

OFFICE OF INSPECTOR GENERAL  
CITY OF NEW ORLEANS



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INDEPENDENT POLICE MONITOR

**REVIEW OF COMPLAINT INVESTIGATION**

**IPM No: 2010-248**

**PIB Control No: 2010-895-C**

**Facts of the Complaint**

- This complaint primarily involves allegations of failure to perform police duties with regard to the investigation of the sexual assault of a missing female juvenile with documented mental health issues. Additional allegations included discourteous and unprofessional behavior, as well as neglect of duty.
- The primary complaints were lodged against Lt. Timothy Morris, Detective Kira Godchaux, and Officer Wilbert Williams of the Juvenile Division. The secondary complaints were directed at Lt. Morris for discourteous and unprofessional behavior, and Officers Joseph Hebert and Wesley Melford for neglect of duty
- This case was investigated by the following members of PIB: Sergeant Lesia Latham Mims, with assistance from Sgt. Theresa Meunier, Sgt. Iris Carey, Lt. Joseph Lorenzo and Captain John Joanos.
- Officers Melford and Hebert were suspended in accordance with NOPD policy.

**I. Methodology for Complaint Review**

In conducting its review, the IPM utilized a matrix of first and second-level reviewers. This matrix contained 73 questions designed to evaluate the quality, completeness, and findings of the completed investigation, including whether the discipline imposed was justified and appropriate in light of the surrounding circumstances, the employee's disciplinary history, and current department disciplinary standards. The matrix separated the investigation into the following eight categories for review: Complaint Administration; Complaint Processing; Complaint Classification; Investigation; Interviews; Adjudication & Discipline/Training; Disciplinary History; and Risk Management & Liability Issues. A summary of our review of the investigation is as follows:

**II. Complaint Administration**

**Additional involved officers should have been included as targets in this investigation:**

The investigation should have looked beyond the officers whom the complainant accused. The duty of an investigating officer is to look beyond the complainant's allegations to determine if police protocol and internal rules and regulations were violated.



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A civilian complainant does not have the professional background nor the information a NOPD investigator has and thus cannot be expected to include in a civilian accusation the internal security protocols that were violated in an investigation. NOPD rules and regulations require the highest level priority in investigation for a missing child with disabilities.

In this case, the investigation file contained official NOPD verification that in her first call to the NOPD, the complainant notified the NOPD that her missing child suffered from a disability. The investigation verified that the priority level of the initial call was downgraded from a '1a priority' level to a '2' or '2a priority' level. Although, there was a clear failure to follow policy by downgrading the incident, none of the four officers that may have been responsible for this failure to follow policy were investigated by PIB. NOPD policy does not dictate whether priority level denoted refers only to initial response to the emergency or to the priority level for the ongoing investigation. However, it is clear that the investigation did not receive the urgency dictated by NOPD policy either in its initial or later stages. Also troubling, is the failure of the investigating officers to collect evidence in a serious sex crimes case. According to NOPD policy, it is the duty of an investigator to interview all witnesses involved, and devote the highest priority to evidence collection. In the circumstance at hand, officers did not interview all witnesses or preserve evidence, although it was in their power to do both.

**The IPM recommends that all PIB investigators be trained to look beyond the accusation of the accused. It should conduct an independent inquiry, taking all the facts into consideration to determine whether NOPD employees followed administrative regulations, regardless of whether the original civilian complaint involved failure to follow policy allegations.**

### III. Complaint Processing

The IPM personnel initiating/receiving the complaint documented an abbreviated version of all of the complainants' allegations of misconduct and PIB was notified promptly by the IPM of the complaint. PIB properly and consistent with Civil Service Rules requested and received an extension of time to conduct their investigation into the complaint.

### IV. Complaint Classification

The complaint was properly classified as a DI-1. Officers involved were not suspended or reassigned pending the investigation, which was proper in the IPM's estimation. The complaint involved the following subject matters: discourtesy, false imprisonment, neglect of duty, failure to report misconduct, improper remarks, and paid detail.



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### V. Investigation

**Attention Given the Complainant:** Senior command at the Public Integrity Bureau spent a considerable amount of time out of their very demanding schedule with the complainant and her family reviewing the investigations and listening to the family's concerns after the conclusion of the investigation. We commend senior command at the Public Integrity Bureau for giving this family the degree of attention they received.

**Bias in the Investigation:** While we commend the senior command at PIB for their care of this family, such care was missing in the execution of the investigation. In addition to not investigating all relevant NOPD officers' conduct (see Administration section), evident bias was demonstrated in the investigative report. Sections where police witnesses testified to erratic behavior on the part of the complainant and her family are highlighted, while similar testimony by the complainant and her family (as evidenced in letters and interview recordings) regarding officers' inconsistencies are not highlighted and largely go unmentioned in the report. Additionally, many inconsistencies between the complainant's version of events and other witnesses were all "resolved" in favor of the officers without adequate supporting or circumstantial evidence.

**Relevant Information Not Obtained:** The IPM found relevant witnesses, both civilian and police, were not interviewed; and that relevant hospital reports were not included. As a result, inconsistencies between officer and civilian testimony were not resolved at all. Material inconsistencies between police statements and police documentation on the timing of when the complainant informed the NOPD of the missing child's disability were not mentioned or seemingly discovered by the PIB investigator.

### VI. Interviews

**Missing or Incomplete Recordings:** The IPM also did not receive several of the taped interviews which PIB documented as having been conducted. Specifically, the taped statement of the complainant's daughter was incomplete (cut off) and the IPM did not receive the audio tape recording of two other civilian witnesses, including the recording of the complainant's interview. The IPM also did not receive an audio recording of at least two other accused NOPD officer's interviews which were documented by PIB to have been conducted.

**Questioning Methods:** The IPM observed problematic questioning methods used in all five interviews for which the IPM received an audio recording. The IPM observed in each interview: the use of closed ended questions, leading questions and numerous occasions



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(per interview) where the investigator gave the interviewee the answer to the interview question when the interviewee hesitated in answering or gave an answer the interviewer did not appear to find acceptable.

**In order to fully and completely evaluate the quality of the investigation, the IPM recommends that all PIB investigators be trained to record, maintain and provide all interviews and information gathered during the investigation. PIB investigators must be adequately trained to conduct unbiased interviews, including proper questioning of witnesses.**

### VII. Adjudication & Discipline/Training

The totality of the facts gathered in the investigation does not support the adjudication of each allegation. According to NOPD regulations, an immediate search should have been conducted and a district platoon supervisor should have been notified if a missing juvenile has a disability. Thus, it does not appear that NOPD policy was followed in this regard. According to NOPD policy, an injured or ill arrested child should be immediately brought to an appropriate medical facility for treatment. At the very least, the child in question should have been immediately brought to the hospital and appropriate examinations should have been required for the sake of preserving necessary evidence. NOPD never brought the child to the hospital nor asked for the examination, nor asked the juvenile's guardian for permission to administer said examination. The large majority of key NOPD officers potentially responsible for such failure to follow policy were not interviewed by PIB. Thus, it cannot be said that the totality of the investigation supports the adjudication of each allegation.

### VIII. Disciplinary History

The employee's disciplinary record has been accurately updated by PIB to reflect the final allegations/rule violations. It is imperative for the proper functioning of the Early Warning System that all of an officer's complaint history be included.

### IX. Risk Management & Liability Issues

Our review of the investigation did not reveal any potential violations of the accused officer's rights under Chapter 2531 of Title 40 of the Louisiana Revised Statutes of 1950, "Rights of Law Enforcement Officers While Under Investigation."

