

VIOLENCE AGAINST PEACE OFFICERS REGISTRY

DEPARTMENT OF PUBLIC SAFETY

PERFORMANCE AUDIT SERVICES

**Informational Report
Issued July 26, 2023**

**LOUISIANA LEGISLATIVE AUDITOR
1600 NORTH THIRD STREET
POST OFFICE BOX 94397
BATON ROUGE, LOUISIANA 70804-9397**

LEGISLATIVE AUDITOR
MICHAEL J. "MIKE" WAGUESPACK, CPA

FIRST ASSISTANT LEGISLATIVE AUDITOR
BETH Q. DAVIS, CPA

DIRECTOR OF PERFORMANCE AUDIT SERVICES
KAREN LEBLANC, CIA, CGAP, MSW

PERFORMANCE AUDIT MANAGER
KRISTA BAKER-HERNANDEZ, CIA, CGAP, CRMA, MPP

AUDIT TEAM
LAUREN WHATLEY, CIA, MBA, ENCE
PHILIP FACH, MPA

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July 26, 2023

The Honorable Patrick Page Cortez,
President of the Senate
The Honorable Clay Schexnayder,
Speaker of the House of Representatives

Dear Senator Cortez and Representative Schexnayder:

This informational report provides the results of our review of the implementation of the Violence Against Peace Officers (VAPO) Registry as a result of a legislative request. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to Louisiana State Police, Department of Corrections, Louisiana Sheriff's Association, and local Sheriff's Offices and Police Departments for their assistance during this audit.

Respectfully submitted,



Michael J. "Mike" Waguespack, CPA
Legislative Auditor

MJW/aa

VAPO



Louisiana Legislative Auditor

Michael J. "Mike" Waguespack, CPA



Violence Against Peace Officers Registry Department of Public Safety

July 2023

Audit Control # 40220031

Introduction

This report provides the results of our review of the implementation of the Violence Against Peace Officers (VAPO) Registry (Registry) outlined in state law.¹ Act 163 of the 2005 Regular Session, also known as "The Trey Hutchinson Act", requires that offenders who commit violence against peace officers be on the Registry for 10 years with the goal of assisting in the prevention of violence and protection of peace officers.² Act 298 of the 2019 Regular Session amended the statute to include persons who have been convicted of terrorism offenses and for the Louisiana State Police to establish an alert flag on the criminal history record for VAPO offenders. We conducted this review in response to a legislative request to determine whether the Registry is being properly implemented.

The **Violence Against Peace Officers Registry** is an electronic database of information on any adult residing in Louisiana who has pled guilty to or has been convicted of (1) listed offenses against a peace officer when the officer is engaged in the performance of lawful duties or (2) any terrorism offense.

Source: Prepared by the legislative auditor's staff using information from R.S. 15:642-643

VAPO offenders can be fined not more than \$500 and/or imprisoned between 30 to 90 days if they fail to register or maintain their registration. State law provides the specific registration requirements for VAPO offenders. In addition, state law outlines the roles that multiple agencies play in implementing and maintaining the Registry to ensure information in the Registry is complete and accurate. These agencies include the Louisiana State Police – Louisiana Bureau of Criminal Identification and Information, Department of Corrections – Probation and Parole,

As of May 24, 2023, there were 114 active registered offenders on the Violence Against Peace Officer Registry. None of the offenses were terrorism-related.

Source: Prepared by the legislative auditor's staff using information from the Registry.

¹ Louisiana Revised Statutes (R.S.) 15:642–646.

² "Peace officer" means any peace officer, as defined in R.S. 40:2402, and includes any constable, marshal, deputy marshal, sheriff, deputy sheriff, commissioned police officer, commissioned wildlife enforcement agent, and federal law enforcement officer.

and local law enforcement agencies. Exhibit 1 describes the roles of the various stakeholders, as outlined in state law.

Exhibit 1	
Role of Stakeholders Involved with VAPO Registry	
Stakeholder	Summary of Stakeholder's Role
VAPO offenders	<ul style="list-style-type: none"> • Register within 10 days of release from confinement or within 10 days after establishing residency with local sheriff's office or police department. • Provide relevant personal information as outlined in state law, including place of residency. • Return annual verification of address form to LSP within 10 days of receipt.
Louisiana Bureau of Criminal Identification and Information within the Department of Public Safety's Office of State Police (LSP)	<ul style="list-style-type: none"> • Establish and maintain a central registry and disseminate information to all law enforcement agencies in the state who request the information. • Establish an alert flag on the criminal history record of VAPO offenders. • Mail verification form on the anniversary date of VAPO offenders' initial registration. If annual verification is not received with 30 days, LSP shall notify local law enforcement where offender last reported their residence.
Department of Corrections – Probation and Parole (DOC)	<ul style="list-style-type: none"> • Inform VAPO offenders of duty to register and obtain information required for registration. • Transmit information within five days to LSP for inclusion on the Registry.
Local Law Enforcement Agencies -	<ul style="list-style-type: none"> • Record VAPO offender's fingerprints when they register. • Forward registration information to LSP to be included in Registry within five days of receiving.
Source: Prepared by the legislative auditor's staff using information from R.S. 15:642-646	

To conduct this review, we interviewed stakeholders (LSP, DOC, Louisiana Sheriff's Association, and staff from various sheriff's offices and police departments) to obtain an understanding of the processes in place regarding the VAPO Registry, reviewed state laws relevant to the Registry, and obtained a current list of persons on the Registry. Because this is an informational report, we did not evaluate the reliability of the data in the VAPO Registry.

The objective of this audit was:

To review the implementation of the Violence Against Peace Officers Registry.

Our results are summarized on the next page and discussed in detail throughout the remainder of the report. Appendix A contains management's response. Appendix B contains the offenses against peace officers outlined in state

law. Appendix C provides the number of registered VAPO offenders in each parish, as of May 24, 2023.

Informational reports are intended to provide more timely information than standards-based performance audits. While these informational reports do not follow *Governmental Auditing Standards*, we conduct quality assurance activities to ensure the information presented is accurate. We incorporated feedback from applicable agencies throughout this informational report.

Objective: To review the implementation of the Violence Against Peace Officers Registry.

Overall, we found the following:

- **While state law created the Registry in June 2005, both LSP and DOC did not implement processes to ensure the Registry contained all applicable offenders' information until September 2022.** As a result, as of August 2022, the Registry only contained 10 offenders and was incomplete. DOC staff face challenges in identifying VAPO offenders to be included in the Registry.
- **Local law enforcement agencies we contacted were either not aware or only recently became aware of the Registry and their responsibilities related to it.** According to the Louisiana Sheriff's Association, it advised Sheriff's offices around the state of the VAPO Registry legislation in August 2019. However, sheriff's offices only began complying with the VAPO statutes in the Fall of 2022 after being contacted by LSP or DOC.
- **In 2011, LSP implemented a VAPO Offender alert flag in offenders' criminal history records, per state law. LSP also implemented another VAPO alert delivered to law enforcement anytime they run an offender's driver's license in May 2023.** The purpose of these alerts is to make law enforcement officers aware that they are dealing with a person who has a history of violent behavior towards law enforcement and may help in preventing further violence.

This information is discussed in more detail on the pages that follow.

While state law created the Registry in June 2005, both LSP and DOC did not implement processes to ensure the Registry contained all applicable offenders' information until September 2022.

State law requires LSP to establish and maintain the VAPO Registry. Historically, LSP maintained the Registry in a spreadsheet before the agency created a separate database for the VAPO Registry in March 2010.³ In August 2010, LSP developed internal procedures regarding the Registry, including registration requirements and the development of a VAPO registration form.

Both LSP and DOC did not implement processes to ensure the Registry was accurate until September 2022. Although the effective date of Act 163 of the 2005 Regular Legislative Session was June 29, 2005, and LSP had developed internal procedures to maintain the Registry in August 2010, LSP did not implement a formal process for and proactively work with applicable state and local entities to submit offenders' information to be added to the Registry until September 2022. In addition, DOC was not complying with statutory requirements that they submit registration information to include in the Registry. As a result, the Registry only contained 10 registrations⁴ as of August 2022.

Once LSP contacted DOC in September 2022, DOC staff reviewed offender data for the 10 previous years contained in the agency's Corrections and Justice Unified Network System (CAJUN)⁵ to identify VAPO offenders and then submitted this information to LSP to include in the Registry. For offenders identified that were no longer under supervision of DOC, the agency sent a VAPO registration form⁶ to the offender's last known address for completion.

DOC has also implemented various processes to help ensure the Registry includes all applicable offenders' information. DOC notifies VAPO offenders being released that it is their responsibility to register with their local sheriff's office. Staff at DOC's headquarters oversee offenders released from a state facility and offenders housed in local jails in south Louisiana and DOC staff at the David Wade Correctional Facility oversee offenders released from local jails in north Louisiana. These groups manually fill out the VAPO registration form for those offenders they oversee and send the form to LSP to add the information into the Registry.

³ The VAPO Registry is housed in the *OffenderWatch* database, which is the same database as the Sex Offender Registry but has a different login. The Sex Offender and Child Predator Registry is an electronic database of information on convicted sex offenders residing, working, or attending school in Louisiana.

⁴ Four of the 10 registrations were inactive due to either being deceased, incarcerated, moving out of state, or completion of the 10-year registration period.

⁵ DOC's Corrections and Justice Unified Network (CAJUN) system is used to manage and track incarcerated individuals in Louisiana.

⁶ The form includes offender information required by state law, such as current address, date of birth, and alias.

DOC staff face challenges in identifying VAPO offenders to be included in the Registry. Because CAJUN does not include certain details related to crimes committed in a user-friendly platform, DOC has to manually determine which offenders have convictions for VAPO-related offenses by reviewing each offender's records. DOC staff stated this process is time consuming and determining whether the peace officer was the victim and on duty,⁷ at the time of the offense, is difficult using information in CAJUN. Stakeholders, including DOC, suggested determining and documenting VAPO status at sentencing as this information is more readily available and would make the identification process more efficient and reliable. This would follow the same process as identifying sex offenders in which their sentencing documentation includes a check box to identify persons required to be placed on the sex offender registry.

DOC also told us another challenge is that current state law does not include all offenses related to violence against a peace officer. Currently, state law includes offenses, such as disarming a peace officer and aggravated assault on a peace officer. However, current law does not include offenses, such as aggravated assault on a peace officer with a motor vehicle and battery of a peace officer. Appendix B contains a list of all current VAPO offenses.

Matter for Legislative Consideration: The legislature may wish to require documenting VAPO status during sentencing in order to help ensure the VAPO registry is complete and to make the identification and registration process more efficient.

Matter for Legislative Consideration: The legislature may wish to amend current state law to include additional offenses against peace officers, including aggravated assault on a peace officer with a motor vehicle and battery of a peace officer.

Local law enforcement agencies we contacted were either not aware or only recently became aware of the Registry and their responsibilities related to it.

As of May 24, 2023, the VAPO Registry includes 114 active registrants who reside in 44 parishes across the state. Ouachita and Jefferson parishes have the highest number of registrants, with 12 VAPO offenders in Ouachita and nine in Jefferson. Appendix C shows the parishes where VAPO offenders reside. Per state law, when a VAPO offender registers with a local law enforcement agency, the agency is required to submit the information to LSP within five days for inclusion

⁷ To be considered a VAPO offense, per R.S. 15:642, the offenses must be committed "when the peace officer is engaged in the performance of his lawful duties, or when the specific intent to commit the offense is directly related to the victim's status as a peace officer."

into the Registry. Another role that local law enforcement agencies presumably⁸ have regarding the Registry is to verify whether a VAPO offender is still residing at their last known address when they do not submit their annual verification of address form to LSP. According to LSP, it contacts a local law enforcement agency when an annual verification form is either not returned or is returned as undeliverable. LSP mailed out the first verification of address form in November 2022 and has mailed out approximately 40 forms as of May 2023. LSP has requested that local law enforcement verify 15 offenders' addresses after the offenders did not submit their form back to LSP.

Local law enforcement agencies we contacted either were not aware of the Registry or became aware of it in the Fall of 2022. According to the Louisiana Sheriff's Association (LSA), it advised Sheriff's offices around the state of the VAPO Registry legislation in August 2019. However, Sheriff's offices and police departments we spoke with either were not aware of the Registry and their responsibilities or only began complying with the VAPO statutes in the Fall of 2022 after being contacted by LSP or DOC. According to the Livingston Parish Sheriff's Office (LPSO), which has seven VAPO offenders residing in its parish as of May 2023, it now has processes to ensure all applicable persons residing in the parish have registered with the Sheriff's office. LPSO will pursue criminal charges when VAPO offenders do not submit their initial registration and when offenders do not respond to LSP's annual verification of address form. If an offender doesn't register within 30 days, they will issue a warrant for arrest. The Ouachita Parish's Sheriff's office, which has the highest number of VAPO offenders, stated that they are registering offenders sent to them by DOC once they are released from custody. State law also requires offenders to register with the chief of police if their address is located in an incorporated area that has a police department. However, police departments⁹ we spoke with were unaware of the Registry and their related responsibilities.

Local law enforcement expressed concerns over the implementation and enforcement of the Registry laws. Another role that local law enforcement agencies presumably have regarding the Registry is to verify whether a VAPO offender is still residing at their last known address when they do not submit their annual verification form to LSP. However, the statute does not specify this responsibility; only that LSP shall notify the sheriff's office or, in the case of a person residing in a municipality with a population of more than 300,000, the police department of the municipality in which the offender resides. Local law enforcement agencies we spoke with said that they will follow up with an offender when LSP requests verification of the offender's address. Some agencies mentioned they are concerned that the law places its deputies/officers in undue harm's way by having officers follow up with already convicted violent offenders toward law enforcement over a misdemeanor¹⁰ violation.

⁸ R.S. 15:645 only states that LSP shall notify sheriff's office or, in the case of a person residing in a municipality with a population over 300,000 persons, the police department of the municipality, for failed registration.

⁹ We spoke with staff from the Baton Rouge, Shreveport, and Monroe police departments.

¹⁰ Per R.S. 15:46, failure to register or not maintain a VAPO registration is a misdemeanor with a fine of not more than \$500 and/or imprisonment.

In 2011,¹¹ LSP implemented a VAPO Offender alert flag in offenders' criminal history records, per state law. LSP also implemented another VAPO alert delivered to law enforcement anytime they run an offender's driver's license in May 2023.

State law¹² requires LSP to establish an alert flag on the criminal history record of each person on the VAPO Registry, and that the flag should be visible and accessible to law enforcement agencies and peace officers while performing their duties. The purpose of this flag is to make law enforcement officers aware that they are dealing with a person who has a history of violent behavior towards law enforcement which may help in preventing further violence.

To comply with state law, LSP manually adds a flag on a VAPO offender's criminal history record when they add the offender's information into the Registry. This flag states "Violence Against Peace Officers" above the subject's criminal history; although it may look different depending on the software a law enforcement agency uses. In addition, it takes a few steps to get to a person's criminal history and the process to access this information is not standardized across law enforcement agencies. According to LSP, it developed the alert flag sometime in 2011.

Although not required in state law, in May 2023,¹³ LSP began manually entering registered VAPO offenders' information into the National Crime Information Center (NCIC) Violent Persons File as an added benefit to notify law enforcement. By entering VAPO information into this file, an alert message is delivered to law enforcement anytime they run an individual in a law enforcement system that is querying against the NCIC files, including running an individual's driver's license. The NCIC alert warns that the subject is a violent offender and has a criminal history of assaulting law enforcement officers and is displayed in a text box at the top of the VAPO offender's criminal history. The way this alert displays depends on the Louisiana Law Enforcement Telecommunications System (LLETS)¹⁴ vendor, but an audible alert may be included. Additionally, the entries will also display a registrant's photo for an added layer of identification by law enforcement.

¹¹ LSP did not provide the specific month that it created the flag.

¹² R.S. 15:645

¹³ LSP began working on this process in October 2022.

¹⁴ The Louisiana Law Enforcement Telecommunications System (LLETS) is managed by LSP and allows various authorized Criminal Justice entities to access and exchange critical Criminal Justice information.

APPENDIX A: MANAGEMENT'S RESPONSES

JOHN BEL EDWARDS
GOVERNOR



LAMAR A. DAVIS, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

July 10, 2023

Michael J. "Mike" Waguespack, CPA
Louisiana Legislative Auditor
PO Box 94397
Baton Rouge, LA 70804

Dear Legislative Auditor Waguespack:

After reviewing the Violence Against Peace Officers Registry (VAPO) informational report, we agree with the findings and information presented. Louisiana State Police (LSP) is working diligently with the Department of Corrections (DOC) and the sheriff's departments across the state to ensure that the registry is as accurate as possible under the current law.

LSP concurs with the report and with DOC that the Louisiana Legislature should consider requiring the court to include the requirement of registration during sentencing. This would immediately, upon sentencing, inform the offender of his/her registration obligation and would also ensure these offenders will not slip through the cracks. This process would be consistent with the Sex Offender and Child Predator Registry and the newly enacted Child Abuse and Neglect Registry.

Respectfully,

Louisiana State Police
Bureau of Criminal Identification and Information

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Department of Public Safety & Corrections
State of Louisiana

JOHN BEL EDWARDS
Governor



JAMES M. LE BLANC
Secretary

July 7, 2023

Michael J. "Mike" Waguespack, CPA
Louisiana Legislative Auditor
PO Box 94397
Baton Rouge, LA 70804

RE: Response to Violence against Peace Officers Registry (VAPO) Report Draft

Dear Legislative Auditor Waguespack:

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- **While state law created the Registry in June 2005, both LSP and DOC did not implement processes to ensure the Registry contained all applicable offenders' information until September 2022.** As a result, as of August 2022, the Registry only contained 10 offenders and was incomplete. LSP and DOC face challenges in identifying VAPO offenders to be included in the Registry.

To date, The Department of Corrections (LADOC) has created a process, to the extent feasible given the available information and challenges related to identifying VAPO offenses, to identify current offenders who fall under the requirements of RS 15: 642 and ensure that they are provided notice of the VAPO registry requirements.

It is important to note that the LADOC faces several challenges in the identification of inmates releasing from custody that should be placed on VAPO registry under the guidelines of R.S. 15:642. Often, the information that LADOC receives from the courts only indicates that the inmate has been charged with one of the enumerated crimes listed under R.S 15:642; however, there is no way to determine if these criminal offenses were committed on a peace officer, while he was engaged in his lawful duties or because of his peace officer status. In order to make this determination at intake, the department needs additional documentation that is often not provided by the courts, such as notation in the sentencing minutes or a notation on the Uniform Commitment Order that is submitted.

Actions taken to date include the following:

- *The Department has identified a list of crimes that clearly indicate/include an offense against a peace officer that we have used to generate a list of offenders convicted of these offenses who have released dates of December 2012 and December 2022. Notification was forwarded to the last known address of inmates that released full-term or to supervision and the necessary paperwork has been completed and forwarded to LSP.*
- *Every inmate is now screened and when we have knowledge of a qualifying offense, notice is provided at or upon release.*
- *All offenders on community supervision for offenses listed LA R.S. 15:642 are now screened by Probation & Parole for VAPO registry placement.*

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- **DOC faces challenges in identifying VAPO offenders to be included in the Registry.** Because CAJUN does not always include certain details related to crimes committed, such as whether the victim was an on-duty peace officer, DOC has to manually determine which offenders have VAPO related-offense convictions. This may include requesting physical documents, such as arrest records or charging documents, from local law enforcement or district courts. DOC staff stated this process is time consuming as these documents may be hard to locate. Stakeholders, including DOC, suggested determining and documenting VAPO status at sentencing as this information is more readily available and would make the identification process more efficient and reliable. This would follow the same process as identifying sex offenders in which their sentencing documentation includes a check box to identify persons required to be placed on the sex offender registry.

Multiple stakeholders also told us another challenge is that current state law does not include all offenses related to violence against a peace officer. Currently, state law includes offenses, such as disarming a peace officer and aggravated assault on a peace officer. However, current law does not include offenses, such as aggravated assault on a peace officer with a motor vehicle and battery of a peace officer.

The department agrees with this statement. In addition to the above statement, the LADOC reiterates that many of the statutes listed under R.S. 15:642, are not distinctive regarding who the crime was committed against, which limits our ability to ensure that all inmates releasing from custody or community supervision under these guidelines are placed on the registry.

Respectfully,

Louisiana Department of Corrections

APPENDIX B: OFFENSES AGAINST A PEACE OFFICER

R.S. 15:642 currently defines "offenses against a peace officer" as the following offenses:

- Disarming of a peace officer.
- Aggravated assault upon a peace officer.
- Any of the following criminal offenses when the peace officer is engaged in the performance of his lawful duties, or when the specific intent to commit the offense is directly related to the victim's status as a peace officer:
 - Solicitation for murder
 - First-degree murder
 - Second-degree murder
 - Manslaughter
 - Aggravated battery
 - Second-degree battery
 - Aggravated second-degree battery
 - Second degree kidnapping
 - Simple kidnapping
 - Extortion
 - Assault by drive-by shooting
 - Illegal use of weapons or dangerous instrumentalities
- Any offense under the laws of another state, or under any military, territorial, foreign, tribal, or federal law, that is equivalent to the above offenses.
- "Terrorism offense" includes the crime of terrorism as defined by R.S. 14:128.1, the crime of aiding others in terrorism as defined by R.S. 14:128.2, and any offense under the laws of another state, or under any military, territorial, foreign, tribal, or federal law, that is equivalent to the crime of terrorism as defined by R.S. 14:128.1 or the crime of aiding others in terrorism as defined by R.S. 14:128.2.
 - R.S. 14:128.1 defines terrorism as the commission of any of the acts enumerated in this Subsection, when the offender has the intent to intimidate or coerce the civilian population, influence

the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by intimidation or coercion:

- (1) Intentional killing of a human being.
 - (2) Intentional infliction of serious bodily injury upon a human being.
 - (3) Kidnapping of a human being.
 - (4) Aggravated arson upon any structure, watercraft, or movable.
 - (5) Intentional aggravated criminal damage to property.
- R.S. 14:128.2 defines aiding others in terrorism is the raising, soliciting, collecting, or providing material support or resources with intent that such will be used, in whole or in part, to plan, prepare, carry out, or aid in any act of terrorism or hindering the prosecution of terrorism or the concealment of, or escape from, an act of terrorism.

APPENDIX C: VAPO OFFENDERS BY PARISH, AS OF MAY 24, 2023

Parish	Count of Offenders
Ouachita	12
Jefferson	9
Caddo	7
Livingston	7
Terrebonne	6
East Baton Rouge	5
St. Tammany	5
Evangeline	4
Lafayette	4
Lafourche	4
Bossier	3
Calcasieu	3
Franklin	3
Tangipahoa	3
Beauregard	2
Lincoln	2
Natchitoches	2
Orleans	2
St. John the Baptist	2
Union	2
Washington	2
Webster	2
Acadia	1
Allen	1
Ascension	1
Avoyelles	1
Bienville	1
De Soto	1
East Feliciana	1
Grant	1
Iberville	1
Jefferson Davis	1
Morehouse	1
Pointe Coupee	1
Rapides	1
Richland	1
Sabine	1

Parish	Count of Offenders
St. Helena	1
St. Landry	1
St. Mary	1
Vermilion	1
Vernon	1
Winn	1
LaSalle	1
Homeless shelter ¹⁵	1
Source: Prepared by the legislative auditor's staff using information from the VAPO Registry (as of May 24, 2023) provided by LSP.	

¹⁵ One entry on the VAPO Registry did not have a current parish listed. LSP informed us the registrant was in a homeless shelter but did not provide the parish.