

When an officer does wrong, who investigates?

By Maya Lau

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After a Shreveport cop was accused of sexually assaulting a woman in his office last month, he was arrested and charged with abuse of office, a less-severe crime than the initial allegation of aggravated rape.

Details [released last week of another detective's investigation](#) into James Greene's admitted sexual act, which he says was consensual, reveal a he-said, she-said contest over what transpired between two people at police headquarters sometime after 2:50 p.m. Feb. 11. It eventually led to Greene's firing Feb. 27.

But the incident also spotlighted a related question, one that's often repeated in the face of questionable officer conduct: who polices the police?

"When people work with each other week to week, it's highly unlikely that they're going to be as aggressive" in an investigation, said Tim Lynch, director of the CATO Institute's Project on Criminal Justice. A lawyer with the libertarian think tank, Lynch also oversees its [National Police Misconduct Reporting Project](#).

Shreveport and Bossier law enforcement agents said in several interviews they don't think it's problematic officers investigate their colleagues within the same department.

Willie Shaw, Shreveport's police chief, declined to speak about his reaction to one of his officers having sex during work hours in the office.

SPD spokesman Bill Goodin, in an email, said officers are held accountable when they fail to meet "the highest of standards" — a principle exemplified by Greene's firing, Goodin said.

Still, some police analysts say officers should pay more attention to the perception of transparency in police investigations.

"The trust people have in the ability of law enforcement to do their jobs honestly and fairly and justly affects the way the people behave, which has a direct effect on crime," said Joshua Chanin, a San Diego State University associate professor who studies policing. "Criminalized behavior and community safety and all the things people really care about are wrapped up in whether they trust the cops and believe that what they're doing is legitimate."

Internal investigations

Each department has an internal affairs unit tasked with investigating complaints of officer misconduct asserted by community members or cops themselves. If a complaint involves a criminal allegation, the police investigate it as they would any other criminal case. Once the matter has been forwarded to the district attorney's office, a separate internal affairs inquiry into possible policy violations begins.

Out of 507 individual complaints waged against Shreveport officers in 2014, 181 were sustained, meaning other officers found evidence to confirm allegations of policy violations 36 percent of the time. That rate is roughly similar for the past few years in Shreveport. In Bossier City, officers sustain around 23 to 32 percent of complaints of officer misconduct.

Use-of-force complaints are sustained at a considerably lower rate. For example, Shreveport officers confirmed only 9 percent of the 56 use-of-force allegations against cops in 2014. One sustained complaint involved an officer probing a person's mouth with a baton around Jan. 30, 2014.

Those numbers alone may or may not signify cops are more forgiving with one another, but because internal investigations within police departments are so secretive, it's nearly impossible for the public to evaluate whether the complaints are being evaluated fairly.

The police officer's bill of rights dictates that the contents of internal investigations be kept confidential even when closed.

Shreveport Lt. Jody Jones, a former violent crimes sergeant, believes the appropriate firewalls are in place between accused officers and those who investigate them. In criminal cases, he said, subordinates don't investigate their superiors, and in most cases, supervisors don't probe the cases of their direct reports.

Further, he said, there are checks and balances beyond the department itself. The district attorney's office supplies its own review of a case, and in some cases, the FBI steps in. If an officer is found to have bungled an investigation, the penalty could be federal prison, he said.

"Our investigation's either going to show that they did or didn't do it," said Capt. Bill Duncan, former head of the Caddo Sheriff's office's internal affairs unit. He retired last month. "Our responsibility is to show, 'Here are the facts.' ... I've had to take deputies home who were good friends of mine who had been fired from an investigation I did."

The internal investigator's role isn't glamorous, and isn't exactly coveted, said Capt. Breck Bickham, who supervises SPD's internal affairs bureau.

"It's unpopular, but we have to do it," he said. Bickham is proud of the fact that the public and officers alike file complaints, he said.

A conflict of interest

Sgt. Gary Aguirre, a Bossier City Police Department IA unit supervisor, acknowledged the challenge in investigating a colleague, though he believes in the police's obligation to do it. He also said officers strengthen their team by rooting out misbehavior within their ranks.

"You always have humans, and you always have networking and you always have people that are friends somehow, so you have to go on what the person's integrity is," he said, referring to a potential investigator.

"It would be a challenge to eliminate all conflicts of interest," he said.

Police watchdogs say in circumstances with higher stakes, such as fatal officer-involved shootings, agencies ought to bring in outside, independent investigators, even if it costs money.

"You invest early, or you can be where we're at right now in New Orleans, which is in a consent decree that's going to cost tens of millions of dollars over its life," said Susan Hutson, New Orleans' independent police monitor. The U.S. Department of Justice alleged that city's police force engaged in a pattern of unconstitutional behavior and is mandating the department enact wide-reaching reforms.

Aguirre said Bossier City police will sometimes ask for investigative assistance from the Bossier Sheriff's office. Departments also say they trust the DA's office to review the police work in each criminal case.

But DA's offices and police often think of themselves as being on the same team in terms of locking up criminals, which can pose an impartiality problem, said Lynch, of the Cato Institute.

Marjorie Esman, American Civil Liberties Union of Louisiana executive director, said the two organizations "work closely together, which of course is the way our system is set up ... What that means is there tends to be a little bit of back-scratching, and, you know, they're less likely to challenge one another."

"(This is) the problem with having the police police themselves. They don't necessarily see as a problem something that in fact is a problem," Esman said.

Caddo Assistant District Attorney Ed Blewer disagreed with the characterization of the two institutions as chummy. As supervisor over the DA's office screening section, he helps determine — sometimes by launching a separate investigation — whether cases worked by police are fit for prosecution.

"I have friends and then I have work acquaintances, and if it were one of my friends involved ... I wouldn't work on the case at all," he said. "But these are work acquaintances."

If there were a serious flaw in the system of police policing themselves, he said, the DA investigation or an FBI inquiry — which sometimes happens in disputed fatal officer-involved shootings — “would be flagging contrary findings,” he said.

Chanin, the SDSU professor, said even if a police investigation is rigorous, the perception of the inquiry still matters.

“Regardless of how honest or upstanding the investigator is, there still exists a conflict of interest, and that’s something that the police for a long time have not been concerned about,” he said. “Perhaps (they) are coming around to the idea that the way the public thinks about them matters almost as much as the quality of the job they’re doing.”

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By the numbers

Complaints investigated by internal affairs*

Bossier City Police Department

•**2012:** 69 filed, 18 sustained (26 percent)

•**2013:** 78 filed, 25 sustained (32 percent)

•**2014:** 82 filed, 19 sustained (23 percent)

Shreveport Police Department

•**2012:** 389 filed, 133 sustained (34 percent)

•**2013:** 459 filed, 156 sustained (34 percent)

•**2014:** 507 filed, 181 sustained (36 percent)

*Filed by community members and officers. Complaints are allegations and do not necessarily mean an officer is guilty. “Sustained” means “evidence sufficient to prove allegations.”

Sources: BCPD, SPD

Use-of-force complaints against Shreveport Police

•**2012:** 71 filed; 5 sustained (7 percent)

•**2013:** 54 filed; 4 sustained (7 percent)

•**2014:** 56 filed; 5 sustained (9 percent)

“Sustained” means “evidence sufficient to prove allegations.”

Source: SPD