

NOPD CONSENT DECREE MONITOR
NEW ORLEANS, LOUISIANA



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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 46.20 - Crime and Disaster Scene Integrity. The OCDM has no objection to the policy as amended.

We believe that the amended Chapter 46.20 - Crime and Disaster Scene Integrity, 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: 46.20

TITLE: CRIME AND DISASTER SCENE INTEGRITY

EFFECTIVE:

REVISED: (Conversion replaces P/PR406)

PURPOSE

The purpose of this Chapter is to establish protocols and accountability measures for the comprehensive processing of all crime scenes. The goal is to identify, protect, collect and process evidence that will identify persons responsible for crime and exonerate the innocent.

POLICY STATEMENT

1. The protection and integrity of a crime scene is of the utmost importance for the identification of persons responsible for crime and exonerating the innocent.
2. The integrity of a disaster scene is critical for the protection of life and property, and investigation by proper authorities.

DEFINITIONS:

Definitions relevant to this Chapter include:

Crime Scene—A crime scene is any location that may be associated with a crime. It can be the place where the crime took place, or any area where evidence of or from the crime itself may potentially be found. Crime scenes can contain physical evidence that is pertinent to criminal investigations, which may be retrieved by a law enforcement agency, crime scene investigators, a community member, or in some circumstances, a forensic scientist.

Crime Scene Investigation—The use of physical evidence, witnesses and physical objects that may be present at the scene of the crime and the use of deductive and inductive reasoning to gain knowledge of the events surrounding the crime. The method of protecting, processing and reconstruction of a crime. It doesn't matter where the crime took place or if there are more than one crime scenes involved. A crime scene can envelop more than one location and can be anywhere (i.e. on land, in water, in a tree, buried six feet underground, etc.)

Major Crime Scene—A location where any of the listed crimes or incidents took place (or another location where evidence linked to those crimes or incidents may be found), and comprises the area from which most of the physical evidence is retrieved by law enforcement personnel, crime scene investigators (CSIs) or, in rare circumstances, forensic scientists.

Major crimes include:

- (a) All deaths (homicides, suicides and unclassified) except for "natural" causes

- (b) Aggravated battery (with serious injury, possibly fatal and/or multiple victims)
- (c) Level 4 uses of force investigated by PIB-FIT (see: **Chapter 1.3 – Use of Force**)
- (d) Sexual assaults handled by ISB-SVS (see: **Chapter 42.2 – Sexual Assault**)
- (e) Aggravated kidnapping
- (f) Arson (with serious injury, possibly fatal)

FIRST RESPONDER CONSIDERATIONS

3. The following describes the functions which the first responding officer should take at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:
 - (a) **Safety of officer(s)**—Ensure adequate police personnel are present to control the scene. Code 4 (no other units needed) the scene or wait for support/back-up. Ensure no suspects are still in the area.
 - (b) Safety of others (render aid if it can be done safely and/or request medical support).
 - (c) Identify/apprehend possible suspect(s) on scene and/or broadcast critical identifying information.
 - (d) Secure/preserve the scene from tampering or contamination; restrict access and set perimeter(s). Evacuate the area if safety demands.
 - (e) Identify hazards or dangerous conditions to responding personnel.
 - (f) Identify and isolate victim(s) / witness(es) to preserve credibility / accuracy of information.
 - (g) Determine basic facts of incident and classify the crime if possible.
 - (h) Protect items of apparent evidentiary value.
 - (i) Request required support/resource units – SCIS, SWAT, Canine, Coroner, CIT, etc.
 - (j) Notify supervisor and/or request presence.
 - (k) Notify/request investigative specialists if required (FIT, Homicide, SVS, DV, etc.).
 - (l) Start a chronological log noting critical times and personnel allowed access (can use **Major Crime Scene Roster Report - Form #187**).
 - (m) Prevent unauthorized access of personnel, the media or the public.
 - (n) Conclude scene investigation and processing; release the scene.

CRIME SCENE RESPONSIBILITIES

4. The first officer at the scene of a crime or disaster scene is responsible for taking reasonable efforts to preserve the scene. Officers shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties, including the offender if it is safe to do so. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the officer shall continue the assignment until relieved by a supervisor.
5. The first responding supervisor at a crime or disaster scene is responsible for coordinating the duties and responsibilities of all District officers on the scene until the responsibility for the investigation has been assumed by an investigative specialist or specialized investigative unit. The same considerations that applied to the first responder (above) also apply to the first responding supervisor including the use, review and approval of **Major Crime Scene Roster Report (Form #187)** on major crime scenes.

FIRST RESPONDER SEARCHES AT CRIME OR DISASTER SCENE

6. First responding officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are

present and pose a threat. Once officers have determined that no unsecured suspects are present and/or there are no injured persons to be treated, the exigent circumstances that allow for the warrantless search will likely no longer exist. Officers should thereafter secure the scene and conduct no further searches until proper authority for the search is obtained.

FIRST RESPONDER INVESTIGATIVE RESPONSIBILITIES

IF A MAJOR CRIME SCENE

6. For crime scenes which are major crimes, once the scene is stable and safe, the first responding officer(s) shall:
 - (a) Briefly interview the victim(s) and witness(es) to determine facts and classify the crime.
 - (b) Assign duties and responsibilities of support personnel and officers (perimeter security, searches/canvass, taking statements, etc.) until relieved by a supervisor or assigned investigator.
 - (c) Coordinate with SCIS Crime Scene Specialists and technicians to identify critical evidence for collection, preservation, processing and photographing until relieved by a supervisor or assigned investigator.

IF NOT A MAJOR CRIME SCENE

7. For all investigations and crime scenes that are not a major crime scene or the exclusive investigative responsibility of a specialized unit, the officer or investigator assigned to the call for service is responsible for the investigation and reporting of the incident.

COMMAND AT A CRIME SCENE

8. The first responding officer(s) shall be in initial command of the crime scene and responsible for the duties and responsibilities as described above. The command of the scene remains with the first responding officer(s) until a higher ranking officer, or the assigned specialized investigator(s), verbally communicates he/she is assuming command of the scene.
9. The first responding officer(s) shall have the authority to restrict entry to the scene by other department personnel, of any rank, not participating, or necessary in the investigation.
10. The investigator(s) assigned to the case are in command of all aspects of the scene investigation. Upon arrival, the investigator shall coordinate the placement and assignment of uniform officers necessary for the investigation with the District's ranking officer on the scene.
11. The case investigator(s) shall be responsible for determining which evidence is necessary for his/her investigation. Specialists and other crime scene technicians shall serve in a support role on the crime scene. The collection, preservation, and photographing of evidence shall be guided by the recognized procedures of evidence collection as determined by the crime scene technician.

SUPPORT SERVICES NEEDED ON SCENE

12. Upon receipt of a complaint call classified as a "major crime," Communications Services shall dispatch at least two (2) District units or officers and a supervisor to respond.
13. In any incident where a responding officer(s) verifies an incident is a "major crime," he/she shall request Communications Services make the following notifications immediately:
 - (a) The District Investigative Unit (DIU) supervisor on duty for investigative support;
 - (b) The Scientific Criminal Investigations Section (S.C.I.S.) for Crime Scene

- Technicians;
- (c) The Public Information Office for notification and coordination of media personnel on the scene (if needed); and
 - (d) Any specialized unit required to be on the scene (i.e. FIT, DV, Sex Crimes, Child Abuse, Homicide, etc.).

PRESERVATION AND PROTECTION OF PHYSICAL AND WITNESS EVIDENCE

14. The guidelines of **Chapter 83.1 – Collection and Preservation of Evidence** shall be followed to preserve the scene, collect and process evidence, and maintain the chain-of-custody of evidence.
15. The preservation of the crime scene area shall be coordinated through the use of crime scene banner tape or physical barriers to ensure the area of the crime is secured. When feasible, the area being secured should extend beyond the original crime scene no less than 50 feet if practical.
16. Officers shall "double-tape" a major crime scene. The smaller section (interior perimeter) of the scene shall include the body, evidence, etc. The larger section provides for a safety zone for the members working the scene as well as a reactionary gap for any persons who should not be present on the crime scene (including law enforcement members who are not working on the case).
17. Access to the crime scene (interior perimeter) will be strictly limited. Personnel from the Scientific Criminal Investigations Section (SCIS), assigned specialized investigators, EMS personnel rendering first aid and the medical examiner shall be the only personnel allowed in the secondary crime scene area absent specific permission of the principle investigator of the case.
18. The officer(s), investigator(s), or supervisor(s) having overall responsibility for a crime scene shall ensure adequate security of the area while the crime scene is being processed.
19. In all instances of a death investigation, where the body remains on the scene, the homicide screens **shall be utilized**, as soon as practicable. Each District Commander shall implement a system where the homicide screens are available for use at all times.
20. Officers shall not handle evidence or enter the scene unnecessarily as this may damage, alter, or destroy evidence. Any evidence which must be moved or relocated (such as a firearm near a body) shall have its recovery location documented for the investigative report. Repositioning items or evidence that has been moved from the scene for photographic purposes is **strictly prohibited**.
21. If a victim is moved, such as when transported by Emergency Medical Services technicians, the first responding officer(s) shall note the position of the victim's body on the scene, and record if anything was removed from the victim's clothing or person.
22. Witnesses shall be separated whenever possible, to ensure accurate preservation of their individual accounts and observations. The responding officer shall interview witnesses to gain basic facts to classify the incident, gain probable cause for an arrest, and/or obtain descriptions of wanted subjects. Detailed statements and interviews shall be performed and coordinated by the assigned investigator.
23. The investigating officer or follow-up investigator will be responsible for the retrieval of any firearms related evidence (i.e. firearms, casings, bullets, pellets, fragments, etc.) from the hospital, if it is recovered by the medical facility. Investigators shall ensure all evidence recovered is placed on the books at Central Evidence and Property in

accordance with NOPD policies/procedures.

24. The investigating officer will recover firearms related evidence (i.e. firearms, casings, bullets, pellets, fragments, etc.) from the scene, if the scene is not being processed by Crime Scene Technicians.

ATTENDING TO THE VICTIM(S)

25. In the event a victim is transported to a hospital for treatment, an officer shall be assigned to accompany the victim or meet the victim upon arrival at the hospital for interviewing, as allowed by the medical authorities on the scene and at the hospital. If the original responding officer cannot vacate the scene because he/she is charged with scene preservation, a ranking officer in the district of occurrence shall be notified.
26. In cases where the victim(s) is uncommunicative for medical reasons, the assigned investigator will be responsible for checking on the status of the victim(s) daily. Should the victim's condition improve and they are capable of being interviewed; the assigned investigator shall proceed to the victim's location and conduct an interview.

APPREHENSION OF THE OFFENDER(S)

27. If an apprehension of the criminal offender is made, the arresting officer, if not the case investigator, shall determine if the clothing worn by the suspect may contain physical or trace evidence, or may be needed for purposes of identification by witnesses.
28. The case investigator shall determine whether such clothing shall be confiscated. As soon as replacement clothing can be obtained from the Central Lock Up or the hospital, the suspect's clothing may be removed as evidence at the Central Lock Up or hospital.
29. If the clothing confiscated is for identification purposes only, the assigned investigator(s) shall retrieve and package the clothing for delivery to the Central Evidence & Property Section.
30. If the clothing is to be processed for trace or physical evidence, a crime scene technician shall assist the assigned investigator in the collection, preservation, and packaging of evidence clothing. The crime scene technician shall be responsible for processing these items of evidence at the Central Evidence and Property Section.
31. Any clothing items confiscated shall be packaged to preserve trace evidence and prevent cross-contamination.
32. The investigating officer is responsible for ensuring all required forms are completed to have recovered evidence tested.

MAJOR CRIME SCENE SIGN-IN SHEET / OFFICER'S STATEMENT FORM

33. The first responding ranking officer(s) shall designate the crime scene perimeter boundaries, and assign an officer to record the names of all persons who enter the scene on the **Major Crime Scene Roster Report (Form #187)**. The assigned officer(s) shall record the names of all persons (police officers, ranking officers, Emergency Medical Services technicians, crime scene technicians, etc.) entering the perimeter until such time as he/she is relieved of the duty by a ranking officer or the case investigator(s).
34. All members of this department and any other person entering the scene, shall provide their name, employee identification number, and unit number, and may be required to

produce identification if requested to the recording officer. The person entering the scene shall also affix his/her initials in the space provided next to their name on the Form #187.

35. Upon completion of the scene investigation the Major Crime Scene Roster Report shall be given to the case investigator. The form shall be included as an official document in the supplemental investigation report.
36. Nothing in this Chapter limits the officer, investigator or supervisor from using, or directing the use of the Major Crime Scene Roster Report on ANY scene where he/she believes the use will aid in the clarity of the investigation.

SCIENTIFIC CRIMINAL INVESTIGATIONS SECTION

37. The crime scene technicians from the Scientific Criminal Investigations Section shall be responsible for the marking, collection, proper packaging and photographing of evidence from a crime scene. The technician shall collect identified evidence as requested by the case investigator.
38. The crime scene technicians shall also deliver to the Central Evidence and Property Section all evidence confiscated from the scene. Items of evidence that have been handled by the individual officers prior to the arrival of the crime scene technician shall be turned over to the crime scene technician for entry in the Central Evidence and Property Section. The crime scene technicians shall assist in the packaging of such evidence. All evidence logged into the Central Evidence and Property Section shall have the case item number noted in order to connect the evidence with the case.
39. Whenever evidence is collected which requires scientific analysis or comparison at the crime laboratory, a **Laboratory Examination Request Form (Form #207)** shall accompany the evidence to the Central Evidence and Property Section. The crime scene technician shall provide this form to the case investigator who will list any examinations required. This form must be completed in detail to ensure that the requested testing of the evidence is clearly defined and articulated. Only those items which have an examination request will be considered for analysis at the crime laboratory.