

OFFICE OF INDEPENDENT POLICE MONITOR  
**CITY OF NEW ORLEANS**



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RE: Special Victims Investigations

Dear Superintendent Harrison and Deputy Superintendent Westbrook,

Congratulations to the entire PIB team for getting out in front of the Special Victims Investigations. The report details a high-risk, high-impact problem which we are happy has finally come to public attention. I applaud your partnership with the OIG to get this report completed. The OIPM is writing this letter to supplement the OIG's report on Special Victims Investigations and to ensure that the OIPM is notified of the resulting disciplinary investigations so that OIPM personnel may in turn monitor such investigations.

The OIPM seeks to ensure by this letter that NOPD is aware of the full implications of the Special Victims Investigation report. Some New Orleans City Council Members raised a concern that the Special Victims Investigation report may be focused on individual officer's accountability rather to the detriment of addressing systemic issues. Therefore, the OIPM is sharing a few questions raised through the civilian complaints the OIPM has received and our experiences with this matter. The information and questions in this letter are designed to assist the department to more comprehensively rectify problems in the Special Victims Unit.



Civilian responses are our greatest indicators on how the city is progressing in reforming the NOPD. Civilian complaints, commendations, and feedback are excellent risk indicators and inform us as to which audits, investigations, and reviews are the greatest priority. Even if the evidence in support of an individual complaint is insufficient to merit individual officer discipline, it is still valuable “consumer feedback” that can help the NOPD be more effective. Mutually informative quantitative and qualitative data is risk management at its best.

Acting Deputy Police Monitor Ursula Price will be heading the OIPM's monitoring efforts relating to the Special Victims Investigations Report. Please keep Ms. Price apprised of the conduct of the investigations. The OIPM requests to observe accused officer or victim interviews relating to the Special Victims Investigation Report. I understand the OIG enjoyed unfettered and, just as importantly, unscheduled access to PIB and SVU files. The OIPM looks forward to enjoying the same level of transparency in our future partnerships with NOPD.

#### I. Lessons from Complainants:

In 2013 and 2014, the OIPM spoke to ten separate individuals who reported being victims of sex crimes and who reached out to the OIPM to obtain a more effective response from the police department. In any given year, the OIPM is contacted by almost 10% of the total of those who formally complain of potential NOPD misconduct. Therefore the OIPM's data should be considered a snapshot of the overall NOPD complaint statistics.

When contacted by a sex crime victim, the OIPM's first approach is to try to resolve the matter by acting as a liaison between the civilian and the police department. In this work, the OIPM attempts to facilitate better communication between the victim and the NOPD, alert NOPD supervisors and PIB to any neglect of duty issues, and answer the civilians' questions with all available information. The OIPM also connects that victim with community resources. When the OIPM's attempt to facilitate interaction between the NOPD and the victim fail, the OIPM helps the civilian file a formal complaint against the involved officers. Five of the ten sex crimes incidents and formal complaints were referred to PIB for investigation.

When reviewing the OIG report in the larger context of sex crime victims' contacts with the OIPM, the OIPM observed a few issues absent in the OIG's investigation that merit mention and require NOPD's Attention:



a. Complaints involving Crime Lab:

The OIPM has received an anonymous complaint<sup>1</sup>, presumably from crime lab employees or those connected with the crime lab regarding various issues inside the crime lab. One specific issue detailed in the complaint directly affects sexual assault investigations. This complainant reports that Crime Lab does not prioritize the order in which they test evidence samples submitted to Crime Lab. Reportedly, drug samples are often tested before sexual assault related evidence. This same complainant reports that the lab does not receive its evidence sample to be tested from the detectives until 11am. The complainant asserts that the crime lab could be more efficient and use its time better if they received samples earlier in the day. Given the priority of crimes against persons, especially sexual assault crimes, it is appropriate to prioritize testing the evidence in these crimes before other evidence.

b. Complaints involving Patrol Officers:

The majority of complaints the OIPM receives from civilians regarding sexual assault investigations specifically complain about the first line of police contact<sup>2</sup>: patrol and desk staff employees. Victims report being met with impatience, incredulity, dismissiveness, and insensitivity when attempting to report sexual assault crimes. Some complainants used words like “humiliated<sup>3</sup>” and “re-victimized<sup>4</sup>” when talking about their experience reporting sexual crimes to NOPD patrol and desk personnel. For instance, one complainant was concerned that she was asked probative questions at the front desk, in the full presence of officers and citizens.<sup>5</sup> Another complainant, who happens to be in an influential position with the city, complained that responding officers were initially dismissive of her criminal complaint and that the complainant had to use personal lines of influence to get a proper investigation conducted.<sup>6</sup>

Complainants have also been concerned about responding officers’ evidence-collection practices. Complainants who report not being taken seriously by patrol officers also complain that patrol officers do not photograph their injuries and do not inquire into all the areas where evidence could be retrieved. The most specific example is a case that has already gone public.<sup>7</sup> In the investigation of the alleged rape of Maria Treme, responding officers chose to sever her rape investigation from

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<sup>1</sup> CC2013-924

<sup>2</sup> CC2014-0062, CC2014-0071, CC 2014-0443, CM 2014-0018, CL 2014-0014, CL 2014-0002

<sup>3</sup> CC2014-0062

<sup>4</sup> CC2014-0071

<sup>5</sup> CC2014-0062

<sup>6</sup> CL2014-0014

<sup>7</sup> CC20014-0071



her stolen vehicle investigation. Ms. Treme believes that both crimes were committed by the same person. When patrol put those two investigations under separate item numbers, the recovered vehicle was not searched for rape-related evidence. Fortunately, this victim went public and got slightly better results.

c. Complaints Involving Detectives

Complainants also note problems with detectives, similar to those unearthed by the OIG's report. In addition to the issues covered by the OIG, the OIPM has documented complaints referencing problems related to:

- **General Approach:** Perhaps the greatest and most consistent complaint is that detectives do not seem to take the cases seriously or understand the weight of the allegations being filed. In one case in particular, detectives seemed disinterested in a pattern of stalking and harassment and focused only on thefts.<sup>8</sup> Although theft is a more easily investigated crime, the reported behaviors may present a greater risk of violence than theft. The detectives in this case did not pursue the harassment or stalking cases until after the complainant contacted the OIPM.
- **Evidence Collection:** Complainants expressed concern that their assigned detective was slow to collect evidence or did not collect evidence at all. In two separate complaints, there was an allegation that the police did not collect basic fingerprint evidence<sup>9</sup>. In another complaint, officers allegedly delayed having a rape kit and toxicology screening for several hours until after the police had completed a witness interview and scene walkthrough<sup>10</sup>.
- **Witness Interviews:** – Some complainants report that witnesses are questioned in ways that seem to be focused on attacking the victim/complainants' credibility rather than unearthing all relevant evidence and witnesses.<sup>11</sup> The only way to determine the frequency of this occurrence is to conduct a random review of witnesses' interview tapes.
- **Communication:** - Every OIPM complainant in this category reported difficulty in reaching and communicating with their assigned detective.

d. Supervision

Although complainants are unaware of NOPD's supervisory structure, policies or rules, the OIPM notes that many of the above-mentioned problems could have been prevented by more robust supervision. Supervisors should know if their line officers are communicating with victims in a timely and appropriate fashion. Supervisors

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<sup>8</sup> CC2014-0064

<sup>9</sup> CC2014-0071 and CL2014-0013

<sup>10</sup> CC2014-0064

<sup>11</sup> CC2014-0071



should be discussing evidence collection and processing with their detectives and should ultimately know the quality of their divisions' work. The OIPM encourages PIB to look at the OIG's report as an opportunity to model better NOPD supervision standards.

## II. Criminal Liaison Work

The OIPM works with many victims of different crimes. Beginning in 2014, the OIPM began documenting each request for help from crime victims, even if the complainant chose not to pursue a formal complaint against the NOPD. PIB is cognizant of all 42 complaints filed by the OIPM regarding some form of Neglect of Duty. However, it may be helpful to know that, in addition to those complaints, we have worked with 12 different crime victims in 2014 who have not, as of yet, chosen to file complaints. To assist PIB in assessing its risk and determining its next steps, the OIPM informs PIB of concerns raised in our criminal liaison cases. You will note that many of these themes parallel the above-mentioned problems found in Sexual Assault investigations.

- **Homicide Victims:**<sup>12</sup> The OIPM is often contacted by families of homicide victims. Their primary complaint is that they cannot reach the assigned detective despite repeated attempts. Many of these families keep careful records of all their attempts to speak with detectives. Many of these families have deep concerns about the quality of these homicide investigations and with the assigned detective's attitude toward the family members.
- The OIPM has been informed by individual officers that the Homicide Division is overwhelmed and cannot find the time to give each family personal attention. However, there is a growing community of homicide victims that are deeply frustrated and who could be sated by more information and better communication. The OIPM suggests that the department work more closely with Silence is Violence (SIV), an active victim rights group, to remedy some of these situations. SIV has been in frequent conversation with the OIPM about a number of systemic issues and solutions for the Homicide Division.
- **Failure to Report/False or Inaccurate Reports:** Civilians who call the OIPM to seek help in working with the NOPD are sometimes forced to file a complaint when the OIPM has not received adequate information from the NOPD to transmit to the civilian. This process where a complaint must inevitably be filed by the OIPM in order for the civilian to receive a more suitable response is termed "liaison to complaint conversion rate."<sup>13</sup> The majority of liaison to

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<sup>12</sup> CL2014-0001, CL 2014-0007, CL2014-0011

<sup>13</sup> The OIPM will report on the exact Liaison to Complaint conversion rate in the OIPM's upcoming annual report.



complaint cases involve an allegedly inaccurate police report. The allegation of inaccurate or false police reports by a crime victim is an important risk indicator to which NOPD should pay close attention. In the two liaison cases that did not revert to complaints, the civilian was initially attempting to contact the detective to correct errors in the police report. They could not do so until the OIPM intervened.<sup>14</sup>

- **Evidence Collection:** In at least three cases, civilians attempted to communicate with detectives about evidence that they knew existed, that they knew how to acquire, and that they believed would assist the detective. In all three of these cases, detectives did not collect the relevant evidence that was time-sensitive and likely to be unavailable after a period of time. For example, the neighbor of the sexual assault victim in the Green Street Strangler case expressed concern that detectives were not collecting relevant security camera video from neighboring homes that might have helped identify the assailant. This video happened to be recorded by a ProjectNola camera. (ProjectNOLA is a non-profit organization which provides a city-wide crime camera system featuring over 600 High Definition day/night IR cameras. The OIPM encourages the NOPD to formalize their arrangement with Project Nola so that video footage of crimes collected by Project NOLA can be utilized more expediently.

The OIPM intends for this letter to initiate a discussion between the OIPM and PIB but also between NOPD and the community it serves. The OIPM does not yet have the assistance of an auditor or a data analyst to provide a conclusive examination of all the OIPM's available data. However, these anecdotes are risk indicators and inform the OIPM and, ideally, the NOPD's future work and priorities.

### III. Recommendations

In particular, the OIPM has three recommendations that would improve service to the community and help PIB better assess and mitigate risk:

- a. **Criminal Case Liaison Point of Contact** – Much of the OIPM's work is in assisting crime victims. Ironically, the Police/Civilian Review Task force that recommended the OIPM be created also recommended that an Ombudsman be created to educate and advocate for civilians interacting with the NOPD. The Ombudsman was never created, but the OIPM attempts to fill the gap nonetheless. Although it would be less labor intensive to simply file a complaint and tell that crime victim to wait for disciplinary action, such action does not

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<sup>14</sup> CL2014-0007, CL2014-0012



- b. address the root problem and would likely occur after the criminal case is closed. By the same turn, the OIPM wants to conserve PIB resources for issues that require discipline. If the OIPM can help the civilian get their needs met and not tax departmental resources, the OIPM will continue to do that work.

However, the OIPM requires NOPD's assistance. The OIPM requests that the department select at least one staff person as a point of contact for the OIPM's criminal liaison work. This person can help the OIPM find relevant police reports, foster communication with the appropriate detectives and supervisors, and find direct solutions to the problems raised by complainants and victims. Our current arrangement requires a great deal of OIPM staff time to be devoted to tracking down basic information like item numbers and detective contact information.

The benefits to the department will be better customer satisfaction, fewer complaints, and ultimately, better results in these cases.

- c. Comprehensive Assessment – The OIG's report on Special Victim Investigations was both timely and important for our city. However, an analysis of data found in police reports only tells part of the story. Integral to this process is the patterns the OIPM has seen in its work with complainants. Additionally, the OIPM is able to help PIB analyze complaints and offers a legal perspective that considers constitutional, employment, and state/local law. Additionally, the OIPM can offer the information the OIPM gathers from community partners such as the service providers and legal representatives that often refer these crime victims to our office for assistance. In particular, Women with a Vision, a non-profit organization that addresses issues faced by women within the community, has gathered information from several sexual assault victims since the OIG's report was released.

The OIPM echoes what the City Council has already said – NOPD is a system. Any subsequent reviews of any aspect of the department will be more successful if they address the system in question, and not just a few responsible individuals. In fact, it is relatively easy to hold specific individuals responsible, it is harder to fashion more comprehensive and longer lasting solutions. The OIPM is invested in assisting the department in looking at each issue comprehensively, including policy, training, law, supervision, pattern, and practice. Complaints are an instructive manner to receive in-depth perspective on police practice. Policy, for example, must be instructive for officers and specific enough for officers to fully grasp their responsibilities in investigating individual cases.



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In conclusion, I compliment the PIB on its transparent and cooperative approach to this very difficult, emotionally wrought subject. It is difficult for any community to hear that violence against sexual assault victims is ignored or condoned. Your leadership has allowed NOPD to take the first step towards healing – acknowledging the problem. The OIPM is a partner in this important work and all the subsequent steps that must be taken. As the OIPM continues to work to improve NOPD's response to sexual assault crimes, we encourage you to work with the OIPM, listen to the complainants, and to take a comprehensive approach to this problem.

I and my staff look forward to helping you make this city safe for everyone.

Sincerely,



Susan Hutson  
Independent Police Monitor

CC: Susan Guidry, New Orleans City Council  
Jason Williams, New Orleans City Council  
Latoya Cantrell, New Orleans City Council  
Nadine Ramsey, New Orleans City Council  
Stacy Head, New Orleans City Council

