD—particularly in light of the large number of cases that are potentially involved. These cases are not "cold cases" by the traditional definition because suspects were identified and arrested; however, the cases were not prosecuted. Necessarily, with the reopening of the cases, new investigations will need to be performed to rebuild the cases.

The Assessment Team found some significant organizational challenges, almost exclusively related to the limited resources of NOPD. Not only are these investigations likely to be labor-intensive, there will continue to be new cases to

be investigated. Because of the importance of pursuing the reopened cases, the Assessment Team developed recommendations that have implications for both NOPD and the District Attorney's Office.

RECOMMENDATION XII-5
A protocol should be developed that prioritizes the cases for reinvestigation. Factors that may be considered include: • Is the suspect still alive or currently incarcerated? • Are there legal or factual obstacles that would be extremely difficult to overcome? • Is the suspect likely involved in multiple homicides? • Is there another agency—for example, a federal agency—that has a crime of concurrent jurisdiction? • Are witnesses still alive and accessible? • Are there factors that have occurred since the original investigation that would diminish the credibility of witnesses' statements or testimony? • Is there forensic evidence that needs to be analyzed or reanalyzed? • How much time will be needed to invest in a case to make it prosecutable? • Are any of the original investigators no longer employed by NOPD, or do any have circumstances that would cause credibility problems with the original investigation? • Is there evidence on which the original investigation was based that is no longer available or recoverable? While some of these factors may eliminate a case from the need of being reopened—e.g., the suspect is deceased—the intent is that these considerations should be given to prioritizing reinvestigations of cases. The more time that is required to reinvestigate and the more complex the reinvestigation, the more costly it will be.

Staffing for reinvestigations will be costly. One model would be for the District Attorney's Office to hire a staff of temporary Investigators—perhaps from a cadre of retired law enforcement officers—to handle the reinvestigations. This provides some challenges, albeit they are surmountable. If temporary Investigators were to be hired, this would not totally eliminate the need for NOPD to devote personnel to the reopened cases for a number of reasons, not the least of which is that current Homicide Investigators are involved in the plurality of cases to be reopened.

It appears from the information collected by the Assessment Team that the greatest likelihood is that NOPD Investigators will be substantively involved in

the reinvestigation of these cases. In light of this fact, the most productive approach would be to have a temporary team of NOPD Investigators assigned to handle these cases and not have this responsibility assigned to the Homicide Section. The current Homicide Section is understaffed and unable to perform comprehensive ongoing investigations in some of the current cases because of a lack of time. Adding the reopened cases to the current Homicide Investigators' caseloads will only lead to diminished quality of current investigations.

RECOMMENDATION XII-6

A temporary squad of Investigators should be created to handle the District Attorney's reopened cases. Factors to be considered include:

- In light of the number of cases likely to be reopened as reported to the Assessment Team, there should be six Investigators and one Sergeant.
- The temporary squad should be organizationally responsible to the District Attorney, with concurrent reporting to an Investigations Captain in order to keep the channel of communications and accountability open to NOPD.
- Investigators should be drawn from both the Homicide Section and District Investigation Units—all Investigators should return to their original assignment when the Temporary Duty is completed.
- The team should be housed at the District Attorney's Office.
- The District Attorney's Office should pay for a proportion of the salary and/or benefit package of the Investigators on this squad.
- The District Attorney's Office should pay for all overtime required for duties on the temporary squad.
- Status of the reopened investigations should be reported in the CompStat meetings. (This is particularly important since many of the homicide suspects are likely to be repeat offenders who may still be "on the street.")
- The productivity of the temporary squad should be assessed in 180 days to determine whether changes need to be made in this assignment.

In the Cold Case section of this report, the use of volunteers was discussed as a tested and viable resource as a staff supplement. The same value would be provided to these reinvestigations.

RECOMMENDATION XII-7
NOPD and the District Attorney's Office should explore the use of a structured volunteer program to assist in performing appropriate duties in the reinvestigation of cases.

XIII. COMMUNITY AND VICTIM RELATIONSHIPS AND OUTREACH

Both research and experience have shown that a strong police-community relationship is an important component to performing comprehensive homicide investigations, reducing incidents of retaliation homicides, and preventing homicides by changing the threat environment. This community relationship requires both a department-wide initiative as well as specific programming within the Homicide Section.

One of the biggest hurdles in solving a homicide case is typically the lack of cooperation between the community and the police. This appears to be particularly true in New Orleans. The New Orleans Police Department must reinvest its efforts to establish a trusted, two-way information sharing relationship with community members directed toward crime control and criminal apprehension.[31]

Investigators in the Homicide Section stated that gaining the trust and cooperation of witnesses and/or victims' families was oftentimes challenging. When asked directly about the level of cooperation Investigators received from witnesses and families, the majority of Investigators said they received little or no cooperation. Investigators also stated that their contact with homicide victims' families usually consisted of only a "next of kin notification" and limited contact after that. Research and experiences of other agencies have shown that proactive communications with victims' families by a Homicide Investigator, often in partnership with a Victim/Witness Advocate, significantly increase communications. This, in turn, can aid in the development of a case as well as the prevention of future violence, particularly in cases of gang retaliations. While an effective police-community relationship requires both parties to commit to the relationship, the reality is that the obligation is on the police department to take the initiative to start the process.

[31]A contemporary model that may be used is in the document *Guidance for Building Communities of Trust,* available at http://nsi.ncirc.gov/documents/e071021293_BuildingCommTrust_v2-August%2016.pdf.

RECOMMENDATION XIII-1
The Homicide Section must make a proactive effort to establish a trusted, two-way information sharing relationship with the families of homicide victims; for example, holding "next of kin" meetings on a consistent basis, wherein Investigators meet with the victim's family and the District Attorney to give information on the progress of the investigation and provide victims' assistance and other factors that contribute to the successful investigation and prosecution of offenders as well as assist the family in recovery.[32]

RECOMMENDATION XIII-2
NOPD should assign a Victim/Witness Advocate to the Homicide Section who would be available to respond to all homicide crime scenes. NOPD should also consider developing a volunteer program for Victim/Witness Advocates. With careful selection, a family member of a previous homicide victim can serve as a uniquely effective Victim/Witness Advocate.

RECOMMENDATION XIII-3
After a homicide has occurred that unusually disrupts a community or causes community fear, case investigators and district personnel should do a "neighborhood walk-through" to look for signs of disorder, meet with the community to both gain information and answer questions, and generally demonstrate that the police department is vested in community order. In turn, this increases cooperation for leads and evidence.

RECOMMENDATION XIII-4
All members of the Homicide Section as well as the District Attorney's Investigators and attorneys should be trained on witness/family management, including the types of resources that are available and whom to contact for obtaining those services.

RECOMMENDATION XIII-5
Homicide Investigators should be provided pamphlets, Web sites, and other resource materials that can be given directly to the families and witnesses soon after the incident.

[32] For more information, please see "Guide to Survival for Family and Friends of Homicide Victims," Washington, DC, United States Attorney's Office at http://www.ncjrs.gov/app/publications/abstract.aspx?ID=150984.

RECOMMENDATION XIII-6
It would be useful if NOPD developed a Reverse 911 capability to be used as soon as reasonably possible to notify the community of the status and nature of the incident and safety concerns, if any, and to solicit information about the crime.[33]

Most of the above recommendations reflect a new approach to deal with homicide cases that traditionalists often resist. While this dogmatism is a natural occurrence, it should not be a barrier to reengineering the role of the Homicide Investigator or developing new practices for the Homicide Section. Each of these recommendations has been used with success by law enforcement agencies in cities and counties across the country.

In the Assessment Team's experience, an effective media strategy is one of the important mechanisms to inform the public about crime and solicit their assistance in reporting information and suspicious activity. This requires that the department have good relations with the traditional media (i.e., print and broadcast journalists) and have nontraditional information outlets, such as the department Web page or a weekly NOPD-produced cable television program. It also requires that the Homicide Section have a positive, proactive relationship with the NOPD personnel who manage the media strategy.

When asked about media relations, most persons interviewed felt that the media portrayed the department unfairly, focusing on problems rather than the positive aspects of NOPD. However, the Homicide Investigators also stated that when they asked the media to help the department solicit information from the public on a homicide suspect, the media tended to cooperate quite well. When asked about the effectiveness of the NOPD Public Information Officer (PIO), most persons interviewed were noncommittal.

RECOMMENDATION XIII-7
NOPD should develop a comprehensive media strategy for both traditional and nontraditional media to effectively inform the community about crime and new department initiatives, to seek the reporting of information about specific crimes, to encourage reporting of suspicious activities, and to serve as one mechanism to develop a positive police-community relationship.

[33]The Reverse 911 system has applications beyond homicide investigations. As an example of one community's use of Reverse 911, see http://www.co.gem.id.us/law-enforcement/Reverse-911-change-form.pdf.

RECOMMENDATION XIII-8
The Homicide Section should develop a comprehensive media strategy and a consistent and trusted relationship with the news media in order to develop an effective communications mechanism to the community: • Use press conferences to disseminate information about the incident to the community and solicit information about what types of information is needed from the community. • Highlight the Homicide Section's successes through the use of press releases and news conferences. • Work with *America's Most Wanted* or other media programs to solicit assistance from the public. • Solicit reward monies from the state's victim assistance programs as an incentive for community members to report information. • Push positive news to the community.

RECOMMENDATION XIII-9
NOPD should keep its Web site up to date by posting the status of investigations, public information needs, safety recommendations, and other expanded and contemporary information that will aid in the support of investigations and assist in reducing fear of crime.

XIV. FORENSICS ISSUES FOR INVESTIGATORS

The Scientific Investigation Division suffered a significant loss of capacity following Hurricane Katrina. It has been difficult to recover that capacity because of the cost of the equipment, the cost of supplies to sustain forensic analyses, and the need to maintain staff expertise through continuing education. Despite these obstacles, the forensics capacity is being rebuilt. For example, the division has a full-time firearms examiner and four full-time National Integrated Ballistic Information Network (NIBIN) technicians. In addition, the division has a state-of-the-art digital photography capability and a full-function drug analysis unit and is preparing to place two people at the Louisiana State Police crime laboratory to work on DNA analysis for NOPD cases.

A forensic science capability both on the scene and in the lab is essential for maximizing the effectiveness of investigations and for achieving successful prosecutions. There is a solid nucleus of forensic capability at NOPD, but it needs to be developed with staffing and organizational capability. Similarly, for the Scientific Investigation Division to maximize its effects, Investigators and Crime Scene Technicians need to be aware of the forensic capability and be trained on the proper identification and handling of evidence that is to be

analyzed. To achieve maximum utility of the Scientific Investigation Division, both organizational and substantive issues need to be assessed and resolved.

RECOMMENDATION XIV-1
NOPD should perform a comprehensive service review focusing on the capabilities of the Scientific Investigation Division and reasonable plans for development based on a realistic assessment of resources for both the development of forensic capabilities and the sustained offering of forensic services. This review should also include a comprehensive analysis of present crime scene protocols to include evidence identification, processing procedures, and collection procedures.

RECOMMENDATION XIV-2
The Scientific Investigation Division should adopt technical procedures for each type of analysis performed. Technical procedures should be detailed and conform to the requirements for laboratory accreditation. Because of the close working relationship with the Louisiana State Police Crime Laboratory (LSPCL), which is currently accredited, the Scientific Investigation Division should adopt, with amendments as are necessary, the procedures of the LSPCL.

RECOMMENDATION XIV-3
All NOPD Criminal Investigators and Crime Scene Technicians should receive training on the updated capabilities and processes of the Scientific Investigation Division.

RECOMMENDATION XIV-4
NOPD must develop a forensic science capability for collecting, storing, analyzing, and managing forensic evidence. Among the capabilities that need to be developed at a functional level are: • The implementation of a Laboratory Information Management System (LIMS). • The laboratory should have accessibility to the BEAST (Bar-coded Evidence Analysis Statistics and Tracking) system. • The capability to perform bullet trajectory analysis. • The capability to safely perform biological screening without contamination and while maintaining the chain of custody. • The capability to perform DNA analysis should be developed. • The capability to perform blood splatter analysis. • The capability for laboratory personnel to provide forensic intelligence to the investigators. • The Scientific Criminal Investigation Division's engagement

with the Homicide Section must extend beyond the crime scene.

RECOMMENDATION XIV-5
A comprehensive forensic science procedural review should be performed to determine the presence and status of procedures for handling evidence and materiel that will be subject to forensic analysis, develop new procedures where there are gaps, and provide training on the procedures to both Homicide and District Investigators.

While there is more work that is needed to fully develop the Scientific Investigation Division, they do have a functional forensic analysis capability. Ironically, NOPD Investigators are not fully aware of the division's analytic capability. Some Investigators stated that the department did not have a functional crime laboratory. This obviously indicates a communication problem.

RECOMMENDATION XIV-6
The Scientific Investigation Division should provide periodic and ongoing in-service training to all NOPD Investigators on the types of forensic services that may be provided as well as requirements and procedures related to the submission of evidence, chain of custody, and forensic analysis.

The current process for using the Crime Scene Technicians to collect evidence requires that the technicians collect evidence only at the direction of the Investigators. There are inherent problems with this process. First, the Investigators are not trained in forensic analysis and therefore may overlook evidence—particularly trace evidence—that could be useful in the investigation. Second, if the Investigators are unaware of the analytic capabilities of the Scientific Investigation Division, they may overlook certain evidence under an erroneous assumption that it cannot be analyzed. Third, Investigators may not know the best priority and sequence of evidence collection as related to the analysis.

RECOMMENDATION XIV-7
The Homicide Investigator and Crime Scene Technician should work as a team, with the technician deferring to the Investigator on issues related to case development and the Investigator deferring to the technician on deciding what materials should be collected for evidence, the sequence of the collection, and the packaging of the evidence. A level of trust should be built between the Homicide Investigators and Crime Scene personnel. This would allow each to work independently at times, reducing the drain on resources and budgetary dollars.

RECOMMENDATION XIV-8
Crime Scene Technicians should attend the Basic Crime Scene Investigation training offered at no charge by the Louisiana State Police.[34]

RECOMMENDATION XIV-9
Crime Scene Technicians must receive the training and be provided with the equipment and materials to perform a comprehensive crime scene search for forensic evidence, collect the evidence without contamination, preserve the chain of custody, and provide support for on-scene Homicide Investigators.

RECOMMENDATION XIV-10
Homicide Investigators must receive forensic evidence training to understand the types of evidence that are subject to forensic analysis, the types of information that forensic analysis can provide, and the collection and preservation of forensic evidence and develop an integrated work process among Investigators, Crime Scene Technicians, and forensic scientists.

RECOMMENDATION XIV-11
All Homicide Investigators and as many District Investigators as practicable should attend the Basic Crime Scene Investigators training program that is being offered at no charge by the Louisiana State Police.[35]

As a final note, there will be an ongoing process of developing new analytic capabilities in the Scientific Investigation Division. As these capabilities become available for use, there must be communication and, perhaps, training by the Scientific Investigation Division to ensure that NOPD personnel are aware of the new capabilities and how to properly access their use.

CONCLUSIONS

The Program of Assessment for this project began by identifying goals and the types of information needed to fulfill those goals. The team cooperatively developed an audit instrument of questions to be answered that would identify the types of data and documents to be reviewed. This was followed by two on-site visits to interview NOPD and District Attorney's Office personnel. An iterative process of discussing issues and recommendations was used to develop a consensus among team members, which is reflected in this report.

[34]Training courses are listed and available for registration at http://www.lsp.org/training.html.
[35]Information about the training is available at http://www.lsp.org/training_csi.html.

The intent of the recommendations in this report is to assist NOPD in increasing the homicide clearance rate in the city and prevent future homicides from occurring. Some processes need reengineering, while others need refining. While the Assessment Team believes the Investigators and management of the NOPD have the skill and expertise to meet the recommendations, it also recognizes that there are resource challenges beyond the control of the department. It is hoped that as the city's economic recovery continues, the recommendations will serve as a map for addressing the homicide investigation and prevention strategies. It is critically important that where feasible, performance measures be established by NOPD which specifically relate to the recommended policies and practices for the homicide unit. These performance measures will assist NOPD management and staff in establishing baseline performance expectations, monitoring progress, and identifying operational impediments. BJA can provide assistance upon request.

The team acknowledges that there may be information that was missed in the assessment that mitigates or aggravates the department's ability to implement some of the recommendations. Nonetheless, all of the recommendations have been made in light of information that was collected and in the spirit of providing insight on best practices for homicide investigations.

The reader should know that the department is moving forward with some recommendations, with the support of BJA, on points that were verbally conveyed by the Assessment Team during the course of this project. Members of the Assessment Team stand ready to provide additional information and assistance to NOPD as the department moves forward.

The Cost of Crime

Because many of the recommendations in this report require expenditures, the closing observations provide a perspective on the cost of crime.

The cost of crime in a community can be expressed in different ways: the cost to a family who loses a loved one; the emotional and financial burdens of being victimized; the increased disorder and fear of crime that permeate a community when crime, particularly violence, is perceived to be "out of control"; and the tarnishing of a community's reputation, which can contribute to population flight and the resistance of businesses to locate in the community.

Of course, the most measurable cost is in the money that must be expended to staff and to operate the criminal justice system. The recommended

investments in the NOPD, while challenging, may pay important dividends by reducing all the costs of crime.[36]

[36]For a detailed perspective on this issue and a model for calculating the cost of crime in New Orleans, see: Heaton, Paul. (2010). *Hidden in Plain Sight: What Cost of Crime Research Can Tell Us About Investing in Police*. Santa Monica, CA: RAND Center on Quality Policing. Available for download at http://www.rand.org/pubs/occasional_papers/OP279.

Appendix A

NOPD HOMICIDE ASSESSMENT PROJECT TEAM

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Appendix B

SAMPLE SELECTION PLAN FOR HOMICIDE INVESTIGATORS

The Homicide Investigator selection process should begin with a department-wide announcement that defines the responsibilities and skill sets needed for the position.

- Critical criteria for a Homicide Investigator include:
  - A highly motivated sworn employee with at least five years experience as a sworn officer
  - The ability to perform the following functions:
    - Investigation and documentation of homicide and other death situations as required
    - Family management/next-of-kin notifications
    - Case management
    - Liaison with other agencies
- Personnel interested in this assignment will:
  - Be available to work flexible hours when needed
  - Be willing to perform as part of a team
  - Demonstrate a sound work ethic

Additionally, candidates should provide a copy of their last performance evaluation and a copy of a recent incident report that they have written along with a copy of a recent search warrant they have written. Materials will be reviewed by a panel of three assessors that would include two Homicide Investigators and a Homicide Sergeant.

The second part of the process would be an oral interview conducted with the candidate. Scores from the review of materials and from the interview will be combined to make a list of candidates, based on their combined scores, to be provided to the Division Commander, who then makes the selection.

Appendix C

PRINCIPLES IN THE USE OF OVERTIME

- A Homicide Section operating budget with a line item for overtime must be established at least within the first 72 hours after a team is assigned a homicide.

- Regulating overtime (working beyond normal working hours) will be in accordance with city and department guidelines.

- When department business makes it necessary to work beyond normal working hours, the employee's immediate supervisor must approve the overtime in advance. (In the case of a supervisor working overtime, it will become necessary for his/her supervisor to approve it in advance.)

    - Supervisors will review overtime requests and approve/deny the same.

- It is imperative that all overtime worked be kept to a minimum and flex schedules be used when possible to reduce overtime without jeopardizing the team response to future cases.

- All section overtime will be reviewed by a Lieutenant and the Division Commander.

POLICE LINE DO NOT CROSS