



Office of Inspector General

City of New Orleans

Report of Inquiry into Documentation of Sex Crime Investigations by Five Detectives in the Special Victims Section of the New Orleans Police Department 13-0017-I

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Inspector General**

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EXECUTIVE SUMMARY

The Office of Inspector General initiated an investigation based on information gathered by the Audit Division of this Office for its *Audit of NOPD's Uniform Crime Reporting of Forcible Rapes* (May 2014). The Investigations Division reviewed the 90 sex crime related reports that auditors cited in their report, and identified 23 reports that raised concerns about the documentation of the investigations.

Investigators reviewed the records of agencies that might have had information regarding these cases and identified five New Orleans Police Department (NOPD) Special Victims Section detectives whose documentation for investigations was questionable. Due to ongoing investigations, these five detectives will be not named in this report; their identities were provided to the NOPD's Public Integrity Bureau (PIB), which provided material assistance to the investigation.

PIB identified 1,290 sex crime related calls for service that were assigned to the five detectives. Of the 1,290 Item Numbers, only 179 (14%) contained supplemental reports documenting any additional investigative efforts beyond the initial report; these 179 supplemental reports were the total written investigative product of the five detectives for sex crime related calls for service for three years.

The Investigations Division reviewed 450 Item Numbers wherein initial reports were written or comments were made by the five detectives. Of these, 271 (60%) contained no supplemental reports documenting any investigative effort beyond the initial report.

These five detectives, in 271 specific instances, either failed to provide documentation of investigative efforts or provided questionable documentation. The Investigations Division has provided these cases to PIB for further investigation.

The investigation also noted that NOPD supervisors failed to identify the problems concerning the documentation of investigative efforts by the five detectives for the three year period.

I. INTRODUCTION

The Investigations Division of the Office of Inspector General (OIG) conducted a review of 90 sex crime related reports that were acquired by the OIG's Audit Division.¹ In the course of that review, the Investigations Division identified detectives in the Special Victims Section² of the New Orleans Police Department (NOPD) who failed to provide documentation of investigative effort and results or who provided questionable documentation in some of their investigations of sex crimes.

Investigators identified 23 reports of the 90 randomly selected by the Audit Division that aroused significant concerns regarding the documentation of the investigations. Six reports were created on a date later than the date written on the report; seven reports contained no supplemental reports documenting any further investigative efforts; and four reports contained information that was materially different from related medical reports. These concerns led the Investigations Division to conduct a comprehensive review of every case that the detectives were assigned during the three year period, January 1, 2011 to December 31, 2013.

Accordingly, the investigators requested that NOPD's Public Integrity Bureau (PIB) identify every sex crime related call for service that was assigned to the five detectives during this three year period; PIB identified 1,290 calls for service that had been assigned to one of the five detectives to investigate.

In addition to reviewing NOPD and Orleans Parish Communications District reports, the investigators also reviewed the following:

- Special Victims Section files
- NOPD's Central Evidence and Property records
- Orleans Parish District Attorney files
- Audio recordings of the 911 calls
- City of New Orleans Information Technology and Innovation Department records
- Louisiana State Police (LSP) DNA Laboratory records
- Medical reports

Due to ongoing investigations, the five detectives will not be named in this report and will be referred to as Detectives A-E. The detectives' true identities were provided to PIB separately. This report provides examples of the questionable documentation by these five detectives; however, these examples will not contain names, dates, locations, or details that could lead to the identification of any victims. This information was provided to PIB separately to protect the identity of any potential victim as well as to avoid interfering with any potential prosecution.

¹ See "Performance Audit of the New Orleans Police Department's Uniform Crime Reporting of Forcible Rapes." May 14, 2014. www.nolaogig.org.

² The NOPD website states that: "the Special Victim's Section consists of the Sex Crimes Unit, the Child Abuse Unit and the Domestic Violence Unit. The Sex Crimes Unit is a specialized investigative unit which has the responsibility to handle the investigation of all rapes and attempted rapes, sexual batteries, and carnal knowledge cases (except in child abuse cases)."

II. RESULTS

Investigators reviewed 1,290 calls for service identified by PIB that were assigned to the five detectives. Of these, 840 (65%) were designated Signal 21 (Miscellaneous).³ For these 840, no reports were written and there were no comments in the Incident Recall Report. The latter report is created by the Orleans Parish Communication District's Computer Aided Dispatch (CAD) system, which maintains a log of all transactions for incidents called into 911. Due to this total void of information, the investigators could not analyze 65% of the sex crime related calls for service assigned to the five detectives.

Investigators analyzed the remaining 35%, which were the 450 calls for service that were designated as sex crime signals⁴. For all of these, there is an initial report which provides very little information; the initial reports are deliberately brief in order to protect the identity of the victims. For example, a typical initial report of a sex crime might state, "a known female was sexually assaulted at a known location. Additional information will be provided via supplemental report."

In the majority of the brief original reports associated with these 450 calls for service that were designated as a sex crime signal, the detectives indicated that additional information would be provided via a supplemental report. However, the detectives followed through only 40% of the time, providing a total of only 179 supplemental reports among the five detectives over three years. These 179 supplemental reports represented the entirety of the written product documenting further investigative efforts by the five detectives during the three year period. For 271 (60%) of these cases which were designated as a sex crime signal, there were no supplemental reports documenting any investigative effort beyond the initial report.⁵

Table A.

Det.	Cases assigned	No Supplemental Report / Information	%
Det A	99	53	54%
Det B	105	29	28%
Det C	40	34	85%
Det D	87	53	61%
Det E	119	102	86%
	450	271	60%

³ A sex crime related call for service might be originally classified as Signal 21 (Miscellaneous) when there is not enough information to designate it as, for example, Signal 42 (Rape) or Signal 43 (Simple Rape). It is entirely in the discretion of the NOPD whether to reclassify a Signal 21 to a signal indicating criminal behavior.

⁴ Sex Crime Signals include: Signal 42, Rape; Signal 43, Simple Rape; Signal 80, Indecent Behavior with a juvenile.

⁵ It should be noted that the DA's Office accepted cases for prosecution from these five detectives despite the fact that approximately 60% of the time the detectives did not provide any documentation showing investigative efforts beyond that of the scant initial report. The 5 detectives presented 105 cases to the DA's Office and 74 were accepted. The DA's Office obtained all the documentation required for prosecution.

These 271 cases should be investigated by the NOPD and a final determination made.

Analysis By Detective

Detective A

Detective A was assigned 13 cases of potential sexual/physical abuse involving juveniles wherein the juvenile victims potentially were still in the same home where the alleged abuse occurred. Due to potential safety concerns involving the children, these cases were provided to NOPD on discovery by the Investigations Division.

Out of these 13 cases, 11 had no supplemental reports documenting any investigative effort beyond the initial report. These included:

- An infant was brought to the hospital emergency room with a skull fracture. The emergency room nurse wrote that she “suspected non-accidental trauma”; Detective A conducted no investigation and closed the case.
- An infant was brought to the hospital emergency room with a skull fracture. The doctor found not only a current skull fracture but an old skull fracture as well. The victim’s mother changed her story several times, but Detective A wrote in the original report that there was no cause for criminal action and closed the case.
- A juvenile was brought to the hospital emergency room due to an alleged sexual assault. A review of the victim’s medical records revealed that the juvenile, who was under 3 years old, had a sexually transmitted disease. However, Detective A wrote that the victim did not disclose any information that would warrant a criminal investigation and closed the case.
- A juvenile was brought to the hospital emergency room due to an alleged sexual assault. A review of hospital records revealed that a forensic interview was conducted by a specialist trained to elicit information from children regarding sexual/physical abuse. The forensic interview report noted specific information regarding sexual and physical abuse by a named individual who was living in the same house with the juvenile; this report also stated that the named individual was a registered sex offender. Detective A wrote that the juvenile victim did not disclose any information regarding a sexual assault and closed the case due to a lack of evidence.

Detective B

- Detective B was assigned three separate cases wherein the Louisiana State Police DNA Laboratory identified DNA evidence. In none of these cases was there documentation of any follow-up investigation.
- Detective B had two cases wherein no files were created in the Special Victims Section.
- Detective B also had a case where the victim stated she was sexually assaulted and her iPhone was stolen. There was no documentation of any investigative effort in tracking the phone or obtaining phone records.

Detective C

- A female reported being sexually assaulted and was examined by a Sexual Assault Nurse Examiner (SANE).⁶ NOPD was provided with the sexual assault kit. The original report stated that Detective C contacted the Louisiana State Police DNA Laboratory and found no results in the sexual assault kit. However, a review of the laboratory's records revealed that the kit was never submitted; a review of NOPD's Central Evidence and Property records showed that the kit had never moved from Central Evidence and Property.
- On a specific date in 2013, the Office of Inspector General (OIG) requested NOPD to provide four supplemental reports that were missing from the case files of Detective C. NOPD provided these reports; the Investigations Division then contacted the City of New Orleans Office of Information Technology and Innovation (ITI) and received the following information:
 - Three supplemental reports were dated with specific dates in 2011; ITI determined that these reports were actually created by Detective C two years later.
 - One supplemental report was dated with a specific date in 2010; ITI determined that this report was actually created by Detective C three years later.
(All four reports were created on the same day in 2013, shortly after NOPD received the OIG request for the missing reports)

⁶ An examination by a Sexual Assault Nurse Examiner typically takes 4 to 6 hours to perform. These Nurses are specially trained, take meticulous notes and write very thorough reports.

Detective D

Detective D was assigned 11 simple rape cases during the three year time period. Five had no supplemental reports documenting any investigative effort beyond the initial report; one had no file at all; and one was presented to the DA's Office. Detective D told at least three different individuals that Detective D did not believe that simple rape should be a crime.⁷

- In one case, Detective D wrote that no DNA evidence was discovered. However, this was directly contradicted by Louisiana State Police DNA Laboratory records which showed that DNA evidence had been discovered.
- In another case, the victim went to the hospital for a SANE examination. The SANE nurse reported that the victim said that she was receiving threatening text messages from the assailant; however, there was no documentation that Detective D attempted to obtain any phone records or text messages. The SANE Nurse also collected potential DNA evidence from the victim that was collected in a sexual assault kit; however, a review of LSP DNA Laboratory records revealed that Detective D never submitted the kit for testing. A review of the sex crimes log book maintained by the Special Victims Section revealed that Detective D made an entry for this case which stated that Detective D would not submit the kit to the DNA lab because the sex was consensual.

Detective E

The Louisiana State Police (LSP) maintains the Combined DNA Index System (CODIS) in Baton Rouge. When a DNA profile matches another crime scene or an individual it is referred to as a CODIS hit. LSP notifies the police department by letter and requests that the department send a "reference sample" for positive confirmation. A review of LSP DNA Laboratory records revealed that as of 10/03/2014, NOPD had 53 outstanding sexual assault CODIS hits dating from July of 2010 to September of 2014.

Detective E was assigned two cases wherein the victims went to the hospital and submitted to SANE examinations. The SANE Nurse documented specific physical injuries and collected potential physical evidence for both victims.

⁷ Simple rape, as defined by the Louisiana Revised Statutes, is a rape committed when sexual intercourse is deemed to be without the lawful consent of a victim because it is committed under any one or more of the following circumstances:

- (1) When the victim is incapable of resisting or of understanding the nature of the act by reason of a stupor or abnormal condition of mind produced by an intoxicating agent or any cause and the offender knew or should have known of the victim's incapacity.
- (2) When the victim, through unsoundness of mind, is temporarily or permanently incapable of understanding the nature of the act and the offender knew or should have known of the victim's incapacity.

In one of these cases, LSP DNA Laboratory sent a CODIS hit notification letter to NOPD over two years ago; however, NOPD had not submitted a reference sample to confirm the match. In the other case, LSP DNA Laboratory notified NOPD over two years ago that it had submitted an incorrect kit; NOPD had not responded.

Detective E submitted no supplemental reports documenting any further investigative efforts for either case.

- The OIG requested that NOPD provide two specific supplemental reports that were missing from the case files of Detective E. Upon receipt of the reports from NOPD , the investigators contacted the City of New Orleans Office of Information Technology and Innovation (ITI) and received the following information:
 - One supplemental report was dated with a specific date in 2011; ITI determined that this report was actually created by Detective E two years later.
 - One supplemental report was dated with a specific date in 2010; ITI determined that this report was actually created by Detective E three years later.
(Both reports were created on the same day in 2013, shortly after NOPD received the OIG request for the missing reports.)

OBSERVATION

The widespread failure to submit supplemental reports as well as the discrepancies between reports and other factual documentation means there was no effective supervision of these five detectives over a 3-year period. Nor could there have been any effective supervision of the supervisors, nor any review of the outcome of the cases assigned to these five detectives.