



CRNA CRIME COMMITTEE – FAQ MEMO

June 2008 Topic: NOPD Procedures for Police Reports

Question: Exactly what are the rules and procedures for when NOPD will and will not take a police report? CRNA residents have had a range of experiences that leave many confused.

The brand new commander of the 2nd District, Major Michael Glasser, kindly took the time to give us a detailed response to this question:

Civil Matters

The **NOPD** generally will report (that is, create a written record) all Criminal Incidents reported to us or discovered by us, whether there is an arrest or not. Arrest scenarios always require an immediate report.

In some cases, incidents reported to the NOPD involving citizens are actually of a civil matter rather than a criminal one, in which case no written report will be made. A typical example, for instance, is in Contractor Fraud. If an agreement (or contract, which may be verbal or written) is made, and payment, either in full or partial is made, but there is a dispute over work done, that becomes a civil issue, not a criminal one. That is the kind of incident which would not result in a report written by the police. If, however, a contractor accepts money under false pretenses (let's say he's not really a contractor) and performs no work in exchange for the funds, that may be an outright Theft, which is a criminal matter. A report would be written. A general “rule of thumb” is that if there is any exchange between parties, even partial, that makes the matter a civil case.

While this may not be the type incident many are concerned about, I offer it only as an example of one of the criteria for determining when a report is to be written.

Medical Issues/Death

If the police are called to an incident where someone is injured, it may not require a police report if there is no evidence that the injury is the result of a criminal act or criminal negligence. For example, a man is working on his house on a ladder, and slips and falls from the ladder and breaks his leg. That would not result in a police report. If, however, his neighbor with whom he had a dispute, saw him working on the ladder and shook it, causing him to fall off, that would be a criminal matter and would require a report. Injuries involving traffic accidents, which generally involve infractions of traffic laws, will result in a written report. Again, the Rule of Thumb, is that medical issues not caused by, or suspected of the being the result of a criminal act or criminal negligence are generally not the subject of a written report. All deaths are reported immediately

Criminal Arrest Cases

In all matter involving an Arrest, a written report (or affidavit) will be immediately made.

Criminal Incidents, Non-Injury

Some cases do not require a victim, some do. For example, if there is a drive-by shooting, but the victims who were shot at (but not injured) do not wish to make a report, one would be made anyway, as the law makes it illegal to discharge a firearm from a moving car, even without a victim. But if someone stole a flower pot from someone's porch, and the owner didn't want to make a report, one would likely not be taken. The law regarding theft requires that loss be without the victim's consent, thus, with no victim, there is no theft, and therefore, no report.

Criminal Incidents, Injury/Death

In all matters involving a death, a report will be immediately written.

Criminal Incidents involving injury are generally reported immediately, not so much because of the criminal incident as much as the immediate attention to rendering involved in getting\aid to the victim. In a perfect world, with all the necessary personnel assets, a report would be made on every criminal incident, immediately. But due to the lack of manpower and time necessary to make reports, the police supervisors must prioritize both the calls for service and the need for an immediate report. The fact is, some incidents need to be reported right away, some can wait. And while it is never the intention to inconvenience anyone reporting a criminal incident, as long as the reporting itself has no impact on the probable solution to the crime, it may be prioritized lower by a supervisor who must juggle his assets and take reports which are time-sensitive. For example, someone's GPS is stolen from inside their unlocked car, and they need a report for the insurance claim. Contrasted with the contiguous reporting of a robbery of the Burger King, the supervisor will likely send his police officer to the robbery and make the GPS person wait till later.

Obviously, injuries to people take precedence over property theft or damage, and serious injury takes precedence over minor injury, and minor injury takes precedence over no injury.

Extra-NOPD Agencies and Reports

[For example, by bonded security guards, etc.] While there are some agencies that are legally capable of generating reports, it is not recommended that the NOPD be deliberately circumvented by utilizing these other agencies, unless it falls within their designated scope of responsibility. The reason for that is purely a practical one. Generating a report is of little value unless that report is used to effect an arrest, investigate, or follow up the incident further. Generally, the reporting agency will not be the one to do that follow up, it will be the NOPD. The report filed by another agency make actually tale longer to reach the officers responsible for the follow up, and may not contain all the necessary information, which means the detective will have to re-interview the reporting person again anyway. Reporting the incident to non-NOPD personnel also denies the NOPD personnel for doing the on-scene investigation. While it can be done, it is not recommended as it will generally have the opposite effect that the reporting of the incident was intended to have.

Conclusion

Other than those cases which involve death or serious injury, the order in which the reports are taken are at the discretion of the Supervisor, who must consider the immediate need for the report versus the responsibility of policing the district and managing the limited assets at his/her disposal. In cases which are borderline civil matters, the Supervisor decides if a report will be made or not. Obviously, the Supervisor is responsible for his/her decision and for the quality of that decision.

In the event a citizen encounters a police officer who either refuses to take a report, or defers the report to a later time, if the citizen disagrees with that assessment, the citizen can always call for a Supervisor and request that an explanation be made or that the matter be reconsidered.

The CRNA Crime Committee (CRNA-CC) is an action-oriented workgroup that seeks to bring about safer streets in our community NOW through outreach to victims of crime, the reduction of unsafe environments that threaten the well-being of residents, and advocacy for an efficient and comprehensive criminal justice response.

We meet on the second Wednesday of every month, 6pm-7:30pm at Gelato Pazzo Café, 8115 Oak Street, rear meeting room. Chair is Alice-Anne Krishnan (tarpsnola@yahoo.com). We hope you will join us and get involved!