

NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA



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File Number: 37PA-191555

Deputy Superintendent Danny Murphy
Compliance Bureau, New Orleans Police Department
714 Broad Street
New Orleans. LA 70119

Dear Superintendent Murphy:

This letter constitutes confirmation that the Office of Consent Decree Monitor ("OCDM") has reviewed and provided comments on the amended Chapter 42.4.1 - Domestic Disturbance. The OCDM has no objection to the policy as amended.

We believe that the amended Chapter 42.4.1 - Domestic Disturbance, incorporates all requirements of the Consent Decree and sets forth clear and appropriate rules to guide officer conduct. We will continue to assess the adequacy of this policy following its implementation. If we identify any concerns following implementation, we will present those concerns to you and the Department of Justice. Additionally, we note that, pursuant to the Consent Decree, NOPD has agreed to review and revise policies and procedures as necessary upon notice of a significant policy deficiency. We also note NOPD's obligation to review this policy after a year of implementation to ensure it "provides effective direction to NOPD personnel and remains consistent with the Agreement, best practices, and current law." Consent Decree at ¶ 8.

We appreciate your team's effort, cooperation, and responsiveness throughout this process.
Very truly

Very truly yours,

David L. Douglass
For SHEPPARD MULLIN RICHTER & HAMPTON LLP*
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CC: HONORABLE SUSIE MORGAN (VIA ELECTRONIC MAIL)
EMILY GUNSTON, DEPARTMENT OF JUSTICE (VIA ELECTRONIC MAIL)



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 42.4.1

TITLE: DOMESTIC DISTURBANCE (103-D)

EFFECTIVE:

REVISED:

PURPOSE

The purpose of this Chapter is to provide the guidelines for responding to domestic disturbance incidents. Domestic disturbances are incidents involving individuals with a domestic relationship that do not involve a crime.

POLICY STATEMENT

1. The New Orleans Police Department's response to domestic disturbance incidents shall emphasize the importance of accumulating information over time in order to understand and appropriately respond to the level of danger and risk posed by individuals involved in domestic disturbances.
2. Members shall respond to all instances of domestic violence according to **Chapter 42.2 – Domestic Violence**.
3. Whenever there is any doubt as to whether an incident shall be classified as a domestic disturbance or domestic violence, the member shall respond according to **Chapter 42.2 – Domestic Violence**.
4. Officers shall respond to domestic disturbance incidents with the same empathetic approach detailed in **Chapter 42.2 – Domestic Violence**.
5. Officers shall handle protective orders according to **Chapter 74.3.2 – Protective Orders**.

DEFINITIONS

Domestic Disturbance (103-D)—A call for service involving individuals with a domestic relationship that does not involve a crime.

Domestic Relationship—Any relationship involving the following, including same sex relationships:

- (a) Current or former spouses;
- (b) Parents and adult children;
- (c) Stepparents and adult stepchildren;
- (d) Foster parents and adult foster children;

- (e) Current or former dating partners, living together or not; or
- (f) Individuals who have engaged in any type of consensual sex act.

Domestic Violence—Used to refer to battering, a crime of violence, or property damage between individuals with a domestic relationship (R.S. 46:2151, M.C.S.17271 54-525).

OFFICER RESPONSE

6. All domestic disturbance calls assigned a code 2 priority response shall be answered with two officers and, whenever possible, a supervisor. Domestic disturbance calls assigned a code 1C priority response may be answered by one officer. Refer to **Chapter 41.4.1 - Officer Response to Calls**.
7. Officers shall secure the scene and, if necessary and as safety permits, separate all parties.
8. Officers shall obtain a comprehensive account of events by:
 - (a) Interviewing or talking with each party or witness away from sight and hearing of other parties as safety permits.
 - i. Arrange for an interpreter when necessary. Do not utilize either party as an interpreter.
 - ii. Interview children in a manner appropriate to their age.
 - (b) Observing the emotional and physical states of parties at the scene, including intoxication.
 - (c) Checking each party for criminal history and for the existence of a protective order through the Louisiana Protective Order Registry, or by other means available.

WHEN PROBABLE CAUSE EXISTS TO ARREST

9. Follow **Chapter 42.4 – Domestic Violence** to make the arrest decision.

WHEN NO PROBABLE CAUSE EXISTS TO ARREST

10. When an arrest cannot be made due to a lack of probable cause that a crime has been committed, the officer shall do the following:
 - (a) Explain to the parties why an arrest is not being made.
 - (b) Advise the parties of their rights.
 - (c) Encourage the parties to contact the New Orleans Family Justice Center regarding support services.
 - (d) Encourage any party to call 911 if he/she is in danger.

REPORTS

11. Officers shall provide case dispositions to domestic violence calls for service according to the guidance below:
 - (a) **RTF** (report to follow) *regardless of whether or not an arrest was made* if there has been **any contact** with any involved party, witness, or complainant either in person or by phone.
 - (b) **NAT** (necessary action taken) **cannot** be used for domestic violence incidents.
 - (c) **GOA** (gone on arrival) can only be used if there has been **no contact** with any involved party, witness, or complainant either in person or by phone.
 - (d) **UNF** (unfounded) can only be used if there is clearly no substantive domestic violence issue present or the incident occurred out of parish. A supervisor must approve any disposition of unfounded.

12. The “D” signal code designator shall be used on all domestic incidents.
13. Officers are **not required** to complete the Domestic Violence Patrol Report Checklist (Form #46) for domestic disturbances. Officers shall upgrade domestic disturbance calls to domestic violence calls as appropriate and follow the associated reporting requirements set forth in **Chapter 42.4 – Domestic Violence**.

CHANGING THE SIGNAL

14. Should the officer believe the parties do not meet the domestic relationship criteria defined in this Chapter, the officer shall contact his/her supervisor for approval to proceed with the investigation as a non-domestic incident. The officer shall explain the reasons / circumstances that justify the signal change and record the explanation on his/her BWC.
15. Should the officer believe the parties do meet the domestic relationship criteria defined in this chapter, but the incident has not been classified with a “D” signal code, the officer shall notify dispatch to change the signal code to a domestic incident.
16. ***Only a supervisor may change the signal of a domestic disturbance (103-D) call to a non-domestic call by notifying Communication Services on the primary dispatch channel*** for that District or, if the signal change is to occur after the item has been marked up, by a Request for Signal/Disposition Change form (Form #226). A call for service shall not be reclassified as non-domestic when the involved parties are in a domestic relationship as defined by this Chapter.
17. The supervisor shall specifically inquire whether the relationship of the parties meets the guidelines of this Chapter before changing the signal. If the officer states there is no domestic relationship, the supervisor shall require an explanation as to why there is no domestic relationship before changing the signal. The supervisor shall conduct these communications on scene or over the District Talk Group. Any signal changes shall be communicated on the primary dispatch channel.
18. The Compliance Bureau reviews signal changes for items that change from a domestic signal to a non-domestic signal. This review includes EPR and BWC recordings on the event/item.

NOTE: Both the supervisor and officer should be aware that omitting material facts that could affect the justification for a signal change is considered a violation of Rule 2 – Moral Conduct, paragraph 3 – Honesty and Truthfulness.

SUPERVISOR REPORT REVIEW

19. Platoon supervisors shall review domestic disturbance reports to ensure proper response and classification.
20. Supervisors shall return incomplete reports to the officer for corrections and meet with officers to discuss ongoing problems with report writing.